

ATHENS TOWNSHIP  
ISANTI, MN  
RESOLUTION NO. 2023 5

**RESOLUTION APPROVING PUBLICATION OF SUMMARY  
OF AMENDMENT TO CHAPTER 20 ARTICLE IV SECTION 20-33  
(ZONING ORDINANCE): A/R DISTRICT**

WHEREAS, M. S. § 365.125 allows publication of a summary of an ordinance;

WHEREAS, on May 1st, 2023, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2023- 2) amending the zoning ordinance to add provisions related to Agricultural/Residential (A/R) District

WHEREAS, Ordinance No. 2023 - 2 contains the following changes:

Adds; Accessory Dwelling Units to permitted accessory uses

WHEREAS, Ordinance No. 2023 2 contains the following additional language:

Section 20-33. new item (i) Accessory Dwelling Units

1. General Provisions

**a. Findings**

- i. There are many benefits associated with the creation of legal accessory dwelling units (ADUs) on parcels that are otherwise limited to single-family dwellings. Those benefits include:
  1. Providing a means for adult children to give care and support to a parent in a semi-independent living arrangement.
  2. Increasing the supply of affordable housing without government subsidies.
  3. Providing a cost-effective means of accommodating development by making better use of existing infrastructure and reducing the need to provide new infrastructure.
  4. Benefiting older homeowners, single parents, young home buyers, and the disabled.
  5. Integrating affordable housing uniformly within the community.
  6. Providing homeowners with extra income to help meet rising home ownership costs.
  7. Reducing the incidence of housing deterioration and community blight by preventing absentee ownership of properties; and
  8. ADUs provide the opportunity for increased security and companionship for older and other homeowners who fear crime and personal accidents.

**b. Purposes and Intent.**

- i. It is the policy of Athens Township to promote and encourage the creation of ADUs in a manner that enhances residential areas in order for the people of Athens Township to meet their housing needs and to realize the benefits of ADUs.
- n. It is not the purpose of this ordinance to alter the density restrictions outlined in

Athens Township's Comprehensive Plan and implemented in Athens Township's Zoning Ordinance. Accordingly, to the extent that the Comprehensive Plan identifies limits to the number of dwelling units within particular areas of land, it is the intent of the County Board that a principal dwelling unit accompanied by an accessory dwelling unit shall be deemed to constitute a single dwelling unit for the purposes of provisions in the Comprehensive Plan and the Zoning Ordinance that address density. In addition, it is the intent of the Town Board that it shall not require an additional building right for a property-owner to add an accessory dwelling unit to their property in conformity with the requirements for such an addition given below.

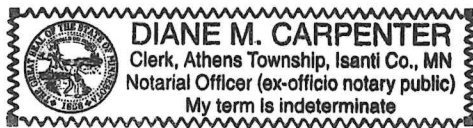
(The continuation of the new ordinance follows this language.)


**Whereas**, the Board of Supervisors has determined that the summary language in the where paragraphs above clearly state the intent and effect of Ordinance No. 2023- 2

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 1st day of May 2023

ATTEST:



  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2023 2

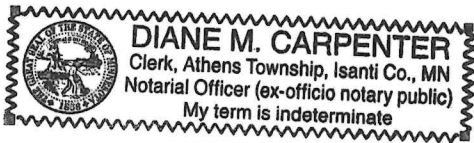
ORDINANCE AMENDING CHAPTER 20 ARTICLE IV SECTION 20-33 OF THE  
TOWN CODE RELATING TO PERMITTED ACCESSORY USES IN A/R  
DISTRICT

THE TOWN BOARD OF ATHENS ORDAINS:

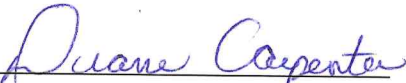
**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
Town of Athens hereby adopts the amendment to Chapter 20, Article IV Section  
20-33 of the Town Code as shown in Exhibit A.

**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 1<sup>st</sup> day of May 2023.



  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson		<input checked="" type="checkbox"/>		
Beckstrom	<input checked="" type="checkbox"/>			
Peterson	<input checked="" type="checkbox"/>			
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article IV**

*Note: All Highlighted sections have red type as new language.*



**TOWN OF ATHENS  
ISANTI COUNTY,  
MN.**

ORDINANCE NO. 2023   2  

**ORDINANCE AMENDING CHAPTER 20 ARTICLE IV OF THE  
TOWN CODE RELATING TO PERMITTED USES IN A/R DISTRICT**

**Article IV: Agriculture/Residential District (A/R).**

Section 20-33. **Permitted Accessory Uses.**

The following uses shall be permitted accessory uses within an Agriculture/Residential (A/R) District:

(i) Accessory Dwelling Units

1. General Provisions

**a. Findings**

- i. There are many benefits associated with the creation of legal accessory dwelling units (ADUs) on parcels that are otherwise limited to single-family dwellings. Those benefits include:
  1. Providing a means for adult children to give care and support to a parent in a semi-independent living arrangement.
  2. Increasing the supply of affordable housing without government subsidies.
  3. Providing a cost-effective means of accommodating development by making better use of existing infrastructure and reducing the need to provide new infrastructure.
  4. Benefiting older homeowners, single parents, young home buyers, and the disabled.
  5. Integrating affordable housing uniformly within the community.
  6. Providing homeowners with extra income to help meet rising home ownership costs.
  7. Reducing the incidence of housing deterioration and community blight by preventing absentee ownership of properties; and
  8. ADUs provide the opportunity for increased security and companionship for older and other homeowners who fear crime and personal accidents.

**b. Purposes and Intent.**

- i. It is the policy of Athens Township to promote and encourage the creation of ADUs in a manner that enhances residential areas in order for the people of Athens Township to meet their housing needs and to realize the benefits of ADUs.

n. It is not the purpose of this ordinance to alter the density restrictions outlined in Athens Township's Comprehensive Plan and implemented in Athens Township's Zoning Ordinance. Accordingly, to the extent that the Comprehensive Plan identifies limits to the number of dwelling units within particular areas of land, it is the intent of the County Board that a principal dwelling unit accompanied by an accessory dwelling unit shall be deemed to constitute a single dwelling unit for the purposes of provisions in the Comprehensive Plan and the Zoning Ordinance that address density. In addition, it is the intent of the Town Board that it shall not require an additional building right for a property-owner to add an accessory dwelling unit to their property in conformity with the requirements for such an addition given below.

c. **Definitions.**

- i. "**Accessory dwelling unit**" (ADU) means a residential living unit on the same parcel as a single-family dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.
- ii. "**Detached ADU**" means a type of ADU that is a house built or placed permanently on the same parcel as a single-family house. An accessory detached ADU is not built within the existing house.
- iii. "**Accessory**" means that the ADU serves single-family dwelling purposes and must necessarily be subordinate to or smaller than the principal dwelling unit on a single-family parcel, as set forth in the additional requirements for ADU's given in Athens's Zoning Ordinance.
- iv. "**Dwelling unit**" means a residential living unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
- v. "**Living Area**" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- vi. "**Zoning Administrator**" means the local official who is responsible for processing and approving or denying applications to develop or legalize ADUs.
- vii. "**Movable tiny house,**" is a transportable unit less than 400 square feet, exclusive of lofts, which is built on a single chassis and is designed to provide the separate, independent living quarters of one household for year-round residence with permanent provisions for living, sleeping, eating, cooking, and sanitation when connected to utilities necessary for operation of installed fixtures and appliances. Moveable tiny houses must

meet all the criteria included in the expanded definition at the end of this ADU ordinance section.

## **2. Permits: Eligibility and Application**

### **a. Authorization for ADUs by Zoning District.**

- i. An ADU may be permitted in the Agriculture/Residential zoning district if the parcel itself, and the current use of the parcel, meet all the requirements of current Township ordinance including current minimum lot size and buildability requirements. Lots with zoning violations shall not be considered for an ADU permit unless violations have been resolved for a period of 1 year.

### **b. Approval Process.**

- i. A total of one ADU is permitted per parcel.
11. An ADU may be permitted in the agriculture/residential district, provided the Zoning Administrator first approves that the current use of the parcel and that the parcel itself complies with the ordinance, then that the proposed ADU is complying with the standards of Athens Township's Zoning Ordinance.
111. An ADU shall require a building permit that may either be applied for concurrently with the application for a building permit for construction of the principal structure on the parcel, or after construction of the principal structure.

### **c. Continuing Authorization.**

- i. Authorization for an ADU shall expire if the ADU does not conform to the Zoning Ordinance or if any other activities or issues on the parcel cause the parcel to become non-compliant with any of the ordinances.

## **3. ADU Standards**

### **a. Homestead Status.**

- i. The parcel on which the ADU is located must have received and maintain homestead status.

### **b. Parcel Standards Minimum Size.**

- i. ADUs may be developed on parcels meeting the minimum parcel size in the agriculture/residential district where it is located.
11. A property may not be subdivided or otherwise segregated to provide separate ownership of an ADU.

### **c. Parcel Standards - Setbacks.**

- i. The setbacks applicable to ADU's shall be the same as those applicable to single-family dwelling units in the agriculture/residential zoning district where the ADU is located.
11. A detached ADU shall be located at least 10' from the principal dwelling on the lot.

### **d. Unit Building Standards - Existing Dwelling Unit, Existing Structure, or**

### **New Dwelling Unit**

- i. An ADU may be incorporated in an existing dwelling unit, an existing structure if it meets all the requirements of a residential structure, or a new dwelling unit.
- e. **Unit Buildings Standards - Size of Detached ADU**
  - i. The living area within a detached ADU may not be larger than the living area within the associated principal dwelling unit. And dwelling size shall be based on acreage.
    - 3 – 4.99 acres maximum size is 600 square feet.
    - 5 – 9.99 acres maximum size is 700 square feet
    - 10 acres plus maximum is 800 square feet.Under 3 acres are legal non-conforming lots. Owners of these such lots, if in compliance with all other ordinances, could apply for a Tiny House on Wheels type of detached dwelling.
- f. **Unit Building Standards - Compliance with the Building Code**
  - i. Adoption by reference; Athens Township hereby adopts Appendix A Q, “Tiny Houses”, of the 2021 IRC, including any future revisions and updates..
  - ii. The ADU must satisfy the requirements of the Minnesota State Building Code. Anything under 400 square feet in size is considered a “Tiny House” and must comply with the 2020 Minnesota Residential Code Appendix Q.
  - iii. RV’s cannot be used as an Accessory Dwelling Unit as they are not manufactured for year round living and do not meet building code standards.
- g. **Parking and Traffic**
  - i. In order for an ADU to be approved, an applicant must demonstrate to the Zoning Administrator that there are sufficient parking spaces available on the parcel to prevent the need for residents to park on adjacent streets.
  - 11. One driveway access allowed per parcel for the ADU and principal dwelling on the parcel, *unless otherwise approved by the road authority.*
- h. **Public Health**
  - i. ADU applicants must demonstrate to the Zoning Administrator that the water supply and sewage disposal facilities are adequate to satisfy all state laws and applicable Minnesota Pollution Control Agency regulations.
  - ii On a “case by case” basis, an ADU may be allowed to operate with alternative water supplies and composting toilets or alternate waste disposal systems or holding tanks.

- iii. An ADU will be issued an address in accordance with the enhanced emergency 911 system to provide for emergency vehicles, and the address will be issued by the Isanti County Zoning Department.
- iv. An ADU shall not be used as a “short term rental” property including, but not limited to VRBO, Airbnb, home to go, etc. Fines for violating this ordinance shall be \$150.00 for first offense, \$500.00 for second offense, and \$1000.00 for third offense, and follow the rest of our administrative penalties protocol.

### **Movable Tiny House Expanded definition**

**In addition, the movable tiny home must meet the following five conditions:**

**1. Licensed and registered** with the Department of Motor Vehicles and meets ANSI 119.5 requirements or the National Fire Protection Association (NFPA) 1192 standards as inspected and certified by an accredited qualified third-party inspector for ANSI/NFPA compliance.

**2. Towable** by a bumper hitch, frame-towing hitch, or fifth-wheel connection, and is not designed to move under its own power.

**3. Meets statutory size** for movement on public highways.

**4. Minimum Floor Area** of 120 square feet of first floor interior living space.

**5. Movable Tiny Houses must comply with all the following provisions:**

**A. Temporary siting** on a lot, the undercarriage (wheels, axles, tongue and hitch) shall be hidden from view. The wheels and leveling or support jacks must sit on a paving surface such as concrete, recycled asphalt, or class V sufficient to hold the weight of unit on wheels and jacks. The unit must then utilize blocking and pier pads and anchored down.

**B. Foundation.** If the wheels are removed so the unit may sit on a foundation, the foundation requirements for a Movable Tiny House shall follow requirements for foundation systems for manufactured housing, or follow an alternative design certified by a licensed engineer or municipal building inspection department.

**C. Mechanical equipment** shall be incorporated into the structure and not located on the roof.

**D. Water, Sewer and Electric** shall be connected as required and permitted by the municipality.

**E. Fire and Life Safety** standards shall follow the ANSI A119.5 or NFPA 1192 standards.

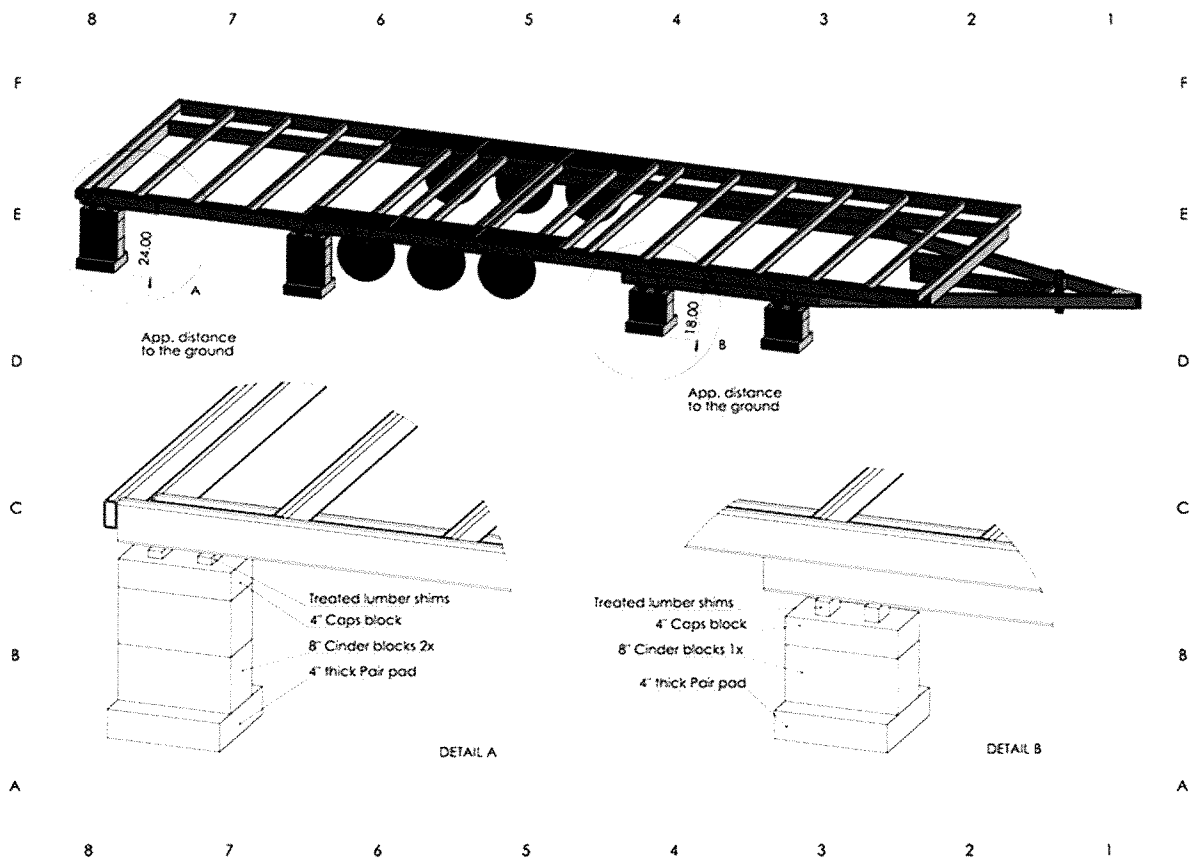
**F. Design elements:**

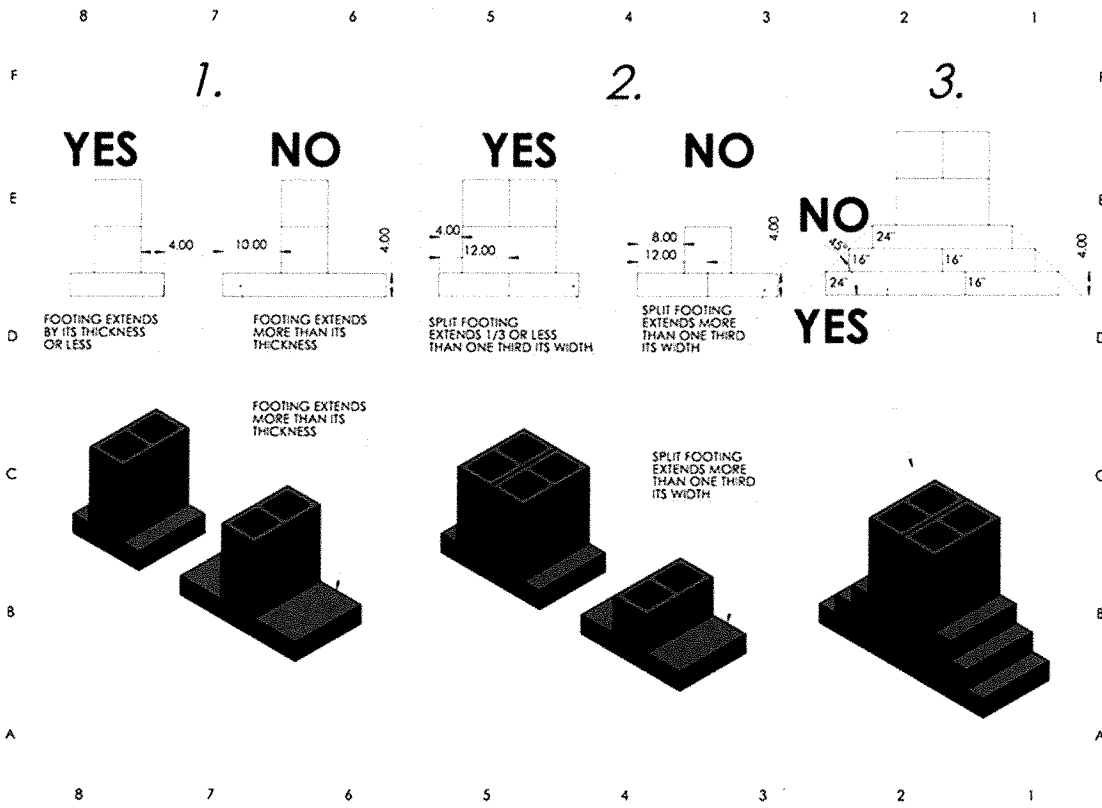
**(1) Exterior** has the appearance of a conventional single-family dwelling unit, using conventional building materials, and is thus architecturally distinct from traditional mobile homes and recreational vehicles.

**(2) Windows and doors** shall be residential grade and windows shall be at least double pane glass and labelled for building use and shall include exterior trim.

- (3) **Insulation** with values of at least R13 for the walls and R19 for floor and ceiling.
- (4) **Electrical system** that meets NFPA 70 NEC, section 551 or 552 as applicable.
- (5) **Low Voltage Electrical** systems meet the requirements of ANSI/RVIA Low Voltage Standard, current edition
- (6) **Wall framing** using studs that are 16"-24" on center, with a minimum of 2X4 wood or metal studs or equivalent SIP panels.

Blocking and Pier Examples.





**ATHENS TOWNSHIP  
ISANTI, MN  
RESOLUTION NO. 2023 6**

**RESOLUTION APPROVING PUBLICATION OF  
SUMMARY OF AMENDMENT TO SECTION 20.32 OF CHAPTER 20  
(ZONING ORDINANCE): PERMITTED USES IN A/R ZONING**

**WHEREAS**, M. S. § 365.125 allows publication of a summary of an ordinance;

**WHEREAS**, on May 1st, 2023, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2023- 3) amending the zoning ordinance to add provisions related to Permitted Uses in A/R zoning.

**WHEREAS**, Ordinance No. 2023 - 3 contains the following changes:

Chapter 20 section 20-32

- (t) Single family dwellings, subject to the following regulations:
- (2) Changes Minimum Lot Size; to five (5) acres

**WHEREAS**, Ordinance No. 2023 3 contains the following additional language:

Chapter 20 section 20-32

(u) Transfer of Development Rights.

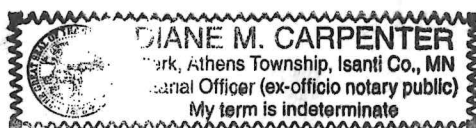
- 1. One density right must remain on the quarter section from which transfers are made. New lots shall be five (5) acres except that the remaining development right on the quarter section may exceed the five (5) acre maximum lot size if necessary.

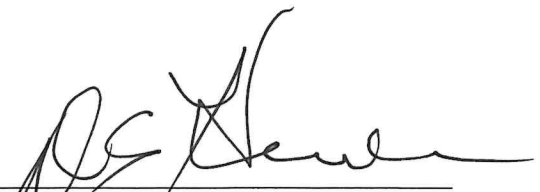
**WHEREAS**, the Board of Supervisors has determined that the summary language in the paragraphs above clearly tells the intent and effect of Ordinance No. 2023- 3

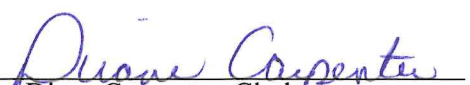
**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 1st day of May, 2023

ATTEST:



  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk



TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2023 3

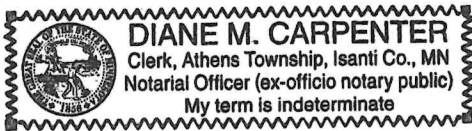
ORDINANCE AMENDING SECTION 20-32 OF THE TOWN CODE  
RELATING TO PERMITTED USES IN A/R ZONING

THE TOWN BOARD OF ATHENS ORDAINS:

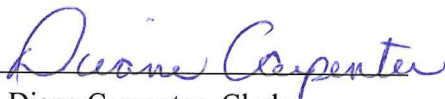
**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
The Town of Athens hereby adopts the amendment to Chapter 20, Section 20-32 of  
the Town Code as shown in Exhibit A.

**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 1St day of May 2023.



  
Dave Henderson, Chair

  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom	<input checked="" type="checkbox"/>			
Peterson	<input checked="" type="checkbox"/>			
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

## EXHIBIT A-AMENDMENT TO SECTION 20-34

*Note: All red language is new language.*

### **Article IV: Agriculture/Residential District (A/R).**

#### Chapter 20 section 20-32

(t) Single family dwellings, subject to the following regulations:

2. Each single-family home shall be located on a minimum of five (5) acres with a minimum of one (1) acre of buildable land, all of which shall be of such an elevation as to be not less than two (2) feet above mottled soil.

#### Chapter 20 section 20-32

(u) Transfer of Development Rights.

2. One density right must remain on the quarter section from which transfers are made. New lots shall be five (5) acres except that the remaining development right on the quarter section may exceed the five (5) acre maximum lot size if necessary.

**TOWN OF ATHENS  
ISANTI COUNTY, MINNESOTA**

**ORDINANCE NO. 2023- 4**

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM  
ON THE ACCEPTANCE OF APPLICATIONS FOR, OR  
THE ISSUANCE OF ANY TOWN PERMITS FOR INTERIUM USES, LAND SPLITS,  
OR CHANGES TO PLATTED SUBDIVISIONS AND SMALL ACREAGE  
RESIDENTIAL TYPE NEIGHBORHOODS.**

**WHEREAS**, the Town of Athens hereby adopts this ordinance to allow the Town adequate time to study and consider appropriate land use controls regulating uses on land in the Agriculture/Residential District specifically in platted subdivisions and smaller acreage residential neighborhoods; and

**WHEREAS**, the Town of Athens is presently conducting a study for the purpose of considering amendment of its official controls regarding appropriate uses in zoning districts; and

**WHEREAS**, such study is needed so the Town can review its official controls, including its zoning regulations, to identify the potential issues and impacts of interim use permits, land splits or parcel combinations in platted subdivisions and small acreage residential areas located in agricultural/residential districts, and to clarify said regulations relating to these areas to keep them residential in character; and

**WHEREAS**, the Athens Board Supervisors have directed the Planning Commission to conduct research and review the zoning ordinance as its relates to residential subdivisions in the agricultural/rural district; and

**WHEREAS**, there is a need for an interim ordinance to be adopted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of the Town of Athens until such a study has been completed.

