

**TODD TOWNSHIP  
HUBBARD COUNTY  
STATE OF MINNESOTA**

**LAND USE ZONING ORDINANCE**



**ORDINANCE 2020.002  
UPDATED FROM  
ORDINANCE 2020.001**

**Adopted: September 14, 2020**

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## **1.0 STATUTORY AUTHORIZATION, PURPOSE, POLICY, AND REPEALER**

### **1.01 Title**

This Ordinance shall be known, cited and referred to as the Todd Township Zoning Ordinance, except as referred to herein, where it shall be known as “Ordinance”

### **1.02 Statutory Authorization**

This ordinance is adopted pursuant to the authorization and policies contained in the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462. If inconsistencies appear between State regulations and regulations outlined in this zoning ordinance then the stricter of the two applies.

### **1.03 Purpose**

For the purpose of promoting the public health, safety, morals and general welfare, Todd Township may by ordinance regulate on the earth's surface, in the air above the surface, and in subsurface areas, the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shore lands, access to direct sunlight for solar energy systems, flood control or other purposes, and may establish standards and procedures regulating such uses. Minnesota Statutes § 462.357, subd. 1.

### **1.04 Policy**

As each piece of residential, commercial, agricultural, or other property is being developed and its use is being modified, the plans and development should conform to the comprehensive plan of the township, as amended, in order that they may contribute toward an attractive, orderly, stable and wholesome environment with adequate public services, safe roads and streets, adequate sanitary and water facilities, and adequate lot size. All properties shall be planned and developed to comply with the regulations set forth in this ordinance and with the official map.

### **1.05 Repealer**

The TODD TOWNSHIP LAND USE ORDINANCE 2017 – NO.3 regulating land use within Todd Township, Hubbard County, State of Minnesota is hereby repealed. This ordinance does not alter any nonconformity governed by the Township’s **May 10<sup>th</sup>, 2004 Ordinance** dealing with lots of record.

## **2.0 GENERAL PROVISIONS AND DEFINITIONS**

### **2.01 Jurisdiction and Conformity**

The provisions of this ordinance will apply to Todd Township. Except as this ordinance specifically provides, with provision for variances granted thereto, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this ordinance.

### **2.02 Vested Rights**

Nothing in this or any referencing ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district land use classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modifications as may be necessary to the preservation or protection of the public health, safety and general welfare of Todd Township.

### **2.03 Compliance**

The use, size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and wastewater treatment systems; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable state, federal and county statutes, rules and regulations.

### **2.04 Building Occupancy and Permits**

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no structure permit shall be granted that does not conform the requirements of this ordinance.

### **2.05 Enforcement / Violation / Penalties**

#### **2.05.01 Enforcement**

This ordinance shall be administered and enforced by the Todd Township Board, Todd Township, Hubbard County, Minnesota or its authorized representative. It will be the duty of the zoning administrator in coordination with the Todd Township Board and township attorney to perform such duties as may be necessary to enforce the provisions of this ordinance.

#### **2.05.02 Violations and Penalties**

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor as defined by state statutes and, upon conviction, shall be subject to the penalties set forth by statute for a misdemeanor, plus costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

#### **2.05.03 Equitable or other Relief**

In the event of a violation or threatened violation of any provision of this ordinance or the conditions of any permit issued pursuant to this ordinance, the township, in addition to any other remedies, may, in its discretion, seek any civil or administrative remedies available to it, including but not limited to injunctive relief or abatement. Each right or remedy accruing to the township under this ordinance or at law is



separate and distinct and may, in the township's discretion, be exercised independently or simultaneously with any other right or remedy.

#### **2.05.04 Attorneys Fees and Costs**

Unless otherwise agreed to by the Township in writing, the property owner shall reimburse the Township for all administrative, legal, and professional costs incurred in the consideration of any land use application or permit. Further, in all cases where the township is enforcing compliance with this ordinance and the enforcement does not involve criminal prosecution, the offending party will be required to reimburse the township for the attorney fees as well as any other professional fees, costs and disbursements associated with enforcing the provisions of this ordinance. Failure by the offending party to pay all township's costs and disbursements including attorney fees may result in those costs and disbursements being assessed against the property in violation. The property owner shall be invoiced for all of the Township's costs which shall be paid within 30 days of the date of the invoice unless otherwise agreed to in writing by the Township, should the property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012 or other relevant statute.

#### **2.06 Interpretation**

In their interpretation and application, the provisions of this ordinance will be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota State Statutes.

#### **2.07 Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance will not be affected thereby. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, as applied to a particular property, building, or other structure such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

#### **2.08 Abrogation and Greater Restrictions**

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. When any condition implied by this ordinance on the use of land or buildings is either more or less restrictive than applicable conditions imposed by statute, rules, and regulations, other Todd Township Ordinances or regulations of other jurisdictions, the more restrictive shall apply.

#### **2.09 Uses Not Provided for Within Zoning Districts**

Whenever in any land use district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases the town board or the planning commission, on their own initiative or upon request may conduct a study to determine if the use is acceptable and if so what zoning district would be most appropriate and any determination as to conditions and standards relating to development of the use. The town board, planning commission, or property owner, upon receipt of the study shall, if appropriate, initiate an amendment to this ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the town.

## 2.10 Rules of Word Construction

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

- 2.10.01 The word PERSON indicates an owner or representative of the owner, firm, association, organization, partnership, trust, company, limited liability corporation, limited liability partnership, or other limited liability entities, corporations as well as the individual.
- 2.10.02 The present tense includes the past and future tense and the future the present, the singular number includes the plural, and the plural includes the singular, and the masculine gender includes the feminine gender and the neuter gender.
- 2.10.03 The word WILL and SHALL are mandatory, and the word MAY is permissive.
- 2.10.04 The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED OR OCCUPIED.
- 2.10.05 The words LOT or PARCEL are interchangeable.

## 2.11 DEFINITIONS

The following words and terms wherever they occur in this Ordinance, shall be interpreted as herein defined:

***Abandoned.*** Any item which has ceased to be used for its designed and intended purpose. The following factors, among others, may be considered in determining whether or not an item has been abandoned:

- Present operability and functional utility;
- The date of last effective use;
- The condition of disrepair or damage;
- The last time an effort was made to repair or rehabilitate the item
- The status of registration or licensing of the item;
- The age and degree of obsolescence;
- The cost of rehabilitation or repair of the item versus its market value

***Abandoned Motor Vehicle.*** A motor vehicle as defined in Minnesota Statutes §169.01 stored outside a permanent enclosed structure that is not in good and safe operating condition or is not bearing a current valid license or registration for that type of vehicle.

***Accessory Structure.*** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

***Accessory Use.*** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

***Addition.*** A structure added laterally to an existing building and occupying ground without the limits of the building to which it constitutes an addition. The addition of minor structural elements such as chimneys, bay windows and roof overhangs of two (2) feet or less shall not be considered as an addition.

***Agreement, Developer.*** A formal written instrument (contract) between a developer and/or property owner and the Township which is used to identify the conditions and requirements under which said land is to be developed.

**Agent.** Any person who is authorized by a party to act on that party's behalf in dealing with activities under the jurisdiction of this ordinance. Said authorization to be provided in writing on a form provided by the township.

**Agricultural Structure.** Any structure existing or erected which is used principally for agricultural purposes.

**Agricultural Use Operations.** Real or personal property used for the production of crops, tillage, husbandry, or farming including but not limited to, fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products. An agricultural operation shall also include certain farm activities and uses as follows:

- Chemical and fertilizer spraying
- Farm machinery noise
- Extended hours of operation
- Storage and spreading of manure and biosolids under state permit
- Open storage of machinery
- Odors produced from normal farm activities
- On farm marketing of farm products
- Game farms having current Department of Natural Resources permits
- Horticultural usages
- Commercial landscaping & tree nursery stock

**Alley.** A public or private right-of-way way used primarily as a secondary access to the rear or side of a property, whose principal access is on a public road.

**Applicant.** The owner of land proposed to be subdivided, permitted, or his designated representative.

**Archaeological Site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an un-platted cemetery that falls under the provisions of Minnesota Statutes, Section § 307.08. A historic site meets these criteria if it is presently listed in either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All un-platted cemeteries are automatically considered to be significant historical sites.

**Attached.** Shall mean structurally affixed to, contiguous to, and sharing a common wall with, i.e. an attached garage. For the purposes of this Ordinance, a breezeway or other similar addition connecting one structure to another structure or part of a structure shall not be deemed to attach that structure to the other structure or part of a structure.

**Attorney.** The Township Attorney of Todd Township, as designated by the township board, or their authorized representative.

**Awning.** A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

**Basement.** Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

**Bed and Breakfast.** An owner-occupied single-family dwelling in which five (5) or fewer transient guest rooms are rented on a nightly basis for periods of less than one week and where at least one (1) meal is offered in connection with the provision of sleeping accommodations only, with no provisions for cooking provided in any of the sleeping rooms.

**Board of Adjustment.** The Board of Adjustment for Todd Township, created by Ordinance No. 2001-01.01, on the 12<sup>th</sup> of May 2001.

**Borrow Pit.** See “Extractive Use”

**Breezeway.** A roofed accessory passage connecting two or more buildings no more than 120 square feet in size.

**Buildable Area.** The area remaining on a created parcel of land or platted lot after all road and utility easements and rights-of-ways, setbacks and wetlands are subtracted. This is also inclusive of two wastewater treatment sites.

**Buildable Lot Area.** The contiguous area of a lot, which is sufficient in area to accommodate the construction of a water supply system(s), wastewater treatment system(s) and their replacement, buildings and driveways, while still providing for adequate setbacks. Areas which are floodway, wetlands, rights-of-ways, bluffs or have poor soils which are unsuitable for individual wastewater treatment systems cannot be included in calculating buildable area of a lot.

**Building.** Any structure built for the support, shelter or enclosure of persons, animals, chattel or moveable property of any kind.

**Building – Principal.** A building or structure in which is conducted the primary use of the lot on which said building or structure is situated.

**Building Line.** A line parallel to a lot line or ordinary high-water level at any story level of a building, representing the required setback beyond which a structure may not extend.

**Building Setback.** The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.

**Business.** Any establishment, occupation, employment, or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.

**Campground.** A property consisting of designated campsites with appropriate facilities designed for temporary occupation by tents or recreational vehicles with management services and with site rentals.

**Cargo Container.** A metal and/or steel storage and transport receptacle structure normally used for moving goods on ships and trains. The size may vary from eight feet wide by eight feet high with lengths ranging from twenty to forty feet long.

**Cemetery.** Public and private cemeteries as defined in Minnesota Statutes, Chapter § 306.

**Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body.

**Clerk, Township.** The duly elected or appointed person responsible for the administration of the township’s affairs.

**Commercial Use.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

**Comprehensive Plan.** A compilation adopted by the township of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and

private, of the Township and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plans or parts thereof.

**Commercial Speech.** Speech advertising a business, profession, commodity, service or entertainment.

**Conditional Use.** A land use and/or related structures or improvements as defined by this ordinance that would not be appropriate generally but may be allowed with appropriate conditions, to protect the public health, safety and welfare and to ensure conformity with the comprehensive plan of the township, and compatibility with the existing present neighborhood.

**Conditional Use Permit.** A permit issued by the township in accordance with procedures specified in this Ordinance including its compatibility with the Todd Township Comprehensive Plan as a flexible device to enable the town board to assign dimensions to a proposed use and impose appropriate conditions on it after consideration of adjacent uses and their functions and the special problems, which the proposed use presents.

**Conforming.** To be used or act in accord with this ordinance and any regulations or standards promulgated hereunder, and with any special requirements imposed hereunder, and with any special requirements imposed in the issuance of any permits hereunder.

**Contractors Yard.** Any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any trades or craft, including but not limited to contractors in the fields of building, painting, excavation, and landscaping. Retail sales, open lot sales or other uses which involve regular visits to the property of the public or customers shall be considered a separate use from the contractors yard.

**Construction Site Permit.** A permit issued under this ordinance by the zoning administrator authorizing and permitting certain work to be done by the applicant as specified elsewhere in this ordinance.

**Container.** A receptacle or a flexible covering for the storage or shipment of goods.

**County.** Hubbard County, Minnesota

**Day Care Facility.** Any facility licensed by the Minnesota State Department of Public Welfare, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours per day, in a place other than the person's own home. Day care facilities include but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, day-time activity centers, day treatment programs and day services, as defined by Minnesota State Statutes, Section § 245A, or successor statutes.

**Deck.** A horizontal, unenclosed platform which may or may not be permitted to have attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than one foot above ground level.

**Developer's Agreement.** A formal written instrument (contract) between a developer and/or property owner and the township which is used to identify the conditions and requirements under which said land is to be developed.

**Dirt Moving.** Means the same as extractive use.

**District.** Any section in Todd Township for which the regulations governing the use of buildings and land or the height and area of buildings are uniform. Same as for Zoning (Land Use) District.

**Dwelling.** A building or portion thereof, designated exclusively for residential occupancy, including one-family, and multiple-family dwellings, lake dwellings, manufactured housing, but not including hotels, motels, bed and breakfasts, and boarding houses. A dwelling shall have a minimum of eight-hundred (800) square feet enclosed living space; designed for year-round usage. The term “Residence” shall mean the same as “Dwelling “as defined herein.

**Dwelling, Multiple-Family.** Any dwelling structure on a single-lot having [two] or more units, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities

**Dwelling, Single Family.** A dwelling structure containing one dwelling unit designed exclusively for occupancy by one family with adequate sleeping, cooking, eating, living, and sanitation facilities

**Dwelling Site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

**Dwelling Unit.** A residential building or portion thereof intended for occupancy by one (1) or more persons with adequate sleeping, cooking, eating, living, and sanitation facilities but not including hotels, motels, bed and breakfasts, and boarding house

**Earth Sheltered Buildings.** Buildings constructed so that more than fifty percent (50%) of the exterior surface area of the buildings, excluding garages and other accessory buildings, are covered with earth. Partially completed buildings shall not be considered earth sheltered

**Easement.** A grant by a land owner for a specific use of land by persons other than the owner of the land.

**Elevation.** The view of the side, front, or rear of a given structure(s)

**Elevation Area.** The area of all walls that face any lot line.

**Erect.** Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

**Existing Violation.** Any on-going or completed activity which is not permitted under any Todd Township Ordinance or pursuant to its authorization and policies.

**Exterior Storage.** Storage of goods, materials, equipment, vehicles, manufactured products and similar items not fully enclosed by a building.

**Extractive Use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, topsoil, and peat **not** regulated under Minnesota Statutes, Sections § 93.44 to 93.51 or successor statute. Is also known as “borrow pits”.

**Family farm.** An unincorporated farm unit owned by one or more persons or spouses of persons related to each other within the third degree of kinship according to civil law, at least one of whom is residing or actively engaged in farming on the unit, or a “family farm corporation” as that term is defined in Minnesota Statutes § 500.24, Subd. 2, which is herein incorporated by reference.

**Farm.** A tract or tracts of land, which are principally used for agricultural use. Such farms may include dwelling and agricultural accessory buildings and structures necessary to the operation of the farm.

**Fence.** A fence is any partition, structure, and wall or gate erected as a dividing mark, barrier or enclosure and located along the lot boundary, or within the lot.

**Flag.** Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

**Floor area.** The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

**Footprint.** The land surface area occupied by a structure.

**Forest Management.** The management of land for forest, woodland, or plantation uses for one or more of the following purposes: 1) to establish and maintain timber resources; 2) to harvest timber, including the selling of firewood; 3) to establish and maintain healthy and well-balanced forest; 4) to establish and maintain wildlife diversity and habitat for game and non-game species; 5) to provide outdoor recreation activities; and 6) to protect soil and water resources.

**Foundation.** That part of a structure which supports a building or wall.

**Frontage.** The line of contact of a property with the public right-of-way.

**Garage.** A structure which is only intended and used for vehicles and storage, and not a dwelling as defined herein.

**Golf Courses.** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards and that may include a clubhouse and shelter.

**Grade.** Grade shall be construed to be the final ground elevation after construction.

**Group Care Facility -** A facility, which provides residential services for individuals that have physical or mental health issues, the aged, or persons undergoing rehabilitation. This includes uses such as homes for persons with; physical or intellectually challenged health issues, chemically dependent, foster homes, maternity shelters and halfway houses and pursuant to the regulations promulgated in Minnesota Statutes Chapter § 245A or successor statute.

**Height of Structure.** Means the vertical distance between the existing and adjoining ground level at the structure or the surrounding ground level, which has not been filled or banked, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

**Home Business.** A use of a residential property for a non-residential commercial use by the inhabitants thereof which may be conducted inside as well as outside the primary residence and has non-residential employees.

**Home Occupation.** A use of a residential property for a non-residential commercial use by only the inhabitants thereof which is clearly incidental and secondary to the residential use.

**Horizontal distance.** A distance measured along a plane that is perpendicular to an axis running through the center of the earth at the point of measurement.

**Hotel.** A building, structure, or enclosure, or any part thereof kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public for compensation whether the compensation is paid directly or indirectly for periods generally of one week or less.

**Impervious Surface.** That portion of the buildable parcel which has a covering that will not permit water to percolate into the natural soil. Impervious surfaces shall include, but not be limited to, buildings, basketball courts, covered decks, porches, and other structures. The use of patio blocks, paver bricks or class 5 gravel material are considered impervious surfaces as a majority of water runs off the surface rather than being absorbed into natural soils underneath. An impervious surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water which includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures. Open, uncovered decks are not considered impervious for the purposes of this ordinance.

**Interim Use.** A temporary use of property until a specified date, until the occurrence of a particular event, or until zoning regulations no longer allow it.

**Interim Use Permit.** A permit issued in accordance with procedures specified in the Ordinance, as a flexible device to enable the township to assign time limits and conditions to a proposed use after consideration of current or future adjacent uses.

**Landscaping.** The placement of trees, shrubs, grass, walls, earth mounds, or other allowable features.

**Land Use Amendment.** A change authorized by Todd Township either in the allowed use within a district or in the boundaries of a district.

**Licensed residential program/Licensed nonresidential program.** As defined and regulated under Minnesota Statutes 245A or successor statute.

**Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

**Lot Area.** The area of a horizontal plane bounded by the lot lines and the ordinary high-water level if bounded by water.

**Lot Coverage.** That part or percentage of impervious surface coverage.

**Lot Line.** The property lines bounding a lot except that where the description extends into a public right-of-way, or a proposed public right-of-way, the line of such public right-of-way shall be considered the lot line.

**Lot Line, Front.** The boundary or boundaries of a lot, which abut on a public right-of-way. If the lot abuts public water, that side shall also be considered a front lot line.

**Lot, Substandard** - A lot or parcel of land for which a deed has been recorded in the office of the Hubbard County Recorder upon or prior to the effective date of **May 10<sup>th</sup>, 2001** which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance. Another term frequently used is "non-conforming".

**Lot Line, Rear.** That boundary of a lot, which is opposite the front lot line.

**Lot Line, Side.** Any boundary of a lot, which is not a front lot line or a rear lot line.

**Lot of Record.** A lot and or parcel which were legally established according to the applicable laws and regulations at the time of its creation and which is heretofore duly approved and filed and that have been recorded in the office of the Hubbard County Recorder prior to **May 10<sup>th</sup>, 2004**.

**Lot Width.** The shortest distance between lot lines measured at the midpoint of the building line.

**Metes and Bounds.** Descriptions of property and descriptions for lots other than lots in recorded subdivision plats.

**Mining.** The removal of stone, coal, salt, iron, copper, nickel, petroleum or other materials from the land for commercial, industrial or governmental purposes regulated under Minnesota Statutes, Sections § 93.44 to 93.51.

**Mini Storage.** One or more structures that are used solely for the purposes of temporary storage of items by more than one owner and operated by a business licensed to provide such services.