**NOW, THEREFORE**, the Town Board of Supervisors of the Town of Athens, Minnesota ordains:

1. Pursuant to Minn. Stat. § 462.355, *et seq.*, the Town hereby adopts and approves the order for interim ordinance temporarily prohibiting the Town from accepting any application, or issuing any Town permit, for interim uses or land changes, or any related

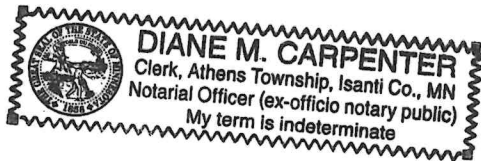
or similar activity, as a use within the Agricultural/Residential District of the Town of Athens.

2. This ordinance shall take effect and be in full force from and after its passage and publication. It shall remain in effect until the adoption of the official controls contemplated herein or May 1, 2024, whichever occurs first, after which occurrence this ordinance shall lapse, unless properly extended pursuant to state law.
3. In cases of hardship, any person aggrieved by the requirements of this Ordinance may apply to the Town Board for a waiver of the provisions of this interim ordinance. A waiver may be granted where the Town Board finds substantial hardship caused by the restrictions of this ordinance and finds the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

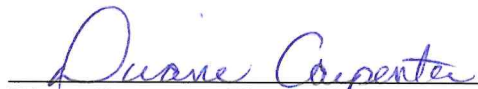
**Enacted by** the Board of Supervisors of the Town of Athens this 1st day of May 2023.

TOWN OF ATHENS

  
David Henderson, Chairperson  
Town Board of Supervisors



Attest:

  
Diane Carpenter, Town Clerk

Published in summary form authorized by Minn. Stat. Sec. 365.125, in the Isanti County News the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

  
Micael Jungbauer Zoning Administrator, Town of Athens

**ATHENS TOWNSHIP**  
**ISANTI, MN**  
**RESOLUTION NO. 2022 07**

**RESOLUTION APPROVING PUBLICATION OF  
SUMMARY OF AMENDMENT TO CHAPTER 20 ARTICLE V  
(ZONING ORDINANCE): BUSINESS DISTRICT (B),  
CREATING THE HIGHWAY 65 COMMERCIAL CORRIDOR DISTRICT**

WHEREAS, M. S. § 365.125 allows publication of a summary of an ordinance;

WHEREAS, on November 7th, 2022, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2022-06) amending the zoning ordinance to add provisions related to Business (B) District and creating the Highway 65 Commercial Corridor District

WHEREAS, Ordinance No. 2022 - 06 contains the following changes:

Adds; New Highway 65 commercial corridor district

WHEREAS, Ordinance No. 2022-06 contains the following additional language:

District Boundaries;

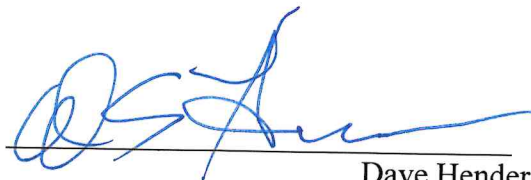
Starting at the north border of Athens (277<sup>th</sup> Ave) south to the southern border of Athens (245<sup>th</sup> Ave) and extending east and west of Highway 65 a distance of 1320 feet. Then an extension west on County Road 56 a distance of approximately 3900 feet and a distance north and south of the county road 56 centerline approximately 1320 feet. ( see attached maps of corridor) Final legal descriptions to be completed upon completion of new district ordinances.

Whereas, the Board of Supervisors has determined that the summary language in the where paragraphs above clearly state the intent and effect of Ordinance No. 2022- 06

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 7th day of November 2022

ATTEST:



Dave Henderson, Chair



Diane Carpenter, Clerk

TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2022 -06


ORDINANCE AMENDING CHAPTER 20 ARTICLE V OF THE TOWN  
CODE RELATING TO BUSINESS (B) DISTRICT AND CREATION OF THE  
HIGHWAY 65 COMMERCIAL CORRIDOR DISTRICT

THE TOWN BOARD OF ATHENS ORDAINS:

- Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357, the Town of Athens hereby adopts the amendment to Chapter 20, Article V of the Town Code as shown in Exhibit A.
- Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 7th day of November 2022.

  
Dave Henderson, Chair

  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	✓			
Beckstrom	✓			
Peterson		✓		
Olson	✓			
Christianson	✓			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article V**

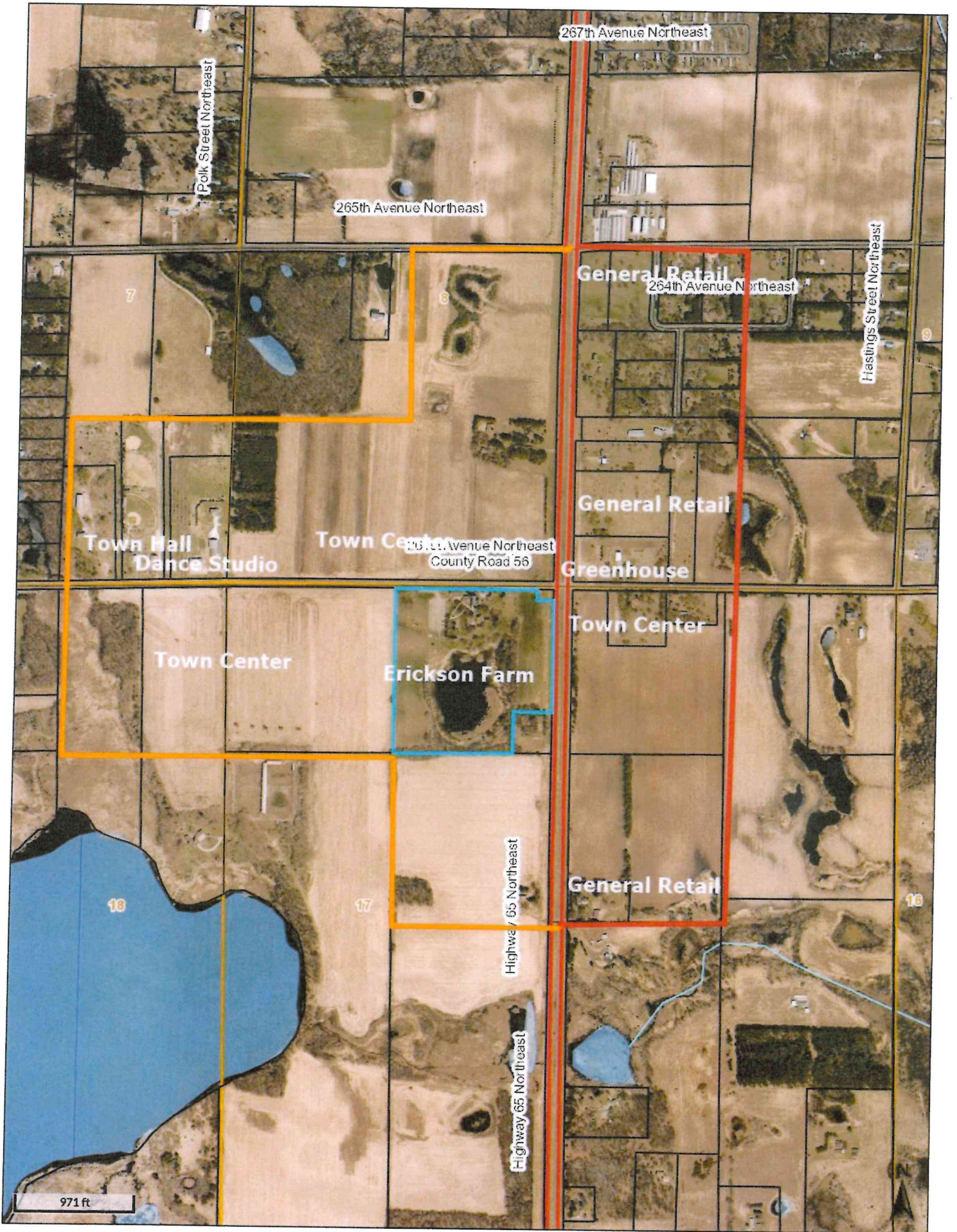
*Note: Final Legal descriptions of the Highway 65 Commercial Corridor District shall be adopted upon completion of the new ordinances created for the new district.*

*Attached maps show general outline of the district*









267th Avenue Northeast

Polk Street Northeast

265th Avenue Northeast

General Retail

264th Avenue Northeast

Hastings Street Northeast

7

8

Town Hall  
Dance Studio

Town Center  
264th Avenue Northeast  
County Road 56

General Retail

Greenhouse

Town Center

Erickson Farm

Town Center

18

17

Highway 65 Northeast

General Retail

16

Highway 65 Northeast

971 ft



Light Industrial

Highway 65 Northeast

253rd Avenue Northeast

Light Industrial

Highway 65 Northeast

Davenport Street Northeast

Lincoln Drive Northeast

249th Avenue Northeast

Racials Closet

Lincoln Court Northeast

Ulysses Court Northeast

246th Avenue Northeast

Natco Transmission

245th Avenue Northeast

971 ft



**TOWN OF ATHENS  
ISANTI COUNTY, MINNESOTA**

**ORDINANCE NO. 2022-  107**

**AN INTERIM ORDINANCE ESTABLISHING A MORATORIUM  
ON THE ACCEPTANCE OF APPLICATIONS FOR, OR  
THE ISSUANCE OF ANY TOWN PERMITS FOR, REZONING PROPERTIES  
LOCATED IN THE HIGHWAY 65 COMMERCIAL CORRIDOR DISTRICT**

**WHEREAS**, the Town of Athens hereby adopts this ordinance to allow the Town adequate time to study and consider appropriate land use controls regulating development in the newly created Highway 65 Commercial Corridor District; and

**WHEREAS**, the Town of Athens is presently conducting a study for the purpose of considering amendment of its official controls regarding appropriate uses in zoning districts; and

**WHEREAS**, such study is needed so the Town can review its official controls, including its zoning regulations, to identify the potential issues and impacts of commercial and business zoning and to clarify said regulations relating to commercial and business uses; and

**WHEREAS**, the Athens Board Supervisors have directed the Planning Commission to conduct research and review the zoning ordinance as it relates to commercial and business uses in the newly created Highway 65 commercial corridor district; and

**WHEREAS**, there is a need for an interim ordinance to be adopted for the purpose of protecting the planning process and the health, safety, and welfare of the citizens of the Town of Athens until such a study has been completed.

**NOW, THEREFORE**, the Town Board of Supervisors of the Town of Athens, Minnesota ordains:

1. Pursuant to Minn. Stat. § 462.355, *et seq.*, the Town hereby adopts and approves the order for interim ordinance temporarily prohibiting the Town from accepting any application, or issuing any Town permit, for rezoning, building or similar activity, as a use within the Highway 65 Commercial Corridor District of the Town of Athens.
2. This ordinance shall take effect and be in full force from and after its passage and publication. It shall remain in effect until the adoption of the official controls

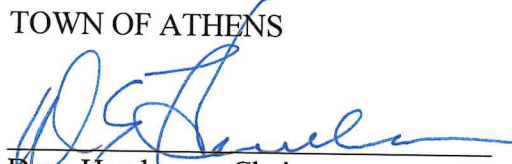


contemplated herein or November 7, 2023, whichever occurs first, after which occurrence this ordinance shall lapse, unless properly extended pursuant to state law.

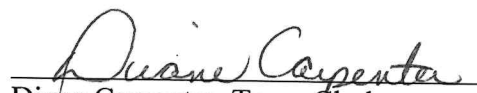
3. In cases of hardship, any person aggrieved by the requirements of this Ordinance may apply to the Town Board for a waiver of the provisions of this interim ordinance. A waiver may be granted where the Town Board finds substantial hardship caused by the restrictions of this ordinance and finds the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

**Enacted by** the Board of Supervisors of the Town of Athens this 7th day of November 2022.

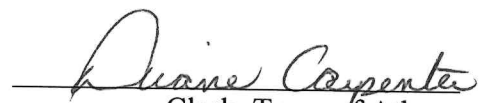
TOWN OF ATHENS

  
\_\_\_\_\_  
Dave Henderson, Chairperson  
Town Board of Supervisors

Attest:

  
\_\_\_\_\_  
Diane Carpenter, Town Clerk

Published in summary form authorized by Minn. Stat. Sec. 365.125, in the Isanti County News the \_\_\_\_ day of \_\_\_\_\_, 2022.

  
\_\_\_\_\_  
Clerk, Town of Athens

TOWN OF ATHENS  
ISANTI COUNTY

ORDINANCE NO. 2022 -05

AMENDMENT TO THE LAND USE MAP CONTAINED IN THE TOWNSHIP'S COMPREHENSIVE  
PLAN AND THE ZONING MAP CONTAINED IN THE TOWN CODE AND CREATION OF THE  
HIGHWAY 65 COMMERCIAL CORRIDOR DISTRICT

The Town Board of Athens ordains:

That the Land Use Map in the Township's comprehensive plan and the Zoning Map contained in the Township's Comprehensive Plan is hereby amended so that the property described below shall be rezoned from "A/R" Agricultural Residential District and (B) business District to be incorporated into the Highway 65 Commercial Corridor district.

The Town Board hereby adopts the following Findings of Fact:

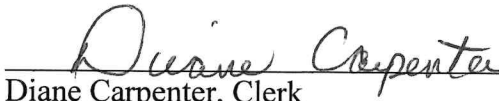
1. The proposed use presented in the Highway 65 Commercial Corridor District is consistent with the various goals, objectives and policies contained in the Township's Comprehensive Plan and the Business Zoning District: and
2. The proposed zoning change contributes to the orderly development and land use patterns in the area: and,
3. The public use and interest will be served by permitting the proposed zoning: and,
4. The proposed zoning change conform to the general purposes of any applicable policies or plans that have been adopted by the Town Board?

The property being rezoned from "A/R" Agricultural Residential District and "B" Business District to be included in the Highway 65 Commercial Corridor District is described as:  
Starting at the north border of Athens (277<sup>th</sup> Ave) south to the southern border of Athens (245<sup>th</sup> Ave) and extending east and west of Highway 65 a distance of 1320 feet. Then an extension west on County Road 56 a distance of approximately 3900 feet and a distance north and south of the county road 56 centerline approximately 1320 feet. ( see attached maps of corridor) Final legal descriptions to be completed upon completion of new district ordinances.

Effective Date. This amended Ordinance shall become effective and enforceable on the day following publication.

Adopted this 7<sup>th</sup> day of November 2022.

  
\_\_\_\_\_  
Dave Henderson, Chairman

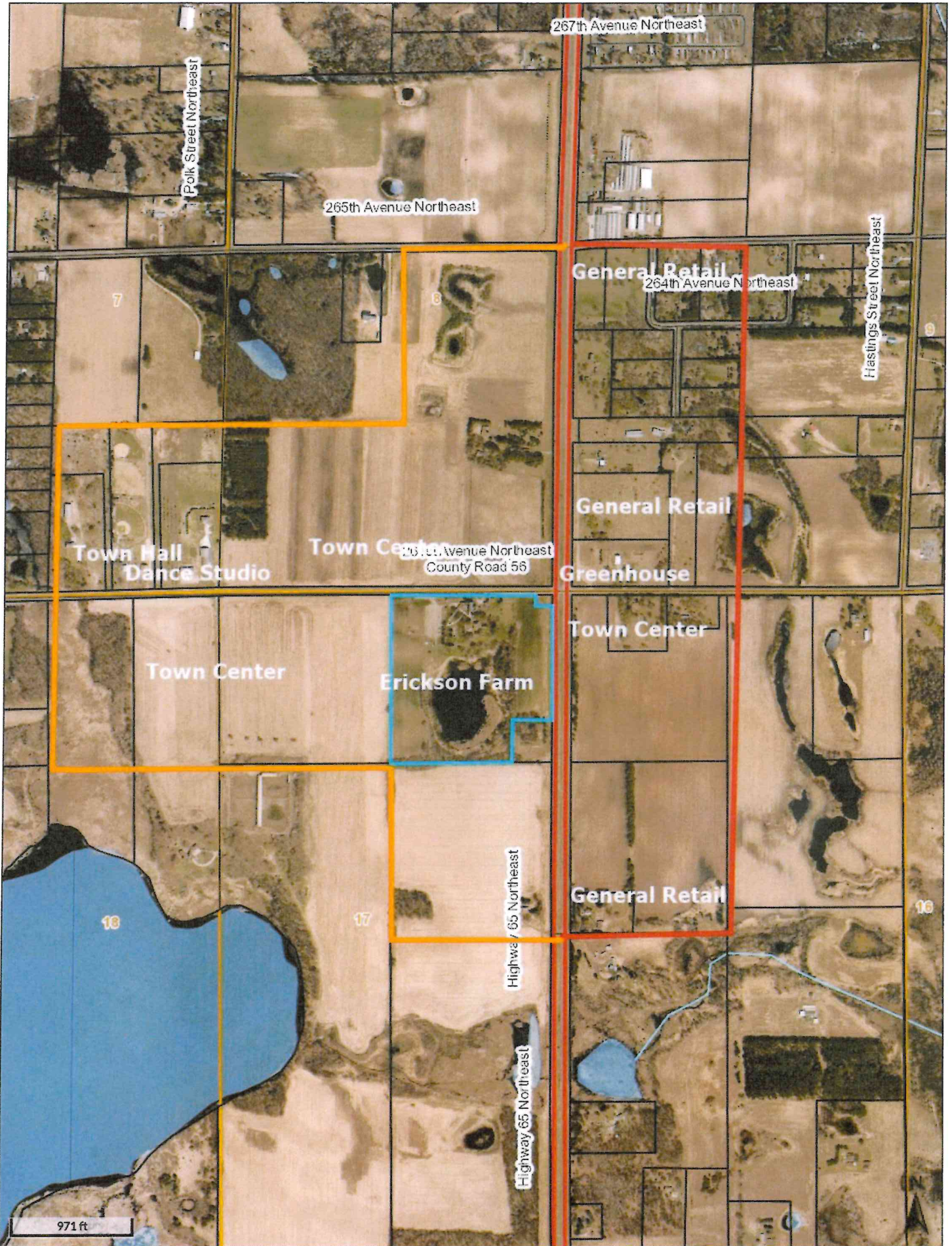
  
\_\_\_\_\_  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	✓			
Beckstrom	✓			
Peterson		✓		
Olson	✓			
Christianson	✓			









267th Avenue Northeast

Polk Street Northeast

265th Avenue Northeast

Hastings Street Northeast

7

8

9

General Retail

264th Avenue Northeast

Town Hall  
Dance Studio

Town Center  
263rd Avenue Northeast  
County Road 56

General Retail

Greenhouse

Town Center

Erickson Farm

Town Center

16

17

10

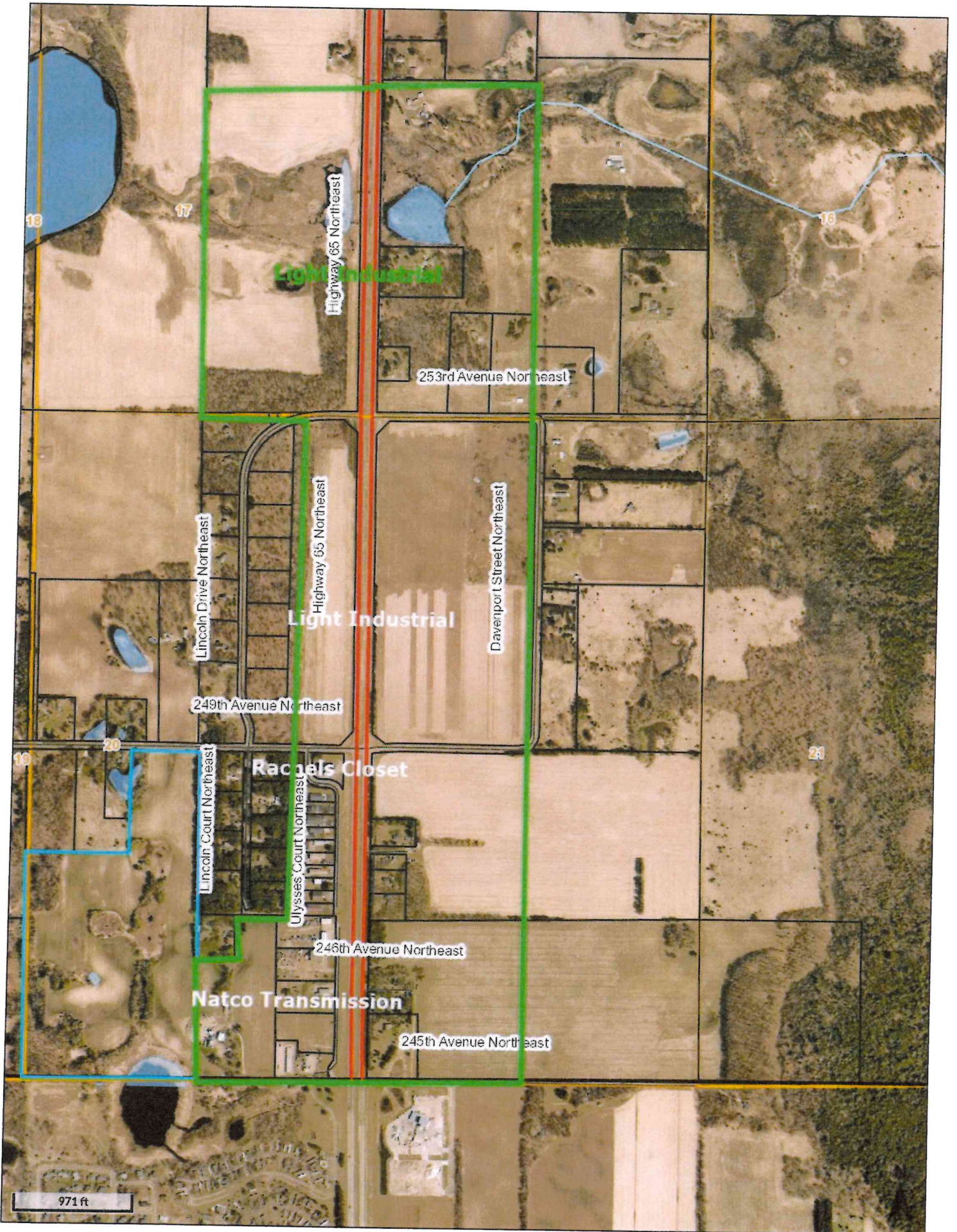
General Retail

Highway 65 Northeast

Highway 65 Northeast

971 ft





Light Industrial

Light Industrial

Racials Closet

Natco Transmission

Highway 65 Northeast

253rd Avenue Northeast

Lincoln Drive Northeast

Highway 65 Northeast

Davenport Street Northeast

249th Avenue Northeast

Lincoln Court Northeast

Ulysses Court Northeast

246th Avenue Northeast

245th Avenue Northeast

971 ft

**CHAPTER 1. GENERAL PROVISIONS**Article 1: In General.**Section 1-1. Title and Scope of Ordinance.**

Repeal of Prior Ordinances. This ordinance containing Chapters 1 to 20 inclusive shall be known as the Town Code of Athens Township, Minnesota and shall supersede all other general ordinances passed by the Town Board prior to September 21, 2006 except such as are by reference expressly saved from repeal or continued in force and effect for any purpose. Prior ordinances that are now incorporated herein shall be deemed to be recodified and not repealed.

**Section 1-2. Definitions and Rules of Construction.**

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed unless such construction would be inconsistent with the manifest intent of the Town Board. The words and phrases used in this Code shall be construed in their plain, ordinary and usual sense, except that technical works and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

Code. The Town Code of Athens Township.

Conjunctions. In a provision featuring two or more items conditions, provisions or events, which items, conditions, provisions or events are connected by conjunction “and,” “or,” or “either...or,” the conjunction shall be interpreted as follows, except that when appropriate from the context, the terms “and” and “or” are interchangeable:

- (1) “And” indicated that all the connected terms, conditions, provisions or events apply;
- (2) “Or” indicates that the connected terms, conditions, provisions or events apply singly or in any combination; and
- (3) “Either . . . or” indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Computation of Time. The time, where the performance or doing of any act, duty, matter, payment or thing is ordered or directed and the period of time or duration for the performance or doing thereof is prescribed and fixed by law or ordinance, shall be computed so as to exclude the first and include the last day of the prescribed period or duration of time. When the last day of the period falls on a Saturday, Sunday or a legal holiday, that day shall be omitted from the computation. Unless they are clearly in conflict with the provisions of this Code,



or otherwise clearly inapplicable, the rules of construction established for the State of Minnesota by statute or case law apply in the construction of this Code.

County. The County of Isanti, Minnesota.

Gender. A word importing either the masculine or feminine gender shall extend and be applied to both the masculine and feminine genders, and to firms, partnerships and corporations.

Generally. When provisions of this code conflict, the specific shall prevail over the general. All provisions shall be liberally construed so that the intent of the Town Board may be effectuated. Words and phrases shall be construed according to the common and approved usage of language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

May. The term “may” is to be construed as being permissive and not mandatory.

May Not. The term “may not” states a prohibition.

Minn. Stats. The abbreviation “Minn Stats” or “M.S.” means the Minnesota Statutes, as amended.

Month. The term “month” means a calendar month.

Must. The term “must” shall be construed as being mandatory.

Number. Words in the singular include the plural. Words in the plural include the singular.

Owner. When applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or a part of such building or land.

Person. The word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as individuals. For the purpose of imposing penalties or fines for violation of any section of this Code and whenever the word “person” is used in such section for which a penalty is imposed, person shall include partners or members of an association and as to corporations, shall include the officers, agents or members thereof, who are responsible for any such violation.

Personal Property. Every species of property except real property.

Property. Real, personal and mixed property.

Public Place. Any place subject to the primary control of any public agency, including but not limited to any park, street, public way, cemetery, schoolyard or open space adjacent thereto and any lake or stream.

Real Property, Real Estate, Land, Lands. The terms “real property,” “real estate,” “land,” and “land” include lands, buildings, tenements and hereditaments and all rights and interests therein except chattel interests.

Shall. The term “shall” is to be construed as being mandatory.

State. The State of Minnesota.

Street. Any public way, which includes highways, streets, avenues, boulevards, roads, alleys, lanes, viaducts or public thoroughfares in the Town.

Tenant; occupant; lessee. When applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of, such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. “Town” means Athens Township, Isanti County, Minnesota.

Written and in writing. The words “written” and “in writing” shall include any representation of words, letters, or figures, whether by printing or otherwise.

Year. The term “year” means a calendar year.

Zoning Administrator. The person, regardless of title, designated to administer the provisions of relevant chapters of this Code.

Section 1-3. **Catchlines of Sections.**

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, or as any part of the sections; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Section 1-4. **References to Chapters or Sections.**

All references to chapters or sections are to the chapters and sections of this Code unless otherwise specified.

Section 1-5. **Code does not affect prior offenses, penalties and rights.**

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code.

Section 1-6. **Effect of Repeals.**

The repeal of an ordinance or portion of this Code shall not revive any ordinance or portion of this Code in force before or at the time the provision repealed took effect. The repeal of an ordinance or a portion of this Code shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the provision repealed.

Section 1-7. **Certain Ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Ordinance.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money for the Town, or authorizing the issue of any bonds of the Town, or any evidence of the Town's indebtedness, or any contract, right, agreement, lease, deed or other instrument or obligation assumed by the Town.
- (c) Any administrative ordinances of the Town not in conflict or inconsistent with the provisions of this Code.
- (d) Any right or franchise granted by any ordinance.
- (e) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc, any street or public way.
- (f) Any appropriation ordinance.
- (g) Any ordinance levying or imposing taxes.
- (h) Any ordinance prescribing fees, fines, charges, rates, or other specific monetary values; however, ordinances establishing fees may be amended by the Town Board as deemed necessary.

- (i) Any ordinance annexing territory or excluding territory or any ordinance extending the boundaries of the Town.
- (j) Any ordinance establishing traffic or parking regulations on any street or public way, including traffic schedules.
- (k) Any temporary or special ordinances.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. All ordinances are on file in the office of the Town Clerk.

**Section 1-8. Amendments to Code.**

- (a) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the Town Board of Supervisors to make such additions or amendments a part of this Code, shall be deemed to be incorporated in this Code so that reference to the code shall be understood and intended to include such additions and amendments.
- (b) All ordinances passed subsequent to the adoption of this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by the omission thereof from reprinted pages.
- (c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section \_\_\_\_\_ of the Town Code of Athens Township, Isanti County, Minnesota, is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full.
- (d) If a new section not then existing in the Code is to be added, the following language may be used: "That the Town Code of Athens Township, Isanti County, Minnesota, is hereby amended by adding a section to be numbered \_\_\_\_\_, which section reads as follows: . . ." The new section may then be set out in full.
- (e) All sections or chapters desired to be repealed must be specifically repealed by section or chapter number, as the case may be.

**Section 1-9. Supplementation of Code.**

- (a) By contract or by Town personnel, supplements to the Code shall be prepared and printed whenever authorized or directed by the Town Board. A

supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Town Board or adopted by referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the code will be current through the date of adoption of the latest ordinance included in the supplement.

- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall then be excluded from the code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier, meaning the person authorized to prepare the supplement, may make format, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them in to a unified code. For example, the codifier may:
1. Organize the ordinance material into appropriate subdivisions;
  2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in catchlines, headings and titles;
  3. Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  4. Change the words “this ordinance” or words of the same meaning to “this chapter” or “this section” as the case may be, or to “sections \_\_\_\_\_ through \_\_\_\_\_.” The inserted section numbers will indicate the sections of the code which embody substantive sections of the ordinance incorporated into the Code; and
  5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Section 1-10. Severability of Parts of Code.**

It is hereby declared to be the intention of the Town Board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared

unconstitutional, invalid or unenforceable, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 1-11. **General Penalty.**

- (a) Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful, an offense or misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provision of this code or Town ordinance shall be punished as a misdemeanor, with a fine and/or imprisonment as set forth in M. S. A. §609.02. The term “misdemeanor” shall be as defined in M. S. A. § 609.02, Subd. 3. The term “petty misdemeanor” shall be as defined in M. S. A. § 609.02, Subd. 4a. Each day that any violation of any provision of this Code or of any town ordinance shall continue shall constitute a separate offense.
- (b) In case of the amendment by the Town Board of any section of this Code for which a penalty is not provided, the general penalty as provided in subsection 1.11 (a) of this section shall apply to the section, as amended; or in case such amendment contains provisions for which a specified penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so specified shall be held to relate to the amended section, unless such penalty is specifically repealed therein.



## CHAPTER 2      ADMINISTRATION

**Article 1:    In General.**Section 2-1.    **Elections.**

- (a)    Officers in general.

Officers shall be elected at the town general meeting as provided in M.S. § 367.03, as amended.

- (b)    Board of Supervisors.

Five supervisors shall be elected at a town general election. Each supervisor shall be elected for a term of three (3) years.

- (c)    Board Chairman

The Board Chairman shall be determined at the annual Board of Reorganization meeting.

- (d)    Clerk and Treasurer.

1.    A town clerk shall be elected at the annual town election in even-numbered years. The clerk shall serve for two (2) years and until a successor is elected and qualified. The clerk shall perform such duties as identified in M.S. § 367.11, as amended. The Town Board may prescribe other duties from time to time and may provide additional compensation for such duties.
2.    A town treasurer shall be elected at the annual town election in odd-numbered years. The treasurer shall serve for two (2) years and until a successor is elected and qualified. The treasurer shall perform such duties as identified in M. S. § 367.16, as amended. The Town Board may prescribe other duties from time to time and may provide additional compensation for such duties.

Section 2-2.    **Fees**

Fees shall be set by ordinance of the Town Board and shall be amended from time to time, as determined by the Township Supervisors.

TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2022 -03

ORDINANCE AMENDING CHAPTER 2 ARTICLE 1 OF THE TOWN  
CODE RELATING TO FEES

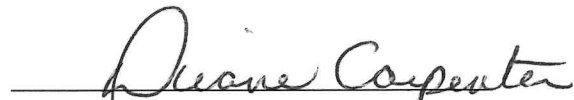
THE TOWN BOARD OF ATHENS ORDAINS:

**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
the Town of Athens hereby adopts the amendment to Chapter 20, Article X of the  
Town Code as shown in Exhibit A.

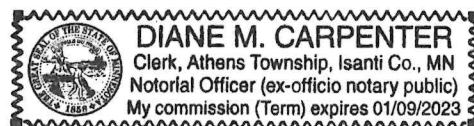
**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 12<sup>th</sup> Day of September 2022

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	✓			
Beckstrom	✓			
Peterson	✓			
Olson				✓
Christensen	✓			



ATHENS TOWNSHIP  
ISANTI, MN  
RESOLUTION NO. 2022 05

**RESOLUTION APPROVING PUBLICATION OF  
SUMMARY OF AMENDMENT TO**

**CHAPTER 2 - ARTICLE 1 In General**

**Section 2.2 Fees**

**WHEREAS**, M. S. § 365.125 allows publication of a summary of an ordinance;

**WHEREAS**, on September 12<sup>th</sup> 2022, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2022-    ) amending the Administration ordinance to add provisions related to Fees.

**WHEREAS**, Ordinance No. 2022 -      contains the following changes:

Adds; New updated fee schedule and minor verbiage changes

**WHEREAS**, Ordinance No. 2022     contains the following additional language:

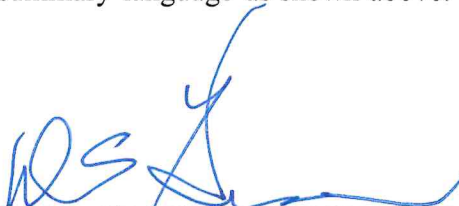
Permit fees, service charges and other fees are hereby established:

**WHEREAS**, the Board of Supervisors has determined that the summary language in the paragraphs above clearly tells the intent and effect of Ordinance No. 2022-     

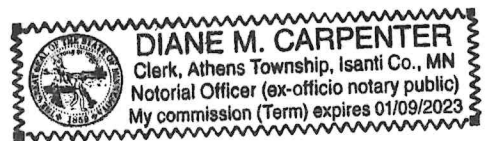
**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 12<sup>th</sup> Day of September 2022

ATTEST:

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk



**EXHIBIT A-AMENDMENT TO  
Chapter 2 Artical 1**

The following permit fees, service charges and other fees are hereby established:

<b>BUILDING INSPECTION AND PERMITS</b>	<b>FEES</b>
Building Permit- New Construction – All types <i>Note: The total fee includes the building permit fee and the plan review fee</i>	Value Based- fees based on 1997 Uniform Building Code Schedule 1A
Building Plan Review Fees (pertain to all value-based permit fees)	65% of Building Permit Fee
Building Plan Review (Repetitive Plan)	25% per MN Rules 1300.0160 Sub 5.
Set fee permits, minimum permit fee. This includes residential mechanical (plumbing and heating), roofing, siding, window, and above ground swimming pools. Other needs as determined by Municipality and Building Official.	\$125
<u>Driveway Permit. Applies to new construction of driveways and new driveway aprons.</u>	<u>\$200</u>
Manufactured homes (within court)	\$150
Moved Buildings (\$300.00 + mileage for offsite inspection)	Value of on-site work only
Investigation fee for work without a permit	See MN Rules 1300.0160 Sub 8
Basement finish (includes plumbing and heating)	\$235
Re-Inspection (as required)	\$65 per hour (1-hour minimum)
Demolition Fee for a home	\$150
<b>SEWAGE TREATMENT SYSTEMS</b>	<b>FEE</b>
Subsurface Sewage Treatment System Type I-IV (new or replacement)	\$350
SSTS Type V (Cluster System) Costs for outside review and permitting	Cost incurred / valuation
Operating Permit Type III, IV, & V	\$300
Holding Tanks Only	\$175

<b>PLANNING &amp; ZONING</b>	<b>BASE FEE</b>	<b>ESCROW*</b>
Amendments -- Text or map (rezoning)	\$500	\$500
Conditional Use Permit	\$400 plus recording costs***	\$500
Interim Use Permit	\$350 plus recording costs***	\$300
Lot Split Certification – Up to 2 hrs. review	\$300 plus recording costs***	-
Site plan approval (multifamily, commercial, industrial)	\$200	\$500
Site plan Review (Residential / Agricultural District). Includes new homes, home additions, accessory structures, and other structures as determined by the Zoning Administrator	\$100.00	\$0
Variances	\$500 plus recording costs***	\$400 (If needed)
Right-Of-Way Permit	\$200.00	\$0
<b>SUBDIVISION APPROVALS</b>	<b>BASE FEE</b>	<b>ESCROW*</b>
Preliminary Plat	\$500	\$2000
Final Plat	\$200	\$0
Park Dedication Fee- Residential	\$300 per dwelling created	\$0
Park Dedication Fee- other	Commercial and industrial land dedication equal to five percent of a project area or cash in lieu equal to fair market value of the land that would have been dedicated at the time of final approval	
<b>ADMINISTRATIVE FEES</b>		
Returned Check Fee	Bank fee plus staff time of \$50.00	\$50.00
Copies	copies up to 8 ½ x 11 11 x 17	\$1.00 \$2.00
Town code book		\$100.00
Comprehensive plan book		\$60.00
Maps (color)		8 ½ x 11 \$4.00
Maps (color)		11x17 \$7.00
Sections of town code book		8 1/2 x 11 \$1.00
Rental of town hall	\$50.00 per rental with a \$200 deposit Non-Profit rental is \$100.00 per rental	New plan
Agricultural Building Site Permit	\$150	Plus, plan review \$150.00
Special Planning Commission meeting (emergency only)		\$1000.00
<b>ADMINISTRATIVE FINES AND PENALTIES</b>		
First Offense	\$50.00	Or as shown on citation

Additional Offense: 3 stages of fines then may be charged as a misdemeanor	Previous amount doubles then triple for subsequent violations	Or as shown on citation attached
<ol style="list-style-type: none"> <li>1. Fines for Administrative Penalties must be paid within 14 days (7 days grace for mail) or fine doubles</li> <li>2. First fine and complaint will be hand delivered and will be a warning if not a safety issue, and if the violator has not been verbally warned or mailed a letter in the past</li> <li>3. Subsequent violations will be sent out by certified mail</li> <li>4. After 3 similar violations the violator may be charged in court with a misdemeanor <u>at</u> the discretion of the Town Board.</li> </ol>		

\*Escrows will be used for administrative, engineering, and legal review of application. Any unused escrow funds will be returned to the applicant. If review surpasses escrow amount, applicant will be billed for additional time spent reviewing applications.

\*\*Applicant must record decision within Isanti County; recording fee set by Isanti County, subject to change.

**ATHENS TOWNSHIP CITATION  
NOTICE OF ORDINANCE VIOLATION**

Date \_\_\_\_\_ Time \_\_\_\_\_

Name of Violator : \_\_\_\_\_

Address : \_\_\_\_\_

Manner of Service	Hand	Mail	Residence	Vehicle
Description:				

WARNING:

Ord #	Description	1st Offense		2nd Offense		Subsequent	
		14 days	Late Pay	14 days	Late Pay	14 days	Late Pay
13.04	Obstructions in Right-of-Way	\$50	\$100	\$100	\$200	\$200	\$300
10	Vehicle in Right of Way	\$50	\$100	\$100	\$200	\$200	\$300
3	Dog Kennel Regulations	\$50	\$100	\$100	\$200	\$200	\$300
	Outside Storage Violation	\$50	\$100	\$100	\$200	\$200	\$300
	Inoperative Vehicle	\$50	\$100	\$100	\$200	\$200	\$300
	Public Nuisance	\$50	\$100	\$100	\$200	\$200	\$300
	Abandoned or Dangerous Structure	\$50	\$100	\$100	\$200	\$200	\$300
3	Exotic Animals	\$50	\$100	\$100	\$200	\$200	\$300
20	Animals on Less than 20 acres	\$50	\$100	\$100	\$200	\$200	\$300
705	Tall Grass and Weeds	\$50	\$100	\$100	\$200	\$200	\$300
4	Unpermitted Alterations or Construction	\$50	\$100	\$100	\$200	\$200	\$300
4	Other Building Permit Violation	\$50	\$100	\$100	\$200	\$200	\$300
	Illegal or Unpermitted Signs	\$50	\$100	\$100	\$200	\$200	\$300
MN	Plowing Snow Across Public Road	\$50	\$100	\$100	\$200	\$200	\$300
	Any Violation Not Listed Above	\$50	\$100	\$100	\$200	\$200	\$300

The above referenced violation shall be corrected/removed within 14 days. Payment shall be submitted to Athens Township within 14 days. Violators who do not comply by 3<sup>rd</sup> offense may be charged with a misdemeanor in a court action. Notify the Zoning Administrator in writing within 7 days if you wish to contest the issuance of this citation.



883 261<sup>st</sup> Ave NE  
Isanti, MN 55040  
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**ISSUED BY ZONING OFFICER OR MAY BE ISSUED BY LOCAL SHERIFF**



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**CHAPTER 3          ANIMAL REGULATIONS<sup>1</sup>****Article 1.          Dogs and Other Animals****Section 3-1.      Definitions.**

Unless the context clearly indicates otherwise, the words, combinations of words, terms and phrases as used in this chapter shall have the meaning as set forth in the following paragraphs:

Animal Warden. Shall mean the County Sheriff or any of his deputies, a town constable or the town pound master.

At Large. A dog is at large when it is off the property of the person owning, harboring, or keeping said dog, and it is not under restraint.

Citation. Shall mean a notice of complaint by the Animal Warden to the owner of animals with one or more violations of this Section.

Commercial Kennel. Shall mean a place where more than three (3) dogs of over six (6) months are kept for the purposes of breeding, sale or boarding.

Domestic Animal shall mean any animal that is livestock, a companion animal, or both. (See Section 3-32 for definition of livestock.)

Owner. Shall mean any person owning, keeping, harboring, or acting as custodian of a dog or other domesticated animal.

Person. Shall mean any individual, firm, partnership or corporation.

Premises. Shall mean any building, structure, shelter or land whereupon dogs or other animals are kept or confined.

Pound Master. Shall mean that person or persons from time to time appointed by the Athens Town Board to carry out the duties of a pound master as defined by Minnesota Statutes or to enforce this section or both.

Public Nuisance Animal or Animals. Shall mean any animal or animals that:

1. If a dog, is/are repeatedly found at large;
2. Damages the property of anyone other than the owner;
3. Is/are vicious animal(s);
4. Causes fouling of the air by odor;
5. Causes unsanitary conditions of enclosures or surroundings;
6. By virtue of number of types of animals maintained, are offensive or dangerous to public health, safety or welfare.

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<sup>1</sup> See Chapter 20 for zoning regulations for private animals and commercial kennels.

7. Excessively makes disturbing noises;
8. Molests passer(s) by or passing vehicles;
9. Attacks other domestic animals; or
10. Has been determined by the Animal Warden to be a public nuisance animal or animals by virtue of being a menace to the public health, safety or welfare.

Under Restraint. A dog is under restraint if it is on the premises of the person harboring or keeping the dog; if it is at heel beside a person having custody of it or obedient to that persons command; if it is within a private motor vehicle of a person owning, harboring, or keeping the dog; or if it is controlled by a leash not exceeding six (6) feet in length.

Veterinary Hospital. Shall mean a place for the treatment, hospitalization, care and boarding of animals or birds, which place is owned and operated by a licensed veterinarian.

Vicious Animal or Animals. Shall mean any animal or animals that constitute a physical threat to human beings or other animals by virtue of one or more attacks of such severity as to cause property damage or physical injury.

Section 3-2. **Enforcement.**

The provisions of this Section shall be enforced by the Animal Warden pursuant to policies established by the Town Board.

Section 3-3. **Right of Entry.**

The Animal Warden shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed by this Section where there is a reasonable belief that a violation of this Section has been committed.

Section 3-4. **Records.**

It shall be the duty of the Animal Warden to keep the following records:

- (a) Accurate and detailed records of the impoundment and disposition of all animals coming into custody;
- (b) Accurate and detailed records of all reported bite cases and investigations for a period of three (3) years;
- (c) Accurate records of all citations issued for violations of this Chapter; and
- (d) Accurate and detailed records of all money collected and expended in the operation of the functions of this office.

**Section 3-5. Running At Large Prohibited.**

No dog shall be allowed by its owner to run at large and every owner of a dog shall cause the same to be:

- (a) Confined to the owner's property by training, fencing, or leashing and females in heat shall be confined in an enclosure and so kept and confined therein during such entire period and until such dogs shall not attract other dogs on account thereof.
- (b) While in any public place, such as a school, playground, or a park, to be on a leash, chain or cord of not more than six (6) feet in length and in the custody of a person of sufficient age to adequately control the dog at all times, and to have and keep said dog under control.
- (c) While in other areas, such as on a public street or in an automobile, to be in the custody of a person of sufficient age to adequately control the dog at all times, and to have said dog under control.

**Section 3-6. Confinement of Animals with a History of Biting.**

Every fierce, dangerous, or vicious animal, including dogs, that has a history of biting a human or any domestic animal, shall be confined by the owner within a building or secure, covered enclosure. Such animal shall not be taken out of the building or secure, covered enclosure unless muzzled and on a leash.

**Section 3-7. Dogs on Leash.**

The restriction imposed by Section 3.5 shall not prohibit the appearance of a dog upon the streets or other public place when such a dog is on a leash or under restraint, except a female dog in season.

**Section 3-8. Abandonment of Animals.**

It shall be unlawful to abandon any dog or other animal within the Township.

**Section 3-9. Impounding Stray Dogs or Animals.**

- (a) The Animal Warden may seize or impound any dog or animal found to be stray on public property or claimed to be stray by the owner of the premises upon which such animal shall be found provided that the owner of the premises demands such seizure or impoundment and agrees in writing to indemnify and hold harmless the Town from any claim for damages by the owner of said dog or other animal.
- (b) Upon taking and impounding any dog, the Animal Warden shall, within one day thereafter, post at the front door of the Town Hall a Notice of Impoundment in the form established by the Town Board. If the owner of the dog is known, a written Notice of Impounding, in lieu of posted notice, shall be given to the owner thereof either by mail or personal service.

- (c) Disposition of such impounded stray shall thereafter be pursuant to the provisions of Section 3.10 of this Code.

**Section 3-10. Disposition of Certain Diseased or Dangerous Dogs or Other Animals.**

- (a) Any dog or other animal displaying symptoms of being rabid may be seized at any place or time and shall be confined in the Town Dog Pound or other appropriate place designated for such purpose by the Town Board from time to time, at the expense of the owner, until found to be free from rabies.
- (b) If any dog or other animal appears to be diseased, vicious, dangerous, rabid, or has been exposed to rabies, and such dog or other animal cannot be taken up and impounded without serious risk, such dog or other animal may be killed if reasonably necessary for the safety of any person or persons.
- (c) When a dog or other animal has bitten any person, wherein the skin has been punctured or the services of a doctor are required, a report of the incident shall be made to the Town by the owner or custodian of the biting dog or animal, or the person bitten or his parent or guardian, within twenty-four (24) hours of the bite.

**Section 3-11. Possession of Nuisance Animals.**

No person shall keep, own, harbor, or otherwise possess within the Town an animal that is a public nuisance animal as defined in Section 3-1 of this Chapter:

**Section 3-12. Animals Disturbing the Peace.**

It shall be unlawful for any person to own, keep, have in his possession or harbor any animal which by frequent and habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons or to the neighborhood; provided, however, that the provisions of this Chapter shall not apply to duly authorized hospitals or clinics established and operating for the treatment of small animals. No person shall be convicted under the provisions of this Section except under the evidence from fifty percent (50%) of the adult residents living within five hundred (500) feet of the residence of the animal complained of or from four (4) persons, each from a different household, whichever is less, and no warrant shall be issued except after written notice has been mailed or delivered to the occupant of the premises where such animal is kept or harbored advising that the complaint has been made about the animal and calling attention to the provisions of this Section.