**Mobile Home/Manufactured Home.** A factory-built dwelling transportable in one or more sections, is eight (8) body feet and/or more in width or forty (40) feet or more in length, or, when erected on site, is more than three-hundred twenty (320) square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the



required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structures which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with standards established pursuant to Minnesota Statutes Chapter § 327 or successor statute.

***Mobile Home Park/Manufactured Home Park.*** As defined under MN Statutes, Chapter § 327 and Minnesota Rules, Chapter § 4630 or successor statute, any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the manufactured home park.

Manufactured Home Park does not include manufactured homes, buildings, tents or other structures temporarily maintained by any individual or company on the premises associated with a work project and used exclusively to house labor or other personnel occupied with the work project. Manufactured Home Parks are licensed by the State of Minnesota Department of Health. Todd Township has additional standards.

***Motor Vehicle Repair Facility.*** Major or general repair, rebuilding or reconditioning of engines or other motor vehicle parts including body work, frame work, machining, welding and painting services.

***Natural vegetation.*** Vegetation that is indigenous to the area or like areas.

***Nonconformity - Legal.*** Any legally established use, structure or parcel of land already in existence, recorded, or authorized prior to the adopted *Todd Township Land Use Ordinance 2001.01.01 dated May 10<sup>th</sup>, 2004* but not in conformance with the provisions of this ordinance.

***Nonconformity – Illegal.*** A lot, building, structure, premise, lot or use unlawfully established and in violation of the laws and regulations applicable at the time of its development or initiation.

***Nuisance.*** By authority and direction of Minnesota Statutes, Section § 429.101, anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses, such as excessive smoke, odor, noise, heat, vibration, glare, traffic generation, visual impact, and other similar interferences or offenses.

***Official Map.*** The recorded land use map of Todd Township, adopted in accordance with Minnesota Statutes § 462.359 filed and recorded with the Hubbard County Recorder's Office.

***Ordinary High-Water Level.*** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation to the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the summer pool. In areas where the ordinary high-water level is not evident, setbacks shall be measured from the stream banks of the following water bodies that have permanent flow or open water; the main river channel, adjoining side channels, backwater, and sloughs. This includes the term ordinary high water mark (OHWM) determined by the Department of Natural Resources.

***Parcel.*** See Lot.

***Parking Space.*** A site off public right-of-way for parking one vehicle, enclosed in the main building, in an accessory building, or unenclosed, comprised of not less than ten (10) feet in width, twenty feet (20) in length, and 200 square feet in area, plus necessary maneuvering space and has adequate access to a public road or alley permitting satisfactory ingress and egress of an automobile.

**Planned Unit Development:** A conventional type of development characterized by a unified site design for a number of units or sites on a parcel, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses.

**Planning Commission.** The Planning Commission of Todd Township, as created by Ordinance 97-1, on December 31, 1998, by the Todd Township Board of Supervisors.

**Plat.** The diagram, map, drawing, or chart drawn to scale and showing all the essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey, that is required for a complete and accurate description of the land which it delineates and containing those items set forth in Minnesota Statutes Section § 505.02.

**Principal Structure or Use.** The single primary structure or use on a lot, as distinguished from accessory uses or structures.

**Private road.** An easement or other conveyance of record in perpetuity and transferable to successors, heirs and assigns, which provide the right of ingress and egress between a lot or lots and a public road.

**Property Line.** The legal boundaries of a parcel of property, including easements.

**Property Owner(s).** The property owner(s) named in the current records in the Office of the Recorder of Hubbard County.

**Public Road.** Public roads shall include township, county, state, or federal government roads whether established by plat, order, easement, statute or prescriptively. Platted roads, whether or not accepted and maintained by the town shall be included in the definition of public road as defined herein. The terms, principal and minor arterials, major collectors, and minor collectors and local roads, as used in this Ordinance shall mean those functional systems for rural areas as designated by the American Association of State Highway and Transportation Officials and identified as such by state or county classification.

**Public Use.** Uses owned or operated by municipal, school districts, town, county, state or other governmental units, inclusive of public lands.

**Public Waters.** Any waters as defined in Minnesota Statutes, Section § 103G.005.

**Reclassification/Rezoning.** The consideration of changing one land use to another land use which requires formal procedures inclusive of a hearing.

**Recreation Use.** All uses such as driving ranges, golf courses, horse-back riding trails, game farms, skiing, tennis courts, ball fields, picnic areas and the like, whether privately or publicly owned.

**Recreational Vehicle.** A vehicle, including a trailer designed to be occupied as mobile living quarters, and capable of being licensed by the State for highway purposes including the following:

Travel trailer: any trailer forty (40) feet or less in length, either (8) feet or less in width, designed for recreational living quarters, not permanently affixed to the ground, having current license plates and used on a seasonal basis.

Pickup coach: a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

Motor home: a portable temporary dwelling for travel, recreation and vacation use constructed as an integral part of a self-propelled vehicle.

Camping trailer: a folding structure mounted on wheels and designed for travel, recreation and vacation use.

**Residence, Single.** See “Dwelling”.

**Residential Use.** The use of land for permanent, continuous or long-term occupancy.

**Restaurant.** An establishment which serves food to be consumed primarily while seated at tables or booths within the building or picked up at the building.

**Right-of-Way.** A parcel of property or interest in property dedicated to the public, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, which is not privately owned.

**Roof Line.** The upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade.

**Rural Tourism and Event Center.** A rural commercial operation that makes use of land and/or buildings for the non-industrial recreational or tourist-related activities and is related to a primary rural or agricultural use or setting of the property. Examples include, but are not limited to, farms, orchards or wineries which hold festivals or fairs, petting zoos, corn mazes, foot races, wedding or retreat venues, wine or food tasting events or concerts.

**Salvage Yard.** Any place where two (2) or more vehicles not in running condition and/or not licensed, or the parts or remains thereof, are stored out in the open, and are not being restored to operation; or any land, building or structure used for wrecking, piling or storing of such motor vehicles or parts thereof; or a place maintained for keeping, storing, piling, handling or disassembling, whether temporarily, irregularly, or continually any old, used or second hand material of any kind including used motor vehicles, machinery, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, rubber, iron or other metals, or articles commonly understood as junk . A salvage yard does not include the keeping of one (1) unlicensed motor vehicle within a garage or screened from adjacent properties or public roads in residential districts or three (3) unlicensed motor vehicles, not including farm implements, within agricultural districts.

**School.** Buildings where the primary use is the teaching of ten or more children or adults, including primary and secondary schools, colleges and other schools related to professional education, dance, business, trades, art and similar facilities. Home schools, where the education is provided by parents, caregivers or legal guardians to their children or charges shall not be considered schools for the purpose of this ordinance. Day care facilities shall not be considered schools unless the education is for persons aged six or greater.

**Screening.** The use of fences, permanent landscape plantings or other suitable means to minimize visual impacts of a structure or use upon adjacent structures or uses.

**Semipublic Use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

**Setback.** The minimal horizontal distance, as required by ordinance(s), rule(s), or statute(s), between structures, sewage treatment system, well, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

**Sewage Treatment System(s).** A septic tank and soil absorption system or other individual or cluster type wastewater treatment system(s) as described and regulated by Minnesota Chapters § 7080, 7081, 7082, 7083, and 7084 or their successor statutes and the Hubbard County Sanitary Ordinance. Also known as a “wastewater treatment system(s). Now also called the following: SSTS (meaning Subsurface Sewage Treatment System), MSTs (Mid-sized Subsurface Sewage Treatment Systems), and LSTS (Large Subsurface Sewage Treatment Systems).

**Shoreland.** Land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and 500 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater.

The limits of shore lands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Minnesota Department of Natural Resources Commissioner. Shoreland rules and regulations are governed and managed by Hubbard County.

**Sign.** Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

**Sign, Area.** The maximum area enclosed within a connected geometric shape completely enclosing as a single unit, all letters, graphics, illustrations, insignias, figures, designs, images, colors, or other symbols used. Structural members not bearing advertising matter shall not be included in computation of the surface area. When signs are grouped together, sign area is the maximum area enclosed within a connected geometric shape completely enclosing all individual signs.

**Sign, Abandoned.** Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

**Sign, Area Identification.** A free standing, on-premises sign which identifies a residential complex of five (5) or more units, a shopping center or complex consisting of three (3) or more separate business concerns, an industrial complex or park, or an office building consisting of three (3) or more separate business concerns and located on the contiguous property.

**Sign, Awning.** A building sign or graphic printed on or in some fashion attached directly to the awning material.

**Sign, Changeable Copy.** A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a twenty-four (24) hour period.

**Sign, Dynamic Display.** A sign whose message or graphics may be changed at intervals automatically by electronic process or remote control and which is capable of providing the appearance of movement by a change in the display, the sign structure or any other physical or electronic component of the sign. This includes any rotating, revolving, moving, flashing, blinking or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign structure or face to move or present the appearance of movement.

**Sign Face.** The surface of the sign upon, against, or through which the message of the sign is exhibited.

**Sign, Flashing.** A directly or indirectly illuminate sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also, any mode of lighting which resembles zooming, twinkling, or sparkling.

**Sign, Freestanding.** Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

**Sign, Ground.** Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

**Sign, Height of.** The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

**Sign, Illuminated.** Any sign which contains an element designed to emanate artificial light internally or externally.

**Sign, Interior.** A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

**Sign, Legally Established Nonconforming.** Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

**Sign, Monument.** See Sign, Ground.

**Sign, Off-Premise.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this Ordinance, easements, and other appurtenances located in an easement, shall be considered an off-premise sign.

**Sign, On-Premise.** Identifies or advertises an establishment, person, activity, goods, products, or services located on the premises where the sign is installed.

**Sign, Pole.** See Sign, Pylon.

**Sign, Portable.** Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

**Sign, Projecting.** Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

**Sign, Pylon.** Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

**Sign, Roof.** Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sign, Roof, Integral.** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Sign, Shimmering.** A sign which illuminates an oscillating sometimes distorted visual image.

**Sign, Structure.** Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

**Sign, Suspended.** Any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

**Sign, Wall.** Any sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

**Sign, Window.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Signage, Total Site.** The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

**Solid Waste.** Garbage, refuse, and other discarded solid materials, including solid waste materials, resulting from industrial, commercial, agricultural operations, residential uses, and community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, animal waste used as fertilizer, any permitted material disposed of as soil amendment, solids, or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, wastewater effluent, dissolved materials, suspended solids in irrigation return flows, or other water pollutants.

**Speech, Non-commercial.** Dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

**Steep Slope.** Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more.

**Stoop.** A porch, platform, entrance, stairway, or small veranda at a house door.

**Structure.** Any building or appurtenance constructed or erected on the ground or attached to the ground or on-site utilities, including additions, decks, concrete slabs-on-grade, satellite antenna dishes, and signs, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

**Subdivision.** Land that is divided for the purpose of sale, rent, or lease.

**Temporary Building.** Building incidental to construction work on the premises, which is not of a permanent nature and is removed once construction is completed. Such buildings may include mobile homes or recreational vehicles for temporary living not to exceed one year. An interim use permit will be required for temporary living structures.

**Theater, Indoor.** A building or room fitted with a stage or screen and seats for spectators.

**Theater, Outdoor.** A stage or screen located outdoors for spectators.

**Town Board.** The Board of Supervisors for the Town of Todd, Hubbard County, Minnesota.

**Use.** The purpose or activity for which the land or building thereon is designated, arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this ordinance.

**Variance.** Pursuant to Minnesota Statute § 462.357, Subd 6, (2) or successor amendments. Requests for a dispensation from the requirements of the zoning ordinance including restrictions placed on

nonconformities. A modification or variation of the provisions of this zoning code to a specific piece of property.

**View Sheds.** The lots of a neighborhood may be arranged such that a majority of the principal structures will take visual advantage of an identifiable feature, building, structure, greenway, wetland, woods, lake, stream, or other open space which could be described as a view shed or an area harmonious for viewing.

**Visible.** Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

**Water supply purpose.** Includes any uses of water for domestic, commercial, industrial, or agricultural purposes.

**Wellhead Protection Area.** The surface and subsurface area surrounding a well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the well or well field.

**Wetland.** A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition), as amended.

**Yard.** An open space on the lot, which does not contain structures.

**Zoning Administrator.** The Zoning Administrator for Todd Township, the duly appointed person responsible for the administration and enforcement of this ordinance.

**Zoning (Land Use) District.** An area of Todd Township defined on the official map, having uniform zoning provisions. Also known as a land use district.

**Zoning (Land Use) Permit.** See *Construction Site Permit*

### **3.0 ADMINISTRATION**

#### **3.01 Application Procedure**

Applications for permits such as construction site permits, conditional use permits, zoning ordinance amendments, variances, preliminary and final plats, planned unit development/conservation design development, or any other actions required by the planning commission, board of adjustment, township board, and/or their designated representatives shall be processed in accordance with the following procedures below:

#### **3.02 Application Time Frames**

##### **3.02.01 Sixty Day Rules**

Notwithstanding any statute or law to the contrary, the township planning commission, board of adjustment and township board will in the case of recommendations for conditional use permits, zoning ordinance amendments, variances, preliminary plats, final plats or any other action required by the planning commission, board of adjustment, township board or other designated representatives, will approve or deny an application within sixty calendar (60) days of the receipt of a completed application. For purposes of this section, a complete application will include all necessary documentation as required by this ordinance, completed on an approved application form and the payment of the appropriate fees. Notification of an incomplete application to the applicant will be made by the zoning administrator in writing within fifteen calendar (15) days of receipt of the incomplete application.

##### **3.02.02 Extensions**

The time frame referenced above may be extended, if

- A. A state law, federal law or court order requires a process to occur prior to the township review of the application or if the federal or state law or court order makes it impossible to act within sixty calendar (60) day; or
- B. The township provides written notice within the sixty calendar (60) days to the applicant that it intends to extend the time period, states the reasons for the extension and the anticipated length of the extension, not to exceed an additional sixty calendar (60) days; or
- C. The applicant consents in writing to a longer period of time.

##### **3.02.03 Failure to Act.**

Failure to act on the completed application within the prescribed time frame will constitute approval of the request. An approval granted due to failure to act will be deemed to include any conditions imposed by this ordinance, or subject to conditions similar to previously granted like applications.

##### **3.02.04 Township Reasons for Denial**

If the township denies the application, it will state in writing the reasons for the denial at the time it denies the application. The written statement must be provided to the applicant.

##### **3.02.05 Application Form(s)**



Applications shall be filed with the zoning administrator on an official application form(s) of the township, accompanied by a fee as established by the town board by ordinance after a public hearing. The application shall include detailed written and graphic materials fully explaining the proposed change, development or use as required by the relevant sections of this ordinance. The total number of copies provided and any additional data shall be determined by the zoning administrator. Applications shall be complete before they are accepted.

### 3.03 **Zoning Administrator**

The zoning administrator shall be appointed or employed by the township board. The town board may designate one or more persons to assist the zoning administrator. The duties of the zoning administrator shall be:

- 3.03.01 Receive and review applications and determine whether or not applications are complete and comply with the terms of this ordinance and determine when a statutory extension of time is needed for review and properly notify applicant(s) of the same.
- 3.03.02 In coordination with the Todd Township Board of Supervisors and the township attorney, to perform such duties as may be necessary to enforce the provisions of this ordinance.
- 3.03.03 The zoning administrator, along with the township attorney, may enforce the provisions of this ordinance either through criminal prosecution, civil remedies, cease and desist orders, or all of the above. Use of a civil or other remedy shall not bar a criminal prosecution for the same violation(s). A criminal prosecution on a violation shall not be a bar to a civil or other remedy.
- 3.03.04 Conduct inspections of buildings and other uses of the land to determine compliance with the terms of this ordinance.
- 3.03.05 Maintain the township's permanent and current records of this ordinance including but not limited to maps, amendments, structure permits, variances, appeals and applications, and a separate file for future conditions or expirations of permits.
- 3.03.06 Review, file, and forward applications for appeals, variances, conditional uses, plats, and zoning amendments.
- 3.03.07 Enforce the provisions of this ordinance:
  - A. By reviewing complaints; and
  - B. By pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time; and
  - C. By instituting with the township board and/or the township attorney in the name of the township any appropriate actions or proceedings against any violator.
- 3.03.08 Attend meetings and provide research and findings of fact to the board of adjustment planning commission, and township board.
- 3.03.09 Communicate with the public and provide guidance for different kinds of applications.
- 3.03.10 Maintain education and training and report changes in law, for the township.
- 3.03.11 Issue permitted construction site permits upon application for structures on lots conforming to this ordinance when the conditions of this ordinance are met; to issue conditional use permits and variances when directed by the board of adjustment or township board; to issue notices of zoning change when directed by the township board.

- 3.03.12 Mail a certified letter of the final findings of fact within the required time period of sixty days to the applicant(s).
- 3.03.13 File copies of fully approved conditional use permits, variances and plats with the Hubbard County Recorder.
- 3.03.14 Where and when required, send notifications of public hearings and approvals of Conditional Uses, Variances, Ordinances, Plan Amendments, and Plat notifications to the following agencies:
  - A. Minnesota Department of Transportations
  - B. Minnesota Pollution Control Agency
  - C. Natural Department of Natural Resources
  - D. Hubbard County
- 3.03.15 Maintain records of all actions taken pursuant to the provisions of this ordinance.
- 3.03.16 Assist the public in complying with and understanding their responsibilities and rights under this ordinance.

#### 3.04 **Planning Commission**

The Planning Commission, appointed by the Todd Township Board, as provided in Minnesota Statutes 462.354, will consist of three (3) appointed members and one (1) non-voting member from the Todd Town Board of Supervisors, and shall have the following duties:

- 3.04.01 Hold hearings after proper public notices in the official newspaper and individual notice by regular mail to any property owners within five-hundred (500) feet and/or the nearest ten (10) adjoining landowners in question, whichever is greater. Such notices shall be given at least ten (10) calendar days before the hearing date, one of which will not be the date of public hearing.
- 3.04.02 Preview preliminary and final plats and provide recommendations to the Town Board.
- 3.04.03 Periodically review the zoning ordinance and the official map and determine its role in shaping the growth of the community and to recommend changes in these documents to guide growth and current land use towards the goals of the comprehensive plan and amendments.
- 3.04.04 Review and make recommendations to the town board on applications for:
  - A. Changes in zoning districts
  - B. Changes in the zoning ordinance
  - C. Recommend approval or denial of Todd Township preliminary and final plats
  - D. Conditional Use permits
- 3.04.05 Keep a record of its proceedings.

#### 3.05 **Board of Adjustment**

The Board of Adjustment will consist of two Todd Town Board of Supervisors along with one appointed planning commission member, and shall have the following duties as provided by Minnesota Statutes § 462.354.

- 3.05.01 Hold variance hearings after proper notices in the official newspaper and individual notice by regular mail to any property owners within 500 feet and/or the nearest ten adjoining (10) landowners, whichever is greater. Such notices shall be given at least ten (10) calendar days before the hearing date, one of which will not be the date of said Hearing.
- 3.05.02 Decide the following:
  - A. To order the issuance or denial of variances to the provisions of this ordinance.
  - B. To hear and decide appeals from and review any order, requirement, decision or determination made by the zoning administrator with respect to the administration of this ordinance
  - C. Keep a record of its proceedings, notifications and justifications for its actions.