**Section 3-13. Permits for Commercial Kennels.**

- (a) No person shall operate a commercial kennel in Athens Township without first obtaining a permit. Applications for such permits shall be made to the Town Board and shall be accompanied by the permit fee.

- (b) Commercial kennel permits will only be issued if a commercial kennel is permitted within the zoning district for the subject property.
- (c) Commercial kennel permits shall be issued on an annual basis, expiring on December 31 following the first effective day of the kennel permit. The commercial kennel permit fee shall be the amount per year or fraction thereof as set forth by the Town Board from time to time.
- (d) Commercial kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by duly authorized Town officials at any reasonable time. A commercial kennel permit may be revoked by the Town Board by reason of violation of this Chapter or any health or nuisance order laws or regulations.
- (e) No person shall own, harbor, or keep upon his premises more than three (3) dogs over the age of six (6) months that are kept for the purposes of breeding, sale or boarding unless in a commercial kennel duly permitted under this section.

Section 3-14. **Maintenance of Commercial Kennels.**

- (a) Commercial kennel facilities shall be structurally sound and maintained in good repair. Indoor housing facilities should be adequately ventilated and have ample light and heat, either natural or artificial.
- (b) Shelter shall include a moisture-proof and wind-proof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable materials with a solid floor, raised at least two (2) inches from the ground, and with the entrance covered. The structure shall be provided with a sufficient quantity of suitable bedding materials consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.
- (c) Dogs kept outside shall be provided with access to shelter to protect them from the sun, rain, and snow, together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.
- (d) If the dogs are confined by chains, such chains shall be so attached that they cannot become entangled with the chains of other dogs or other objects. Chains shall be of a size commonly used for the size of dogs involved and shall be attached to the dog by means of a well-fitted collar. Such chains shall be at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail. Cable runs with floors constructed of concrete shall be at least twenty-five (25) feet in length.

- (e) The enclosure shall be of sufficient size to allow each dog to turn around fully and stand, and lie in a comfortable, normal position. The floors of the enclosure shall be constructed so as to prevent injury to the dog's legs and feet.
- (f) All outdoor exercise pens shall have concrete floors and be at least eight (8) feet wide and twelve (12) feet in length with sufficient height to contain the dog. The mesh shall be of sufficient size as not to harm the dog.
- (g) The temperature for indoor housing facilities shall not be allowed to fall below 50 degrees Fahrenheit for dogs not accustomed to lower temperatures.
- (h) Disposal facilities shall be provided to minimize vermin, infestation, odors and disease hazards. All disposal facilities shall be separate from the disposal systems of any dwelling.
- (i) Adequate storage and refrigeration shall be provided to protect food supplies against contamination and deterioration.

Section 3-15. **Violations.**

Any person violating this Section shall be guilty of a misdemeanor and, in addition to the penalty imposed by the Court, shall pay the appropriate costs of prosecution as may be determined by the Court.

Sections 3-16 thru 3-30. **Reserved.**

**Article II: Exotic Animals.****Section 3-31. Purpose and Intent.**

It is the intent of the Town Board of Athens Township to protect the public against the health and safety risks that exotic animals pose to the community and to protect the welfare of individual animals that are held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

**Section 3-32. Definitions.**

The following definitions shall apply to this Chapter of the Town Code:

Domestic Animal means any animal that is livestock, a companion animal, or both.

Livestock means any animal commonly used by persons for use, draft or pleasure purposes. The definition of “livestock” includes but is not limited to:

1. Poultry
2. Cattle
3. Swine
4. Sheep
5. Goats
6. Horses

Companion animal mean any animal that is commonly kept by persons as a pet or for companionship. The definition of “companion animal” includes but is not limited to:

1. Domesticated dogs
2. Domesticated cats

Exotic Animal means any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Non-human primates and prosimians (monkeys, chimpanzees, baboons)
2. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars, not domesticated cats)
3. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
4. Ursidae (all bears)

5. Reptilia (all venomous snakes, all constricting snakes, iguanas, turtles, lizards)
6. Crocodylia (alligators, crocodiles)
7. Proboscidae (elephants)
8. Hyaenidae (hyenas)
9. Artiodactyla (hippotamuses, giraffes, camels, not cattle or swine or sheep or goats)
10. Procyonidae (raccoons, coatis)
11. Marsupialia (kangaroos, opossums)
12. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
13. Edentata (anteaters, sloths, armadillos)
14. Viverridae (mongooses, civets, and genets)
15. Pea fowl.

**Section 3-33. Keeping of Exotic Animals Prohibited.**

- (a) It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic animal within Town limits.
- (b) It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within the Township or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal or exotic animals upon the property, residence or premises.

**Section 3-34. Exceptions.**

The following shall be exempt from these regulations under the conditions noted:

1. Licensed humane societies.
2. Animal control officers.
3. Licensed veterinary hospitals or clinics.
4. Any wildlife rehabilitator licensed by the State who temporarily keeps exotic animals within the Township when the purpose is to return the animals to the wild.
5. Any person who owned, possessed, kept or harbored an exotic animal(s) on or before the effective date of this Ordinance, provided that all licensing and/or approval requirements are met. Any person who falls within this paragraph shall be permitted to hold, keep, harbor or maintain the number of exotic animals that person was legally permitted to hold, keep, harbor or maintain as of the date of adoption of this Ordinance but shall not be permitted to increase the number of exotic animals held, kept, harbored or maintained within the Township.



**Section 3-35. Violations and Penalties.**

Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and shall be punishable according to State law. Each day that a violation continues shall constitute a separate offense.

Section 3-36 thru 3-50. **Reserved.**

**Article III. Animal Fights Prohibited.****Section 3-51. Animal Fights Prohibited.**

Any person who (1) promotes or engages in, or is employed at the activity of cockfighting, dog fighting, or violent pitting of one domestic animal against another of the same or a different kind; or (2) receives money for the admission of any person to any place used, or about to be used, for that activity; or (3) willfully permits any person to enter or use for that activity premises of which the permittee is the owner, agent, or occupant; or (4) uses, trains or possesses a dog or other animal for the purpose of participating in, engaging in or promoting that activity is guilty of a felony. Any person who purchases a ticket of admission or otherwise gains admission to that activity is guilty of a misdemeanor.

Section 3-52 thru 3-55. **Reserved.**

**CHAPTER 4 BUILDING REGULATIONS****Article I: Building Code.**<sup>2</sup>Section 4-1. Adoption of State Building Code.

The Town Board of Athens hereby adopts the Minnesota Building Code (M. S. A. § 16B.50 to 16B.75).

Section 4-2. Administration.

The Town will retain the services of a certified building official to enforce the provisions of the state building code.

Section 4-3. Permits, Inspections, Fees and Time Limits.

- (a) Issuance of Permits. The issuance of permits, conduction of inspections, and collection of fees shall be as established by the Town Board. The Town will establish a fee schedule by ordinance that may be revised from time to time. Such fees are due and payable to Athens Township at or before commencement of work.
- (b) Expiration. Notwithstanding continuing or on-going work, any building permit issued by the Township shall expire and be null and void if a certificate of occupancy and final inspection has not been issued within the following applicable period of time after the date of permit issuance:
- (1) Single-family residential dwellings, including new construction, remodeling or additions shall be completed within twelve (12) months.
  - (2) Accessory buildings on single-family residential properties shall be completed within twelve (12) months.
  - (3) All multi-family and non-residential construction shall be completed within eighteen (18) months.
  - (4) An expired building permit may be reissued once, for a term of one-half of its original duration, upon payment of an amount equal to one-half (1/2) the original permit fee. Thereafter, if the permitted work is not completed within the applicable time period, a new permit must be issued only upon such conditions as the Town Board by resolution may prescribe, including financial guarantees of completion by a specified date.

Section 4-4. Time Limitations for Exterior Work.

Notwithstanding continuing or on-going work or the validity of any permit, all exterior work shall be completed as follows:

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<sup>2</sup> Adopted under Ordinance #97-01, March 3, 1997.

- (1) No land shall remain disturbed and exposed without established grass or other ground cover for a period exceeding twelve (12) months or any lesser period as may be specified in the permit.
- (2) All exterior construction including siding, roofing, doors, windows and finish shall be completed and present a finished appearance with twelve (12) months of the start of construction.
- (3) Effect of Outstanding Permits. Any permit outstanding at the time of adoption of these provisions shall be limited as herein set forth and shall meet the current building code regulations.

Section 4-4 thru 4-20.

**Reserved.**

**Article II: Subsurface Sewage Treatment Systems (SSTS)**Section 4-21. Purpose, Intent, Authority and Effective Date.

- (a) Purpose. The purpose of this Article is to establish minimum requirements for regulation of individual (and mid-size) subsurface sewage treatment systems (SSTS) for the treatment and dispersal of sewage within the applicable jurisdiction of the Township to protect public health and safety, groundwater quality, and prevent or eliminate development of public nuisances. This Article is intended to serve the best interests of the Township's citizens by protecting their health, safety, general welfare and natural resources.
- (b) Intent. The intent of this Article is:
1. To protect the lakes, rivers, streams, wetlands and groundwater in Athens Township which are essential to the promotion of public health, safety, welfare, socioeconomic growth, and development in the Township in perpetuity.
  2. To properly regulate SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
  3. To establish minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
  4. To assure appropriate utilization of privy vaults and other non- water carried sewage collection and storage facilities.
- (c) Authority. This Article is adopted by ordinance pursuant to Minnesota Statutes, Section 115.55; Minnesota Statutes 145A.01 through 145A.08; Minnesota Statutes (M.S) , Section 375.51; or successor statutes; and Minnesota Rules (M.R.), Chapter 7080, Chapter 7081, Chapter 7082, or successor rules as amended from time to time.
- (d) Effective Date. This Article was adopted by Ordinance No. 2014 - 14, Subsurface Sewage Treatment Systems (SSTS). The ordinance was adopted on December 8, 2014.

Section 4-22. General Provisions.

- (a) Scope. This Article regulates the siting, design, installation, alterations, operations, maintenance, monitoring, and management of all SSTS within the Township's applicable jurisdiction including, but not necessarily, limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of Athens Township shall be treated and dispersed by an approved SSTS that is sited, designed, operated, and maintained in accordance with the provisions of this Article or by a system that has been permitted by the Minnesota Pollution Control Authority (MPCA).
- (b) Jurisdiction. The jurisdiction of this Article shall include all lands of Athens Township.

Section 4-23. Administration and Liability.

- (a) Township Administration.
  1. The Athens Township Zoning Department shall administer the SSTS program and all of provisions of this Article.
  2. At appropriate times, the Township shall review, revise and update this Article, as necessary.
  3. The Township shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.
  4. This Article must, by law, be consistent with the Isanti County SSTS regulations but may be more restrictive both administratively and technically.
- (b) State of Minnesota Administration.
  1. Where a single SSTS or group of SSTS under single ownership within one-half (1/2) mile of each other have a design flow greater than 10,000 gallons per day, the owner or owners shall make application for and obtain a State Disposal System (SDS) permit from MPCA.
  2. For any SSTS that has a measured daily flow for a consecutive seven-day period which equals or exceeds 10,000 gallons per day, a SDS permit is required.
  3. SSTS serving establishments or facilities licensed or otherwise regulated by the State of Minnesota must comply with the standards and requirements of this Article. CHAPTER 4

(c) Liability.

Any liability or responsibility shall not be imposed upon the Township or any of its officials, employees, or other contract employees, or agents thereof, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this Article, by reason of standards, requirements, or inspections authorized hereunder.

Section 4-24. General Requirements.(a) Retroactivity.

1. Except as explicitly set forth in this Article, all provisions of this Article shall apply to any SSTS regardless of the date it was originally permitted.

2. Existing Permits.

Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system ownership.

3. SSTS on Lots Created after January 23, 1996.

All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support trenches, seepage beds, mounds, and at-grade systems as described in M.R. Chapters 7080.2200 through 7080.2230 and 7080.2260 or site conditions described in 7081.0270, subp. 3 through 7.

(b) Upgrade, Repair, Replacement and Abandonment.

1. SSTS Capacity Expansions. Expansion of an existing SSTS also must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Article at the time of the expansion.

2. Failure to Protect Groundwater. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, Chapter 7080.1500, subp. 4A, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of the Article within ten (10) months of receipt of a Notice of Noncompliance.

3. Imminent Threat to Public Health or Safety. An SSTS that is determined to be an imminent threat to public health or safety in accordance with M. R., Chapter 7080.1500, subp. 4A, shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within thirty (30) days of receipt of a Notice of Noncompliance. If the imminent threat to public health can be mitigated by monitoring and pumping the septic tank according a plan approved by the Township, then the owner can have up to ten (10) months to upgrade the system.

4. Abandonment.

Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with M. R., Chapter 7080.2500.

(c) SSTS in Floodplains.

SSTS shall not be located in a floodway and wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in M. R., Chapter 7080.2270 and all relevant local requirements are met.

(d) Class V Injection Wells.

All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, title 40, part 144, are required by the Federal government to submit SSTS inventory information to the Environmental Protection Agency (EPA) as described in CFR40 part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

(e) SSTS Practitioner Licensing.

No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with M. R., Chapter 7083 except as exempted in 7083.0700. Athens Township limits this exemption to a property owner who wishes to construct a non-pressurized SSTS, which is to treat wastewater solely from their own dwelling or seasonal dwelling from the licensing requirement if a site evaluation and a system design are obtained from appropriately licensed practitioners.



(f) Prohibitions.

No surface discharging system must be permitted under the National Pollution Discharge Elimination program by MPCA.

Section 4-25. SSTS Standards.

(a) Standards Adopted by Reference.

Athens Township hereby adopts by this reference M. R., Chapter 7080 and 7081 in their entirety, excluding 7080.2400 Type V systems, as now constituted and from time to time amended. This adoption does not supersede the Township's right or ability to adopt local standards that are in compliance with Minnesota Statute 115.55.

(b) Amendments to the Adopted Standards.

1. List of Adopted Standards.

- a. All new and upgraded SSTS for individual dwellings shall be sized for Type 1 dwellings.

2. Determination of Hydraulic Loading Rate and SSTS Sizing.

- a. Either Table IX or Table IXa from M. R., Chapter 7080.2150, subp. 3E and herein adopted by reference shall be used to determine the hydraulic loading rate and infiltration area for all SSTS permitted under this Article.

3. Compliance Criteria.

a. Compliance Criteria for Existing SSTS.

- i. SSTS built after March 31, 1996, or SSTS located in a Shoreland area, Wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under M. R., 7080.1100, subp. 84 shall have a three-foot vertical separation between the bottom soil infiltrative surface and the periodically saturated soil and/or bedrock.
- ii. Existing systems that have no more than a fifteen (15) percent reduction in this separation distance (a separation distance no less than 30.6 inches) to account for settling of sand or soil, normal variation of

separation distance measurements and interpretation of limiting layer characteristics may be considered compliant under this ordinance.

- iii. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil (M.R. 7080 1500, subp. 4).
- iv. All other system compliance shall be as defined in M.R. 7080.1500, subp, 1 through subp. 6.

4. Holding Tanks.

Holding tanks may be used for single family homes and other buildings with limited water used under the following conditions:

- i. Provided that an adequate soil treatment area does not exist on site.
- ii. The owner shall install a holding tank in accordance with M. R., 7080.2290.

Section 4-26. Licensing.

- (a) Valid license required. No sewer permit shall be issued by the Township to the applicant until such time the person, firm, or corporation engaging in the design, site evaluation, installation, or construction of any sewage treatment system provides a copy of a valid MPCA issued license as defined under M. R., Chapter 7083 authorizing said person, firm or corporation to conduct said activity in the State of Minnesota.
- (b) Designed, Installed and Maintained by Licensed Professional. All systems must be designed, installed, and maintained by a MPCA licensed professional.

Section 4-27. Land Application and Disposal of Septage.

- (a) Disposal. All septage hereafter disposed of shall conform to the EPA 503 Rule.
- (b) Land Application. Land application of septage shall require approval by the Township and shall be processed and regulated by Athens Township Ordinance No. 2012-03.

(c) Setbacks for Land Application. The following MPCA standards for setbacks shall be observed for land application:

- |    |   |            |
|----|---|------------|
| 1. | Property lines and road rights-of-way   | 10 feet    |
| 2. | Grassed waterways   | 100 feet   |
| 3. | Private wells   | 200 feet   |
| 4. | Intermittent streams, tile inlets, sinkholes, wetlands  | 200 feet   |
| 5. | Recreational trail and existing and proposed residences.  | 200 feet   |
| 6. | Surface water   |            |
|    | Summer: May 1“ through October 31“ if a fifty (50) foot buffer<br>between the site and the surface water is established | 200 feet   |
|    | Summer — without a buffer   | 600 feet   |
|    | Winter: November 1st through April 30th   | 600 feet   |
| 7. | Residential and commercial development and public<br>contact sites  | 600 feet   |
| 8. | Public wells  | 1,000 feet |

(d) Soil characteristics for land application.

Land where septage is to be applied must have a separation of 24 inches between redoximorphic features (mottling) and the application point (surface or injection).

Section 4-28. Permits.

(a) Land Application Permits.

1. No person, firm, or corporation shall install, alter, repair or extend any sewage disposal system in the Township without first obtaining a permit from the Township Zoning Administrator for the specific installation, alteration, repair or extension, and, at the same time as applying for the permit, shall pay a fee as established by the Town Board of Supervisors. Such permits shall be valid for a period of twelve (12) months from the date of issue. Site evaluations shall be valid for twelve (12) months from the completion date.
2. Applications for permits shall be made in writing upon printed forms furnished by the Township and shall be signed by the applicant.
3. Each applicant for a permit shall have thereon the correct legal description of the property for the proposed installation, alteration, and/or repair, and be accompanied by a site plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating date, as requested by the Township Zoning

Administrator or his/her representative, attesting to the compliance with the requirements and standards of this Article. A complete plan must include the following:

- a. The location, size, and design of all parts of the system to be installed, altered, repaired or extended.
  4. The results of soil boring tests and percolation tests conducted on the property upon which the proposed installation is to take place.
  5. The present or proposed location of water supply facilities and water supply piping.
  6. The name of the person, firm, or corporation who is to install the system.
  7. Any further information as requested by the Township in order to process the application.
- (b) Construction Permits.
1. Purpose. A construction permit shall be obtained by the property owner or an agent of the property owner from the Township prior to the installation, replacement, modification, alteration, repair, or capacity expansion of a SSTS. The purpose of this permit is to ensure that the proposed construction activity is sited, designed, and constructed in accordance with the provisions of this ordinance by appropriately certified and/or licensed practitioners.
  2. Activities Requiring a Construction Permit. A Construction Permit is required for the installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout or function.
  3. Activities Not Requiring a Permit. A Construction Permit is not required for minor repairs or replacements of system components that do not alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function.
  4. Permit Application Requirements. Construction Permit applications shall be made on forms provided the Athens Township Zoning Department and must be signed by the property owner or property owner's agent. The application shall include the following:

- a. The name, mailing address, telephone number, and email address of the property owner or property owner's agent.
  - b. The property identification number and address or other description of the property location.
  - c. A site evaluation report as described in Minnesota Rules, Chapter 7080.1730.
  - d. A design report as described in Minnesota Rules, Chapter 7080.2430.
  - e. A management plan as described in Minnesota Rules, Chapter 7082.0600.
  - f. A monitoring and disposal contract for holding tanks. Owners of holding tanks must provide a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business to the Township, which guarantees the removal of the holding tank contents in a timely manner that prevents an illegal discharge in accordance with Minnesota Rules, Chapter 7080.0100, Subp. 3G. This requirement is waived if the owner is a farmer who is exempt from licensing under Minnesota Statutes, section 115.56, subd. 3, paragraph (b), clause 3.
5. Application Review and Response. The Township Zoning Department shall review a permit application and supporting documents within fifteen (15) working days from the receipt of a satisfactorily completed application. Upon satisfaction that the proposed work will conform to the provisions of this Article, the Department shall issue a written permit authorizing construction of the SSTS as designed. In the event, for any reason, the applicant makes a significant change to the approved application, the applicant must file, prior to initiating or continuing construction, modification, or operation, an amended application detailing the changed conditions for approval or denial. The Department shall complete the review of the amended application within fifteen (15) working days of receipt of the amended application. If the permit application is incomplete or does not meet the requirements of this Article, the Department shall deny the application. A notice of denial shall be provided to the applicant, which must state the reason for the denial.
6. Permit Expiration. The Construction Permit is valid for a period of no more than one (1) year from its date of issue, unless it is extended in accordance with this Section or construction has been completed satisfactorily, whichever is shorter. Satisfactory completion of construction shall be determined by receipt of a signed certification that the construction or installation of the system was completed in

substantial conformance to the approved design documents by a qualified employee of Athens Township or a licensed inspection business that is authorized by the Athens Township Zoning Department and independent of the owner/applicant and the SSTS installer.

7. Extensions and Renewals. The Department may grant an extension of the Construction Permit if the construction has commenced prior to the original expiration date of the permit. The permit may be extended for a period of no more than six (6) months.
  8. Suspension or Revocation. The Department may suspend or revoke a Construction Permit issued under this Section for any false statements, misrepresentation of facts on which the Construction Permit was issued, or unauthorized changes to the system design that alter the original function of the system, or otherwise change the original system's design, layout or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Construction Permit is obtained.
- (c) Operating Permit.
1. SSTS Requiring an Operating Permit. An operating permit shall be required for all systems installed under Minnesota Rules, parts 7080.2290, 7080.2350, and Chapter 7081.

Section 4-29. System Abandonment Certification.

- (a) Purpose. The purpose of the System Abandonment Certification is to ensure that a treatment system no longer in service is abandoned within a reasonable time following decommissioning and in a manner that protects health, safety and water quality. It also terminates all permits associated with the system.
- (b) Abandonment Requirements.
  1. Whenever the use of a SSTS or any system component is discontinued as the result of a system repair, modification, replacement or decommissioning following connection to a municipal or private sanitary sewer, or condemnation or demolition of a building served by the system, further use of the system or any system component for any purpose under this Article shall be prohibited.

2. Continued use of a treatment tank where the tank is to become an integral part of a replacement system or a sanitary sewer system requires prior written approval of the Township Zoning Department.
3. Abandonment shall be completed in accordance with Minnesota Rules, Chapter 7080.2500. No prior notification to the Township Zoning Department or an owner's intent to abandon a system is necessary.

Section 4-30. Management Plans.

- (a) Purpose. The purpose of a management plan is to describe how a particular SSTS is intended to be operated and maintained to sustain the performance required. The plan is to be provided by a certified designer to the system owner when the treatment system is commissioned.
- (b) Required Contents of a Management Plan. Management plans shall include the following (Minnesota Rules, Chapter 7080.0600, subp. 1):
  1. Operating requirements describing tasks that the owner can perform and tasks that a licensed service provider or maintainer must perform;
  2. Maintenance requirements including maintenance procedures and a schedule of routine maintenance;
  3. A statement that the owner is required to notify the Township Zoning Department when the management plan requirements are not being met; and
  4. Disclosure of the location and condition of the additional soil treatment and dispersal area on the owner's property or a property serving the owner's residence.
- (c) Requirements for Systems not Operated under a Management Plan (Minnesota Rules, Chapter 7082.0100.Subp. 3 (L)). SSTS that are not operated under a management plan or operating permit must inspect treatment tanks and remove solids if needed every three years. Solids must be removed when their accumulation meets the limit described in Minnesota Rules, Chapter 7080.2450.

Section 4-31. Compliance Management.

- (a) Compliance Inspections. A SSTS compliance inspection must be performed as defined in Minnesota Rules 7082.0700 Inspection Program for Subsurface Sewage Treatment Systems.
- (b) Qualified Inspections. All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.