### **3.06 Township Board**

The Township Board will have the following duties under this Ordinance:

- 3.06.01 Appoint a zoning administrator
- 3.06.02 Appoint the planning commission
- 3.06.03 Decide the following:
  - A. Grant or deny applications for changes in zoning districts
  - B. Grant or deny applications for changes in the zoning ordinance
  - C. Grant or deny applications for conditional use permits
  - D. Grant or deny applications for approval of preliminary and final plats

### **3.07 Construction Site Permits (CSP) Required**

- 3.07.01 A construction site permit is valid for a period of one (1) year.
- 3.07.02 A construction site permit is required prior to preliminary site work, or the construction or placement of any structure, or manufactured home under this ordinance. This section shall not prohibit the collection of soil borings for a wastewater treatment system prior to construction site permits being issued
- 3.07.03 A construction site permit will be valid for a period of one year after which said applicant must have completed the exterior of a permitted structure authorized by the permit. Where a construction site permit has been issued but the applicant has failed to complete the work authorized by the permit within twelve (12) months from the date of permit issuance, said permit shall be null and void. A new permit application, with a determined time frame for completion must be submitted.
- 3.07.04 For any application required by this Ordinance there must be a certification by the applicant that there are no delinquent property taxes, special assessments, penalties, interest, and utility fees due on the parcel to which the application relates. Property taxes which are being paid under the provisions of a stipulation, order, or confession of judgment, or which are being appealed as provided by law, are not considered delinquent for purposes of this subdivision if all required payments that are due under the terms of the stipulation, order, confession of judgment, or appeal have been paid.
- 3.07.05 The Todd Township Zoning Administrator has the authority to;

- A. Require a Certificate of Survey to be submitted by the applicant that indicates the property boundaries, dimensions and total lot size. When necessary to show that minimum required property line or other setbacks, impervious coverage limit or other requirements of this ordinance can be met, the applicant may require locations, dimensions and setbacks of existing or proposed buildings, topographic contours, an inventory of existing impervious surfaces or other information as is deemed necessary to ensure compliance with requirements.
- B. Require restoration of any work done beyond the scope of the application and/or permit with or without a required permit and,
- C. Will assess application fees for an after the fact permit application as stated per the Township Fee Ordinance Schedule, as adopted from time to time.

### 3.08 **Wastewater Systems**

A construction site permit authorizing a new home or an addition to an existing structure to an existing dwelling shall stipulate that a **non-conforming** wastewater treatment system, shall be reconstructed or replaced in accordance with all applicable rules and regulations including the provisions of the MPCA Minnesota Rules, Chapter 7080, as amended, and the provisions of the Hubbard County Sanitary Ordinance, and all acts amendatory thereof. Applicant (Owner) will be responsible for providing a Certificate of Compliance prior to issuance of permit.

### 3.09 **Cease and Desist Orders**

The Todd Township Zoning Administrator may issue a “cease and desist” order when the zoning administrator has probable cause to believe, a) that an activity regulated by this ordinance is being or has been conducted without a permit, or b) is in violation of a permit or, c) in violation of a provision of this ordinance. Any work stopped by a cease and desist order shall not be resumed until the reason for the work stoppage has been satisfied, administrative fees and/or fines paid, and the cease and desist order is lifted.

In the event that an affected party believes that a cease and desist order has been issued improperly, or upon an incomplete record, said affected party may appeal to the zoning administrator for reconsideration. If dissatisfied with the decision of the zoning administrator, appeal may be made to the board of adjustment, and the appeal will be heard as soon as practicable. The cease and desist order shall remain in place until a contrary decision is made by either the zoning administrator or the board of adjustment.

### 3.10 **Proposed Use Requiring Prior Approval before Construction site permit**

Where a proposed use requires review, recommendations and approval of the planning commission, board of adjustment, or township board, said action shall occur and the conditional use permit, variance, amendment change, zoning district change, or final plat approval shall be issued before the construction site permit is issued.

### 3.11 **VIOLATIONS**

Granting of a construction site permit shall not be considered a statement of compliance with regional, state, county, or federal codes, statutes, or laws, or approval of the design of the structure or accessories.

If the zoning administrator determines that any violation of the permit or other section of this ordinance has occurred; the zoning administrator will take the following steps;

**3.11.01 Enforcement**

The town board, the board’s designee (i.e. Township Zoning Administrator, Right of Way Director, Township Road Authority, or duly authorized representatives) shall enforce this ordinance. The duly authorized representative shall initiate appropriate action for any violations of this ordinance at the direction of the board and through the township attorney as deemed necessary.

**3.11.02 Existing Violation**

Whenever the town board or the board’s designee determines that a violation has occurred or exists on property within the township, the owner or occupant of such property shall be notified of the fact in writing. The notice shall be served in person or by certified or registered mail. If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail addressed to where property tax statements are sent by the County.

**3.11.03 Immediate Violation**

In the event that the violation is deemed by the township to constitute an immediate danger, the township may initiate immediate removal of such hazard without prior notification of the owner or occupant of such property. As soon thereafter as practical the township shall provide written notice to the owner or occupant of the premises of the actions taken. If the property is not occupied and ownership of the property cannot be ascertained, or in the event that personal service cannot be made, or certified or registered mail is returned, notice is deemed served when posted on the property or deposited in the U.S. Mail addressed to where property tax statements are sent by the County. All expenses incurred by the township to remove the hazard will be charged against said parcel and will be the responsibility of the owner pursuant to M.S. § 429, 366.012 and any other relevant statute.

The property owner shall be invoiced for the Township’s costs which shall be paid within 30 days of the date of the invoice, should property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner’s property taxes.

**3.11.04 Thirty Days Written Notice**

A written notice shall specify the violation and the steps required to correct said violation and the time limit, not to exceed thirty days (30 days) within which the corrections must be completed. If the violation is not corrected, then the township may take actions necessary to bring the violation into compliance and seek redress pursuant to M.S. § 429, 366.012 and any other relevant statute.

The property owner shall be invoiced for the Township’s costs which shall be paid within 30 days of the date of the invoice, should property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner’s property taxes.

**3.11.05 Appeals**

A person served with a written notice may appeal to the board of adjustment for a hearing. A hearing notice shall be given at least ten days (10 days) prior to the date of the hearing, of which the public hearing date cannot be counted, before the board of adjustment and will be served in the manner as

described in this Ordinance. In order to expedite matters, the township may at its discretion, include notice of the aforementioned hearing in the original notice of violation.

#### **3.11.06 Hearing**

If after conducting a hearing on the matter the board of adjustment determines that correction of the violation is necessary to protect the public health, safety and welfare, then the township may correct the violation, or cause the same to occur, in any manner and using any method that it finds appropriate as outlined in this ordinance.

#### **3.11.07 Appeals of Board of Adjustment**

Any person aggrieved by the decision of the board of adjustment shall have the right to seek review within thirty (30) days of the decision with a court of record of such decision in a manner provided by the laws of the State of Minnesota, and pursuant to Minnesota Statute Section § 462.

#### **3.11.08 Prosecution**

Any person who violates a section, subdivision, paragraph, or provision of this ordinance shall be subject to prosecution. Each day of non-compliance with any terms of this ordinance shall be considered a separate violation.

### **3.12 VARIANCES**

Variances may only be granted in accordance with Minnesota Statutes, Chapter 462, as applicable. No variance may be granted that would allow any use that is not permitted in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

#### **3.12.01 Applications**

Pursuant to section 3.02.05, the request for a variance, as provided within this ordinance, shall be filed with the zoning administrator on an official application form with the required supporting documentation and fees. Such application shall also be accompanied by a list of property owners located within five hundred feet (500') of the subject property obtained from and certified by Hubbard County or the Township. A copy of the deed or abstract for the property on which the variance is proposed, that lists the current property owners and the comprehensive legal description of the property. Applications for a variance will only be accepted by the owner(s) of the property for which the application is made. The request for variance shall be placed on the agenda of the first possible board of adjustment meeting occurring after twenty-one (21) days from the date of submission. The

request shall be considered as being officially submitted when all the information and fee requirements are complied with. Upon receipt of said application, the zoning administrator shall set a public hearing following proper hearing notification. The board of adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. Notice of said hearing shall consist of a legal property description of the request, and be published in the official newspaper at least ten (10) days prior to the hearing, and written notification of said hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred feet (500') of the boundary of the property in question and/or the ten (10) nearest adjoining property owners around the affected property.

Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this ordinance.

The zoning administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the town board.

The planning commission and township staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this ordinance. Failure of an applicant to supply all necessary supportive information may be grounds for denial of the request.

The applicant or representative thereof shall appear before the planning commission to answer questions concerning the proposed variance.

The planning commission shall make findings of fact and recommend approval or denial of the request. The planning commission shall reach a decision within sixty (60) days after the first regular meeting at which the variance request was considered by the commission. The commission's recommendation and the township staff's report, if any, shall be presented to the town board.

Upon receiving the report and recommendation of the planning commission, the zoning administrator shall place the report and recommendation on the agenda for the next regular town board meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the town board meeting.

The town board, sitting as the board of adjustment, shall review the application and may, at its option, conduct a public hearing on the request.

The town board shall make findings of fact and approve or deny a request for variance.

A variance of this ordinance shall be granted by a majority vote of the town board.

All decisions by the town board involving a variance request shall be final; except, that an aggrieved person or persons shall have the right to appeal within thirty (30) days of the decision to the Hubbard County district court.

Variances shall only be permitted when they are in harmony with the general purposes and intent of this ordinance and when strict enforcement of this ordinance as applied to a particular piece of property if the enforcement would cause the property owners "practical difficulties" as defined in Minnesota Statutes § 462.357, subd. 6. Economic conditions alone do not constitute practical difficulties.

### **3.12.02 Existing Developments**

For existing developments, the application for variances must clearly demonstrate a conforming wastewater treatment system is present for the intended use.

### **3.12.03 Conditions for Variance**

The Board of Adjustment should adopt findings addressing the following questions:

- A. Is the variance in harmony with the purposes and intent of this ordinance?
- B. Is the variance consistent with the comprehensive plan?
- C. Does the proposal put property to use in a reasonable manner not permitted by this Ordinance?
- D. Are there unique circumstances to the property not created by the landowner?
- E. Will the variance, if granted, alter the essential character of the locality?
- F. Additional conditions may be imposed on the granting of a variance if those conditions are directly related to and bear a rough proportionality to the impact created by the variance. Economic considerations alone do not constitute practical difficulties.
- G. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- H. Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, subdivision 14, when in harmony with this ordinance.

### **3.12.04 Variance issued to Property**

Variances will be issued to the property and are not transferable and shall remain in effect so long as any condition imposed by the board of adjustment is met.

### **3.12.05 Failure to Implement Variance**

Failure by the owner or applicant to complete the improvements for which the variance was sought, or to comply with the conditions attached to the variance within twelve (12) months of the date of its approval shall void the variance. The board of adjustment, solely at its discretion, may extend the variance upon one occasion for sixty (60) additional calendar days beyond the date of expiration. Any additional extension shall require a new public hearing and approval by the board of adjustment.

### **3.12.06 Recording of Variance**

Variances will be recorded with the Hubbard County Recorder or if Torrens property with the Registrar of Titles.

## **3.13 CONDITIONAL USES**

All applications for conditional use permits will be submitted to the zoning administrator for presentation to the planning commission. The zoning administrator will notify all property owners within five-hundred (500) feet and/or the ten (10) nearest adjoining landowners near the affected property, whichever is greater. The zoning administrator shall publish notice of the public hearing in the official newspaper at least ten (10) calendar days prior to the date of the public hearing of which the Hearing date cannot be counted. The planning commission will hear requests for conditional use permits in accordance with the rules that it has adopted for the conduct of business.

### **3.13.01 Conditional Use Review Criteria**



In reviewing an application for a conditional use permit; the planning commission will evaluate the effects of the proposed use using criteria including but not limited to the following:

- A. The maintenance of safe and healthful conditions as well as the general health, safety and welfare of the residents; and
- B. The prevention and control of water pollution including sedimentation; and
- C. The impact on existing topographic and drainage features and vegetative cover on the site; and
- D. The location of the site with respect to existing or future access roads; and
- E. The compatibility with uses on adjacent land; and
- F. The compatibility with a desirable pattern of development in the area and in the township; and
- G. The adequacy of the proposed wastewater treatment system for the new use; and
- H. The compliance with the Todd Township Community Comprehensive Plan and other Todd Township Ordinances, as amended or any other ordinance, rule or statute; and
- I. The proposed use can be accommodated with existing public services and will not overburden the town's service capacity; and
- J. The traffic generated by the proposed use is within the capabilities of the roads serving the property; and
- K. The effect of the proposed use on groundwater, surface water and air quality; and
- L. Whether such use will tend to or actually depreciate the value of other properties in the area in which it is proposed.

#### **3.13.02 Additional Information for Conditional Use**

In considering the application for a conditional use permit, the planning commission may recess the hearing to a future time and may defer action or consideration until further information from the applicant is submitted as required by either the planning commission and/or the town board. Such information may include, but is not limited to, the following:

- A. A plan of the area showing contours, soil types, ordinary high-water level, groundwater conditions, bedrock, slope and vegetative cover.
- B. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping.
- C. Plans of buildings, wastewater treatment systems, water supply systems, and arrangements of operations.
- D. Specifications for areas of proposed filling, grading, lagoons, or dredging.
- E. Other pertinent information necessary to determine whether the proposed use meets the requirements of this ordinance.

#### **3.13.03 Conditional Use for Unusual Conditions**

In recommending a conditional use permit, the planning commission may recommend additional conditions, in addition to the requirements specified by this ordinance, which the planning commission considers necessary to protect the best interest of the surrounding area and the township as a whole. Violation of any of these conditions will be a violation of this Ordinance. Such

conditions may include, but are not limited to the following, specifications for type of shore cover, increased setbacks, screening, wastewater treatment and water supply systems, landscaping and screening, period of operation, operational control, sureties, deed restrictions, parking and signs, type of construction or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

### **3.14 Failure to Act**

Failure to act on a conditional use permit or establish the use by the property owner within six (6) months, unless extended by the township board prior to expiration, will void the permit. Applicant must submit in writing one month prior to expiration a request for an extension. The township, at its discretion, shall determine whether or not the property owner(s) has acted or failed to complete work.

#### **3.14.01 Authority to Grant Conditional Use**

Town board grants conditional use permit upon review and recommendation with findings and by the town board passing a resolution granting the conditional use permit from the planning commission. Conditions may be applied to the granting of the permit.

#### **3.14.02 Recording of Conditional Use Approval**

The zoning administrator will file a copy of all approved conditional use permits with the Hubbard County Recorder or the Registrar of Titles if Torrens property. Any significant changes in an approved use will require that a new application for a conditional use permit be applied for and approved.

#### **3.14.03 Amended Conditional Use Permit**

Amended conditional use permits shall be requests for changes in conditions of the existing permit or modifications of any approved plan. An amended conditional use permit shall be administered in the same manner to that required for a new conditional use permit.

#### **3.14.04 Revocation of Conditional Use Permit**

#### **3.14.05 Violation**

A violation of any condition set forth in a conditional use permit shall be a violation of the permit itself and this ordinance.

#### **3.14.06 Failure to act on Violation**

Failure to correct a violation within thirty (30) days of written notice from the township shall be grounds to revoke a conditional use permit through the following procedure:

- A. The planning commission may recommend, and the town board may initiate proceedings to the revocation of any conditional use permit for cause upon an initial determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of this ordinance or other applicable regulations.
- B. The zoning administrator shall notify the responsible person and property owner of the public hearing and that they have an opportunity to show cause why the permit should not be revoked.
- C. The planning commission shall hold a public hearing in the same manner as that required for a new conditional use permit. Within twenty-one (21) days of closing the

public hearing the planning commission shall submit findings of fact and recommendations to the town board.

- D. The town board shall a) revoke the conditional use permit, b) make a finding of fact that a violation does not exist, or c) modify the conditions of the conditional use permit so that a violation no longer exists.
- E. The zoning administrator shall provide written notice of the town board's decision to the permit holder.

### **3.14.07 Reapplication**

Whenever an application for a conditional use permit has been considered and denied by the town board, a similar application and proposal for a variance affecting either a portion or all of the same property shall not be considered again by the planning commission or the town board for at least one year from the date of its denial, except as follows:

- A. Applications are withdrawn prior to the town board taking action on the matter.
- B. If the town board determines that the circumstances surrounding a previous application have changed significantly.
- C. If the town board decides to reconsider such matter.

## **3.15 INTERIM USE PERMITS**

The purpose of an interim use permit is to allow a use that is not a permitted, provisional or conditional use, for a limited period of time, subject to conditions set forth in this ordinance.

### **3.15.01 Application for Interim Use Permit**

The application for an interim use permit shall be the same as for a conditional use permit as provided for in *Section 3.13 of this ordinance*.

### **3.15.02 Criteria for Considering an Interim Use Permit**

The criteria for considering an interim use permit shall be the same as for a conditional use permit as provided for in *Section 3.13 of this ordinance*.

### **3.15.03 Notice of Public Hearing**

The notice of public hearing for an interim use permit shall be the same as for a conditional use permit as provided for in *Section 3.13 of this ordinance*.

### **3.15.04 Standards for Issuing an Interim Use Permit**

The board may issue an interim use permit only if it finds that such use at the proposed location:

- A. Meets the standards of a conditional use permit contained in *Section 6 and Section 7 of this ordinance*;
- B. Will terminate upon a date or event that can be identified with certainty;
- C. Will be subject to any conditions that the board deems appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and

**3.15.05 Notice and Certification of Final Action**

The notice of final action for an interim use permit shall be the same as for a conditional use permit as provided for in *Section 3.13 of this Ordinance*.

**3.15.06 Status of Interim Use Permit**

The status of an interim use permit shall be the same as for a conditional use permit as provided for in *Section 3.13 of this Ordinance*

**3.15.07 Termination**

An interim use permit shall terminate upon the occurrence of any of the following events, whichever occurs first:

- A. The termination date or event stated in the permit; or
- B. The interim use permit is revoked following the same procedures for the revocation of a conditional use permit pursuant to *Section 3.13 of this Ordinance*; or
- C. The use has been discontinued for a minimum period of one (1) year.

**3.15.08 Recording of Interim Use Approval**

The zoning administrator will file a copy of all approved conditional use permits with the Hubbard County Recorder or the Registrar of Titles if Torrens property. Any significant changes in an approved use will require that a new application for a conditional use permit be applied for and approved.

**3.15.09 Amended Interim Use Permit**

Amended conditional use permits shall be requests for changes in conditions of the existing permit or modifications of any approved plan. An amended conditional use permit shall be administered in the same manner to that required for a new conditional use permit.

**3.15.10 Revocation of Interim Use Permit**

**3.15.11 Violation**

A violation of any condition set forth in an interim use permit shall be a violation of the permit itself and this ordinance.

**3.15.12 Failure to act on Violation**

Failure to correct a violation within thirty (30) days of written notice from the township shall be grounds to revoke an interim use permit through the following procedure:

- A. The planning commission may recommend, and the town board may initiate proceedings to the revocation of any interim use permit for cause upon an initial determination that the authorized interim use is not in conformance with the conditions of the permit or is in continued violation of this ordinance or other applicable regulations.
- B. The zoning administrator shall notify the responsible person and property owner of the public hearing and that they have an opportunity to show cause why the permit should not be revoked.

- C. The planning commission shall hold a public hearing in the same manner as that required for a new interim use permit. Within twenty-one (21) days of closing the public hearing the planning commission shall submit findings of fact and recommendations to the town board.
- D. The town board shall a) revoke the interim use permit, b) make a finding of fact that a violation does not exist, or c) modify the conditions of the interim use permit so that a violation no longer exists.
- E. The zoning administrator shall provide written notice of the town board's decision to the permit holder.

**3.15.13 Reapplication**

Whenever an application for an interim use permit has been considered and denied by the town board, a similar application and proposal for a variance affecting either a portion or all of the same property shall not be considered again by the planning commission or the town board for at least one year from the date of its denial, except as follows:

- A. Applications are withdrawn prior to the town board taking action on the matter.
- B. If the town board determines that the circumstances surrounding a previous application have changed significantly.
- C. If the town board decides to reconsider such matter.

**3.16 Environmental Review**

The Minnesota State Environmental Policy, Minnesota Statutes, Chapter 116 D, and the rules of the Minnesota Environmental Quality Board, together with the provisions of this Ordinance, shall be followed as the Environmental Review operating procedures.

**3.16.01 Preparation and review**

- A. The applicant for a permit for any action for which environmental documents are either required by the Environmental Quality Board or ordered by the township board shall, in the manner prescribed by the zoning administrator, provide all unprivileged data or information reasonably requested by the township that the applicant has in his possession or to which he has reasonable access.
- B. The applicant requesting a permit for any action for which an Environmental Assessment Worksheet (EAW) is mandated or is deemed required by the township board when it has been designated as the Responsible Governmental Unit (RGU) by the Environmental Quality Board through the petition process, or by statute, shall pay all costs of preparation and review of the EAW. Upon the request of and in the manner prescribed by the zoning administrator, the applicant shall prepare a draft EAW and supply all information necessary to complete that document.
- C. A petitioned or mandated EAW shall be produced and paid for by the applicant prior to the commencement of the review or any stage of review by the planning commission and/or the township board.
- D. The applicant for a permit for any action for which an Environmental Impact Statement (EIS) is mandated shall pay all costs of the scoping and preparation of the EIS until such time as either the Responsible Governmental Unit or the Environmental Quality Board deems the final EIS adequate.

- E. When the EIS is mandatory, the applicant shall deposit funds in an escrow account with the township from time to time an amount determined by the zoning administrator to be necessary to cover such costs prior to commencement of the review stage of the Environmental Review. The applicant shall reimburse the escrow account for any deficits caused if the amount actually expended or billed to the township by the consultants exceeds the fund balance. The township shall refund any amount deposited in the escrow account not expended within thirty (30) calendar days after final action on the application. The township shall not pay interest on such security fund deposits.

**3.16.02 Administration**

The zoning administrator shall be the person responsible for the administration of the Environmental Review Program.

- A. The zoning administrator shall be responsible for determining whether an action for which a permit is required is an action for which an EAW or an EIS is mandatory and shall report his/her findings to the planning commission and/or the township board.
- B. The zoning administrator shall make a recommendation on all EAW petition requests to the township board.
- C. EAW's and EIS's shall be prepared under the supervision of the zoning administrator and reviewed by the planning commission prior to review and approval by the township board.
- D. When reviewing any EAW or EIS, the zoning administrator and the planning commission may suggest design alterations which could lessen the environmental impact of this action. The township board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary.
- E. No permits shall be issued for a project for which environmental documents are required until the entire environmental review procedure established by this ordinance is completed. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedure established by this ordinance is completed.

**3.17 SCHEDULE OF FEES**

The Township Board shall annually review and adopt a Todd Township Fee Ordinance for all fees for permits, conditional uses, variances, and plat work and any other administrative costs after a public hearing has been held. These fees shall be paid at the time of application and are non-refundable.

## **4.0 ZONING DISTRICTS**

### **4.01 Criteria for Designation**

The land use districts in section five and the delineation of a land use district's boundaries on the Todd Township Official Map are based on the goals and policies of the township's comprehensive plan and the following criteria, considerations, and objectives:

- 4.01.01 General considerations and criteria for all land uses.
- 4.01.02 Compliance with the Todd Township Community Comprehensive Plan and all other township ordinances, as amended.
- 4.01.03 Socioeconomic development needs and plans of the township, especially as they involve water and related land resources, its compatibility with a desirable pattern of development in the area and in the township.
- 4.01.04 Preservation of natural areas and resources.
- 4.01.05 Vegetative covers.
- 4.01.06 Topographic characteristics.
- 4.01.07 The necessity to preserve and restore certain areas having significant historical or ecological value.
- 4.01.08 Water and wastewater needs and services within Todd Township that follow the Todd Township Wastewater Plan Amendment on file with the Zoning Administrator.
- 4.01.09 Soil types within the township and their engineering capabilities.
- 4.01.10 Present ownership and development patterns.
- 4.01.11 Desired road transportation patterns and service center accessibility.

## **5.0 LAND USE DISTRICT PROVISIONS**

Todd Township is hereby divided into the land use districts provided below and as shown on the official map, which may be amended from time to time per procedures in the ordinance. This map is hereby recorded at the Hubbard County Recorder's Office and the office of the township clerk and is hereby made a part of this ordinance.

### **5.01 General Zoning District Provisions**

In order to classify, regulate and restrict the location of agricultural, residential and commercial uses, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the township is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

- 5.01.01** AG – Agricultural District
- 5.01.02** RR – Rural Residential District
- 5.01.03** C - Commercial District

### **5.02 Zoning District Boundaries**

Zoning district boundary lines established by this ordinance generally follow, section lines, lot lines, the center lines of railroad rights-of-way, road and street rights-of-way, watercourses or the corporate and Todd Township limit lines, all as they exist upon the effective date of this ordinance.

- 5.02.01** Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment, pursuant to section 3 of this ordinance.
- 5.02.02** Whenever any township road, or other public way is vacated by official action by the township, the zoning district adjoining each side of such road or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- 5.02.03** All township roads, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such township roads, public ways or railroad rights of way. Where the center line of rights of way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.
- 5.02.04** All areas within the limits of the township which are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point and/or to the township or city corporate limits.

### **5.03 Agricultural District**

The purpose of this district is to preserve and protect those portions of the township where agriculture, livestock and/or forestry are a dominant land use and are expected to continue to be vital elements of the



local economy as identified in the comprehensive Plan. An efficient and profitable agricultural/livestock/forestry industry is an economic benefit to this township. It provides added opportunity to the crop based agriculture and creates service industries that provide employment and further economic related activities.

This zone has been created to promote the orderly development of agriculture/livestock/forestry and to reduce the risk of pollution and damages to natural resources. Other compatible uses may be allowed under conditional use permits or interim use permits. This district is intended to meet the following goals of the Todd Township Comprehensive Plan:

- 1.01 Limit loss and intrusion of residential development near agricultural land by family owned farms
- 1.02 Minimize intrusion on farming areas where there would be need for more infrastructure and public services
- 1.03 Constrain commercial farming / feedlots
- 1.04 Control temporary housing/ and use of recreational vehicles in agricultural areas
- 1.05 Protect surface water / ground water contamination by education about shallow wells and poor land practices
- 1.06 Allow, but carefully manage irrigation use
- 1.07 No loss of wetlands
- 1.08 Evaluation and referral of potential wetlands areas

**5.03.01 Lot Requirements**

- A. Minimum acreages: 5 acres,
- B. Minimum lot width: 330 feet
- C. Setbacks from:

Property line:

Principal structures (including attached garages) – 50 feet

Open decks attached to principal structure – 35 feet

Detached accessory structures 200 square feet or greater in size – 20 feet

Detached accessory structures less than 200 square feet in size – 10 feet

Public road right of way – 35 feet (from right-of-way) or 65 feet from the centerline of the traveled roadway, whichever is more restrictive.

- D. Maximum lot impervious surface coverage – 20%

- 1. The allowable impervious coverage may be increased to 50% on parcels of at least twenty (20) acres in size by conditional use permit and with the submittal and implementation of a comprehensive stormwater management plan acceptable to the Township that emphasizes the onsite treatment and storage of stormwater and any irrigated water through a combination of methods which may include buffer strips, swales, rainwater gardens, retention or infiltration ponds or other acceptable best management practices. The Township may require such plans to be designed by an engineer or other qualified professional and reviewed by

an independent engineer or other qualified professional before approving such plan.

#### **5.03.02 Permitted Uses**

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this ordinance*:

- A. Accessory agricultural buildings subject to the conditions of *Section 6 & 7 of this ordinance*
- B. Agricultural operations
- C. Cemeteries
- D. Dwelling-single family residential
- E. Earth shelter homes
- F. Essential services, transmission services, utility substation
- G. Garage – attached and detached
- H. Greenhouses and nurseries
- I. Licensed nonresidential programs
- J. Licensed residential programs
- K. Public and private forest and game management areas
- L. Public parks and trails
- M. Residential accessory buildings subject to the conditions of *Section 6 & 7 of this ordinance*
- N. Solar Energy System – Accessory

#### **5.03.03 Conditional Uses**

The following uses may be allowed as conditional uses following the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this ordinance*.

- A. Antennas, personal wireless
- B. Automobile sales
- C. Bed & breakfast inns
- D. Churches
- E. Schools
- F. Community buildings
- G. Concrete (ready mix) or asphalt mixing facility, permanent
- H. Contractor Shop (i.e. plumber/electrician/landscaper)
- I. Golf course
- J. Kennels – more than 4 animals
- K. Manufactured home park

- L. Mini-storage facility
- M. Multifamily dwelling
- N. Professional services – (i.e. medical, accounting, attorney, dental).
- O. Solar Farm
- P. Vehicle repair shop
- Q. Welding shop

**5.03.04 Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Sections 6 & 7 of this ordinance*:

- A. Concrete (ready mix) or asphalt mixing facility, temporary
- B. Home business
- C. Home occupation
- D. Migrant and/or seasonal worker housing
- E. Mining
- F. Outside storage/display of goods less than 2 months
- G. Secondary single-family dwelling unit for a 1<sup>st</sup> degree relative to assist with farming on the same property.
- H. Rural Tourism and Event Center

**5.04 Rural Residential District**

A Rural Residential district is intended to provide somewhat limited residential development opportunity on land that is near lakeshores and growth areas. The rural residential district is a transitional district, and to minimize future land use conflicts, new animal feedlots shall be prohibited and to maintain the area’s rural characteristics, conservation design development shall be encouraged. This district is intended to meet the following Todd Township Comprehensive Plan goals:

- Promote land conservation / compatible land uses
- Preserving nature and flavor of the quiet open space character of the township
- Consider green spaces / buffers – preserving and/or creating new green spaces with and around developments and differing land uses
- Implement mobile home regulations to address problems
- Allow some types of home business uses
- Enforce parking / signage
- Consider home versus commercial uses /standards
- Review subdivisions concerns regarding roads and construction
- Consider the total carrying capacity of township

- Work towards identifying population growth and implement lifestyle housing for all landowners in the township to meet the changing times and aging population
- Pave roads in new developments through developer's agreements and contracts

**5.04.01 Lot Requirements**

A. Minimum acreages: 2.25 acres

B. Minimum lot width: 150 feet

C. Setbacks from:

Property line

Principal structures (including attached garages) – 20 feet

Open decks attached to principal structure – 10 feet

Detached accessory structure of any size – 10 feet

Public road right of way – 35 feet (from right-of-way) or 65 feet from the centerline of the traveled roadway, whichever is more restrictive.

D. Maximum impervious lot coverage – 20%

1. The allowable impervious coverage may be increased to 30% on legal nonconforming lots smaller than 2.25 acres by conditional use permit and with the submittal and implementation of a comprehensive stormwater management plan acceptable to the Township that emphasizes the onsite treatment and storage of stormwater and any irrigated water through a combination of methods which may include buffer strips, swales, rainwater gardens, retention or infiltration ponds or other acceptable best management practices. The Township may require such plans to be designed by an engineer or other qualified professional and reviewed by an independent engineer or other qualified professional before approving such plan.

**5.04.02 Permitted Uses**

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this ordinance*:

- A. Dwelling-single family
- B. Earth shelter home
- C. Existing agricultural uses
- D. Garage – attached and detached
- E. Licensed residential programs
- F. Licensed nonresidential programs
- G. Public parks and trails
- H. Residential accessory buildings
- I. Solar Energy System – Accessory

#### **5.04.03 Conditional Uses**

The following uses may be allowed as conditional uses following the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this ordinance*.

- A. Antennas, personal wireless
- B. Bed & breakfast inns
- C. Cemeteries
- D. Churches
- E. Schools
- F. Dwelling-multifamily
- G. Golf course
- H. Manufactured home park

#### **5.04.04 Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Sections 6 & 7 of this ordinance*:

- A. Concrete (ready mix) or asphalt mixing facility, temporary
- B. Home business
- C. Home occupations
- D. Outside storage/display of goods less than 2 months
- E. Rural Tourism and Event Center

### **5.05 Commercial District**

The purpose of this district is to promote the concentration of a wide range of commercial and recreational establishments into a general commercial area to service residents and the traveling public. A commercial district is near existing business areas. The commercial district varies in size and depth from the road rights-of-way as shown on the Todd Township Official Land Use Map. This district is intended to meet the following Todd Township Comprehensive Plan goals:

- Regulate scattered and fragmented commercial uses
- Support living wage opportunities
- Identify the types of suitable commercial growth in township

#### **5.05.01 Lot Requirements**

- A. Minimum acreage: 43, 560 square feet (1 acre)
- B. Minimum lot width: 200 Feet
- C. Setbacks from:
  - Property line – 10 feet

Public road right of way – 35 feet (from right-of-way) or 65 feet from the centerline of the traveled roadway, whichever is more restrictive.

D. Maximum impervious lot surface – 35%

1. The allowable impervious coverage may be increased to 75% on legal nonconforming lots smaller than 0.5 acres, or to 50% on lots of at least 0.5 acres, by conditional use permit and with the submittal and implementation of a comprehensive stormwater management plan acceptable to the Township that emphasizes the onsite treatment and storage of stormwater and any irrigated water through a combination of methods which may include buffer strips, swales, rainwater gardens, retention or infiltration ponds or other acceptable best management practices. The Township may require such plans to be designed by an engineer or other qualified professional and reviewed by an independent engineer or other qualified professional before approving such plan.

**5.05.02 Permitted Uses**

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this ordinance*:

- A. Accessory uses and structures that are incidental to the principal use
- B. Antennas – receiving short wave/private transmitting, personal wireless service and microwave, subject to the conditions of Section 6 & 7 of this ordinance
- C. Bait shops
- D. Beauty shops
- E. Community buildings
- F. Commercial day care centers
- G. Eating and drinking establishments
- H. Essential services – distribution and utility substations
- I. Financial institutions
- J. Golf courses and club houses
- K. Government and administrative buildings
- L. Grocery stores
- M. Health clubs
- N. Landscape, nursery, greenhouse or garden sales
- O. Liquor-off sale – must have pre-approved license
- P. Lumber sales/warehouse
- Q. Offices, clinics
- R. Outdoor display
- S. Retail uses

- T. Self-service storage facilities
- U. Solar Energy Systems – Accessory
- V. Veterinary clinics

**5.05.03 Conditional Uses**

The following uses may be allowed as conditional uses following the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this ordinance*.

- A. Contractor shop (i.e. plumber/electrician/landscaper)
- B. Drive in businesses
- C. Grain and seed sales and storage
- D. Gas Station (minor repairs) and/or convenience stores
- E. Hotels, motels
- F. Kennels, commercial, boarding only
- G. Motor Vehicle Repair
- H. Outdoor sales lots, including used cars, trucks, trailers and farm implements
- I. Packaging/warehouse
- J. Salvage yard
- K. Solar Farm
- L. Theatres – indoors
- M. Churches
- N. Schools

**5.05.04 Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Sections 6 & 7 of this ordinance*:

- A. Outside storage/display of goods less than 2 months
- B. Rural Tourism and Event Center

## **6.0 GENERAL DEVELOPMENT STANDARDS**

The regulations contained in this section apply to all structures and land use, and are in addition to any specific zoning district requirements of this ordinance. They are established to minimize conflict between land uses, to preserve the use and enjoyment of property, to encourage a high standard of development and to protect the public health, safety and welfare.

No use or structure shall be operated or occupied to constitute a dangerous, injurious or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, electrical disturbance, liquid or solid refuse or waste, water or soil pollution or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any standard contained in this ordinance or any other applicable regulation.

### **6.01 Access and Driveways**

#### **6.01.01 New, Revised or Changed Use Accesses onto County Roads**

All new, revised or change of use accesses onto County roads shall be subject to the access and corridor protection guidelines of Hubbard County Highway Engineers Offices. Accesses on any County highway shall require a driveway access permit from Hubbard County.

#### **6.01.02 Access to State Highways**

Accesses on any state highways shall require the approval of the Minnesota Department of Transportation (MNDOT).

#### **6.01.03 Access to Township Roads**

Accesses on any township road shall require the approval by the designated representatives and/or the Todd Township Board of Supervisors through the *Todd Township Road & Access Ordinance, and successor ordinances*. Issuance of a driveway access permit from Todd Township shall be precedent to the issuance of any construction site or use permit.

### **6.02 Accessory Structures**

All land use districts permit accessory structures related to the principal structure, wherein the principal use will first be established.

**6.02.01 Residential Accessory Structures.** An accessory structure not attached and part of the principal structure shall not be less than fifteen feet [15 feet] from any other separate structure on the same lot.

**6.02.02 Agricultural Accessory Structures.** See section 7.02 for agricultural accessory structures in an Agricultural land use district.

### **6.03 Agricultural Operations**

All agricultural operations in the Agricultural Districts being conducted in compliance with the terms of this ordinance and other applicable state and federal regulations shall not be deemed a violation of this Ordinance although there may have been changes in the surrounding character of the area.



#### 6.04 **Air Emissions**

All uses shall comply with the standards governing air emissions as regulated by the Minnesota Pollution Control Agency (MPCA).

#### 6.05 **County Biological Survey Native Plant Communities**

##### **6.05.01 Purpose**

Native plant communities have been identified in Todd Township by the Minnesota Department of Natural Resources. These plant communities are important to biological diversity in Minnesota and should be protected when feasible.

##### **6.05.02 Development Standards**

All parcels where a native plant community is identified in the Department of Natural Resources' map, published in 1999 and titled Native Plant Communities and Rare Species of Todd Township, Minnesota, shall be subject to the following development standards:

- A. All nonagricultural use of land and all placement of structures shall avoid encroaching upon or disturbing such native plant communities.
- B. The Minnesota Department of Natural Resources shall delineate the location of the native plant community prior to issuance of land use and building permits.
- C. All clearing of vegetation in the delineated area, except for safety purposes, farmland, driveways and mining, is prohibited. Clearing of vegetation for enhance or maintain the biodiversity of the area is permitted if a plan has been submitted to and approved by the Department of Natural Resources, approved and on file with the township.
- D. The removal of non-native invasive species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted.
- E. The presence of and protection of native plant communities as required by this section shall not result in the loss of any numerical building rights as determined by this ordinance.

#### 6.06 **Direct Discharge of Waste**

All uses shall comply with the standards governing waste discharge as regulated by the Minnesota Pollution Control Agency (MPCA).

#### 6.07 **Dwellings**

In all land use districts except the Commercial land use district, a second dwelling on a single lot may be allowed only under an interim use permit.

#### 6.08 **Encroachments**

The following shall be permitted encroachments into setback requirements:

- 6.08.01** Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width; and
- 6.08.02** Steps, sidewalks, stoops and exposed wheelchair ramps up to four (4) feet in width.

## 6.09 Erosion and Sediment Control Standards

The purpose of this section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage and retention areas within the township. An erosion and sediment control plan shall be submitted to and approved by the zoning department prior to construction of a new plat or a commercial or industrial facility, or when the zoning department determines an erosion and sediment control plan is necessary due to potential impacts of construction on the property or surrounding properties.

### 6.09.01 General Standards

Proper erosion and sediment control practices shall be followed within the Township as described in this Section. All land disturbing activities, whether or not a permit is required, shall be subject to the following performance standards:

- A. No land owner, operator, contractor or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation, damages water or soil resources or creates off-site impacts.
- B. All development shall conform to the natural limitations presented by the topography and soil types to minimize soil erosion and sedimentation.
- C. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of a development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time.
- D. Every applicant for a construction site permit, interim use permit, alteration permit, conditional use permit or subdivision approval shall, at a minimum, adhere to erosion control measure standards and specifications contained in the MPCA publication "*Protecting Water Quality in Urban Areas*"; or successor publication.