- (c) Inspection Requirements. The permittee shall notify the Township Zoning Department a minimum of twenty-four (24) hours prior to the required inspection. Inspection will be scheduled and completed during regular business hours. All changes from the approved permit design shall require the approval by the designer of the system and by the Township prior to construction.
- (d) Point of Sale Certificate of Compliance. No owner of a tract of land located in the Township upon which a dwelling is located, or upon which a structure having an on-site sewage treatment system is located, shall sell or contract to see by conveyance or contract for conveyance without providing a copy of a Point of Sale Certificate of Compliance to the buyer prior to the sale in accordance with the following requirements:
1. Time of sale shall be defined as the time of execution of any document providing for the conveyance by deed or contract.
  2. The proposed purchaser shall not take occupancy of the dwelling or structure prior to the issuance of the Point of Sale Certificate of Compliance by the Township Zoning Department, except that upon the filing of an executed written agreement by the present and prospective owners, which agreement sets forth the date by which the new owner will complete the necessary corrective action, and which agreement and corrective action dates are approved by the Township Zoning Department and found to be adequate in the department's discretion, the occupancy may be permitted pending issuance of the Point of Sale Certificate of Compliance.
  3. Inspection forms for the Point of Sale Certificate of Compliance shall be completed on MPCA approved forms. The inspection shall be performed by a licensed MPCA inspector. Results of the inspection, in compliance or non-compliance, shall be submitted to the Township Zoning Department.
- (e) Additional Standards. In addition to any standards cited in the MPCA regulations in Minnesota Rules, Chapter 7080, the following shall also apply:
1. The use of a gravelless drainfield pipe in sandy soils is prohibited.
- (f) New Construction or Replacement.
1. Compliance inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081.
  2. A Certificate of Compliance for new SSTS construction or replacement, which shall be valid for five (5) years, shall be issued

by the Township Zoning Department if the system was built in accordance with the applicable requirements as specified in the construction permit.

3. The Certificate of Compliance or notice of noncompliance must be submitted to the Township Zoning Department no later than fifteen (15) calendar days after the date the inspection was performed.
4. Certificates of compliance for new construction or replacement shall remain valid for five (5) years from the date of issue unless the Township Zoning Department finds evidence of noncompliance.

(g) Existing Systems.

1. Compliance inspections shall be required for existing SSTS systems when any of the following conditions occur:
  - a. When a construction permit is required to repair, modify or upgrade an existing system or when adding a bedroom to a dwelling; or
  - b. Upon receipt of a complaint or other notice of system malfunction.
2. Compliance inspections for existing SSTS shall be reported on inspection report forms provided by MPCA. Compliance inspections of existing SSTS shall meet the requirements of Minnesota Rules, Chapter 7082.0700, Subp. 4 (B). Vertical separation disputes must follow the procedure in Minnesota Rules, Chapter 7082.0700, Subp. 5.
3. The Certificate of Compliance or notice of noncompliance must be submitted to the Township Zoning Department no later than fifteen (15) calendar days after the date the inspection was performed. ,
4. Certificates of Compliance for existing SSTS shall remain valid for three (3) years from the date of issue unless the Department finds evidence of noncompliance.
5. Neither the issuance of permits, certificates of compliance or notices of noncompliance as requested or issued shall be construed to represent a guarantee or warranty of the system's operation or effectiveness. Such certificates signify that the system in question is or has been designed and installed in compliance or non-compliance with the provisions of these standards and regulations.

- (a) Variance Requests. Variance requests related to the horizontal setbacks from property lines, rights of way, structures or buildings will be processed according to the provisions of Chapter 20 of the Township Code of Ordinances.
- (b) Affected Agency. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State agency pursuant to the requirements of that agency.

Section 4-34. Fees. From time to time, the Township Board of Supervisors shall establish fees for activities undertaken by the Township Zoning Department pursuant to this Article. Fees shall be due and payable at the time of submission of a permit application.

Section 4-35. Violations and Penalties.

- (a) Notice of Violation. The Township Zoning Department shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Article. The notice of violation shall contain:
  - 1. A statement documenting the findings of fact determined through observation, inspections or investigations;
  - 2. A list of specific violation(s) of this ordinance;
  - 3. Specific requirements for correction or removal of the specified violation(s); and
  - 4. A mandatory time schedule for correction, removal and compliance with this ordinance.
- (b) State Notification of a Violation. In accordance with State law, the Township Zoning Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed pumper that is performed in violation of the provisions of this Article.
- (c) Penalties.
  - 1. Misdemeanor. Any person who fails to comply with the provisions of this Article may be charged with a misdemeanor and, upon conviction thereof, be subject to the penalties for such as offense as provided by law. Each day during or on which a violation occurs or continues shall constitute a separate offense.
  - 2. Injunctive Relief/Civil Action. In the event of a violation or a threat of violation of this Article, the Department may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct, or abate such violations; and the Township Attorney may institute a civil action.

Section 4-35. Interpretation. In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements and shall be liberally constructed in favor of the Township and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Section 4-36. Severability. If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of law, the remainder of this Article shall not be affected and shall remain in full force and effect.

Section 4-37. Abrogation and Greater Restrictions. It is not intended by this Article to repeal, abrogate, or impair any other existing Township ordinances, easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other ordinances or regulations that are inconsistent with this Article are hereby repealed to the extent of the inconsistency only.

Sections 4-38 thru 4-50.       **RESERVED.**

**ARTICLE III:       Opting out of Requirements of Minnesota Statutes Section 462.3593**

Section 4-51. Pursuant to authority granted by Minnesota Statutes, 462.3593, subdivision 9, the Town of Athens opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Health Care Dwellings. Adopted under Ordinance No, 2016-07 dated August 1, 2016.

Sections 4-52 thru 4-60.       **RESERVED**

**CHAPTER 5**

**RESERVED**

**CHAPTER 6**

**RESERVED**

**CHAPTER 7**

**RESERVED**







**CHAPTER 7      RESERVED.**

## CHAPTER 8            NUISANCE REGULATIONS

**Article I:    In General.**Section 8-1.    **Public Nuisance Defined.**

Whoever by his act or failure to perform a legal duty does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (a) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (b) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (c) Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically provided.

Section 8-2.    **Public Nuisance Affecting Health.** The following are hereby declared to be nuisances affecting health:

- (a) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (b) All diseased animals running at large;
- (c) Pools of stagnant water;
- (d) Carcasses of animals not buried or destroyed within 24 hours after death;
- (e) Accumulation of tin cans, bottles, trash, ashes, refuse, or debris of any nature or description;
- (f) Privy vaults and garbage cans which are not rodent free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (g) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (h) All noxious weeds including all weeds defined by the State Commissioner of Agriculture to be injurious to the public health, roads, crops, livestock and other property;

- (i) Dense smoke, noxious fumes or odors, gas and soot, or cinders, in unreasonable quantities;
- (j) All public exposure of persons having a contagious disease;
- (k) The placing of the contents of any cesspool, septic tank, privy vault, portable or satellite toilet or garbage can upon the surface of public or private property. (Placement of substances or matter from a public landfill or sewage disposal system shall require a permit from the Town Board.)
- (l) Clandestine drug laboratories.
- (m) Any offensive trade or business as defined by Statute.

Section 8-3. **Public Nuisances Affecting Peace and Safety.**

The following are declared to be nuisances affecting public peace and safety:

- (a) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (b) All wires and limbs of trees which are so close to the surface of a road as to constitute a danger to pedestrians or vehicles;
- (c) All unnecessary noises and annoying vibrations;
- (d) Obstructions and excavations affecting the ordinary use of public streets, roads, alleys, public ways, or public grounds except under such conditions as are permitted by the Zoning Ordinance or other applicable law;
- (e) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (f) Any use of property abutting on a public road or any use of a public road which causes large crowds to gather, obstructing traffic and the free use of the road;
- (g) All hanging signs, awnings, and other similar structures over public roads, or so situated as to endanger public safety, or not constructed and maintained in a sound condition;
- (h) Any fence within the public right-of-way;
- (i) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

- (j) Waste water cast upon or permitted to flow upon roads or other public property;
- (k) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, lumber, wood, or other material, or the rank growth of vegetation among the items so accumulated, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or in a manner creating fire, health or safety hazards from such accumulation.
- (l) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (m) Obstruction to the free flow of water in a natural waterway, gutter, or ditch through accumulation of trash and other materials;
- (n) The placing or throwing on any public road, or other public property of any glass, tacks, nails, bottles, or other substances which may injure any person or animal or damage any pneumatic tire when passing over such substances;
- (o) The depositing of paper, litter, debris, garbage or refuse on a public right-of-way or on adjacent private property, or the throwing of any such matter from a motor vehicle;
- (p) All other conditions or things which are likely to cause injury to the person or property of anyone; and
- (q) No person shall store, in the open, a vehicle that is unlicensed and/or inoperable.

**Section 8-4. Noise Restrictions.**

The following regulations for noise shall apply in the Township.

- (a) Night Restrictions. The following activities shall be restricted between the hours of 10:00 p.m. and 7:00 a.m.:
  1. Participation in noisy parties or gatherings. No person shall participate in any party or gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or response of another person at any time. Whenever an officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person(s) shall refuse to leaving after being ordered by an officer to do so. Every owner or tenant of such

premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

2. Domestic Power Equipment. No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment. Snow removal equipment is exempt from this provision.
  3. Heavy Machinery Use. No person or persons shall engage in or permit heavy machinery activity involving the use of any kind of electric, diesel or gas-powered machine or other power.
  4. Construction Activity. No person shall engage in or permit construction activities involving any type of equipment, mechanical or non-mechanical.
  5. Recreational Vehicles. No person shall drive or operate any minibike, snowmobile, ATV, or other recreational vehicle not licensed for travel on public highways.
- (b) Permitted Noise. The following acts or noises are permitted between the hours of 10:00 p.m. and 7:00 a.m.
1. Equipment used in connection with special events or activities that are approved by the Town Board.
  2. Church bells, chimes or carillons, school bells, or emergency civil defense warning signals.
  3. Anti-theft devices.
  4. Machines or devices for the production of sound on or in authorized emergency vehicles.

Section 8-5. **Administration and Enforcement.**

Officers, employees, or agents as the Township may designate, shall enforce the provisions of this Chapter. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

- (a) General Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the Township, the officer shall notify in writing the owner or occupant of the premises of such fact and order that the nuisance be terminated and abated. If the premises are not occupied and the owner is unknown, the notice may be

served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated, provided the time for abatement shall not exceed ten (10) days in the case of noxious weeds. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Township supervisors. Thereafter, the Board, after notice and hearing, may cause the nuisance to be abated by the Township.

- (b) Emergency Abatement. When the officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public safety or health, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The officer shall immediately thereafter notify in writing the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.

Section 8-5. **Violations And Penalties.**

Any person who violates any provision of this Chapter shall upon conviction thereof be fined and/or imprisoned according to M.S. § 609.02. The defendant may be assessed the costs of prosecution if convicted. Each day that the violation is permitted to exist constitutes a separate offense.



**CHAPTER 9**

**RESERVED**

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**CHAPTER 10      PARKING REGULATIONS<sup>3</sup>****Article I:      General Provisions.****Section 10-1.    Purpose and Intent.**

All parking of vehicles on Township roads shall hereafter comply, in all respects, with the regulations set forth herein.

- (a) It is the purpose of these regulations to provide for the health and safety of Township residents by adopting regulations that prohibit parking in certain areas of the Township.
- (b) It is the intent of this Ordinance to regulate the parking of vehicles in Athens Township pursuant to Minn. Stat. Chapter 169.

**Section 10-2.    Jurisdiction.** The regulations herein governing parking shall apply to all the area of Athens Township.

**Section 10-3.    Prohibited Parking In Certain Areas.**

- (a) No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:

- 1. At any place where official signs or markings prohibit stopping or parking, or restrict the time, places or types of vehicles that may park in designated areas.

**Section 10-4.    Law Enforcement May Move Cars.**

When any law enforcement officer finds a vehicle standing upon a town road in violation of this Chapter, such officer is hereby authorized to issue a citation for such violation or to require the driver or other person in charge of the vehicle to move the same to a position off the paved or improved or main traveled part of the roadway.

**Section 10-5.    Violations And Fines**

Violations of the parking regulations defined in this ordinance shall constitute a petty misdemeanor and shall be subject to a fine as established by M. S. § 609.02, as amended.

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<sup>3</sup> Adopted July 1997.

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**CHAPTER 11      PARK REGULATIONS<sup>4</sup>****Article I:    In General.****Section 11-1. Purpose.**

The purpose of this Chapter is to specify rules and regulations in order to provide for the following:

- (a) Safe and peaceful use of park land and trails;
- (b) Education and public recreation;
- (c) Protection and preservation of the park and recreation property, facilities, and natural resources; and
- (d) The general welfare of the public.

**Section 11-2. Statutory Authority.**

This Chapter regulating the parks of Athens Township is adopted pursuant to and in accordance with M. S. A. §462.357, Subd. 1.

**Section 11-3. Interpretation.**

The provisions of this Chapter shall be liberally construed to effect its purpose.

**Section 11-4. Separability.**

The provisions of this Chapter shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision or other part thereof shall not make void, impair, invalidate or affect the remainder thereof.

**Section 11-5. Definitions.**

For the purpose of this Chapter, certain words and terms shall have the following meaning:

Alcoholic Beverage. Includes any intoxicating beverage as defined by Minnesota Statutes and includes beer and wine as further defined in this Chapter.

Amusement Contraption. Any contrivance, device, gadget, machine or structure designed to test the skill or strength of the user or to provide the user with any sort of ride, lift, swing, or fall experience, including, but not limited to, ball throwing contest devices, electronic videos, animal ride devices, dunk tanks, ball and hammer devices, trampoline devices and the like.

Authorized Adult. Any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.

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<sup>4</sup> Adopted under Ordinance #2000-01, July 20, 2000.

Barrels. Any various units of volume or capacity, as a liquid measure of 31 to 42 gallons.

Beer. Any alcoholic malt beverage, including 3.2 beer.

Board. The Athens Town Board of Supervisors.

Case Lot Quantity. A quantity greater than twelve – 12 ounce containers or a total of 144 ounces of alcoholic beverages. This includes “party balls” containing more than 144 ounces.

Controlled Substance. Any drug substance or immediate precursor in schedules 1 through 5 of Minnesota Statutes §152.03, as amended.

Dangerous Weapon. Any firearm, whether loaded or unloaded, any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm.

As used in this Chapter, “flammable liquid” means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, “combustible liquid” is a liquid having a flash point at or above 100 degrees Fahrenheit.

Designated Area. An area or facility identified by the Township for use in a specific manner.

Inhalant. Any substance that releases vapors and which is used by a person for the purpose of inducing symptoms of intoxication, elation, excitement, confusion, dizziness, paralysis, irrational behavior, or in any manner changing, distorting or disturbing the balance or coordination of a person’s audio, visual, or mental processes.

Keg. A small cast or barrel containing more than 288 ounces of alcoholic beverages.

Motorized Recreational Vehicle. Any motorized self-propelled, off-road, or all terrain conveyance including, but not limited to, a snowmobile, ATV’s, mini-bike, amphibious vehicle, go-cart, trail bike or dune buggy.

Nuisance. Anything that is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as interfere with the comfortable enjoyment of life or property.

Park. Any dedicated or publicly owned recreation area under the jurisdiction or control of the Town of Athens.

Park Visitor. Any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a Township park.

Permit. The written permission that must be obtained from the Township to carry out a given activity.

Permittee. An individual, firm, corporation, society or any group to whom a permit is issued.

Person or Persons. Individuals, firms, corporations, societies, or any group or gathering whatsoever.

Possession. In relation to a controlled substance means:

- (1) Physical Possession. Having a controlled substance on one's person with knowledge of the nature of the substance, or
- (2) Constructive Possession. Having once possessed a controlled substance, continuing to exercise dominion or control over the substance up to the time of arrest, aiding and abetting another in possessing a controlled substance, or being in a condition of having consumed or ingested a controlled substance.

Town, Township, Town Board of Supervisors. All terms relating to Athens Township, Isanti County, Minnesota.

Vehicle. Any motorized, self-propelled, animal drawn or human powered conveyance.

Watercraft. Any contrivance used or designed for navigation on the water, except: (1) a duck boat during the duck hunting season; (2) a rice board during the harvest season; or (3) a seaplane. This definition includes, but is not limited to, motorboats, personal watercraft or jet skis, paddle boats, canoes, sailboards, and rafts.

Wildlife. Any living creature, not human, wild by nature, endowed with sensation and power of voluntary motion -- including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

Wine. A vinous alcoholic beverage containing not more than 14% alcohol by volume.

Zoning Administrator. The person or persons employed by the Township to administer the Township Zoning Ordinance.

Section 11-6. **Hours.**

- (a) Athens Township parks shall be open each day from sunrise to sunset.
- (b) An After Hours Permit, which is available from the Zoning Administrator, is required for presence in a park beyond the established hours.
- (c) The Zoning Administrator and one township Supervisor or any peace officer are hereby authorized to close any park, beach, trail, recreation area, or any portion thereof at any interval of time, whether temporary or at regular stated intervals, as found necessary for the protection of the park property or for the public health, safety or welfare.

Section 11-7. **Permits.**

Permit applications are available from the Township Zoning Administrator.

- (a) Temporary Permits for Group Gatherings. The Zoning Administrator shall issue a temporary permit upon a determination by the Zoning Administrator that the applicant has shown the following:
  - 1. The proposed use of the park will not reasonably interfere with or detract from the general public enjoyment of the park;
  - 2. The proposed use will not reasonably interfere or detract from the promotion of the public health, safety or welfare; and
  - 3. The proposed use is not reasonably anticipated to lead to or incite violence, crime, disorderly conduct or injury or damage to wildlife or to the park property.

Any peace officer shall have the authority to revoke a temporary permit upon finding a violation of any of the regulations contained in this Chapter. It shall be unlawful to use a Township park or any portion thereof for group celebrations, meetings, or entertainment which are not open to the public without first obtaining a temporary permit.

In no case shall such group gathering constitute a mass gathering as defined in the Township Zoning Ordinance.



(b) After Hours Permit. The Zoning Administrator shall issue an After Hours Permit upon a determination by the Zoning Administrator that the applicant has shown the following:

1. The proposed use of the park will not reasonably interfere with or detract from the general public enjoyment of the park;
2. The proposed use will not reasonably interfere or detract from the promotion of public health, safety or welfare; and
3. The proposed use is not reasonably anticipated to lead or incite violence, crime, disorderly conduct, or injury or damage to wildlife or to the park property.

Any peace officer shall have the authority to revoke an After Hours Permit upon finding a violation of any of the regulations contained in this Chapter.

(c) General Permit Regulations.

1. Permits are not transferable and will be issued to Township residents only.
2. The permittee or a designated representative of the permittee shall be in attendance at all times and have physical possession of the permit.
3. A permittee shall be bound by this Chapter as though the same were inserted in said permit.
4. It shall be unlawful for a person to violate any provision of a permit.
5. The permittee shall be liable for any loss or damage to the park or injury to any person by reason of negligence of the permittee or associated individual(s).
6. It shall be unlawful for any person to refuse to vacate the area designated as reserved by the permit.

**Section 11-8. Fees.**

- (a) The Athens Township Board of Supervisors shall establish park permit fees.
- (b) It shall be unlawful for any person to use a park or park facility or engage in an activity for which a fee has been established by the Athens Township Board without payment of such fee.

- (c) The Zoning Administrator may request Town Board action to assess damages to a person or persons responsible for any loss, damage, or injury sustained by the Township due to use of the park by such person(s).

Section 11-9 thru 11-20.      **Reserved.**

**Article II: Regulation of General Conduct****Section 11-21. Use of Trash Receptacles.**

Where trash receptacles are provided in any park, all refuse and trash related to park use shall be placed therein.

(a) The following activities are prohibited in a Township park:

- (1) Placing of residential, commercial or construction trash or debris in park trash receptacles.
- (2) Dumping, depositing, or leaving any of the following:

Bottles  
Broken glass  
Discarded vegetation, including, but not limited to, Christmas trees.  
Ashes.  
Paper.  
Boxes.  
Cans.  
Dirt.  
Rubbish.  
Waste.  
Garbage or refuse.  
Any other trash.

Burning or attempting to burn any of the items listed in this section is prohibited.

**Section 11-22. Regulation of General Conduct.**

- (a) Proper Attire/Exposure. It shall be unlawful for any person to intentionally expose his or her own genitals, pubic area, buttocks, or female breast below the top of the areola, with less than a fully opaque covering while in a Township park, if five (5) years of age or older.
- (b) Drug and Alcohol Use. It shall be unlawful, when in a Township park, for any person to:
  1. Be under the influence of, or use, serve, possess, consume, sell, barter, furnish, give, purchase, or attempt to purchase any alcoholic beverage;
  2. Possess in an unsealed container or consume any alcoholic beverage on Township properties set aside or designated as a parking area, road or parkway; or

3. Be under the influence of, use, serve, possess, consume, sell, barter, furnish, give, purchase or attempt to purchase, any controlled substance except the possession or consumption of such substance with a lawful prescription.

Section 11-23. **Gambling.**

It shall be unlawful for any person to gamble or participate in any act of gambling, as defined in Minnesota Statutes §609.755, Subd (1), (2) or (3), as amended, in a Township Park.

Section 11-24. **Nuisance/Private Property.**

It shall be unlawful, when in a Township Park for any person to:

- a. Commit any act that constitutes a nuisance.
- b. Place or park vehicles, equipment, or property in a manner or location that interferes with traffic or other park visitor(s) enjoyment of the Township park or specific facility therein; or
- c. Leave or store personal property.

Section 11-25. **Possession/Use of Firearms/Dangerous Weapons/Fireworks.**

It shall be unlawful, when in a Township park, for any person to:

- a. Have in their possession or discharge firearms, air rifles, BB guns, sling shots, bows and arrows and other weapons.
- b. Possess, set off or attempt to set off or ignite any firecrackers, fireworks smoke bombs, rockets, black powder guns, or other pyrotechnics or explosive device.

Section 11-26. **Interference with Employee Performance of Duty.**

It shall be unlawful for any person to impersonate a Township employee or to interfere, harass, or hinder any employee in the discharge of his/her duties.

Section 11-27 thru 11-40. **Reserved.**

**Article III: Regulations Pertaining to General Park Operations.**

Section 11-41: **Commercial Use/Solicitation/Advertising.** It shall be unlawful for any person to:

- (a) Use any Township park for commercial purposes.
- (b) Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a Township Park except by authorized concession or permission by the Town Board.
- (c) Expose, distribute or place any sign, advertisement, notice, poster or display in a Township park without permission of the Zoning Administrator.

Section 11-41. **Noise/Amplification of Sound.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound, except for special programs or events at dates and times as authorized by permit; or
- (b) Use, operate or permit the use or operation of any radio, phonograph, television set, compact disc player, or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to reasonable persons of normal sensitivity within the area of audibility; or
- (c) Willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise that disturbs the peace or is an annoyance to any reasonable park visitor of normal sensitivity.

The standards that shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (1) Level of noise;
- (2) Intensity of noise;
- (3) The nature of the noise is usual or unusual;
- (4) Level and intensity of background noise, if any;
- (5) Type of area within which the noise emanates;
- (6) Intensity of human use of the area during the time at which the noise emanates;
- (7) Time of the day or night during which the noise occurs;
- (8) Duration of the noise; and
- (9) Interpretation of these criteria by a peace officer.

**Section 11-42. Fires.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Start a fire, except a recreational fire or a fire for culinary purposes within containment structures (fire rings, grills, portable stoves) in designated areas;
- (b) Leave a fire unattended or fail to fully extinguish a fire;
- (c) Drop, throw, or otherwise leave unattended, lighted matches, burning tobacco products, or other burning or combustible materials; or
- (d) Dispose of ashes or embers except in containers designated for that purpose.

**Section 11-43. Amusement Contraptions.**

It shall be unlawful for any person to bring, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget in a Township park without approval of the Town Board.

**Section 11-44. Pets.**

It shall be unlawful for any person owning, having control or custody of any pet, excluding animals certified to and assisting persons with disabilities, to:

- (a) Allow a pet to disturb, harass, interfere with, or endanger any park visitor or visitor's property or any Township employee or employee's property;
- (b) Allow a pet to damage park property, resources or facilities;
- (c) Tether a pet to a tree, plant, building, or park equipment or leave a pet unattended; or
- (d) Bring a pet into a Township park area without possessing and using an appropriate device for cleaning up pet feces and disposing of the feces in a waste receptacle.