## 6.10 Essential Services, Transmission Services and Utility Substations

### 6.10.01 Provisions

Essential services are permitted uses in all zoning districts subject to all State and Federal rules and regulations and may be installed subject to the following Todd Township construction standards:

- A. The owner shall file with the Todd Township Right of Way Director or the Todd Township Board of Supervisors of any affected Township road, an application showing drawings of the essential service facility as it traverses any Township road rights of way pursuant to the *Todd Township Right of Way Ordinance, or successor ordinances*.
- B. When an underground essential service crosses a township road, the service shall be installed by boring horizontally unless the Township Board of Supervisors approves an alternative procedure.
- C. If an open ditch is traversed, the owner shall lay its essential service facility below the original bottom of the drainage ditch as designed, and the method of construction shall not impede the normal flow of water.

- D. All tile lines or other drainage systems which are cut or disturbed during construction of any essential service shall be restored and repaired to the previous and operable condition without cost to the landowner or Todd Township.

#### **6.10.02 Maintenance**

Required maintenance of any essential service facility, when such maintenance does not substantially change the location of the existing facility, shall be exempt from the standards contained in *Section 3 of this Ordinance*.

### **6.11 Fences**

Fences may be installed and maintained in any yard along or adjacent to a property line without a permit, in accordance with the requirements contained in this section.

#### **6.11.01 Fence Construction**

- A. No fence shall be constructed in any public right-of-way. No fence in a residential district shall exceed six (6) feet in height when located closer to a lot line than the applicable setback for a principal structure.
- B. No fence shall impede vision of the roadway from a driveway.

#### **6.11.02 Enclosure of Outdoor Storage Areas**

A fence used to enclose an area used for outdoor storage shall meet the setback requirements for the principal structure in the district in which it is located.

### **6.12 Glare and Heat (Uses Produced)**

Uses producing glare or heat shall be performed within a completely enclosed building in such a manner as to make such glare and heat completely imperceptible from any point along the property line.

### **6.13 Handicap Accessibility Code**

When applicable, structures and/or facilities shall meet the accessibility portion of the State Building Code, *Minnesota Rules, Chapter 1341; or successor rules*.

### **6.14 Height Regulations**

All structures, except churches, grain elevator legs, silos, cooling towers, water towers, chimneys and smokestacks, church spires, electric transmission lines or radio, television or communication towers shall not exceed thirty-five (35) feet in height.

### **6.15 Lighting/Glare**

In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be installed to deflect light away from any adjoining property or from public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or create a traffic hazard.

### **6.16 Lot Size Reduction**

No lot area shall be reduced such that the required setbacks will not be smaller than prescribed in this Ordinance, nor shall the area or width of any lot be reduced below the minimum requirement established in this Ordinance. All parcels and/or existing platted lots must be recorded and verifiable in the Hubbard County Recorder's office prior to the date of the original Ordinance (**May 10, 2004**) prior to issuance of a permit. All new parcels or lots created after the date of publication of this Ordinance must meet the standards set forth in this Ordinance.

### **6.17 Hazardous Materials**

All uses shall comply with the standards governing hazardous materials as regulated by the Minnesota Pollution Control Agency (MPCA).

### **6.18 Nuisances**

No use or structure shall be operated or occupied in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of the property by any person of normal sensitivities or to otherwise create a public nuisance pursuant to the *Todd Township Nuisance Ordinance, or successor ordinances*.

### **6.19 Noise**

All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency (MPCA).

### **6.20 Odor Emissions**

All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency (MPCA).

### **6.21 Parking, Access and Off-Street Loading**

#### **6.21.01 Standards**

- A. Parking spaces for residential parking shall be on the same lot as the residential dwelling.
- B. Off-street parking areas in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
- C. Loading areas shall be sufficient to meet the requirement of the use and shall provide adequate area for parking and maneuvering on the site without impact on adjacent properties or the public right-of-way.
- D. All public parking must conform to ADA (American Disabilities Act) standards.

#### **6.21.02 Design and Maintenance of Off-street Parking Areas**

- A. 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 in accordance with an approved stormwater management plan. Durable and dustless surface may include crushed rock and similar treatment.

Parking areas for six (6) or fewer vehicles shall be exempt from the provisions of this section.

- B.** Parking areas containing parking for one-hundred vehicles [100 vehicles] or more shall develop a stormwater runoff plan so that snow and rain runoff does not discharge directly into lakes, streams, or wetlands. The technical standards of the National Conservation Resources Services shall be used as a guideline in preparing and implementing such a plan. National Permit Discharge Emission Standards (NPDES) permits and erosion control plans, as required, will be secured before a final permit is issued.
- C.** Space for off-street loading and unloading of materials shall be provided for every building used or designed for commercial, manufacturing or warehousing purposes. One such space shall be provided for every ten thousand square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten feet [10 feet] in width, thirty-five [35 feet] feet in length.
- D.** Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with access to a road with a suitable area for vehicle turn-around to allow vehicles safe entry onto the roadway, and such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- E.** When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion consistent with this Section of the Ordinance.
- F.** If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided.
- G.** Facilities that operate on shifts shall have sufficient parking based on the maximum number of employees that would park at the facility at any given time.
- H.** Required accessory off street parking spaces shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles and/or storage of snow.
- I.** All parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to Minnesota state building code, as may be amended
- J.** The following minimum number of off street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:
  - 1.** An off-street parking space shall comprise an area with dimensions of ten feet [10 feet] by twenty feet [20 feet] plus necessary maneuvering space; total area for parking and maneuvering shall not encroach upon any public right-of-way.
  - 2.** Residential dwelling: One parking space for each unit.
  - 3.** Tourist Accommodations: One parking space for each room or unit, and one parking space for each non-resident employee.
  - 4.** Theater, stadium, auditorium, church, or other places of public assembly: One parking space for each five seats, based on maximum seating capacity, and one parking space for each employee.

5. Stores and other retail business establishments: Five-point five (5.5) parking spaces for each one thousand square feet [1,000 square feet] of total floor area, and one parking space for each employee.
  6. Offices: One parking space for each two hundred square feet [200 square feet] of office floor area.
  7. Manufacturing or wholesale establishments: One parking space for each three [3] workers, based on peak employment in any one shift.
  8. Restaurants and supper clubs: One parking space for each four [4] seats, based on maximum seating capacity; and one parking space for each employee
  9. Off-street parking areas, whether public or private for more than five [5] vehicles, shall be effectively screened from residential uses. All public or private parking areas shall be separated from the right-of-way of any road by means of a sod strip or similar barrier not less than three feet [3 feet] in width or other barrier that clearly delineates the parking lot from the road.
  10. A parking space shall be at least ten (10) feet wide by twenty (20) feet long. In considering parking lots, a standard of three hundred (300) square feet per parking space shall be used to compute total requirements including maneuvering areas.
- K.** Other uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Town Board. Factors to be considered in such determination shall include (without limitation) size of buildings, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.
- L.** Off-street parking spaces existing on or before the effective date of this ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
- M.** Off street parking areas shall be screened when any of the following circumstances exist:
1. When a commercial/recreational use off-street parking area contains more in four (4) parking spaces and is within thirty (30) feet of an existing residential use or residential zone.
  2. When any driveway to a commercial/recreational use off street parking area of more than six (6) parking spaces is within fifteen (15) feet of an existing residential use or residential zoning district.
- N.** Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees and shall be as set forth in the following table. When the calculation of the number of parking spaces required results in a fraction, the parking spaces required shall be increased to the nearest whole number. Parking within the enclosed structures(s) is permitted provided the space is usable.
1. Churches, community buildings, and other places of public assembly: One space for each three seats or for each five feet of pew length, based on maximum design capacity.

2. Day Care Facilities: One space for each two employees, plus one drop-off space for each five enrollees
3. Eating and Drinking Establishments: One space for each three seats, based on maximum design capacity.
4. Golf Courses: Five spaces for each hole, plus one space for each ten seats in the club house.
5. Offices and Clinics: One space for each three hundred square feet of gross floor area.
6. Residential Uses: Two spaces per dwelling unit.
7. Retail and Service Establishments: One space for each two hundred fifty square feet of gross floor area plus one space per one thousand square feet of outdoor sales/display area
8. Resorts, Campgrounds, Recreational Vehicle Parks: Three spaces for each unit/lot, two spaces within unit/lot and one space in overflow parking area
9. Schools: One space for each four students based on design capacity.
10. Service Stations/Convenience Stores: One space for each service bay, plus one space for each three hundred square feet of gross floor area.
11. Uses not specifically noted: As determined by the township road authority based on a parking study.
12. Vacation/Private Home Rental: One space for every three people, based on permitted occupancy

**O.** In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the planning commission or board may consider the joint use of a parking area where it is known that because of a time element, the parking facilities will not be needed by more than one of the users at one time.

**P.** The Town Board may reduce the number of required off street parking spaces when the use can demonstrate in documented form a need which is less than required. In such situations, the Township may require land to be reserved for parking development should use or needs change.

## 6.22 **Pipeline Easement Setback**

Structures shall not be placed within the boundary of any pipeline easement as defined in *Minnesota Rules, Section § 7535.0100, subp. 6; or successor rules.*

## 6.23 **Principal Structures**

Except for the commercial districts, there shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise allowed in this ordinance. When more than one residential dwelling exists on a parcel of land and the residential dwellings were existing prior to **May 12, 2004**, the property owner has the option to declare one of the residential dwellings the principal structure. Any other

residential dwelling(s) on the parcel would be subject to the nonconformity restrictions in *Section 8 of this Ordinance; or successor ordinance*. A Declaration of Restrictions shall be recorded in the Office of the Hubbard County Recorder prior to issuance of any construction site permit declaring one of the residential dwellings the principal structure.

#### **6.24 Residential Dwelling Unit**

In all districts where single or multi-family dwellings are permitted, the following standards shall apply, except for temporary dwellings permitted under *Section 6.28 of this Ordinance*:

- 6.24.01** Any manufactured home to be used as a residential dwelling unit shall be no less than eight hundred (800) square feet and fourteen (14) feet in width and shall bear a Seal of Compliance issued by the State of Minnesota and must meet the *Manufactured Home Building Code as defined in Minnesota Statutes, section § 327.31, subdivision 3; or successor statutes*.
- 6.24.02** No accessory building or recreational vehicle shall be used at any time as a dwelling unit, unless otherwise provided in this Ordinance.
- 6.24.03** All residential dwelling units shall be a minimum of 800 square feet.

#### **6.25 Sewage Treatment and Drinking Water Systems**

Community subsurface sewage treatment systems and/or community drinking water supply systems may be required where soil types and other environmental sensitivities, such as shallow bedrock formations and high susceptibility to nitrate nitrogen contamination, are such that additional measures may be necessary to protect the public health, safety and welfare.

- 6.25.01** Community subsurface sewage treatment systems and community drinking water supply systems may be placed within the open space area in a development if the use of the space is restricted to avoid adverse impacts on the systems.
- 6.25.02** Community subsurface sewage treatment systems must be centralized when feasible and designed and installed to meet or exceed all applicable standards or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency and the Township.
- 6.25.03** Subsurface sewage treatment systems may be placed within the open space area.
- 6.25.04** A subordinate service district, a customer owned utility or other entity acceptable to the board shall be responsible for the management of any community wastewater facilities and any community drinking water supply system.

#### **6.26 Screening**

The following standards shall apply when screening is required by the provisions of this Ordinance:

- 6.26.01** Any screening that is required in this ordinance shall consist of earth mounds, berms or ground forms; neutral colored fences and walls; landscaping (plant materials) or landscape fixtures (such as timbers) used in combination or singularly to block direct visual access to an object. Screening must be on the same parcel as the structure or use being screened and shall be the responsibility of the owner to maintain the screening.
- 6.26.02** Screening may be encouraged or required to aid in the visual and auditory separation of one Land Use District from another or one parcel or facility from another. No use shall



create, maintain or continue any activity, which has a strong negative visual or auditory impact on adjacent or nearby neighboring properties.

- 6.26.03** Required screening shall be in addition to normal landscaping and planting and shall consist of visual obstruction(s) containing the activity and reducing the negative impact to the nearby area(s). Screening may consist of dense plantings.
- 6.26.04** The use of screen walls shall consist of materials of similar type, quality and appearance as that of the principal structure. Such screens shall be at least six (6) feet in height and provide a minimum opaqueness of eighty (80) percent.
- 6.26.05** The use of berming or landscaping (eighty (80) percent opaque at the time of maturity). Planting screens shall consist of healthy plant materials at least six (6) feet in height at the time of planting.
- 6.26.06** Screening fences and walls that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season. Screening and plantings will not obstruct roadway vision.

## **6.27 Solar Energy Systems**

### **6.27.01 Standards for Solar Farms**

Solar Farms shall be subject to the administrative requirements of *Section 3.13 of this Ordinance* and the following performance standards:

### **6.27.02 Erosion and sediment control**

Shall meet the requirements of *Section 6.09 of this Ordinance*.

### **6.27.03 Foundations**

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

### **6.27.04 Other standards and codes**

All solar farms shall follow any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.

### **6.27.05 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. Exemptions may be granted by the Town Board in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

### **6.27.06 Setbacks**

Solar farms must meet the minimum building setback for the zoning district and be located a minimum of one hundred (100) feet from a residential dwelling unit not located on the property.

### **6.27.07 Prohibitions**

Ground mounted community solar energy systems are prohibited in the following areas:

- A. Shoreland and Floodplain Districts as designated by the Minnesota Department of Natural Resources (DNR) and this Ordinance.
- B. Within 600 feet of any property designated or protected from development by Federal, State or County agencies as wildlife habitat and wildlife management areas. Property designated as public parkland or park reserve shall not be subject to this setback requirement.
- C. Within wetlands to the extent prohibited by the Minnesota Wetlands Conservation Act.
- D. Within any recorded easement - such as but not limited to utility, ditch, conservation, or storm water -unless authorized in writing by the easement holder.

**6.27.08 Maximum Size and Capacity**

No more than one (1) Community Solar Garden System per parcel shall be permitted, and the one (1) System or co-location of Systems shall have a maximum power capacity of five (5) megawatts.

**6.27.09 Signage**

No advertising signage is allowed. Manufacture and equipment information, warning, security or indication of ownership signage on the site shall comply with the terms of this Ordinance.

**6.27.10 Power and Communication Lines**

All on-site power and communication lines running between banks of solar panels and buildings, and all off-site lines running between the solar energy system to electric substations or interconnections, shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

**6.27.11 Waste Disposal**

Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

**6.27.12 Stormwater Management and Erosion Control**

Systems shall meet the requirements for stormwater management and erosion and sediment control as per the terms of this Ordinance.

**6.27.13 Interconnection**

The owner, developer or operator of the Community Solar Energy System must submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the Township issuing any building permits associated with the System. Off-grid systems are exempt from this requirement.

**6.27.14 Noise**

All Community Solar Energy Systems shall comply with Minnesota Rules 7030 governing noise.

**6.27.15 Electrical Codes and Standards**

All Community Solar Energy Systems and accessory equipment shall comply with the National Electrical Code and other applicable standards. Photovoltaic solar energy system components must

have an Underwriters Laboratory (UL) listing or other third-party certification provided by an American National Standards Institute accredited organization.

**6.27.16 Minnesota State Building Code**

All Community Solar Energy System structures shall comply with the International Building Code as adopted by the State of Minnesota Building Code.

**6.27.17 Maximum Height**

Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.

**6.27.18 Glare**

All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or site screening, berming, or buffering. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the Township determines that such glare constitutes a nuisance, the Township shall require a more detailed glare study –prepared by a third-party consultant mutually acceptable to the Township and applicant – to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.

**6.27.19 Setbacks**

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

**6.27.20 Security Fencing**

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

**6.27.21 Screening**

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

**6.27.22 Application requirements**

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

**A. General information** regarding the proposed project including, but not limited to, the following:

1. The names of project applicant.

2. The name of the project owner.
3. The legal description and address of the project.
4. Documentation of land ownership or legal control of the property.
5. A description of the project including: ownership or lease arrangement, the proposed installed maximum capacity, in kilowatts, for the site, proposed type of mounting and racking systems, along with manufactures specifications or engineering designs for mounting and racking, the method of connecting the system to the electric load; the types of panels that will be installed.
6. Glare Study
7. A copy of the interconnection agreement with the local electric utility
8. Decommissioning Plan
9. Landscape and Screening Plan
10. Existing vegetation (list type and percentage of coverage) and soils information for the proposed site

**B. A site plan drawn to scale of existing conditions** showing the following:

1. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
2. Existing public and private roads, showing widths of the roads and any associated easements
3. Location and size of any abandoned wells, sewage treatment systems and dumps
4. Existing buildings and any impervious surface
5. Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the zoning administrator. A contour map of the surrounding properties may also be required
6. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
7. Waterways, watercourses, lakes and public water wetlands
8. Delineated wetland boundaries
9. The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
10. Floodway, flood fringe and/or general flood plain district boundary, if applicable
11. The shoreland district boundary, if any portion of the project is in a shoreland overlay district
12. In the shoreland overlay district, the ordinary high-water level and the highest know water level

13. In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
14. Mapped soils per the Hubbard County Soil Survey
15. Surface water drainage patterns

**C. Site Plan drawn to scale of proposed conditions** showing the following:

1. Location and spacing of solar panels
2. Location of access roads
3. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
4. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
5. Proposed erosion and sediment control measures as required in *Section 6.09 of this Ordinance*.
6. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any)
7. Proposed location and type of fencin
8. Surface water drainage pattern
9. Location of county and private tile drainage systems (if any)
10. In use wells and sewage treatment system
11. Abandoned wells, sewage treatment sites and dumpsite
12. All other characteristics requested by the Township

**D.** Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;

**E.** The number of panels to be installed;

**F.** A description of the method of connecting the array to a building or substation;

**G.** A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;

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

**I.** Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT)

for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.

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

**6.27.23 Standards for Solar Energy Systems, Accessory.**

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

**6.27.24 Accessory Building Limit**

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

**6.27.25 Height**

Active solar systems are subject to the following height requirements:

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

**6.27.26 Location within Lot**

Solar systems must meet the accessory structure setback for the zoning district.

- A. Roof-mounted Solar Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
- B. Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.

**6.27.27 Stormwater management**

Shall meet the requirements of *Section 7.25 of Hubbard County Ordinance*.

**6.27.28 Erosion and sediment control**

Shall meet the requirements of Section 6.09 of this Ordinance.

### **6.27.29 Approved Solar Components**

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

### **6.27.30 Compliance with State Electric Code**

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

### **6.27.31 Utility Notification**

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

## **6.28 Temporary Structure during Construction**

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

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

## **6.29 Traffic Visibility**

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

## **6.30 Trash Enclosures**

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

## **6.31 Water Pollution**

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

## **7.0 SPECIFIC PERFORMANCE STANDARDS**

### **7.01 Accessory Structures Residential**

- 7.01.01** Residential accessory structures may be erected as a part of the principal structure or may be connected to it by a roofed-over-porch, patio, breezeway or similar structure or it may be completely detached. If attached to the principal structure, a residential accessory building shall be structurally a part of it and shall comply in all respects with the requirements applicable to the principal structure.
- 7.01.02** No residential accessory structure shall be less than fifteen feet [15 feet] from the principal residential building on the lot.
- 7.01.03** All residential accessory structures, except those located in a Residential Manufactured Home District, shall comply with the following standards:
- A.** Except as provided for in *Item B* below of this Ordinance, the maximum residential accessory building area shall be five (5) percent of the total lot area.
  - B.** One garage of up to nine hundred (900) square feet, whether detached or attached to the principal residential structure, shall not be considered in the calculation of the cumulative residential accessory building area. However, an attached garage shall not exceed the square footage of the outside dimension of the principal residential structure.
  - C.** All setback and building height requirements shall be met
  - D.** Semi-trailers, cargo containers, railroad cars, and manufactured homes shall not be used for storage.
  - E.** No residential accessory building shall be used as a residential dwelling unit. No commercial use or commercial related storage is allowed in this structure, except as otherwise allowed with the operation of a home business.
  - F.** Decks are not allowed on any detached accessory structures.
  - G.** Sewage treatment shall be provided for the accessory dwelling unit in accordance with Hubbard County Sanitary Ordinance rules and regulations, as amended.
  - H.** An accessory dwelling unit and its supporting parking area shall be served by the same driveway and access that serves the principal single-family dwelling.
  - I.** Design and Appearance:
    - 1.** The exterior design of an accessory dwelling unit shall incorporate a similar architectural style, roof pitch, colors, and materials as the principal single-family dwelling on the lot.
    - 2.** Attached accessory dwelling units shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling.
    - 3.** Detached accessory dwelling units shall be situated in such a way as to minimize its visibility from adjacent streets and properties.
    - 4.** All related aesthetic matters including architecture and landscaping shall be subject to review by the Zoning Administrator and/or the Town Board.