**Section 11-45. Unlawful Occupancy.**

It shall be unlawful for any person to enter in any way any building, installation, or area that may be under construction or locked or closed to public use; or to enter or be upon any building, installation, or area after the posted closing time or before the posted opening time, or contrary to posted notice in any Township park.

**Section 11-46 thru 11-60. Reserved.**



**Article IV. Protection of Property, Structures, and Natural Resources.****Section 11-61. Destruction/Defacement of Park Property/Signs.**

It shall be unlawful for any person to:

- (a) Intentionally deface, vandalize, tamper with or otherwise cause destruction to park property.
- (b) Intentionally deface, destroy, cover, damage, tamper with or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Township.
- (c) To use any restroom in any park in other than a clean and sanitary manner.
- (d) To climb trees or other natural growths or flagpoles, buildings, or structures, unless specifically designed and designated for that purpose.

**Section 11-62. Disturbance of Natural Resources.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Intentionally remove, alter, injure, or destroy any tree, plant or other vegetation, soil, mineral, or other natural resource.
- (b) Intentionally remove materials from, alter, or destroy an archeological site or resource, or site of scientific significance or interest.
- (c) Dig trenches, holes or other excavations.
- (d) Divert, impound, or alter a watercourse.
- (e) Introduce, release, abandon, or dispose of any plant or animal.

**Section 11-63. Disturbance of Wildlife.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Kill, trap, injure, pursue, feed or in any manner disturb or cause to be disturbed, any species of wildlife, except fishing in designated areas pursuant to the State game laws, and except wounded or escaped animals from outside the Township park which may be captured on park property when lawful and necessary. Trapping for pest control shall be exempt from this provision.
- (b) Intentionally remove, alter, injure or destroy habitat used by any species, including, but not limited to, nests, dams or burrows.

**Section 11-64. Release of Harmful or Foreign Substances.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Place any debris, pollutant or other agent in or upon any Township park of body of water in a Township park; or any tributary, stream or drainage area that flows into such waters.
- (b) Discharge wastewater or any other wastes in a Township park except in designated containers, drain or dumping stations.

Section 11-65 thru 11-70.     **Reserved.**

**Article V. Regulation of Recreation Activity.****Section 11-71. Camping.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Camp except in areas provided and designated for that purpose.
- (b) Camp overnight in a park if under eighteen (18) years of age unless accompanied by a parent or authorized adult.

**Section 11-72. Snowmobiling.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate a snowmobile except on designated trails, and except as close to the right hand side thereof as conditions will permit.
- (b) Operate snowmobiles in excess of posted speed limits when present or at a rate of speed greater than reasonable or proper under current conditions.
- (c) Operate a snowmobile in such a manner as to create a nuisance or to endanger the safety or property of any park visitor, employee or snowmobile rider.
- (d) Operate a snowmobile in violation of Minnesota Statutes § 84, or Minnesota Rule 6199, as amended.
- (e) Operate a snowmobile in violation of any posted trail sign.

**Section 11-73. Boating.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Launch watercraft in any area outside a public boat launch.
- (b) Operate a watercraft in violation of Minnesota Statutes § 86B and Minnesota Rules, parts 6110.1600 – 6110.2300, both as amended.

Section 11-74 thru 11-80. **Reserved.**

**Article VI. Regulation of Motorized Vehicles, Traffic and Parking.****Section 11-81. Vehicle Operation.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate, park, or leave any vehicle except upon roadways, parking areas, or other designated locations.
- (b) Operate, park, or leave a vehicle in violation of the Township Road Ordinance.

**Section 11-82. Parking Vehicles.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Park or leave a vehicle standing except in a designated area and then only in a manner so as not to restrict normal traffic flow.
- (b) Park or leave a vehicle standing after posted closing hours without a valid After Hours Permit.
- (c) Park or leave a vehicle without a handicapped parking permit in view in a handicap accessible parking space.
- (d) Park or leave without a boat trailer in a parking space designated for vehicles with boat trailers, or leave a vehicle with a boat trailer except in a designated boat trailer parking area when such area is provided.

**Section 11-83. Maintenance of Motorized Vehicles.**

It shall be unlawful for any person to wash, grease, change oil or perform other maintenance on any motorized vehicle in a Township park.

**Section 11-84. Motorized Recreational Vehicles.**

It shall be unlawful, when in a Township park, for any person to:

- (a) Operate a motorized recreational vehicle except in authorized areas.
- (b) Operate a motor vehicle or any device propelled by human power except on roads, paths, or areas designated for such use.

**Section 11-85. Exceptions.**

An activity otherwise prohibited under this Chapter may be allowed to occur under one or more of the following circumstances and upon such terms and conditions as required by the Town Board:

- (a) When the activity is conducted by a duly authorized public employee performing a necessary public function.
- (b) When the Town Board makes written findings that the health, safety and welfare of the general public requires a specified exemption.

Section 11-86 thru 11-90.     **Reserved.**

**Article VII. Violations and Enforcement.****Section 11-91. Violations.**

Any person, firm, company or corporation violating any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine or a sentence under Minnesota Statutes § 609.02.

**Section 11-92. Enforcement.**

Any peace officer may enforce the provisions of this Chapter and shall specifically have the authority to:

- (a) Eject from any Township park any person acting in violation of this Chapter.
- (b) Continually exclude such ejected person(s) from any or all Township parks.
- (c) Seize and confiscate any property, animal, thing or device in any Township park used in violation of any of the provisions of this Chapter.
- (d) Issue citations for violation(s) of this Chapter.



**CHAPTER 12      RESERVED**

## CHAPTER 13. RIGHT-OF-WAY REGULATIONS

## Article I. General Regulations.

## Section 13-01. Purpose and Authority.

- (a) **Purpose.** The primary objectives of this ordinance are to protect public safety, reduce interference with public travel, protect the public's interest in Rights-of-Way, and to provide for the efficient and uniform administration of the Town's road Rights-of-Way. The Board finds that the regulations, requirements, and restrictions, as set forth in this ordinance, are in the best interests of the health, safety, and welfare of the Town's citizens. Specifically, the Board makes the following findings:
1. Demands for usable space over, under and across public Rights-of-Way threaten to exceed the already limited space practically available in existing public Rights-of-Way.
  2. Because systems are typically installed in shallow trenches, the paved streets are restored in narrow "ribbons" which deteriorate faster than the surrounding street surface and shorten the original design life, thereby increasing costs to taxpayers.
  3. Lengthy and uncoordinated construction, installation, repair or relocation of equipment or facilities within the public Rights-of-Way add to existing hazards and inconvenience for motorists, pedestrians, and adjacent landowners.
  4. Telecommunication companies and users are not paying their fair share of the costs to acquire, develop and maintain the public Rights-of-Way.
  5. Efficient management and regulation of public Rights-of-Way can ensure economical access to and preservation of Town owned storm water systems, as well as economical access for all other current and future users of public Rights-of-Way.
- (b) **Authority.** As a road authority, the Board has broad authority to regulate what occurs within the Town's road Rights-of-Way. This authority is found in Minn. Stat. § 365.10, subd. 17, a variety of sections in Minn. Stat. Chapters 160, 164, 165, 169, 222, 237, and other chapters, as well as the rules associated in those chapters.

**Section 13-02. Definitions.**

For the purposes of this ordinance, the following terms shall have the meaning given them in this section:

**Approach.** Means the area of Right-of-Way between the traveled surface of the road and the adjacent property that is intended to provide access for vehicles or equipment from the road to the adjacent property.

**Board.** Means the Town Board of Supervisors of Athens Township, Isanti County, Minnesota.

**Headwall.** Means rock, concrete, masonry, metal, timber or other similar materials placed on the sides of an approach as support, to prevent erosion, or for decorative purposes.

**Junk.** Means, including but not limited to, old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**Person.** Means an individual, corporation, business trust, partnership or association including, but not limited to, a partnership of any kind, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

**Right-of-Way.** Means the entire width between boundary lines of any way or place under the jurisdiction of the Town when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic and is maintained by the Town.

**Town.** Means the organized government of Athens Township, Isanti County, Minnesota.

**Section 13-03. Cultivation and Landscaping.**

- (a) **Cultivation.** No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes or shrubs within a Right-of-Way.
- (b) **Landscaping.** No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage a Right-of-Way. No person may place watering systems or sprinkler heads within a Right-of-Way.

**Section 13-04. Obstructions and Junk.**

- (a) **Obstructions.** No person may place, maintain, or allow any obstruction in a Right-of-Way other than those specifically permitted by this ordinance, by state law or rule, or by written approval of the Board. Items prohibited by this section include, but are not limited to, fences, posts, structures, signs, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the Right-of-Way. No person shall park a functioning vehicle in a Right-of-Way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the Right-of-Way.
- (b) **Junk.** No person shall place or maintain junk in a Right-of-Way.

**Section 13-05. Alteration of Grade.**

No person shall alter or change the depth or contour of any portion of a ditch or embankment in a Right-of-Way without the written approval of the Board.

**Section 13-06. Unauthorized Maintenance.**

No person may work, maintain, improve, or repair the traveled portion of a Right-of-Way without the written approval of the Board.

**Section 13-07. Doing Damage.**

No person shall cause damage to a Right-of-Way without the written approval of the Board. Any person doing damage within a Right-of-Way with approval of the Board shall return the Right-of-Way to at least the same condition it was in prior to the damage.

**Section 13-08. Mailboxes, Signs and Newspaper Boxes.**

- (a) **Mailboxes and Newspaper Boxes.** Mailboxes and newspaper boxes are permitted within a Right-of-Way if they do not interfere with, obstruct, or render dangerous for passage a road. Mailboxes placed within a Right-of-Way must comply with all of the standards in Minnesota Rules Chapter 8818. The Board may remove and replace mailboxes that do not comply with the standards as provided in Minnesota Statute § 169.072.
- (b) **Signs.** No sign of any nature may be placed or allowed to remain in any Right-of-Way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.

**Section 13-09. Approaches and Headwalls.**

- (a) **Approaches.** No person may construct or reconstruct any approach to a road without first obtaining approval by the Board. A person may be required to submit a map or drawing of the existing or proposed approach when seeking approval.
- (b) **Culverts.** A person constructing or reconstructing an approach may be required to install a culvert meeting the specifications set out by the Board if the Board determines a culvert is necessary for suitable approach to the road and to promote adequate drainage of the Right-of-Way.
- (c) **Costs.** A person constructing or reconstructing an approach to an existing road shall be responsible for paying all of the costs related thereto, including the cost of seeking all necessary approvals and the cost of a culvert if one is required. Property owners are responsible for maintaining all approaches and associated culverts on their property at their own cost.
- (d) **Headwalls.** No person may construct or reconstruct any headwall in a way that interferes with the safe use or maintenance of a Right-of-Way.

**Sections 13-10 thru 13-13. Reserved.**

**ARTICLE II. PERMITS TO EXCAVATE OR OBSTRUCT A RIGHT-OF-WAY.**

**Section 13-14. Definitions.** The following definitions, along with those in Article I, Section 1.01, shall apply to the terms found throughout this Article.

**Applicant.** Means any person requesting permission to excavate or obstruct a Right-of-Way.

**Construction Performance Bond.** Means a performance bond, or other form of security posted to ensure the availability of sufficient funds to assure that Right-of-Way excavation and obstruction work is completed in accordance with the terms of the Right-of-Way permit, or other applicable State law or local regulations.

**Degradation.** Means a decrease in the useful life of the Right-of-Way caused by excavation in or disturbance of the Right-of-Way, resulting in the need to reconstruct such Right-of-Way earlier than would be required if the excavation did not occur.

**Degradation Cost.** Means the cost to achieve a level of restoration as determined by the Town at the time the permit is issued, not to exceed the maximum Restoration shown in plates 1 to 13, set forth in proposed PUC rules parts 7819.9900 to 7819.9950.

**Degradation Fee.** Means the estimated fee established at the time of the permitting by the Town to recover costs associated with the decrease in the useful life of the Right-of-Way caused by the excavation and which equals the degradation Costs.

**Director.** Means such person authorized by the Board to carry out the duties assigned to the Director pursuant to this ordinance.

**Delay Penalty.** Means the penalty imposed as a result of unreasonable delays in Right-of-Way construction.

**Emergency.** Means a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

**Equipment.** Means any tangible asset used to install, repair or maintain facilities in any Right-of-Way.

**Excavate.** Means to dig into or in any way remove or physically disturb or penetrate any part of a Right-of-Way.

**Excavation Permit.** Means the permit that, pursuant to this ordinance, must be obtained before a person may excavate in a Right-of-Way. An excavation permit allows the holder to excavate that part of the Right-of-Way described in such permit.

**Excavation Permit Fee.** Means money paid to the Town by an applicant to cover the costs as provided in Section 1.08 of this Article.

**Facility or Facilities.** Means any tangible asset in the Right-of-Way required to provide utility service.

**Inspector.** Means the Town Engineer or such other person authorized by the Town Board to carry out inspections related to the provisions of this ordinance.

**Local Representative.** Means a local person or persons, or designees of such person or persons, authorized by a registrant to accept service and to make decisions for the registrant regarding all matters within the scope of this ordinance.

**Management Costs.** Means the actual costs the Town incurs in managing its Rights-of-Way, including such costs, if incurred, as those associated with all reasonable administrative, legal, planning, engineering and other professional costs as well as all reasonable engineering expenses incurred by the Town in enforcing, approving, completing, restoring, and inspecting any construction activities, including, but not limited to, registering Applicants; issuing, processing and verifying Right-of-Way permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during Right-of-Way work; determining the adequacy of Right-of-Way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking Right-of-Way permits. Management costs do not include payment by a Telecommunications Right-of-Way User for the use of the Right-of-Way, the fees and cost of litigation relating to the interpretation of Minn. Stat. 1997, Chapter 123; Minn. Stat. § 237.162 or 237.163 or any ordinance enacted under those sections, or the Town fees and costs related to appeals taken pursuant to this Article.

**Obstruct.** Means to place any tangible object in a Right-of-Way so as to hinder free and open passage over that or any part of the Right-of-Way.

**Obstruction Permit.** Means the permit that, pursuant to this ordinance, must be obtained before a person may obstruct a Right-of-Way, allowing the holder to hinder free and open passage over the specified portion of that Right-of-Way by placing equipment described therein on the Right-of-Way for the duration specified therein.



**Obstruction Permit Fee.** Means money paid to the Town by a permittee to cover cost as provided in Section 1.08 of this Article.

**Patch or Patching.** Means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the sub-base and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when replacement of the pavement is included in the Town's five-year road improvement plan.

**Permittee.** Means any person to whom a permit to excavate or obstruct a Right-of-Way has been granted by the Town under this ordinance.

**Probation.** Means the status of a person that has been found in noncompliance with the conditions of this ordinance.

**Probationary Period.** Means one year from the date that a person has been notified in writing that they have been put on probation, regardless of the reason for the probation.

**Registrant.** Means any person who (1) has or seeks to have its equipment or facilities located in any Right-of-Way, or (2) in any way occupies or uses, or seeks to occupy or use, the Right-of-Way or place its facilities in the Right-of-Way.

**Restore or Restoration.** Means the process by which a Right-of-Way is returned to the same condition and life expectancy that existed before excavation.

**Restoration Cost.** Means the amount of money paid to the Town by a permittee to achieve the level of restoration according to plates 1 to 13 of the PUC rules.

**Right-of-Way.** For purposes of this Article, means the area on, below, along side, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the Town has an interest, including other dedicated Rights-of-Way for travel purposes and utility easements of the Town. A Right-of-Way does not include the airwaves above a Right-of-Way with regard to cellular or other nonwire telecommunications or broadcast service.

**Right-of-Way Permit.** Means either the excavation permit or the obstruction permit, or both, depending on the context, required by this ordinance.

**Service or Utility Services.** Includes but is not limited to (1) those services provided by a public utility as defined in Minn. Stat. § 216B.02, Subds. 4 and 6; (2) telecommunications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy or power services; (3) the services provided by a corporation organized for the purposes set forth in

Minn. Stat. § 300.03; (4) the services provided by a district heating or cooling system; and (5) cable communications systems as defined in Minn. Stat. Chapter 238; and a (6) Telecommunication Right-of-Way User as defined in subpart (31) below.

**Supplementary Application.** Means an application made to excavate or obstruct more of the Right-of-Way than allowed by, or to extend, a permit that had already been issued.

**Telecommunications Rights-of-Way User.** Means a person owning or controlling a facility in the Right-of-Way, or seeking to own or control a facility in the Right-of-Way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this ordinance, a cable communication system defined and regulated under Minn. Stat. Chapter 238 and telecommunications activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. §216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chapters 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chapter 308A, are not Telecommunications Right-of-Way Users for purposes of this Ordinance.

**Temporary.** Means patching or restoration work that is intended to restore the roadway for a period of less than five years.

**Unusable Facilities.** Means facilities in the Right-of-Way that have remained unused for one year and for which the registrant is unable to provide proof that it has either a plan to begin using it within the next twelve (12) months or a potential purchaser or user of the facilities.

#### **Section 13-15. Administration.**

The Director is the principal Township official responsible for the administration of the Rights-of-Way, Right-of-Way permits and the ordinances related thereto. The Director may delegate any or all of the duties thereunder.

#### **Section 13-16. Registration and Right-of-Way Occupancy.**

- (a) **Registration.** Each person who occupies, uses, or seeks to occupy or use, the Right-of-Way for purposes of placing, maintaining or repairing any equipment or facilities in the Right-of-Way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Director. Registration will consist of providing application information and paying a registration fee.
- (b) **Registration Prior to Work.** No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or

any part thereof in the Right-of-Way without first being registered with the Director.

- (c) **Exceptions.** Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the Right-of-Way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this ordinance. However, nothing herein relieves a person from compliance with the provisions of Minn. Stat. Chapter 216 D, “One Call” Law.

**Section 13-17. Registration Information**

- (a) **Information Required.** The information provided to the Director at the time of registration shall include, but not be limited to:
1. Each of the following, if applicable:
    - A. Registrant’s name, Gopher One-Call registration certificate number, address, email address, telephone and facsimile numbers.
    - B. The name, address and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
    - C. A certificate of insurance:
      - (1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota; and
      - (2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the Right-of-Way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities in the Right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property; and

- (3) Naming the Town and its engineer as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages; and
  - (4) Requiring that the Director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
  - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Director in amounts sufficient to protect the Town and the public and to carry out the purposes and policies of this Article.
- D. The Town may require a copy of the actual insurance policies.
  - E. If the person is a corporation, a copy of the certificate required to be filed under Minn. Stat. § 300.96 as recorded and certified by the Secretary of State.
  - F. A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said Commission or other state or federal agency.
- (b) **Notice of Changes.** The registrant shall keep all of the information above current at all times by providing to the Director information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

**Section 13-18. Reporting Obligations.**

- (a) **Operations.** Each registrant shall, at the time of registration and sixty (60) days prior to construction, file a construction and major maintenance plan for underground facilities with the Director. Such plan shall be submitted using a format designated by the Director and shall contain the information determined by the Director to be necessary to facilitate the coordination and reduction in the frequency of excavation and obstructions of Right-of-Way.

The plan shall include, but not be limited to, the following information:

1. The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a “Next-year’s Projects”). The term “project” in this section includes Next-year’s Projects.

**Section 13-19. Permit Requirement**

- (a) **Permit Required.** Except as otherwise provided in this ordinance, no person may obstruct or excavate any Right-of-Way without first having obtained the appropriate Right-of-Way permit from the Director to do so.
  1. **Excavation Permit.** An excavation permit is required by a registrant to excavate that part of the Right-of-Way described in such permit and to hinder free and open passage over the specified portion of the Right-of-Way by placing facilities described therein, to the extent and for the duration specified therein.
  2. **Obstruction Permit.** An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of Right-of-Way by placing equipment described therein on the Right-of-Way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project. In circumstances of an emergency repair, verbal approval to proceed immediately may be granted by the Director and the obstruction permit must be obtained as soon as possible thereafter.
- (b) **Permit Extensions.** No person may excavate or obstruct the Right-of-Way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another Right-of-Way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.
- (c) **Delay Penalty.** Notwithstanding Subd. 2 of this section, the Town shall establish and impose a delay penalty for unreasonable delays in Right-of-Way excavation, obstruction, patching, or restoration. The delay penalty shall be established and amended when necessary by action of the Board.
- (d) **Permit Display.** Permits issued under this Ordinance shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Director.

**Section 13-20. Permit Applications.**

- (a) **Application.** Application for a permit is made to the Director. Right-of-Way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:
1. Registration with the Director pursuant to this ordinance.
  2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
  3. Payment of money due the Town for:
    - A. Permit fees, estimated restoration costs and other management costs;
    - B. Prior obstructions or excavations;
    - C. An undisputed loss, damage, or expense suffered by the Town because of applicant's prior excavations or obstructions of Rights-of-Way or any emergency actions taken by the Town;
    - D. Franchise or user fees, if applicable.
    - E. Payment of disputed amounts due the Town by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.
  4. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a construction performance bond for the additional facilities is insufficient, the posting of an additional or larger construction performance bond for the additional facilities may be required.

**Section 13-21. Issuance of Permit; Conditions.**

- (a) **Permit Issuance.** If the applicant has satisfied the requirements of this Article, the Director shall issue a permit.
- (b) **Conditions.** The Director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare **of the Township** when necessary to protect the Right-of-Way and its current use.

**Section 13-22. Permit Fees.**

- (a) **Excavation Permit Fee.** The excavation permit fee shall be established by the Board in an amount to recover the following costs:
1. The Town management costs; and
  2. Degradation costs, if applicable.
- The excavation permit fee shall be established by the Board and shall be published in the fee schedule that the Town shall from time to time amend.
- (b) **Obstruction Permit Fee.** The obstruction permit fee shall be established by the Board and shall be published in the fee schedule that the Town shall from time to time amend.
- (c) **Payment of Permit Fees.** No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The Town may allow the applicant to pay such fees within thirty (30) days of billing.
- (d) **Non refundable.** Permit fees that were paid for a permit that the Director has revoked for a breach as stated in Section 1.18 of this Article are not refundable.

**Section 13-23. Right-of-Way Patching and Restoration.**

- (a) **Timing.** The work to be done under the excavation permit, and the patching and restoration of the Right-of-Way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under Section 1.13 of this Article.
- (b) **Patch and Restoration.** The permittee shall patch its own work. The town may choose either to have the permittee restore the Right-of-Way or to restore the Right-of-Way itself.
1. **Town Restoration.** If the Town restores the Right-of-Way itself, permittee shall pay the costs thereof within thirty (30) days of billing. If, during the thirty-six (36) months following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the town, within thirty (30) days of billing, all costs associated with having to correct the defective work.



2. **Permittee Restoration.** If the permittee restores the Right-of-Way itself, it shall at the time of application for an excavation permit post a construction performance bond in an amount determined by the Town Engineer to be sufficient to cover the costs of restoration. If, within thirty-six (36) months after completion of the restoration of the Right-of-Way, the Town Engineer determines that the Right-of-Way has been properly restored, the surety on the construction performance bond shall be released.
- (c) **Standards.** The permittee shall perform patching and restoration according to the standards and with the materials specified or approved by the Town Engineer. The Town Engineer shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The Town Engineer in exercising this authority shall comply with PUC standards for Right-of-Way restoration and shall further be guided by the following considerations;
1. The number, size, depth and duration of the excavations, disruptions or damage to the Right-of-Way.
  2. The traffic volume carried by the Right-of-Way; the character of the neighborhood surrounding the Right-of-Way.
  3. The pre-excavation condition of the Right-of-Way; the remaining life expectancy of the Right-of-Way affected by the excavation.
  4. Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the Right-of-Way that would otherwise result from the excavation, disturbance or damage to the Right-of-Way; and
  5. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the Right-of-Way that would otherwise take place.
- (d) **Guarantees.** By choosing to restore the Right-of-Way itself, the permittee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this 36-month period it shall, upon notification from the Director, correct all restoration work to the extent necessary, using the method required by the Town Engineer. Said work shall be completed within five (5) business days of the receipt of the notice from the Director, exclusive of weekends, legal holidays, periods during which work cannot be done because of circumstances beyond permittee's reasonable control or days when work is prohibited as

unreasonable under Section 1.13 of this Article. A letter of credit for 1.25 times the amount of the projected cost to complete such work shall be posted with the Town prior to excavation of the right-of-way.

- (e) **Failure to Restore.** If the permittee fails to restore the Right-of-Way in the manner and to the condition required by the Town Engineer, or fails to satisfactorily and timely complete all restoration work required by the Town Engineer, the Town at its option may do such work. In that event the permittee shall pay to the Town, within thirty (30) days of billing, the costs of restoring the Right-of-Way. If permittee fails to pay as required, the Town may exercise its rights under the construction performance bond.
- (f) **Degradation Cost in Lieu of Restoration.** In lieu of Right-of-Way restoration, a Right-of-Way user may elect to pay a degradation fee. However, the Right-of-Way user shall remain responsible for patching and the degradation fee shall not include the costs to accomplish these responsibilities.

**Section 13-24. Joint Applications.**

- (a) **Joint Application.** Registrants may jointly apply for permits to excavate or obstruct the Right-of-Way at the same place and time.
- (b) **With Town Projects.** Registrants who join in a scheduled obstruction or excavation performed by the Town, whether or not it is a joint application by two or more applicants or a single application, are not required to pay the obstruction and degradation portions of the permit fee.
- (c) **Shared Fees.** Registrants who apply for permits for the same obstruction or excavation, that the Town does not perform, may share in the payment of the obstruction or excavation fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their application(s).

**Section 13-25. Supplementary Applications.**

- (a) **Limitation on Area.** A Right-of-Way permit is valid only for the area of the Right-of-Way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee that determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area, (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or a permit extension.

- (b) **Limitation on Dates.** A Right-of-Way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. The supplementary application must be done before the permit end date.

**Section 13-26. Other Obligations**

- (a) **Compliance with Other Laws.** Obtaining a Right-of-Way permit does not relieve a permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the town or other applicable rule, law or regulations. A permittee shall comply with all requirements of local, state, and federal laws, including Minn. Stat. §§ 216D.01 - .09 (“One Call Excavation Notice System”). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the Right-of-Way pursuant to its permit, regardless of who does the work.
- (b) **Prohibited Work.** Except in an emergency, and with the approval of the Director, no Right-of-Way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- (c) **Interference with Right-of-Way.** A permittee shall not so obstruct a Right-of-Way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work on the Right-of-Way may not be parked within or next to a permit area, unless parked in conformance with town parking regulations. The loading or unloading of trucks shall be done solely within the defined permit area unless specifically authorized by the permit.
- (d) **Traffic Warnings and Signage.** When working in or obstructing Town Right-of-Way, the applicant is required to erect proper signage and traffic control devices to warn the public that work is being performed in the Right-of-Way or that the Right-of-Way is obstructed. All signs and traffic warning devices shall be erected as prescribed by and in conformance with the Minnesota Manual on Uniform Traffic Devices.

**Section 13-27. Denial of Permit.**

The Director may deny a permit for failure to meet the requirements and conditions of this ordinance or if the Director determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the Right-of-Way and its current use.

**Section 13-28. Installation Requirements.**

The excavation, backfilling, patching and restoration, and all other work performed in the Right-of-Way shall be done in conformance with Engineering Standards adopted by the Public Utilities Commission (PUC) or other applicable local requirements, insofar as they are not inconsistent with the PUC Rules.

**Section 13-29. Inspection.**

- (a) **Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with PUC rules.
- (b) **Site Inspection.** The permittee shall make the work site available to the Town Engineer and to any other Town employees or agents and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- (c) **Authority of Director.**
  - 1. At the time of inspection, the Director may order immediate cessation of any work that poses a serious threat to the life, health, safety or well-being of the public.
  - 2. The Director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the Director that the violation has been corrected. If such proof has not been presented within the required time, the Director may revoke the permit pursuant to Section 1.18 of this Article.

**Section 13-30. Work Done Without a Permit.**

- (a) **Emergency Situations.** Each registrant shall immediately notify the Director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Article for the actions it took in response to the emergency.

- (b) **Non-emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a Right-of-Way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double for any other fees required by this Article, deposit with the Director the fees necessary to correct any damage to the Right-of-Way and comply with all other requirements of this Article.

**Section 13-31. Supplementary Notification.**

If the obstruction or excavation of the Right-of-Way begins later or ends sooner than the date given on the permit, the permittee shall notify the Director of the accurate information as soon as this information is known.

**Section 13-32. Revocation of Permits.**

- (a) **Substantial Breach.** The Town reserves its right, as provided herein, to revoke any Right-of-Way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulations, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited to, the following:
1. The violation of any material provision of the Right-of-Way permit;
  2. An evasion or attempt to evade any material provision of the Right-of-Way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the Town or its citizens;
  3. Any material misrepresentation of fact in the application for a Right-of-Way permit;
  4. The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
  5. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Section 1.16 of this Article.
- (b) **Written Notice of Breach.** If the Director determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulations or any condition of the permit, the Director shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for

revocation of the permit and subject the permittee to costs and expenses incurred by the Town as a result of this breach including attorney's fees and restoration costs. A substantial breach, as stated above, will allow the Director, at his or her discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

- (c) **Response to Notice of Breach.** Within twenty-four (24) hours of receiving notification of the breach, the permittee shall provide the Director with a plan, acceptable to the Director, that will cure the breach. Permittee's failure to so contact the Director, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further permittee's failure to so contact the Director, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.
- (d) **Cause for Probation.** From time to time, the Director may establish a list of conditions of the permit, which, if breached, will automatically place the permittee on probation for one (1) full year, such as, but not limited to, working out of the allotted time period or working on Right-of-Way grossly outside of the permit authorization.
- (e) **Automatic Revocation.** If a permittee, while on probation, commits a breach as outlined above, the permittee's permit will automatically be revoked and permittee will not be allowed further permits for one (1) full year, except for emergency repairs.
- (f) **Reimbursement of Township Costs.** In the event of a substantial breach of the terms and conditions of any statute, ordinance, rule or regulations, or any material condition of the permit, the Director may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations. The permittee shall pay all restoration costs and all reasonable professional fees incurred by the Town as a result of Town efforts to enforce the terms of this Article within thirty (30) days after receipt of a bill for such costs from the Town. Said fees include attorney's fees, engineer's fees, and any other professional fees incurred by the Town in attempting to enforce the terms of this Article. The permittee will also pay all attorney's and professional fees incurred by the Town to specially assess any of the terms of this agreement should permittee's construction bond prove insufficient or should permittee fail to maintain said construction bond in the amount required. Should the Town assess permittee's property for said costs, permittee agrees not to contest or appeal such assessment and waives all statutory rights of appeal under Minnesota Statutes, including Minn. Stat. § 429.081.

**Section 13-33. Mapping Data.**

- (a) **Information Required.** Each registrant shall provide mapping information required by the Town in accordance with Public Utility Commission rules.
- (b) **Trade Secret Information.** At the request of any registrant, any information requested by the Town, which qualifies as a “trade-secret” under Minn. Stat. § 13.37 (b) shall be treated as trade secret information as detailed therein.

**Section 13-34. Location of Facilities.**

- (a) **Undergrounding.** Unless otherwise permitted by an existing franchise or Minn. Stat. § 246B.34, or unless existing above-ground facilities are repaired or replaced, new construction and the installation of new facilities and replacement of old facilities shall be done underground or contained within buildings or other structures in conformity with applicable codes.
- (b) **Corridors.** The Town engineer may assign specific corridors within the Right-of-Way, or any particular segment thereof as may be necessary, for each type of facilities that is, or, pursuant to current technology, the Town engineer expects will someday be located within the Right-of-Way. All excavation, obstruction, or other permits issued by the Director involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the Right-of-Way in a position at variance with the corridors established by the Town engineer shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the Right-of-Way, unless this requirement is waived by the Director for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

- (c) **Nuisance.** One year after the passage of this Article, any facilities found in a Right-of-Way that have not been registered shall be deemed to be a nuisance. The Town may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring Right-of-Way to a useable condition.
- (d) **Limitation of Space.** To protect health, safety, and welfare or when necessary to protect the Right-of-Way and its current use, the Director shall have the power to prohibit or limit the placement of new or

additional facilities within the Right-of-Way, In making such decisions, the Director shall strive to the extent possible to accommodate all existing and potential users of the Right-of-Way, but shall be guided primarily by consideration of the public interest, the public's need for a particular utility service, the condition of the Right-of-Way, the time of year with respect to essential utilities, the protection of existing facilities in the Right-of-Way, and future Town plans for public improvements and development projects that have been determined to be in the public interest.

**Section 13-35. Relocation of Facilities.**

- (a) A registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the Right-of-Way whenever the Director for good cause requests such removal and relocation and shall restore the Right-of-Way to the same condition it was in prior to said removal or relocation. The Director may make such request to prevent interference by the company's equipment or facilities with (i) a present or future Town use of the Right-of-Way, (ii) a public improvement undertaken by the Town; (iii) an economic development project in which the Town has an interest or investment; (iv) when the public health, safety and welfare require it; or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the Right-of-Way.

Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any Right-of-Way that has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

**Section 13-36. Pre-Excavation Facility and Facilities Location.**

In addition to complying with the requirements of Minn. Stat. §§ 216D.01- .09 ("One Call Excavation Notice System") before the start date of any Right-of-Way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and approximate vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

**Section 13-37. Damage to Other Facilities.**

When the Town does work in the Right-of-Way and finds it necessary to maintain, support, or move a registrant's facilities, the Director shall notify the local representative as early as is reasonably possible. The costs associated



therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing.

Each registrant shall be responsible for the cost of repairing any facilities in the Right-of-Way that it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the Town's response to an emergency occasioned by that registrant's facilities.

Registrant shall assume full financial responsibility for any damage which may occur to public property including, but not limited to, streets, street sub-base, base, bituminous surface, curb, utility system including, but not limited to, watermain, sanitary sewer or storm sewer when said damage occurs as a result of the activity that takes place in the Right-of-Way. The registrant further agrees to pay all costs required to repair the streets, utility systems and other public property damaged or cluttered with debris when occurring as a direct or indirect result of the construction that takes place in the Right-of-Way.

If registrant fails to so clean the streets or repair or maintain said public property, the Town may undertake making or causing it to be cleaned up, repaired or maintained. When the Town undertakes such activity, the registrant shall reimburse the Town for all of its expenses within thirty (30) days of its billing to the registrant. If the registrant fails to pay said bill within thirty (30) days, then the Town may draw from the construction bond, specially assess such costs against the registrant's property and/or take necessary legal action to recover such costs. The Town shall be entitled to attorney fees and expenses incurred by the Town as a result of such legal action. The registrant knowingly and voluntarily waives all rights to appeal said special assessments under Minn. Stat. § 429.081.

**Section 13-38. Right-of-Way Vacation.**

- (a) **Reservation of Right.** If the Town vacates a Right-of-Way that contains the facilities of a registrant, and if the vacation does not require the relocation of the registrant's or permittee's facilities, the Town shall reserve, to and for itself and all registrants having facilities in the vacated Right-of-Way, the right to install, maintain and operate any facilities in the vacated Right-of-Way and to enter upon such Right-of-Way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.
- (b) **Relocation of Facilities.** If the vacation requires the relocation of the registrant's or permittee's facilities; and (i) if the vacation proceedings are initiated by the registrant or permittee, the registrant or permittee must pay the Town relocation costs; or (ii) if the vacation proceedings are initiated by the Town, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the Town and the registrant or permittee; or

(iii) if the vacation proceedings are initiated by a person or persons other than the registrant or permittee, such other person or persons must pay the relocation costs.

**Section 13-39. Indemnification and Liability.**

By registering with the Director, or by accepting a permit under this Article, a registrant or permittee agrees as follows:

- (a) **Limitation of Liability.** By reason of the acceptance of a registration or the grant of a Right-of-Way permit, the Town does not assume any liability (i) for injuries to persons, damage to property, or loss of service claims by parties other than the registrant or the Town, or (ii) for claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.
- (b) **Indemnification.** A registrant or permittee shall indemnify, keep, and hold the Town, its representatives, officers, employees or assigns free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of registrant's or permittee's facilities located in the Right-of-Way.

The Township shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the local government unit's negligence as to the issuance of permits or inspections to ensure permit compliance. The Town shall not be indemnified if the injury or damage results from the performance in a proper manner of acts that the registrant or permittee reasonably believes will cause injury or damage, and the performance is nevertheless ordered or directed by the Town after receiving notice of the registrant's or permittee's determination.

- (c) **Defense.** If a suit is brought against the Town under circumstances where the registrant or permittee is required to indemnify, the registrant or permittee, at its sole cost and expense, shall defend the Town in the suit if written notice of the suit is promptly given to the registrant or permittee within a period in which the registrant or permittee is not prejudiced by the lack or delay of notice.

If the registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the Town. Consent will not be reasonably withheld.

This part is not, as to third parties, a waiver of any defense, immunity, or damage limitation otherwise available to the Town.

In defending an action on behalf of the Town, the registrant or permittee is entitled to assert in an action every defense, immunity, or damage limitation that the Town could assert on its own behalf.

**Section 13-40. Abandoned and Unusable Facilities.**

- (a) **Discontinued Operations.** A registrant who has determined to discontinue its operations in the Town must either:
1. Provide information satisfactory to the Director that the registrant's obligations for its facilities in the Right-of-Way under this Article have been lawfully assumed by another registrant; or
  2. Submit to the Director a proposal and instruments for transferring ownership of its facilities to the Town. If the registrant proceeds under this clause, the Town may, at its option:
    - A. Purchase the facilities; or
    - B. Require the registrant, at its own expense, to remove it; or
    - C. Require the registrant to post a bond acceptable to the town in an amount sufficient to reimburse the Town for reasonable anticipated costs to be incurred in removing the facilities.
- (b) **Abandoned Facilities.** Facilities of a registrant who fails to comply with Subd. 1 of this Section, and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned facilities are deemed to be a nuisance. The Town may exercise any remedies or rights it has at law or in equity, including, but not limited to: (i) abating the nuisance; (ii) taking possession of the facilities and restoring it to a useable condition; or (iii) requiring removal of the facilities by the registrant, or the registrant's successor in interest.
- (c) **Removal.** Any registrant who has unusable and abandoned facilities in any Right-of-Way shall remove it from that Right-of-Way during the next scheduled excavation, unless this requirement is waived by the Director.
- (d) **Professional Fees and Costs.** In the event that the permittee or registrant discontinues operations and/or abandons facilities, and fails to remove its facilities and restore the Right-of-Way to its original condition, the Town may undertake making or causing it to be cleaned up, repaired or

maintained. When the Town undertakes such activity, the Registrant shall reimburse the Town for all of its expenses within thirty (30) days, then the Town may draw from the construction bond, specially assess such costs against the registrant's property and/or take necessary legal action to recover such costs. The Town shall be entitled to attorney fees and expenses incurred by the Town as a result of such legal action. The registrant shall knowingly and voluntarily waive all rights to appeal said special assessments under Minn. Stat. § 429.081.

**Section 13-41. Appeal.**

- (a) A Right-of-Way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the Board. The Board shall act on a written request within forty-five (45) days. A decision by the Board affirming the denial, revocation, or fee imposition will be made in writing and supported by written findings establishing the reasonableness of the decision.
- (b) Upon affirmation of the Board of the denial, revocation, or fee imposition, the Right-of-Way user shall have the right to have the matter resolved by binding arbitration. Binding arbitration must be before arbitrator agreed to by both the Board and the Right-of-Way user. If the parties cannot agree on an arbitrator, the matter must be resolved by a three-person arbitration panel made up of one arbitrator selected by the Town, one arbitrator selected by the Right-of-Way user, and one selected by the other two arbitrators. The costs and fees of a single arbitrator shall be borne equally by the Town and the Right-of-Way user. In the event there is a third arbitrator, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

**Section 13-42. Reservation of Regulatory and Police Powers.**

A permittee's or registrants rights are subject to the regulatory and police powers of the Town to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

**Section 13-43. Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

If a regulatory body or a court of competent jurisdiction should determine by a final, non-appealable order that any permit, right or registration issued under this Article or any portions of this Article is illegal or unenforceable, then any such permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right in either party to terminate without cause upon giving sixty (60) days written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the permit, right or registration, respectively, except for conditions relating to the term of the permit and right of termination. Nothing in this Article precludes the Town from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

**Sections 13-44 thru 13-46. Reserved.**

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**ARTICLE III. ENFORCEMENT AND PENALTIES****Section 13-47. Town and Contractors.**

The prohibitions, requirements, and restrictions contained in the Chapter do not apply to: the Town, town officers, employees or agents while operating in the course and scope of their duties for the Town; or contractors while performing services within the scope of a contract with the Town.

**Section 13-48 . Permission.**

- (a) **Limitations.** Any person receiving permission or a permit from the Board as provided in this Chapter must comply with all applicable federal, state, and local laws and rules as well as all applicable Town ordinances, resolutions, specifications, regulations and policies. Any person receiving permission or a permit must comply with all conditions, requirements, and limitations as the Board expresses as part of the permission or permit. Failure to comply with any of the conditions, requirements, or limitations shall void the permission or permit and could place the person in violation of this Chapter.

**Section 13-49. Enforcement and Penalty.**

- (a) **Correction Order.** Upon discovery of a violation of this Chapter, the Board may issue a correction order to the violator ordering the person to correct the violation by a time certain. If the violator fails to comply with the correction order by the time indicated in the order, the Board may provide for the correction of the violation. Issuance of a correction order does not preclude imposition of the penalty set forth in this Chapter.
- (b) **Immediate Correction.** If the Board determines that the violation creates an immediate threat to public safety, the Board will make a good faith effort to notify the violator to immediately correct the situation. If the Board is not able to promptly reach the violator, or if the violator fails to immediately correct the situation upon notification, the Board will provide for the correction of the violation.
- (c) **Cost of Correction.** The cost of correcting a violation shall be the responsibility of the violator. If the Board provides for the correction of a violation, all expenses incurred, including reasonable attorney's fees, shall be billed to the violator. If the bill is not paid by the due date, the Board may exercise any lawful options to it to collect the amount due.
- (d) **Penalty.** Any person who violates this Chapter shall be guilty of a misdemeanor and subject to the penalties for such as provided in State law. Each day of existence of such violation shall constitute a separate

offense. If convicted, the person may be assessed costs of prosecution as allowed by Minnesota Statutes § 366.01, subdivision 10.

**Section 13-50.           Savings Clause.**

The failure of the Board to exercise, and any delay in exercising, any right under this Chapter, including enforcement, shall not operate as a waiver thereof and shall not constitute a waiver of the Town's interest, however created, in any Right-of-Way, easement, or other type of property interest.

**Section 13-51.           Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

*Adopted as Ordinance 2007-002 on May 7<sup>th</sup>, 2007.*

**CHAPTER 14      RESERVED**



## CHAPTER 15      SOLID WASTE COLLECTION

**Article I:      In General.**Section 15-1. **Collection of Solid Waste Required.**

Every residential dwelling, multiple dwelling, commercial or industrial establishment must be under a contract for at least bi-weekly collection of mixed solid waste. Any of the aforementioned establishments may apply to the Town Board for an exemption from this requirement if the applicant presents a plan, acceptable to the Town Board, to ensure an environmentally sound alternative.

Section 15-2. **Disposal.**

Disposing of garbage, refuse, targeted recyclables, waste materials, or yard waste in an unregulated manner on any street, road, alley, park, playground, or other public place or on any occupied or vacant privately owned lot shall constitute a violation of this Chapter, whether such material is discarded by the individual upon those premises the material originates or whether it is discarded by some other person or collector, licensed or unlicensed.

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**CHAPTER 16 SUBDIVISION REGULATIONS<sup>5</sup>****Article I: General Provisions.****Section 16-1. Purpose and Intent.**

All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth in this Chapter. It is the purpose of these regulations to:

- (a) Protect and provide for the public health, safety and general welfare of the Town.
- (b) Preserve land in tracts large enough for viable agricultural operations.
- (c) Protect and conserve the value of land throughout the Town, the value of buildings and improvements, and to minimize the conflicts of the uses of land and buildings.
- (d) To promote the development of an economically sound and stable community by preventing the subdivision or development of land that results in scattered or premature subdivision of land as would involve danger of injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- (e) Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (f) Place the cost of improvements against those benefiting from their construction.
- (g) Secure the rights of the public with respect to public lands and waters.
- (h) Prevent the pollution of air, streams, and lakes; to ensure the adequacy of drainage facilities; to protect underground water resources and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the Town.
- (i) To preserve the natural beauty and topography of the town and to ensure appropriate development with regard to these natural features.
- (j) To provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in this Chapter.

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<sup>5</sup> Adopted as Ordinance No. 2003- 01 on January 6, 2003.

- (k) Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

It is the intent of this Chapter to regulate the platting of land in Athens Township pursuant to Minn. Stat. Chapters 429, 462 and 471.

Section 16-2. **Jurisdiction.**

The regulations herein governing plats and the subdivision of land shall apply to all the area of Athens Township.

- (a) Application of this Chapter. All subdivisions of land resulting in lots of less than forty (40) acres within the jurisdiction of Athens Township shall be regulated by this Chapter and shall be platted in accordance with the provisions contained herein.
- (b) Compliance. No plat of any subdivision shall be recorded in the Isanti County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.
- (c) Permits. No permits shall be issued to allow construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Chapter have been complied with.
- (d) Design Standards. All provisions in this Chapter shall be considered minimum requirements. Design features such as lot, block and street layout shall conform to the accepted standards. The Planning Commission and Town Board shall interpret standards of acceptable design.

Section 16-3. **Consistency with Other Controls.**

- (a) Subdivisions must conform to all official controls of Athens Township. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose.
- (b) In the shoreland areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Township code can be provided for every lot.
- (c) Subdivisions that would create lots that require the use of holding tanks will not be approved.

Section 16-4. **Separability.**

If any part or provision of these regulations or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined to the part, provision, or application directly involved, and shall not affect or impair the validity of the remainder of these regulations or their application.

Section 16-5. **Rules and Definitions.**

Rules. The language contained in this Chapter shall be interpreted in accordance with the following rules of construction as applicable:

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tenses includes the present tense.
3. The masculine gender includes the feminine and neutral genders.
4. Whenever a word or term defined hereinafter appears in this Chapter, its meaning shall be construed as set forth in such definition.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirement for the promotion of health, safety and welfare.
7. The word “shall” is mandatory and not discretionary.

Definitions. For the purpose of this Chapter, certain words and terms shall have the following meanings:

Alley. A public right-of-way that affords a secondary means of access to abutting property and is not intended for general traffic circulation.

Block. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Build Out Plan (Ghost Plat). A subdivision or resubdivision concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat.

Buildable Land. Non-hydric land having a size and configuration capable of supporting principal and accessory buildings, with an approved domestic waste water treatment system and potable water system.

Building. Any structure having a roof that may provide shelter or enclosure of persons, animals, chattel, or property of any kind.

Building Line. A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.

Capital Improvement Plan. An itemized program setting forth the schedule and details of specific contemplated public improvements by fiscal year, together with their estimated cost, the justification for each improvement, the impact that such improvements will have on the current operating expense of the government, and such other information on capital improvements as may be pertinent.

Certificate of Survey. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Cluster Development. A subdivision development planned and constructed so as to group housing units into patterns that make the most efficient use of the natural amenities of the land while providing a unified network of open space and wooded areas, and meeting the overall density regulations of Chapter 20 of this code.

Comprehensive Plan. Town policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps that constitute the guide for future development, as adopted by the Town Board, and amended from time to time as the Comprehensive Plan for Athens Township pursuant to Minn. Stat. Chapter 462.

Contiguous. For the purpose of the transfer of development rights, contiguous shall mean either sharing a common boundary, touching at quarter-quarter section corners or lying on opposite sides of a common road right-of-way.

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Copy. A print or reproduction made from a tracing.

County. The County of Isanti.

Cul-de-sac. A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design Standards. A set of guidelines defining the parameters to be followed in site and/or building design and development.

Development. The act of building structures and installing site improvements.

Easement. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to, electric lines, telephone lines, storm sewer or storm drainage ways, and gas lines. An easement may be for either public or private use.

Escrow. The deposition of funds in an account maintained by the Town specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Chapter.

Final Plat. A drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this Chapter to be presented to the Town Board for approval, and which, if approved, may be duly filed with the County Recorder.