- J. An accessory dwelling unit shall not be subdivided nor otherwise segregated in ownership from the principal single-family dwelling.
  - K. The accessory dwelling unit shall comply with all other local and state regulations.
  - L. Additional conditions may be imposed to ensure that the proposed use is compatible with the surrounding land uses.
- 7.01.04** In the RR (Rural Residential) land use district, the height of a residential accessory structure shall be no higher than twenty (20) feet.
- 7.01.05** Semi-trailers, cargo containers, railroad cars, playhouses, may not be used as an accessory structure for storage or habitation.

**7.02 Agricultural Standards**

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

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

**7.03 Bed & Breakfast / Boarding Homes Standards**

### **7.03.01 Standards**

Bed and Breakfast Inns shall comply with the following standards:

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

### **7.03.02 License Required**

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

## **7.04 Cemeteries**

### **7.04.01 Standards**

A cemetery shall be subject to the following standards:

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

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

## 7.05 Churches and Schools

### 7.05.01 Standards

A church shall be subject to the following standards:

- 7.05.02 The facility shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- 7.05.03 The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- 7.05.04 A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- 7.05.05 The grounds and all structures shall be maintained in a clean and safe manner.
- 7.05.06 To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- 7.05.07 Any kitchen facilities must meet Department of Health standards.
- 7.05.08 The applicant may be required to provide evidence that applicable local, state or federal requirements for fire safety, building codes, sewage treatment, drinking water safety, hazardous waste, chemical storage or other requirements have been, or will be, met.
- 7.05.09 The Township may require an emergency shelter and/or evacuation plan sufficient for the expected number of persons that may be on the site at any one time.
- 7.05.10 Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- 7.05.11 Signs shall meet the requirements of *Section 9 of this Ordinance*.

## 7.06 Contractors Yard

### 7.06.01 Standards

A contractor's yard shall comply with the following standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class or roadway if the responsible road authority grants written permission for such use at the proposed location.

- B. Buildings, parking areas, loading areas and exterior storage shall meet the setback requirements of this Ordinance.
- C. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- D. Signs shall meet the requirements of *Section 9 of this Ordinance*.
- E. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Section 7.23 of this Ordinance*.
- F. Off-street parking shall be provided for any non-resident employees.
- G. The outdoor storage of goods, equipment or other materials used for the contractors' yard may be allowed, subject to *Section 7.23 of this Ordinance*.
- H. No more than four (4) employees may be engaged in the conduct of the contractors' yard at any one time on a regular basis. This does not include employees who are on-site only to pick up and drop off equipment and materials.
- I. There may be a maximum of twenty (20) commercially licensed motorized vehicles associated with the Contractors' Yard (including trucks and trailers.)
- J. Crushing and/or screening of gravel, recycled asphalt pavement or recycled concrete shall meet the requirements of *Section 7.20 of this Ordinance*.

**7.07 Commercial Standard**

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

## 7.08 Community Centers

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

## 7.09 Domestic and Farm Animals

### 7.09.01 Domestic Animals

For purposes of this Section, domestic animals shall be defined as house pets such as dogs, cats, traditional and typical animal pets, non-poisonous/non-venomous reptiles and birds (not including pigeons, chickens, geese, turkeys or other domestic fowl) which can be contained within a principal structure throughout the entire year, if the containment can be accomplished without special modification to the structure (including attached garages) requiring a permit from the township. In addition, it includes up to ten (10) rabbits normally sheltered outside the home.

- 7.09.02** The keeping of domestic animals is an allowed use in all zoning districts.
- A. The keeping of two domestic animals is allowed on properties less than two acres within all zoning districts.
  - B. The keeping of three or more domestic animals is an allowed use on properties no less than two acres in size within all zoning districts.

### 7.09.03 Farm Animals

For purposes of this Section, farm animals shall be defined as cattle, hogs, horses, rabbit (more than ten on a property), mink, ferret, miniature/pot-belly pigs, bees, sheep, goats, deer, buffalo, elk, chickens, guinea hens, ducks, pigeons, geese, turkeys, peacocks, ostrich, and other animals traditionally and commonly accepted as farm animals in the State of Minnesota.

The following additional definitions shall also apply:

Fowl/Poultry, Large: Geese, turkeys, peacocks, ostrich

Fowl/Poultry, Small: Chickens, guinea hens, ducks, pigeons, parrots and other birds.

Mammals, Large: Cattle, hogs, horses, sheep, goats, deer, buffalo, elk

Mammals, Small: Rabbit, mink, ferret, miniature/pot-belly pigs

- A. The keeping and maintaining of farm and domestic animals, including livestock and horses, shall be an allowed use without permitting within the Agricultural land use district and on sites qualifying as farms in all other zoning districts, except that any keeping of animals resulting in a feedlot as defined in state or county law shall be subject to county or state feedlot regulations.
- B. In the Rural Residential land use district, farm animals shall be allowed as follows (animals less than four (4) months of age or that otherwise are unable to survive independently of their parent(s) shall not count towards applicable animal number limits):

| Type of Animal   | Allowed Use (no permitting required)  | Interim Use permit required*  |
|--|---|---|
| Bees   | Lots less than 5 acres: Prohibited  | Lots less than 5 acres: Prohibited<br><br>Lots 5 acres or greater in size: Any requested number of bees, up to a maximum of 20 hives.   |
| Small Fowl/Poultry   | 1 per 14 sq ft of fenced area, up to 5 animals* except that no roosters shall be permitted. | 1 per 12 sq ft of fenced area, up to 10 animals* except that no roosters shall be permitted.  |
| Large Fowl/Poultry   | 1 per 26 sq ft of fenced area, up to 2 animals*   | 1 per 26 sq ft of fenced area, up to 4 animals*   |
| Large Mammals  | Lot less than 10 acres: Prohibited  | Lots less than 10 acres: Prohibited<br><br>Lots 10 acres or greater in size: Any requested number of large mammals, up to a maximum of 10 animal units (as defined in MN Rules 7020.0300, Subp. 5, or successor statute). |
| Small Mammals (except pigs)  | 1 per 10 sq ft of fenced area, up to 3 animals*.  | 1 per 10 sq ft of fenced area, up to 6 animals*.  |
| Miniature/Pot-Belly Pigs   | 1 per 200 sq ft of fenced area, up to one animal* or in a dwelling                          | 1 per 200 sq ft of fenced area, up to 2 animals* or in a dwelling.  |
| * The number of animals allowed shall increase by one (1) for each full half-acre of land above two acres. |   |   |

C. Performance Standards for the Keeping of all Farm Animals

1. Containment Required: Farm animals that are running at large or are otherwise uncontained within a building or shelter shall not be permitted.
2. Setback Required:
  - a) Buildings and structures containing farm animals shall be setback a minimum of 50 feet from side and rear property lines and shall meet front setbacks as required for structures.
  - b) Fenced areas containing farm animals shall be setback a minimum of 20 feet from side and rear lot lines and shall meet front setbacks as required for structures.
3. Disposal of Animal Feces. A property owner shall clean and properly dispose of animal feces on a daily or weekly basis, or as necessary to ensure that odors do not become a nuisance to any nearby property owner or the public. The Township Zoning Administrator, or Town Board, may require the submittal and implementation of a manure management plan.
4. Noise. No owner shall permit any animal under his or her custody or control to create a nuisance by way of crying, howling, screeching, growling or other vocalization.
5. Maintenance of facilities/enclosures. All facilities, buildings or other enclosures for the housing of small animals shall be constructed of material appropriate for the animal involved, contain and restrain the animal they are designed or built to contain without causing injury to, or depriving the animal of necessary environmental elements, and be maintained in good repair.

7.10 **Drive-in Business**

**7.10.01 Standards**

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

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

- G. Parking shall meet the requirements of *Section 6.21 of this Ordinance*
- H. Signs shall meet the requirements of *Section 9 of this Ordinance*.

## 7.11 Eating and Drinking Establishments

### 7.11.01 Standards

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

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

### 7.11.02 License Required

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

## 7.12 Gasoline Stations and/or Convenience Stores

### 7.12.01 Performance standards

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

- A. The parcel shall have a lot area no less than four (4) times the area of the building footprint.
- B. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- C. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.
- D. A minimum landscape buffer of twenty-five (25) feet in width shall be planted and maintained along all abutting public rights-of-way.
- E. There shall be no hazardous material runoff.



- F. Wherever fuel pumps are installed, pump islands shall be installed.
- G. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- H. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste onsite and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- I. Only vehicles owned by employees or customers awaiting service can be parked on site. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- J. The storage of salvage vehicles is prohibited.
- K. Any outdoor lighting system shall be designed to prevent any light from being directly visible from a public right-of-way or an adjacent use and meet the requirements of *Section 6.15 of this Ordinance*.
- L. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance of *Section 7.23 and 7.28 of this Ordinance*.
- M. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.
- N. The grounds and all structures shall be maintained in a clean and safe manner.
- O. Signs shall meet the requirements of *Section 9 of this Ordinance*.

### 7.13 Golf Courses

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

- A. Storage of pesticides and fertilizers shall follow the standards of The Minnesota Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.
- B. Accessory uses shall be limited to a driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters and cart storage facilities.
- C. Golf courses shall be designed with environmental resources in mind. Performance standards to this effect include:
  - 1. Water recycling and conservation through on-site storage and use facilities;
  - 2. Use of landscaped buffers and other best management practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies;
  - 3. Use of landscaping and careful layout of golf course to preserve and enhance wildlife habitat though preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.
- D. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities in accordance with *Section 6.26 of this Ordinance*.
- E. Parking shall meet the requirements of *Section 6.21 of this ordinance*.

- F. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- G. Signs shall meet the requirements of *Section 9 of this ordinance*.
- H. A caretaker residence may be allowed. The residence shall be used strictly for the caretaker and his/her family members. The caretaker residence shall be accessed via the access road to the golf course.
- I. Screening for waste disposal will be required for all waste streams.
- J. All golf course services shall also have compliant sanitary facilities and well facilities.
- K. Any outdoor lighting system shall be designed to prevent any light from being directly visible from a public right-of-way or an adjacent use and meet the requirements of *Section 6.11 of this Ordinance*.
- L. Hours of business will be approved as part of the permit.
- M. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance of *Section 7.23 and 7.28 of this Ordinance*.
- N. The grounds and all structures shall be maintained in a clean and safe manner.

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

#### 7.14 Grocery Stores

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

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

- J. Screening in accordance with *Section 6.26* for waste disposal will be required for all waste streams.

## **7.15 Rural Tourism and Event Centers**

7.15.01 Standards. Rural Tourism and Event Centers shall be subject to the following standards:

- A. Rural Tourism and Event Centers shall require an interim use permit.
- B. Rural Tourism and Event Centers shall be located on a parcel, or combination of adjacent parcels under common ownership, of at least twenty acres in size.
- C. Large scale events and gatherings held inside a building must be associated with an outdoor agricultural or rural outdoor activity, or be seasonal or part-time in nature, and shall be limited to gatherings of no more than 300 persons at any one time, unless specifically approved otherwise by the Township. The Township may require an emergency shelter and/or evacuation plan sufficient for the expected number of persons that may be on the site at any one time.
- D. The use must not create an excessive number of events or activities that would be incompatible with the surrounding area or land use due to:
  - 1. Excessive demand upon emergency service providers or public services or amenities;
  - 2. Inadequate screening or separation by distance to prevent negative impacts on nearby properties associated with trespass, noise, dust, vibration, glare, odor, pollution, stormwater runoff or other nuisance characteristics;
  - 3. Traffic hazard or undue congestion.
- E. Overnight camping associated with commercial events at the site shall not be allowed.
- F. Any associated food provided at the site shall be catered, or pre-packaged. On-site food preparation or alcohol service may be allowed by the Township subject to the applicant providing evidence that all required local, state or federal permits and licenses have been obtained and are current.
- G. The facility shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- H. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- I. The grounds and all structures shall be maintained in a clean and safe manner.
- J. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings and exterior materials shall be compatible with those used in the immediate neighborhood.
- K. The applicant may be required to provide evidence that applicable local, state or federal requirements for fire safety, building codes, drinking water safety, hazardous waste, chemical storage or other requirements have been, or will be, met.

- L. The on-site subsurface sewage treatment system (or other approved system) meets local and state design requirements and with the approval of Hubbard County and sufficient land is permanently set aside for a replacement subsurface sewage treatment area for the future.
- M. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- N. Signs shall meet the requirements of Section 9 of this Ordinance.

**7.16 Home Business Standards**

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

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

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

**7.17 Home Occupation Standards**

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

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

**7.18 Kennels, Commercial**

- 7.18.01 Standards. A commercial kennel may be allowed as a conditional use subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following standards:
  - A. Information to be submitted with Conditional Use Permit Applications

1. Species and maximum number of animals that will be at the site and for commercial breeding kennels, the number of unsterilized females that will be housed permanently at the facility;
2. A dead animal disposal plan in conformance with Minnesota Rules, Sections 1719.0100 to 1719.4600; *or successor rules*;
3. A site plan identifying the location and size of the lot and of all existing and proposed physical or structural improvements, such as buildings, dog runs and/or outside exercise areas, parking areas, food storage areas, watering facilities, wells, septic systems and other improvements;
4. A waste disposal plan, including how the owner will handle on-site kennel wash water. All applicants shall provide proper drainage for indoor and outdoor facilities. All applicants shall show existing and proposed surface drainage in relation to adjacent land owners and features.
5. The name, address and phone number of the kennel operator and the name, address and phone number of the property owner, if different than the kennel operator.
6. The number of employees and the approximate time periods per week employees will be overseeing kennel operations.

**B.** The following standards shall apply to all commercial kennels:

1. The use shall comply with all applicable Federal, State and County rules and regulations.
2. All animals shall be treated humanely always.
3. All dogs over six (6) months of age shall be exercised daily.
4. No animals on the kennel site shall be debarked.
5. The owner/operator of the kennel shall operate the kennel as to not unreasonably disturb the peace and quiet of neighboring residents.
6. Structures used for animal confinement require a minimum one hundred (100) foot setback from any property line and five hundred (500) feet from any residential dwelling, other than the applicants, that exists at the time of application.
7. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
8. Kennel facilities shall be designed to accommodate seasonal extremes including adequate heating, ventilation and lighting;
9. Confinement areas must be maintained at a temperature suitable for the specific breed of animal, but in no case, shall the temperature for indoor housing facilities be allowed to fall below fifty (50) degrees Fahrenheit for animals not acclimated to lower temperatures.
10. Different species of animals shall not be housed together unless they are compatible.
11. Animals with vicious dispositions shall be housed apart from other animals.

12. An indoor confinement area must be ventilated. Drafts, odors and moisture condensation must be minimized.
13. Indoor confinement areas must have at least eight (8) hours of illumination (natural or artificial) sufficient to permit routine inspection and cleaning.
14. Enclosures must be of sufficient size to allow each animal to turn about fully and to stand, sit and lie in a comfortable, normal position. The enclosure shall be constructed to prevent injury to the animal being confined. Except for traditional sled dog species, chaining or tethering shall not be used for confining animals.
15. Adequate storage and refrigeration must be provided to protect food supplies from contamination and deterioration.
16. All animals must be fed at least once a day with clean, wholesome food, such as food certified by the Association of American Feed Control Officials, sufficient to meet the normal daily nutritive requirements for the animal's size age and condition.
17. Clean, potable water must be made available to all animals at least twice daily for periods of not less than one hour. All feeding and watering receptacles must be kept clean and sanitary.
18. Females in estrus must not be confined in the same enclosure with males except for breeding purposes. Animals used for breeding must be of compatible size and only one (1) male and one (1) female may be confined in a primary enclosure for breeding.
19. Animals affected with any clinical evidence of infections, contagious or communicable disease must be separated from other animals.
20. The owner of the kennel shall establish and maintain an effective program for the control of insects, echo-parasites, rodents and other pests.
21. All kennels shall be subject to periodic inspection by Township staff or their designated agents.
22. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, wind, rain, snow and cold weather.
23. Kennel facilities shall be adequately drained and maintained in a healthful manner to prevent odors, diseases and vermin infestations. Kennel facilities must be cleaned and disinfected as often as necessary to maintain a clean and sanitary condition.
24. Signs shall meet the requirements of *Section 7.29 of this Ordinance*.
25. Commercial kennels with twenty-five (25) or more animals, including those that are in existence at the date of adoption of this Ordinance, shall be licensed by the State. Owners or operators of existing commercial kennels with twenty-five (25) or more animals shall obtain an Interim Use Permit from the Zoning Department by December 31, 2018.

- C. The following standards shall apply to all commercial kennels where breeding of animals is the primary use and animals are not taken in for boarding, or where breeding and boarding both occur:
1. No more than forty (40) animals over six (6) months of age may be kept on a breeding kennel property, including no more than ten (10) unsterilized female animals over six (6) months of age.
  2. Female animals in estrus must be separated from male animals except for breeding purposes. Animals used for breeding must be of compatible size and only one (1) male and one (1) female may be confined in a primary enclosure for breeding. Animal young shall be separated from adult animals' other than their mothers.
  3. Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia and adequate veterinary care under the supervision of a doctor of veterinary medicine. Euthanasia shall be performed by a doctor of veterinary medicine.
  4. The following conditions make an animal unfit for sale or release, other than to the previous owner:
    - a) Obvious signs of infectious disease
    - b) Obvious signs of nutritional deficiencies
    - c) Obvious signs of severe parasitism
    - d) Fractures
    - e) Blindness; and
    - f) Serious congenital abnormalities
- D. Animals determined to be unfit for sale or release shall be isolated and treated by a licensed veterinarian or euthanized by a doctor of veterinary medicine in a humane manner. If treatment for the conditions described in *Section 6.32 C (4) of this Ordinance* brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.
- E. The owner or operator of a kennel shall maintain the records required by *Minnesota Rules, part 1720.1560; or successor rules*.
- F. The following standard shall apply to all commercial kennels where boarding of animals is the primary use and animals are not kept for breeding purposes:
1. No more than forty (40) animals of any age may be kept on a boarding kennel property.

### 7.19 **Manufactured Home Parks**

In addition to meeting all State and Federal regulations, the following uses are permitted within a manufactured housing park:

- 7.19.01** All Manufactured Housing Parks must meet any required federal and state regulations.
- 7.19.02** One [1] house per park site for single-family occupancy.
- 7.19.03** Accessory structures with a combined square footage not exceeding five hundred seventy-six square feet [576 square feet] per park site.



- 7.19.04 Public or private parks and their incidental structures.
- 7.19.05 Manufactured housing park community building (which may include caretaker's office, recreation area, storm shelter, laundry facilities, and similar features for the use and convenience of park residents).
- 7.19.06 Garage or storage structure for manufactured housing park residents.
- 7.19.07 Home occupations under an Interim Use Permit.
- 7.19.08 Semi-trailers, cargo containers, railroad cars, playhouses, may not be used as an accessory structure for storage.

## 7.20 **Mining**

All Extractive Uses and or Mining operations, whether they are in operation at the time of the ordinance adoption or are proposed, including regularly established non-conforming pits, shall follow the minimum standards set forth in this Section for Todd Township. Mining operations shall include the extraction of sand, gravel, rock, soil, other materials from the land, pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities.

### 7.20.01 **Required Permits**

- A. When permitted as an interim use in any applicable zoning district, mining operation may be allowed as an interim use subject to the procedures set forth in *Section 3.16 of this ordinance*, unless otherwise provided for in *Section 7.20.1 B of this ordinance*.
- B. In lieu of an interim use permit, property owners outside of any shoreland or floodplain overlay district may secure an administrative mining permit from the zoning administrator with approval of the Town Board, provided all the following conditions are met:
  1. A maximum of ten thousand (10,000) cubic yards of material shall be removed from the mining operation;
  2. The mining operation will be commenced, completed and rehabilitated within a six (6) month period.
  3. Only one (1) administrative mining permit may be issued in any quarter-quarter Section of land.
  4. The Todd Township Zoning Administrator may impose conditions for the issuance of the administrative mining permit.

### 7.20.02 **Operations Regulated**

Operations regulated by this Section shall be the mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals, and the removal thereof from the site. Operations not regulated by this Section shall include the following:

- A. The removal of materials associated with the construction of a building or subsurface sewage treatment system permitted by the zoning office;
- B. The removal of materials in accordance with the development of approved plats, and the site preparation for utilities or highway construction;

- C. The construction, modification or expansion of animal feedlots and manure storage areas, structures or facilities authorized by the Minnesota Pollution Control Agency or the zoning office;
- D. Sod harvesting or removal;
- E. Wildlife ponds constructed in accordance with *Minnesota Rules, chapter 8420; or successor rules.*

**7.20.03 Application requirements**

The following information shall be provided by the person requesting an interim use permit for a mining operation(s):

**A. Part One: General Information**

- 1. The name and address of the applicant.
- 2. The name and address of the owner of the land.
- 3. The address and legal description of the land involved in the application
- 4. The total area, in acres, of the land to be affected by the project. Include areas for future expansions, stockpiling, processing, haul roads, settling basins, berms, topsoil storage areas and parking areas
- 5. List other permits necessary for this project, indicate their status and provide a copy for the zoning office.
- 6. The owner shall not, at any time, have any delinquent taxes, owed on the pit area.

**B. Part Two: Pre-mining Conditions**

- 1. Describe current land uses within one-half mile of the project area.
- 2. Indicate if the project area is located within one thousand (1,000) feet of the shoreline of a lake or within five hundred (500) feet from the bank of a watercourse.
- 3. Indicate the observed or estimated groundwater elevation in the project area and reference that depth to a permanent benchmark. An elevation benchmark shall be established in an area not to be disturbed by the mining operation.
- 4. The following maps of features within one hundred (100) feet of the site, drawn at a scale of one (1) inch to one hundred (100) feet and one reproducible 11"x17" copy, unless otherwise provided in this Section:

**a) Map A – Existing Conditions**

- 1) Contour map with two (2) foot intervals.
- 2) Existing vegetation.
- 3) Wetlands and existing surface water drainage patterns.
- 4) Existing structures and their present uses.
- 5) Existing wells on subject property and neighboring properties.

**b) Map B – Proposed Operation**

- 1) Future structures.
- 2) Location of sites to be mined, including depth of proposed excavation.
- 3) Location of machinery to be used in the mining operation.
- 4) Location of storage of mined materials, showing maximum height of storage deposits.
- 5) Location of vehicle parking, access roads and local routes to truck routes.
- 6) Location of storage areas for explosives.
- 7) Erosion and sediment control structures.
- 8) Cross-Section sketch of the proposed mining operation.
- 9) Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.

**c) Map C – End Use Plan**

- 1) Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
  - 2) Location and species of vegetation to be replanted.
  - 3) Reclamation staging plan.
5. A soil erosion and sediment control plan.
  6. A plan for dust and noise control.
  7. A complete description of all phases of the proposed operation to include an estimate of duration of the mining operation, location and approximate acreage of each stage and time schedule for reclamation.
  8. The highway, street or streets or other public ways in the county and Todd Township upon, and along which, any material is to be hauled or carried along with a signed written agreement for repair of road annually if use damages said haul roads.
  9. A security statement by the applicant demonstrating the proposed activity will in no way jeopardize the public health, safety and welfare or is appropriately fenced to provide adequate protection.
  10. A statement by the applicant for compliance with all conditions of the interim use permit.
  11. A written right-of-entry given to the zoning office to enter the land to determining compliance, at any time, with all applicable conditions imposed on the operation.

**C. Part Three: Mitigating Impacts**

1. List the air, land and water resources that may be impacted by this project, identify impacts and describe measures that will be taken to mitigate those impacts, including, but not limited to noise, volatile organic compounds (VOC), dust and particulate matter.
2. Describe measures that will be taken to screen the operation from view of surrounding land uses or an explanation of why such measures are not needed.
3. Describe erosion and sediment control practices that will be used during mining. If no measures will be used, explain why none are needed.
4. If required by the zoning office, provide copies of any air, water or soil monitoring conducted for any other local, state or federal agency.

**D. Part Four: Description of Mining Activities**

1. Proposed Mining Methods
  - a) Describe the sand and gravel products that will be mined from the project area.
  - b) Describe how the sand and gravel will be mined and what equipment will be used.
  - c) Describe how the material will be transported from the site, the proposed route of transport and the ultimate destination.
  - d) Describe the methods that will be used to retain topsoil.
  - e) Estimate the volume of material in cubic yards to be mined in the period covered by this permit.
  - f) List the months, days and hours in which mining activities are expected to occur.
  - g) Describe the methods used to control dust on haul roads.
  - h) Describe the plans for mitigating dust and noise control on site.
  - i) Identify the number of employees expected to work at the site and the facilities that will be provided.
  - j) Describe dewatering activities and estimate the volume of water to be discharged from the site
2. Proposed Processing Methods:
  - a) Describe the processing methods that will be used at the site.
  - b) List the proposed hours of operation for the processing facilities.
  - c) Describe the volume of water needed for gravel washing activities and the source of the water.
  - d) Describe how chemical substances will be stored on the site.
3. Part Five: Staging of Operations
  - a) Describe the projected life of the operation, including beginning and ending of operations and any phases or stages.

- b) Describe the progressive reclamation activities that will occur over the life of the operation.
- c) Describe the methods that will be used at the cessation of seasonal operations to stabilize slopes from erosion.
- d) Describe the interim reclamation methods that will be used if the site will become inactive at the close of current operations for unspecified periods of time.

4. Part Six: Proposed Reclamation

- a) Describe the proposed reclamation, including final slopes, high wall reduction, benching, terracing and other structural slope stabilization measures.
- b) Describe anticipated topography, water impoundments, artificial lakes and future land use of the site.
- c) Describe plans for the disposal of surface structures, roads and related facilities after completion of mining.
- d) Describe the methods proposed for the disposal or reclamation of oversize and undersize materials.
- e) Describe or attach a copy of a seeding plan that includes methods of seedbed preparation, seed mixtures, seeding rates, mulching and other techniques needed to accomplish site stabilization.
- f) Describe long-term maintenance needed to support reclamation.
- g) Provide an estimate of the reclamation cost of each phase of the project or the entire site if phasing is not planned.

**7.20.04 Performance Standards**

The following performance standards shall apply to all mining operation approved after the effective date of this ordinance:

- A. General Provisions: All equipment used for mining operation shall be constructed, maintained and operated in a manner as to minimize, as far as practical, noise, dust and vibrations adversely affecting the surrounding property. Additionally, the excavation shall be properly gated and fenced where applicable.
- B. Water Resources: The mining operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the mining operation.
- C. Safety Fencing: Safety fencing may be required around all or portions of the mining operation at the discretion of the Town Board. However, any mining operation(s) adjacent to a residential zone, or within three hundred (300) feet of four (4) or more residential structures, shall adhere to the following standards:
  - 1. Where collections of water occur that are one and one-half (1 ½) feet or more in depth exist for any period of greater than seven (7) consecutive days and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or similarly effective barrier of at least four (4) feet in height with support posts

spaced no farther apart than ten (10) feet. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of seven (7) days or more, access to such slopes shall be barred by a fence or some similarly effective barrier of at least four (4) feet in height with support posts spaced no farther apart than ten (10) feet.

2. As an alternative to the fencing requirements of *Section 6.11 of this Ordinance*, the entire perimeter of the property on which a mining operation is located may be fenced or protected by some other similarly effective barrier of at least four (4) feet in height with support posts spaced no farther apart than ten (10) feet.

- D. Mining Access Roads:** The location of the intersection of mining access road access any public roads shall be selected such that traffic on the access roads will have a sufficient distance of public road in view so that any turns onto the public road can be completed within a margin of safety as determined by the applicable road authority. Access roads connecting to public roads shall be sufficiently wide to accommodate two-way hauling traffic. A truck staging area shall be provided on the applicant's property. Trucks shall not queue on public roads while waiting to load or unload. Ingress and egress points from or onto any public road or highway shall be clearly signed "TRUCKS HAULING" advising traffic in both directions of this activity. Intersections of public roads with access roads shall be maintained by the mine operator, and shall be kept clean and free from excessive mud, debris or asphalt tracked out from the mining site. Intersections of public roads with access roads shall be repaired by the mine operator if the public road surfaces or shoulders in the mining area have broken down due to repeated traffic by mining trucks or equipment. Turn lanes shall be constructed on public roads at the entrance to the mining site if determined necessary by the appropriate road authority. The need for road improvements, maintenance or repair will be determined by the Minnesota Planning & Zoning office of Transportation in the case of state highways; by the Hubbard County Public Works Director in the case of county roads; and by the Todd Township Board of Supervisors, their road authority or their designated representative in the case of township roads.
- E. Screening Barrier:** To minimize problems of dust and noise and to shield mining operation from public view, a screening barrier may be required between the mining site and adjacent properties or public roads. If a screening barrier is required by the Town Board, the barrier shall be maintained between the mining site and any public road within five hundred (500) feet of any mining or processing operations. The screening barrier shall be planted with a type of fast growing trees agreed upon between the applicant and the zoning office. In all cases, existing trees and ground cover along a public road and property line shall be preserved and maintained for the depth of the setback, except where traffic safety requires cutting and trimming or except where alteration or destruction of the trees and/or ground cover is necessary for an approved reclamation plan.
- F. Setbacks:** The following setback requirements shall apply to mining operation:
1. The processing of mined materials shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit.

2. Unless approved in writing between the affected property owner and the mining operator, mining of any materials shall not be conducted closer than two hundred (200) feet of any residential dwelling unit or residential zoning district boundary.
  3. Unless approved by the Town Board, mining of any materials shall not be conducted closer than fifty (50) feet to any property line.
  4. Unless approved in writing by the applicable road authority, mining of any materials shall not be conducted within fifty (50) feet of any public road right of way. All new mining operation, *subject to Section 3.16 of this Ordinance*, shall be setback fifty (50) feet from any public road right of way.
  5. Mining operations are not allowed in shoreland districts.
- G. Hours of Operation: All hours of operation shall be set in the Interim Use Permit as approved by the Todd Township Board.
- H. Barriers: A pit shall have a barrier controlling access and such barriers shall be clearly visible to prevent safety hazards to members of the public. The use of cable, chain or similar barrier is prohibited. The control barrier shall deny access when the pit is not in operation.
- I. Waste: No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of on the site.
- J. Access Roads: All access roads from mining operation to public highways, roads or streets or to adjoining property shall be paved or otherwise maintained to control dust. Ingress and egress access points from or onto any road or highway shall be clearly signed and those signed access points shall be utilized. Precautions must be taken to minimize the deposit of materials from trucks onto public roads. All road weight limits and other road restrictions placed in effect by the local road authority shall be observed.
- K. Utility Easements: All utility line easements shall be observed and any encroachment in to the utility right-of-ways shall only be permitted with the written approval of the utility.
- L. Vertical Faces: Vertical faces shall be kept to a minimum except during actual mining.
- M. Weeds: Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as necessary to preserve a reasonably neat appearance, to prevent seeding on adjoining property and to comply with the requirements of *Minnesota Statutes, Section §18.191; or successor statutes*.
- N. Complaints: Complaints regarding mining operations shall be forwarded to the Township Zoning Office for processing. The zoning administrator shall make timely investigation of complaints and shall endeavor to resolve complaints utilizing such dispute resolution process as may be developed by the township.
- O. Signage: An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Signs required by this Section

shall be clearly visible from the public road and shall conform to the signage requirements of *Section 9 of this Ordinance*.

#### **7.20.05 Land Reclamation**

All mining sites shall be reclaimed immediately after mining operations cease. Reclamation shall be completed within one (1) year. The following standards shall apply:

- A. Within a period of three (3) months after final termination of a mining operation, or within three (3) months after abandonment of such operation for a period of six (6) months, or within three (3) months after expiration of an interim use permit for a mining operation, all buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of, the mining operator last operating such buildings, structures and plants.
- B. The peaks and depressions of the mined area shall be graded and back-filled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding. Finished slopes shall be stabilized to minimize erosion due to rainfall.
- C. All trees, brush, stumps and any other debris removed for the sole purpose of operations shall be disposed of in a manner acceptable to the county local solid waste authority. In no case, shall vegetation from over a ten (10) acre area be kept on the property unless it is burned or buried.
- D. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operation cease.
- E. All haul roads must be restored to the road standards of the township.
- F. A pit shall be considered inactive and requiring reclamation when less than one-hundred (100) cubic yards of borrow material is excavated and removed per year for a two-year (2 year) period. The township or county may require the pit owner to supply evidence of pit usage.
- G. A performance surety, payable to Todd Township, shall be provided. The permit shall specify the amount and type of surety required. The surety shall be used to reimburse the township for any monies, labor and/or material expended to bring the operation into compliance with the conditions of the permit. The surety may be used after expiration of the permit and failure to execute a phase of a restoration plan specifically scheduled in the permit or ordinance. This option may be executed one hundred eighty (180) days after written notice of non-compliance to the applicant.

#### **7.21 Motor Vehicle Repair**

A motor vehicle repair facility may be allowed as a conditional use subject to the administrative provisions of *Section 3.13 of this Ordinance*, and the following standards:

- 7.21.01** The use shall comply with all applicable local, state, and federal, laws, rules, regulations and ordinances.
- 7.21.02** Buildings and vehicle storage areas shall meet the setback requirements of this ordinance.



- 7.21.03 There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- 7.21.04 Only vehicles owned by employees or customers awaiting service are allowed to be parked on site. Parking shall meet the requirements of Section 6.21 of this Ordinance.
- 7.21.05 The storage of salvage vehicles is only permitted when the salvage vehicles are stored in an area screened in accordance with the requirements of Sections 6.26 of this Ordinance. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways in accordance with Section 6.26 of this Ordinance.
- 7.21.06 Any outdoor lighting system shall comply with the requirements of Sections 6.12 and 6.15 of this ordinance.
- 7.21.07 The outdoor storage of hazardous materials shall be prohibited.
- 7.21.08 The grounds and all structures shall be maintained in a clean and safe manner.
- 7.21.09 An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- 7.21.10 Signs shall meet the requirements of Section 9 of this ordinance.
- 7.21.11 The owner or operator may be required to submit a financial guarantee to the Township to ensure compliance with the conditional use permit and the closure requirements.
- 7.21.12 The outdoor storage of motor vehicle parts is prohibited, unless the vehicle parts are stored in an area screened in accordance with the requirements of Sections 6.6.26 of this ordinance. Vehicle parts shall not be stored for a period longer than ninety (90) days in an area screened in accordance with the requirements of this section.

## 7.22 Outdoor Storage

### 7.22.01 Standards

An outdoor storage use shall comply with the following standards:

- A. The outdoor storage use shall be accessory to a limited rural business, an agriculturally oriented business, a contractor's yard, a commercial use or an industrial use.
- B. Outdoor storage areas shall meet all setback requirements of the underlying zoning district.
- C. Outdoor storage areas shall be limited to the rear or side yard locations and at no time, shall storage material extend beyond the front building line of the principal structure
- D. The grounds and any structures shall be maintained in a clean, orderly and safe manner.
- E. Hazardous materials cannot be stored in an open and outdoor storage area.
- F. Outdoor storage cannot be used for human habitation. This is inclusive of cargo containers or items of a similar nature determined to be used for storage.
- G. The storage area shall be fenced and adequately screened from adjacent land uses and public roadways in accordance with Section 6.26 of this Ordinance.

- H. Temporary outdoor storage used for removal of home furnishings, etc. are allowed if removed within a four-week period.

### 7.23 **Residential Standards**

- 7.23.01 All dwellings must have a minimum square footage of eight-hundred (800) square feet floor space.
- 7.23.02 Manufactured homes must be placed on a permanent foundation and meet all State standards and regulations.
- 7.23.03 Multi-Family Attached Housing Units are allowed if the following standards are met:
  - A. The use is specifically allowed in the land use district
  - B. The required side and rear yard setbacks for the dimensional area are doubled in that district.
  - C. There is enough buildable area after the sensitive resources are removed from the total land area within the parcel.
  - D. All on-site wastewater treatment regulations are observed.
  - E. All Minnesota Department of Health well rules and regulations are observed.
  - F. Off road parking is met per unit.

### 7.24 **Salvage Yards**

Salvage yards shall be a Conditional Use Permit in Todd Township. All salvage yards shall comply with applicable federal US-EPA standards and Minnesota rules and statutes including but not limited to Chapter 7045 regarding the management of hazardous waste.

All salvage yards within Todd Township shall meet the following minimum standards:

- 7.24.01 No materials shall be disposed of or placed in a wetland.
- 7.24.02 All uses shall have a minimum rear, side and road setback of one hundred feet [100 feet]. No activity except fencing, berms or other screening may take place in the setback area.
- 7.24.03 All such uses shall comply with the Hubbard County Solid Waste Ordinance as well as obtain all applicable state, federal, county and township permits.
- 7.24.04 All waste including batteries, tires and hazardous waste shall be kept on the property in a manner consistent with applicable MPCA and US- Environmental Protection Agency (EPA) regulations or disposed of in a manner acceptable to pertinent county, state or federal regulations.
- 7.24.05 Fencing, berms, and use of natural topography and/or vegetation pursuant to *Sections 6.10 and 6.26*. shall be provided to shield the view of any salvage materials from any surface waters, public recreational facilities, public roads, private residences, and any other structures.
- 7.24.06 Fire breaks and ingress and egress roads shall be reviewed by the appropriate Fire Department.
- 7.24.07 The salvage yard shall conform to all on-site wastewater treatment regulations as promulgated by the Hubbard County Sanitary Code and MN Pollution Control rules and regulations.

- 7.24.08 The salvage yard shall conform to all rules and regulations by the State Health Department regarding wells, including the sealing and abandonment of old and unused wells.
- 7.24.09 All access roads and bridges shall be able to handle traffic generated by the salvage yard as determined by the township or county engineer.
- 7.24.10 Salvage yards must comply with the sign standards stated in *Section 9* within this ordinance.
- 7.24.11 Off-road parking for the business will meet per township standards in Section 7.15.

## 7.25 Storage Facilities

### 7.25.01 Standards for a Storage Facility in an Accessory Agricultural Building

A commercial storage use in an accessory agricultural building shall comply with the performance standards in *Section 7.02.05 of this Ordinance* (Accessory Buildings– Agricultural), and the following additional standards.

- A. All materials shall be stored within the storage structure.
- B. The structure shall not be subdivided into storage units separated by walls or with separate entrances. Individual, separately locked units shall not be allowed.
- C. The storage structure and surrounding grounds shall be maintained in a clean, orderly and safe manner.
- D. Hazardous materials shall not be stored.
- E. Signs shall meet the requirements of *Section 9 of this Ordinance*.
- F. The site shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible road authority grants written permission for such use at the proposed location.
- G. The use shall comply with all applicable Federal, State and County rules and regulations.

### 7.25.02 Standards for a Storage Facility in a Commercial District

A commercial storage use in a Commercial or Industrial zoning district shall comply with the following standards.

- A. All materials shall be stored within the storage structure.
- B. The structure may be subdivided into storage units separated by walls or with separate entrances. Individual, separately locked units are allowed.
- C. The storage structure and surrounding grounds shall be maintained in a clean, orderly and safe manner.
- D. Hazardous materials shall not be stored.
- E. Signs shall meet the requirements of *Section 9 of this Ordinance*.
- F. The site shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class

roadway if the responsible road authority grants written permission for such use at the proposed location.

- G. The use shall comply with all applicable Federal, State and County rules and regulations.
- H. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- I. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste onsite and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- J. Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- K. All parking areas, loading areas and access drives to parking and loading areas shall be paved.
- L. Any exterior lighting shall comply with *Section 6.11 of this Ordinance*.
- M. The hours of operation shall not have an adverse impact on adjacent property owners.

## 7.26 **Warehousing, Storage, Distribution and Wholesale Facilities**

### 7.26.01 **Standards**

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. Application must be submitted by the Owner of said parcel.
- C. The use shall comply with all applicable local, state and federal laws, rules, regulations and ordinances.
- D. Buildings shall meet the setback requirements of the applicable zoning district.
- E. All loading and unloading facilities shall be located on the rear or side of the structure and be screened from view from residential uses.
- F. Outdoor storage areas may be allowed as an accessory use provided they are located to the rear or side of the structure, fenced and adequately screened from adjacent land uses and public roadways in accordance with *Sections 6.26 of this Ordinance*.
- G. A retail sales area may be allowed as an accessory use if sales are limited to the sale of goods produced on-site and the retail sales area does not occupy more than twenty (20) percent of the principal structure.
- H. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control and the impact of the facility on surrounding roadways.
- I. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste onsite and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.

- J.** Parking shall meet the requirements of *Section 6.21 of this Ordinance*.
- K.** All parking areas, loading areas and access drives to parking and loading areas shall be paved.
- L.** Any exterior lighting shall comply with *Section 6.11 of this Ordinance*.
- M.** The hours of operation shall not have an adverse impact on adjacent property owners.
- N.** Signs shall meet the requirements of *Section 9 of this Ordinance*.

## **8.0 NON-CONFORMITIES**

### **8.01 Nonconforming Uses, Structures and Lots**

All legally established non-conformities as of the date of this Ordinance may continue, but they will be managed according to applicable state statutes, this Ordinance and other regulations of the Township for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.

The following standards will also apply in all areas of the Township.

### **8.02 Nonconforming Uses in all Land Use Districts**

Any use existing on the effective date of this ordinance which is not in conformity with the standards contained in this ordinance shall only be allowed to continue subject to the following conditions:

- 8.02.01** No such use shall be expanded, enlarged or altered, including any increase in volume, intensity or frequency of use of the property where a nonconforming use exists.
- 8.02.02** A change from one nonconforming use to another nonconforming use is prohibited.
- 8.02.03** A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming.
- 8.02.04** A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be re-established, and any further use shall be in conformity with this ordinance.
- 8.02.05** If a structure used for a nonconforming use is destroyed by fire or other peril to the extent of fifty (50) percent of its market value as indicated in the records of the county assessor at the time of damage, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

### **8.03 Nonconforming Structures**

Any structures existing on the effective date of this ordinance which is not in conformity with the standards contained in this ordinance shall only be allowed to continue subject to the following conditions:

- 8.03.01** No such structural alterations, expansions and additions to a structure devoted in whole or part to a nonconforming use are prohibited.
- 8.03.02** The continuation of a nonconforming structure is allowed through repair, replacement, restoration, maintenance or improvement, but not expansion, of the nonconforming structure. Expansion of a nonconforming structure in any manner, including but not limited to expansion of height, width, footprint, size or bulk is allowed only in accordance with this ordinance and are specifically limited by Sections 8.04, A below.
- 8.03.03** For all nonconforming structures, if the nonconformity or occupancy of a nonconforming structure is discontinued for more than one year, or the structure is damaged by fire or other peril to the extent of fifty (50) percent or more of its market value as indicated in the records of the county assessor at the time of damage and no building permit has been applied for within 180 days of when the structure was damaged, it shall be removed, and any construction thereafter shall follow the provisions of this ordinance. If a building

permit has been applied for within 180 days of when the structure was damaged, reasonable conditions may be placed upon the zoning or building permit to mitigate any newly created impacts on adjacent properties or water bodies. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The Town Board may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety.

#### 8.04 **Nonconforming Lots**

##### **8.04.01 Parcel of Record**

All lots or tracts, the plat or deed or Torrens, to which has been recorded in the office of the county recorder on or before the date of **May 12<sup>th</sup>, 2001** shall be considered a parcel of record. A parcel of record shall be a legally buildable parcel even though such parcel may not conform to the lot area, lot width provided all the following are met:

- A. The use is permitted in the applicable zoning district;
- B. The lot was created compliant with the official controls in effect at the time;
- C. The applicable setback requirements of this ordinance are met; and
- D. The wastewater treatment system standards (2 wastewater sites) contained in the Hubbard County Sanitary Code and MPCA rules are met as amended; and
- E. The parcel or lot of record can meet proper placement and meeting of setbacks for a drilled well per Minnesota Department of Health rules and regulations, as amended; and
- F. The parcel or lot of record has no unusual topography which will create storm water problems.

##### **8.04.02 Residual Parcels**

A parcel of record, as defined in A above, that is subsequently reduced to a residual parcel because of a taking or dedication for a public purpose or public right of way shall continue to be considered a parcel of record and shall be considered a legally buildable parcel, provided the applicable setback requirements of this ordinance and the regulatory well and wastewater treatment standards are met.

#### 8.05 **Moving a Non-Conforming Use or Structure**

No nonconforming building, structure or use shall be moved to another lot or to any other part of the lot upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement will bring the nonconformance into compliance with the requirements of this Ordinance.

#### 8.06 **Lessening a Non-Conforming Use(s) or Structure(s)**

A lawful nonconforming use of a building or lot may be changed to lessen the nonconformity. Once a nonconforming building or lot has been changed, it shall not thereafter be so altered to increase the nonconformity.

## **9.0 SIGN STANDARDS**

### **9.01 Purpose and Intent**

- 9.01.01** The intent of the establishment of use standards for signs is to protect and promote the health, safety, and general welfare for the inhabitants of Todd Township through the creation of impartial standards, regulations and procedures which govern the erection, use and/or display of devices, signs, or symbols serving as a means of visual communication to persons situated within, upon or adjacent to public rights-of-way of properties.
- 9.01.02** It is not the purpose or intent of these standards to regulate the message displayed on any sign; nor is it the purpose or intent of these standards to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building.
- 9.01.03** The intent of these sections is to:
- A.** Regulate the number, location, size, type, illumination and other physical characteristics of signs within the township to promote the public health, safety and welfare;
  - B.** Maintain, enhance and improve the aesthetic environment of the township by preventing visual clutter that is harmful to the appearance of the community;
  - C.** Improve the visual appearance of the township while providing for effective means of communication, consistent with constitutional guarantees and the township's goals of public safety and aesthetics;
  - D.** And provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the township.
- 9.01.04** The requirements of this ordinance shall be subordinate to any state or federal regulations regulating signs, including scenic byway regulation.

### **9.02 Effect**

A sign may be erected, mounted, displayed or maintained in the Township if it is in conformance with the provisions of these regulations. The effect of this section, as more specifically set forth herein, is to:

- 9.02.01** Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in these sections;
- 9.02.02** Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of these sign sections;
- 9.02.03** Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare;
- 9.02.04** Provide for the enforcement of the provisions of this sign section.

### **9.03 Administration and Enforcement**

Except as provided in Section 9.04, no sign shall be erected, altered, reconstructed, maintained or moved in the township without first securing a permit from the township. The content of the sign shall



not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

- 9.03.01** Names and addresses of the owners of the display structure and property
- 9.03.02** The address at which any signs are to be erected
- 9.03.03** The legal description of the property
- 9.03.04** A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs
- 9.03.05** The cost of the sign
- 9.03.06** Type of sign (i.e. wall sign, monument sign, etc.)
- 9.03.07** Certification by applicant indicating the application complies with all requirements of the sign regulations; and
- 9.03.08** If the proposed sign is along state scenic trunk highway or interstate highway or a county road, the application shall be accompanied by proof that the applicant has obtained a permit from the state and/or county for the sign.
- 9.03.09** The application shall be approved or denied within thirty (30) calendar days from the township's receipt of the application. If the permit is denied, the issuing authority shall prepare a written notice of within ten calendar (10) days its decision, describing the applicant's appeal rights under this ordinance, and sent by US Mail to the applicant.

#### 9.04 **Exemptions**

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- 9.04.01** The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building.
- 9.04.02** Signs six (6) square feet or less in size.

#### 9.05 **Fees**

Sign permit fees are set by the Todd Township Fee Ordinance, as amended from time to time.

#### 9.06 **Repairs**

Any sign located in the township which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand upon receipt of proper notice given the by issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

#### 9.07 **Removal**

In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within sixty (60) days after the use is terminated as provided in Section 9.06, a notice shall be given pursuant to this ordinance and the sign may be removed by the township at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands. Thereafter, in the event of a violation of Section 9.06 of this ordinance, the Town Board may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations. Should the Township determine to correct or abate such violations, the property owner shall be invoiced for all of the Township's costs which shall be paid within 30 days of the date of the invoice, should the property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012 or other relevant statute.

## 9.08 **General Provisions**

### 9.08.01 **Regulations**

- A. **General.** Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street, or frontage road. No sign which is erected or maintained flat against any building or structure shall extend or project more than fifteen (15) inches over the sidewalk, street or highway.
- B. **Electrical Signs.** Electrical signs must be installed in accordance with the current electrical code.
- C. **Unauthorized Signs.** The following signs are unauthorized signs;
  - 1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
  - 2. All off-premise signs.
  - 3. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.
  - 4. Portable signs.
- D. **Dynamic Display Signs**
  - 1. Dynamic display signs are allowed only on monument and pylon signs, or signs located inside of a building, in the Commercial zoning district.
  - 2. Dynamic display-capable signs shall not exceed 48 square feet in size.
  - 3. Only one dynamic display sign display may be allowed per sign face (a dynamic display sign which is capable of displaying two or more distinct messages at a time shall be considered as more than one sign display). There shall be a maximum of two such sign faces per property.

4. A dynamic display may not change or move more than once every three (3) seconds.
5. Messages on dynamic display signs may not be animated. Transitions between messages are permitted, but such transitions may only fade, scroll, travel or reveal and the transition shall not exceed a duration of one (1) second.
6. Messages on dynamic display signs shall not exceed four (4) characters in height.
7. Dynamic displays must be designed and equipped to freeze the display in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately discontinue the dynamic display when notified by the city that is not complying with the standards of this section.
8. No dynamic display sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. Dynamic display signs shall automatically dim by at least 50 percent between one-half hour after sunset and one-half hour prior to sunrise.
9. A dynamic display sign legally existing prior to the March 11, 2020 that does not meet the dimensional standards required by this section may continue as a legally established non-conforming sign subject to the requirements of this ordinance for such structures. A dynamic display sign whose copy and graphics does not meet the height standards required above shall display the largest size possible for one line of copy to fit in the available space.

#### 9.09 **Setbacks**

Signs shall conform to property line setback regulations for the zoning district in which the signs are located.

#### 9.10 **Area**

The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding twelve (12) inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six (6) inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Double faced signs whose faces are directly opposite of each other need only count one face for the purpose of calculating area. Signs which are stacked on top of each other shall count as one sign for the purposes of calculating maximum size. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and included in calculating the overall square footage.

#### 9.11 **Awnings**

Canopies and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the commercial district if they meet following requirements and the applicable square footage requirements.

- 9.11.01** An awning or canopy may not project into the public right-of-way nearer than thirty (30) inches to the curb line
- 9.11.02** Awnings or canopies may have no part of the structure other than supports nearer the ground surface than seven (7) feet
- 9.11.03** The architectural style of the awning or canopy shall be consistent with the building being served.
- 9.11.04** Awnings or canopies projecting into the required yards may not be enclosed except with a transparent material permitting through vision
- 9.11.05** Awnings or canopies built over the public right-of-way must be included in a liability insurance policy holding the township free of all responsibility.

## 9.12 **Illumination**

External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

## 9.13 **Height**

The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached or thirty-five (35) feet above ground level, whichever is less; except that the height of any changeable sign which is attached to or an integral part of a functional structure, such as a water tower, smoke stack, radio or TV transmitting tower, beacon or similar structure shall be no higher than such structure. Signs, including any superstructure standing or erected free of any building or other structure, shall not exceed an overall height of twenty (20) feet from ground level and shall be located on land in an area which is landscaped or if such land is part of an approved parking area, it shall be surfaced or paved as required in the Ordinance. Scenic byway rules and regulations will apply to any signs located on State Highway 34.

## 9.14 **Non-commercial speech**

Notwithstanding any other provisions of these sign regulations, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election

## 9.15 **Permitted Signs by Land Use District**

### **9.15.01 Residential District**

Within the Rural Residential District, signs are permitted as follows;

- A.** Maximum sign area of a single sign is eight (8) square feet/surface with total area of all signs as sixteen (16) square feet
- B.** The following types of signs are not permitted in the Rural Residential District:
  - 1.** Awning signs

2. Balloon signs
3. Canopy signs
4. Flashing signs
5. Pole signs
6. Pylon signs
7. Shimmering signs
8. Changeable copy signs
9. Dynamic display signs

#### **9.15.02 Commercial District**

Within the Commercial District, signs are permitted as follows:

- A. Maximum sign area of single sign face – eighty (80) square feet
- B. Total area of all signs – Two (2) square feet per front foot of building abutting a public right-of-way fifty (50) feet or more in width

#### **9.15.03 Non-Conforming Signs; Compliance**

It is recognized that signs exist within the land use districts which were lawful before these sign regulations which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of these ordinance regulations that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of these sign regulations to permit legal nonconforming signs existing on the effective date of these regulations or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so they are not unsightly, and have not been abandoned or removed subject to the following provisions:

- A. No sign shall be enlarged or altered in a way which increases its nonconformity.
- B. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within one-hundred eighty (180) days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such sign or sign structure be moved for any reason, it shall thereafter conform to the regulations for the land use district in which it is located after it is move.
- D. No existing sign devoted to a use not permitted by the regulations of this Ordinance in the land use district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the land use district in which it is located.
- E. When a structure loses its nonconforming status, all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

#### **9.16 Substitution Clause**

The owner of any sign which is otherwise allowed by these regulations may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over non-commercial speech, or favoring of any non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

## **10.0 ROAD STANDARDS**

### **10.01 Parking on Township Roads**

Parking of vehicles is not allowed on Todd Township roads.

### **10.02 Load Limit Restrictions**

Load limit restrictions shall be in force on township roads at such time that Hubbard County imposes restrictions on County roads. The load limit during the time such restrictions are in force shall be five (5) tons axle weight. The township may impose other restrictions when deemed necessary.

### **10.03 Road Acceptance**

Before final acceptance, all roads dedicated to the public by plat or accepted by the township shall be constructed in accordance with *Todd Township Road and Access Standards First Revision IA, 2006*, adopted June 12<sup>th</sup>, 2006, and as amended from time to time. The Road and Access Standards are on file in the office of the township clerk and zoning administrator.

### **10.04 Utility Work in Road Rights-of-Way**

Any utility work in the Todd Township Road Right of Ways shall conform to the *Todd Township Ordinance 2006-06.01 An Ordinance Regulating Todd Township Road Rights-Of-Way And The Construction, Installation, Operation, Repair, Maintenance, Removal and Relocation Of Facilities And Equipment Used For The Transmission Of Telecommunications Or Related Services In The Public Ground Of The Town And Providing Penalties For The Violations Thereof*, adopted March 13th, 2006, and as amended from time to time. This ordinance is on file in the office of the township clerk.

### **10.05 Driveway Permits**

Driveway permits are required for all new or re-located driveways, field accesses and subdivision entrances connecting to township roads. Appropriately sized culverts will be required, as necessary.

## **11.0 SHORELAND MANAGEMENT REGULATIONS**

Refer to the Hubbard County's rules and regulations for these provisions and use standards.



## **12.0 SUBDIVISIONS / PLATTING PROVISIONS**

Subdivisions of land in Todd Township shall be regulated by Hubbard County Subdivision Ordinance (Ordinance No. 35 or successor ordinance) and administered by Hubbard County, with the following exceptions:

### 12.01. Private Road Easement Access Prohibited

All parcels created in Todd Township shall either abut an existing public road right-of-way or public road easement consistent with the minimum lot width requirement in Section 5 of this Ordinance, or be accessed by a strip of land at least 66-feet in width for lots greater than 4.5 acres in size or a strip of land at least 33 feet in width for lots 4.5 acres in size or less. The required strip of land shall be on the same deed as the land being accessed.

This requirement shall apply whether the newly created parcel is within or outside of a shoreland management area. Private easement access to a newly created parcel that does not meet the above requirements shall be prohibited, except by variance.

## **13.0 WATER SUPPLY AND WASTEWATER TREATMENT SYSTEMS**

### **13.01 Water Supply**

Any public or private supply of water for domestic and commercial purposes must meet or exceed standards for water quality through the Minnesota Department of Health's rules and regulations. This will remain under their jurisdiction.

### **13.02 Wastewater Treatment Systems**

Any wastewater treatment systems, individual or collective, will need to meet the Minnesota, Chapter 7080 Standards, and the Hubbard County Individual Sewage Treatment System Ordinances, as amended. These rules and regulations will remain under Hubbard County's jurisdiction.

## **14.0 AMENDMENTS TO ORDINANCE/OFFICIAL LAND USE MAP**

This Ordinance or the Official Land Use Map may be amended to reflect changes in the goals or conditions of the Township or whenever the public health, safety and general welfare require it.

14.01 An amendment may be initiated by the Town Board, the Todd Township Planning Commission, or by any property owner in the township.

14.02 The Zoning Administrator shall:

14.02.01 Review the application for amendment and make a recommendation to the Todd Township Planning Commission.

14.02.02 Notify by regular mail all property owners within five hundred (500) feet of the premises affected by the proposed amendment, or the nearest ten (10) property owners, whichever is greater.

14.02.03 Publish a hearing notice for the amendment in the official newspaper, and if impacted by wetlands or shore-land areas, provide notice to the Commissioner of the Department of Natural Resources and other affected entities as least ten (10) days prior to the public hearing.

14.02.04 The planning commission shall hold the hearing and make a report of its findings and recommendations on the proposed amendment to the Town Board.

14.02.05 The Town Board shall review the recommendations of the planning commission and decide by a two-thirds vote on the proposed amendment.

14.02.06 If the amendment is adopted, the zoning administrator shall publish a summary of the text or a description of the boundary change or new official map in the official newspaper and, if the premises affected requires, a copy shall also be mailed to the commissioner of the Department of Natural Resources or affected entities.

14.02.07 The Zoning Administrator shall make the necessary changes in the official map.

14.03 If a property owner initiates an amendment, an application fee shall be paid by the property owner according to the Todd Township Fee Ordinance adopted by the Town Board.

**15.0 EFFECTIVE DATE**

This Ordinance shall take effect and be in force at the time of its publication after a two-thirds adoption by the Todd Township Board.