Financial Guarantee. A financial security consistent with Section 16.72 of this Chapter, posted with the Township with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the Town.

Grade, Percentage of. The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the centerline of the street.

Hardship. As used in connection with the granting of variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by official controls and the plight of the landowner is due to circumstances unique to his property, not created by the landowner. Economic considerations alone shall not constitute a hardship if reasonable use of the property exists under the terms of this Chapter.

Highway. Any public road, thoroughfare or vehicular right-of-way with a Federal or State numerical designation; any public thoroughfare or vehicular right-of-way with an Isanti County numerical route designation; any Township road.

Lot Split. The division of one (1) parcel of land into two (2) parcels, both of which meet all applicable Zoning Ordinance standards (Chapter 20 of this Code). Lot splits may be granted administratively pursuant to Section 16.75 of this Chapter. Subdivisions meeting the definition of a lot split need not comply with the procedures and standards of this Chapter, except as those procedures and standards specifically apply by their terms to an administrative lot split.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or

for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Outlot. A parcel of land, other than a lot or block, so designated on a plat or certified survey map, but not presently deemed buildable. An outlot may be conveyed regardless of whether it may be used as a building site but must be replatted according to the standards of this Chapter prior to development.

Owner. An individual, firm, association, syndicate, partnership, limited liability company, corporation, trust, or any other legal entity having a legal or equitable interest in a specific piece or parcel of land.

Parks and Playgrounds. Public lands and open spaces in Athens Township dedicated or reserved for recreation purposes.

Pedestrian Way. A public right-of-way across or within a block intended to be used by pedestrians.

Planning Commission. The Athens Township Planning Commission.

Plat. The drawing or map of a subdivision prepared for filing of record pursuant to Minn. Stat. Chap. 505, as may be amended from time to time.

Preliminary Plat. The preliminary map or drawing indicating the proposed layout of the subdivision or site plan to be submitted to the Planning Commission and Town Board for their consideration.

Preliminary Approval. Official action taken by a municipality on an application to create a subdivision that establishes the rights and obligations set forth in Minn. Stat. § 462.358 and the applicable subdivision regulations contained in this Chapter. In accordance with Minn. Stat. § 462.358, and unless otherwise specified in the applicable subdivision regulations, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Protective (Restrictive) Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Enforcement of protective covenants shall be by the parties involved, not the Town Board.

Resubdivision. A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or

any lot line or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Road, private. A roadway or strip of land reserved for the use of a limited number of persons or purposes, as distinguished from a publicly dedicated road.

Same Ownership. For the purposes of this Chapter as it relates to the subdivision of large tracts, contiguous parcels shall be considered in the same ownership when owned by: (1) the same individual, natural or legal persons or entities, including corporations, LLC's, partnerships or other legal entities; (2) an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns the other lot in questions individually with another individual, and other lots are owned by one's spouse, parent, grandparents, sister or spouse of the brother or sister of such person; and (3) when any of said lots, tracts, or parcels are owned by an individual and other lots, tracts, or parcels are owned by the corporation in which said individual is an officer or director or controlling stockholder.

Sight Distance Triangle. A triangular-shaped portion of land established at street intersections in which there are restrictions on things erected, placed or planted that would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sketch Plan. An informal concept map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.

Street Width. For the purpose of this Chapter, the shortest distance between the lines delineating the right-of-way.

Subdivider. An individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in land



sought to be subdivided to commence and maintain proceedings to subdivide the same under this Chapter.

Subdivision. The division of a parcel of land after the effective date of this Chapter into two or more parcels. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. If construction or development of a new street, road, or highway is involved, any division of a parcel of land shall be considered a subdivision. If a subdivision meets the definition of a lot split, the parcel may be divided administratively and without Planning Commission or Town Board approval as set forth herein.

Town Board. The Athens Township Board of Supervisors.

Town Engineer. An engineer hired by the Town to review and analyze subdivision, resubdivision and lot split applications for consistency with Town standards and requirements.

Variance. Written approval waiving the minimum dimensional requirements of this Chapter.

Zoning Ordinance. The Town of Athens Zoning Ordinance No. 99-10, as may be amended, and as embodied in Chapter 20 of the Town Code, regulating the use of land within all areas of Athens Township.

Section 16-6 thru 16-10.      **Reserved.**

**Article II. Procedures.**

Before subdividing any tract of land within Athens Township, the following procedures shall be followed:

Section 16-11. **Pre-application meeting.** Prior to the preparation of a preliminary plat, the subdivider or owner may meet with the Athens Township Planning Commission, the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. The developer should obtain a copy of this Chapter. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply, waste disposal and roads. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site. The sketch plan will include the following information

- (a) Name and address of the owner or subdivider.
- (b) Date of plan preparation.
- (c) Scale of plan (engineering scale only).
- (d) North arrow indication.
- (e) Legal description.
- (f) Property location map illustrating the site location relative to adjoining properties and streets.
- (g) Scaled drawing (engineering scale only) illustrating property boundaries.
- (h) +Scaled drawing of the proposed subdivision sketch plan including street patterns and lot layout related to the natural features of the site, and adjoining properties.
- (i) Densities.
- (j) Natural features. A generalized drawing of natural features showing wetlands, lakes, drainage ways, woodland areas, and hydric soils.
- (k) Any required zoning change.
- (l) Proposed timing and staging of development.
- (m) Proof of ownership or legal interest in the property in order to make application.
- (n) Additional information as required by the Town through the Zoning Administrator or Engineer.

The subdivider is urged to avail himself of the assistance of the Planning Commission and township staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat. The Planning Commission and/or staff shall advise the owner or subdivider as to the conformance of the proposed subdivision with this Chapter and other applicable official controls. If the owner or subdivider decides to proceed with the subdivision as proposed or

revised, he may proceed with the preparation of the preliminary plat as provided in Article II of this Chapter. Submission of a sketch plan and associated information shall not be considered adequate for application for preliminary plat approval.

**Section 16-12. Build-Out Plan (Ghost Plat).**

(a) Application. A build-out plan (ghost plan) consistent with Section 16.11 of this Chapter shall be required for the following subdivision applications:

- (1) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots that may be eventually resubdivided into smaller lots.
- (2) Cluster subdivisions or open space design subdivisions that preserve open space for future development.

(b) Design Requirements. The build out plan (ghost plat) shall illustrate the following:

- (1) Lot design consistent with the long range planning for the area (Comprehensive Plan).
- (2) The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, or future development open spaces as a means of discouraging reliance on County and State roads for local trips.
- (3) Easement locations for utilities and storm water drainage.
- (4) Locations of buildings or structures on the lots to accommodate future subdivisions.

**Section 16-13. Right-of-way Dedications.**

The Town may require easements or right-of-way dedication and/or cash escrow or other financial guarantee in conjunction with plat approval to facilitate the future development of the build out plan (ghost plan). The build out plan (ghost plat) must follow the procedure outlined in Section 16-12 of this Chapter.

**Section 16-14. Condition Establishing Premature Subdivisions.**

Premature subdivision of land is to be discouraged due to the unavailability of public services, higher energy consumption, premature and excessive loss of agricultural land, and inefficient delivery of base government services. A finding that a proposed subdivision or development is premature shall be considered a basis for denial of the proposed plat. At the sole discretion of the Town Board, a

subdivision may be deemed premature should any of the following conditions exist:

- (a) Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
  - (1) Surface or subsurface water retention and runoff is such that it constitutes a hazard resulting in flooding, loss of life, property damage, or other losses.
  - (2) The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability.
  - (3) Factors to be considered in making these determinations may include, but are not limited to, average rainfall for the area; area drainage patterns; the relationship of the land to flood plains; the nature of soils and sub-soils and their ability to adequately support surface water runoff and waste disposal systems; the slope and stability of the land; and the presence of woodlands, wetlands, hydric soils, water bodies, and/or other natural resources.
- (b) Lack of Adequate Potable Water Supply. A proposed subdivision shall be deemed to lack an adequate potable water supply if the proposed subdivision does not have adequate sources of water to serve the proposed subdivision if developed to its maximum permissible density without causing an unreasonable depreciation of existing water supplies for surrounding areas.
- (c) Lack of Adequate Roads or Highways to Serve the Subdivision. A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when:
  - (1) County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, sight distance and paved surface condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition, and when said roads are inadequate for the intended use.
  - (2) The traffic generated by the proposed subdivision would create or contribute to unsafe conditions on highways existing at the time of the application or proposed for completion within two (2) years.
- (d) Lack of Adequate Waste Disposal System. A proposed subdivision shall be deemed to lack adequate waste disposal systems if, in subdivisions for which sewer lines are proposed, there is inadequate public or private sewer capacity

in the present system to support the subdivision if developed to its maximum permissible density, or, if in subdivisions where neither sewer lines are neither available or proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in the Town Comprehensive Plan and Zoning Ordinance (Chapter 20).

- (e) Public Service Capacity. The County, Town or School District lacks necessary public service capacity when services such as recreational facilities, schools, police and fire protection and other public facilities, which must be provided at public expense, cannot be reasonably provided for within the next two (2) years.
- (f) Minnesota Environmental Quality Board (MEQB) Policies. The proposed subdivision is inconsistent with the policies of the MEQB 25, as may be amended, and could adversely affect critical environmental areas or potentially disrupt or destroy historic areas, which are designated or officially recognized by the Town Board and the proposed subdivision is in violation of Federal and State historical preservation laws related to such properties.
- (g) Inconsistency with Capital Improvement Plan. A proposed subdivision shall be deemed inconsistent with capital improvement plans when improvements and/or services necessary to accommodate the proposed subdivision have not been programmed in the Township, County or other regional capital improvement plans. The Town Board may waive this criteria when it can be demonstrated that a revision to the capital improvement plans can be accommodated.

**Section 16-15. Burden of Evidence.**

The burden shall be upon the owner or subdivider to show evidence that the proposed subdivision or development is not premature. For any proposed residential development containing more than eight (80) acres, or for any commercial or industrial development requiring platting, the owner/subdivider must provide evidence, as part of the application submission, that none of the conditions in Section 16.14 exist. Failure to provide such information shall be considered a basis for denial of the proposed plat.

**Section 16-16. Complete Subdivision of Large Tracts.**

The Town Board finds that the premature development of large tracts of land would necessitate an excessive expenditure of public funds to provide public services and will endanger or injure health, safety and prosperity of the Town. Complete subdivision of large tracts of land within a relatively short time period places an unacceptable burden upon the financial resources of the Athens Township residents who must support that system and will have an adverse impact on the Town's effort to protect and promote the public health, safety, and general welfare; to provide for the orderly, economic and safe development of

land; to preserve agricultural lands; to provide affordable housing to persons of all income levels; and to facilitate adequate provision of transportation, water, sewage, storm drainage, schools, parks, playgrounds and other public services and facilities. As allowed by state zoning enabling legislation, municipalities may, by ordinance, regulate the density and distribution of population. As such, the Board finds that the complete subdivision of large tracts within a relatively short period of time constitutes premature subdivision of land and is prohibited. For purposes of this Chapter, a large tract is any property of more than 160 acres; a short period of time is defined as two (2) years; and complete subdivision of large tracts is defined as subdivision of a parcel of land of more than 160 acres that is owned by the same person(s), including all contiguous parcels in common ownership, to the maximum density allowed in less than two (2) years.

Section 16-17 thru 16-30.     **Reserved.**

**Article III: Preliminary and Final Plat Procedure.****Section 16-31. Preliminary Plat.**

- (a) After the pre-application meeting, the subdivider or owner shall file with the Zoning Administrator fifteen (15) copies of a preliminary plat and the fee as set by separate action of the Town Board. This fee will be used for expenses of the Township in connection with the review of said plat.
- (b) After the plat application is filed, the Township Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing in addition to written notices as required by Minn. Stat. § 462.358. This shall constitute the public hearing on the plat as required by state law. The Planning Commission shall recommend approval or denial of the preliminary plat to the Town Board and may recommend conditions related to the approval.
- (c) Findings of Fact. Upon conclusion of the public hearing, the Planning Commission shall make and enter findings for the record and conclusions thereof as to whether or not:
  - (1) Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, roads, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds and other public needs.
  - (2) The proposed subdivision contributes to the orderly development and land use patterns in the area.
  - (3) The public use and interest will be served by permitting the proposed subdivision.
  - (4) The proposed subdivision conforms to the general comprehensive plan and zoning requirements.
  - (5) The proposed subdivision conforms to the general purposes of any applicable policies or plans that have been adopted by the Town Board.
  - (6) The proposed subdivision conforms to the general purposes of this Chapter.
  - (7) The Town Board shall act to approve or disapprove the preliminary plat. The Town Board may include conditions related to the approval.

If the Board disapproves the preliminary plat, the reasons for any such disapproval shall be set forth in the minutes of the Board meeting and a copy of those reasons shall be given to the owner or subdivider.

**Section 16-32. Final Plat.**

- (a) The final plat shall have incorporated all changes recommended by the Township Zoning Administrator, the Township Engineer regarding Township roads, the Township Planning Commission and the Town Board as conditions to approvals of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. The final plat may constitute only that portion of the approved preliminary plat that the subdivider proposed to record and develop at that time, provided that such a portion conforms with all requirements of this Chapter and any applicable state law.
- (b) The Township Zoning Administrator shall refer the final plat to the Planning Commission for its review and report. The report of the Planning Commission, the Zoning Administrator and the Township Engineer shall be submitted to the Town Board and the Town Board shall act on the final plat.
- (c) Upon approval of the final plat by the Town Board, satisfaction by the Township that all ordinance requirements are met, and following payment of all fees, the subdivider shall record such final plat with the County Recorder as provided for by that office, within sixty (60) days after the approval. If not recorded in sixty (60) days, the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the Township with three black line prints and a reproducible print of the final plat showing evidence of the recording.

**Section 16-33. Data for Preliminary Plat.**

The following information is required for review of a preliminary plat:

- (a) Identification and Description.
  - (1) Proposed name of the subdivision, which shall not duplicate or be similar in pronunciations or spelling to the name of any plat heretofore recorded in Isanti County.
  - (2) Location by section, township, range and by metes and bounds description.
  - (3) Names and addresses of the owner of record and any agent having control of the land, subdivider, surveyor, engineer, and designer of the plat.



- (4) Graphic scale not less than one (1) inch to one hundred (100) feet except for large subdivisions, where a smaller scale will be acceptable after consultation with the Zoning Administrator.
  - (5) Indication of north.
  - (6) Key map including areas within one (1) mile radius of the plat.
  - (7) Date of preparation.
  - (8) A current policy of title insurance running to the Town.
- (b) Existing Conditions. The plat shall also include the following existing conditions:
- (1) The boundary lines of the proposed subdivision shall be indicated.
  - (2) Existing zoning classifications for land within and abutting the subdivision shall be shown.
  - (3) A general statement on the approximate acreage and dimensions of the lots shall be included.
  - (4) Location, right-of-way, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and structures, easements and section and corporate lines within the plat and to a distance one hundred fifty (150) feet beyond the plat shall be shown.
  - (5) Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land owned or controlled by the subdivider, shall be shown.
  - (6) Topographic data, including contours at vertical intervals of two (2) feet, water courses, marshes, rock outcrops, power transmission poles and lines, wetlands, streams, rivers and lakes, all existing structures, if any, and other significant features, shall be shown.
  - (7) A survey shall be prepared by a licensed surveyor, identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.

**Section 16-34. Subdivision Design Features.**

The following design features shall be shown on the plat:

- a. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections and proposed names of streets (subject to Planning Commission and Town Board approval). The name of any street heretofore used in the township or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name will be used. Three (3) copies of profiles of each proposed street and road, showing existing and/or proposed grades and gradients on the centerline; the location of proposed culverts, and the location of bridges shall be submitted.
- b. Locations and widths of proposed alleys and pedestrian ways.
- c. Layout, numbers and preliminary dimensions of lots and blocks.
- d. Building setback lines with dimensions.
- e. Location of proposed structures, driveways, percolation test and soil borings, if applicable, and two (2) suitable sites for individual sewer treatment systems with the method for protecting the alternate individual sewage treatment system site for future use.
- f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- g. Grading plans showing how the site will be graded and showing the final contours into the existing contours. Locations for stockpiling of soils, the proposed 100-year flood elevation, and a vegetation restoration plan for all areas disturbed by grading shall be illustrated on the plan.
- h. Plans for the installation of electricity, street lights, telephone, gas, and drainage and storm water facilities.
- i. Proposed easements for drainage, slope protection, and the protection of wetlands and waterbodies, including storm water retention areas and easements for the installation of utilities.
- j. Park dedication areas.
- k. Other Information. The following information is also required:
  - (1) A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.

- (2) Plans for water supply, sewage disposal, storm water drainage system, including proposed location, size and gradient of proposed sewer lines and water mains, and such other supporting data as may be required by the Town Engineer or the Zoning Administrator.
- (3) Soil absorption (percolation tests) and any other subsoil information requested by the Town Engineer.
- (4) If any zoning changes are contemplated, the proposed zoning for the areas shall be indicated. Such proposed zoning plan shall be for information only and shall not vest any rights in the application.
- (5) A build-out plan (ghost plat), when applicable, depicting how the land within the subdivision may be further subdivided in the future. The build-out plan should show the possible relationships between the proposed subdivision and future subdivision and shall be shown to relate well with existing or potential adjacent subdivisions.
- (6) A plan for soil erosion and sediment control, both during construction and after development has been completed, shall be indicated. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.
- (7) A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, and the types and locations of trees and other vegetation that are to be planted shall be shown.
- (8) A water feasibility study shall also be required to determine if water is readily available. No water well shall have a casing larger than six (6) inches.
- (9) Also included shall be such other information as may be requested by the Township Zoning Administrator. The Zoning Administrator may request the owner or subdivider to provide documentation that describes the subdivision's potential effect or impacts on public facilities, utilities and services, including, but not limited to:
  - a. Streets.
  - b. Law enforcement.
  - c. Ambulance/emergency services.
  - d. Fire protection.
  - e. Schools.
  - f. Utilities.

**Section 16-35. Approval of preliminary plat.**

- (a) The owner or subdivider, or his representative, shall appear before the Planning Commission to answer questions concerning the proposed plat.
- (b) The Planning Commission and Zoning Administrator shall have the authority to request additional information from the applicant concerning a preliminary plat. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure of the owner or subdivider to supply all necessary supportive information may be grounds for denial of the request by the Town Board.
- (c) The Township Planning Commission and the Township Zoning Administrator may forward to the Town Board a favorable, conditional or unfavorable report, and said reports shall contain a statement of findings and recommendations. Prior to granting preliminary approval, the Town Board may require, as a condition of approval, such changes, additions or revisions as it deems necessary for health, safety, general welfare and convenience of the people of the Township.
- (d) The Town Board shall take action on the application with a resolution of approval or denial that shall include findings of fact, and shall be entered in the proceedings of the Town Board and shall be transmitted to the owner or subdivider in writing.
- (e) The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he may proceed toward final plat in accordance with the terms of approval and provisions of this Chapter. If the preliminary plat is approved by the Town Board, the subdivider must submit a complete application for final plat within one (1) year after said approval or approval of the preliminary plat shall be considered void, unless a request for a time extension is submitted in writing by the owner or subdivider and approved by the Town Board. Such extension shall be limited to a period of one (1) year.
- (f) During the intervening time between approval of the preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.

**Section 16-36. Data for Final Plat.**

The following information applies to preparation of the final plat.

- a. General. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and this Chapter. Surveying requirements of the final plat shall be under the regulation of the Township Engineer.

- b. Information to be Submitted. The following information is required for the final plat:
1. Four (4) mylar copies of the final plat.
  2. One (1) reproducible copy reduced to 11" x 17" of the final plat.
  3. Twelve (12) blue-line copies of the final plat and supporting documents, plus any additional copies deemed necessary by the Zoning Administrator plus one reproducible copy reduced to 11" x 17" along with one (1) copy of the final plat, wetland delineation, topography contours, and all related engineering plans.
  4. One (1) up-to-date (within three (3) months) title insurance policy.
  5. Two (2) copies of the development agreement, including signatures for the subdivider/owner and the Town.
  6. One (1) copy of any title declaration, deed restriction, restrictive covenants, or homeowner's association documents in recordable format.
  7. One (1) copy of the final plat shall be submitted to the County Surveyor.
  8. Execution by all owners of any interest in the land, including any holders of a mortgage therein of the certificate required by Minnesota Statutes. The certificate shall include an accurate legal description of any area to be dedicated for public use, and shall include dedication to the Township of sufficient easements to accommodate utility services in such form as shall be approved by the Township attorney.
  9. Other information as may be required by the Town.

**Section 16-37 thru 16-50. Reserved.**

**Article IV: Subdivision Design Standards.**

**Section 16-51. General requirements.**

The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. No preliminary plat will be approved if it does not comply with all of the following Town Ordinance or plans (if then adopted).

- (a) Comprehensive Plan
- (b) Transportation Plan
- (c) Park and Recreation Plans
- (d) Zoning Ordinance/Zoning Map
- (e) Stormwater Management Ordinance
- (f) Individual Septic Treatment System Ordinance
- (g) Right-of-way Ordinance
- (h) Capital Improvement Plan
- (i) Nuisance Ordinance

No preliminary plat will be approved for a subdivision that includes an area of poor facilities that would render inadequate the streets or building site proposed by reason of such plat, unless the subdivider agrees to make improvements which will, in the opinion of the Town Engineer, make such areas completely usable and safe for occupancy and provide for adequate street and lot drainage, sewer systems, and feeder road systems.

The arrangement, character, extent, width and location of all streets shall be considered in relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

**Section 16-52. Streets.**

- (a) Widths. Street right-of-way widths shall conform to the following minimum dimensions.

STREET	Right-of-way Minimum	Desirable Width
Major Arterial (State)	150 feet	300 feet
<u>Minor Arterial</u> (County)	66 feet	150 feet

Collector (Township)	66 feet	100 feet
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- (b) Street Intersection. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two streets be less than ninety (90) degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.
- (c) Tangents. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
- (d) Deflections. When connecting street lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets.
- (e) Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided for local streets. The minimum angle of such jogs shall be eighty (80) degrees.
- (f) Local Streets. Minor streets shall be laid out so that their use by through traffic is discouraged. Each subdivision shall have a secondary access road that can also function as an emergency escape route.
- (g) Cul-de-sacs. The maximum length of a street terminating in a cul-de-sac shall be six hundred (600) feet measured from the centerline of the street of origin to the end of the right-of-way. A cul-de-sac shall have a minimum diameter of one hundred fifty (150) feet. Cul-de-sacs will only be allowed in cases where proper future interconnectivity of local streets will be provided or where topography or environmental constraints preclude interconnection of local streets.
- (h) Temporary Cul-de-sacs. In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary easement if it located outside the street right-of-way and shall be constructed according to the cul-de-sac typical included in the Town Transportation Plan or as approved by the Town Engineer. A financial guarantee will be required for removal or restoration as determined by the Town Board.

- (i) Centerline Gradients. All centerline gradients shall be at least 0.5 percent and shall not exceed the following: arterials and collector streets – five (5) percent; minor streets and marginal access streets – seven (7) percent.
- (j) Access to Arterial Streets. In the case where a proposed plat is adjacent to a controlled access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access to arterials shall be at intervals of not less than ¼ mile and through existing and established cross roads where possible.
- (k) Hardship to Owners of Adjoining Property. The street arrangements shall not be such as to cause a hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (l) Dead End Streets. Dead-end streets, other than cul-de-sacs, shall only be permitted if authorized by the Town Board.
- (m) Sight Distance Triangles. At no street intersection in any district shall an obstruction to vision exceeding two and one-half (2 ½') feet in height above the street grade be placed or permitted to grow on any lot within the triangle formed by the right-of-way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five feet (35') from the point of intersection of each right-of-way line.
- (n) Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- (o) Street Construction Standards. The street shall be constructed in accordance with the typical sections included in the Town Transportation Plan or as approved by the Town Engineer.
  - (1) Inspections. All subdividers/owners who propose to do construction within a Town right-of-way shall consult with the Town Engineer to determine the inspections required during construction. A site inspection schedule will be determined at the pre-construction conference.
  - (2) Staking. Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and sides staked at one hundred (100) foot intervals. Side stakes shall be set back off the right-of-way at right angles from the center line so as to be out of the construction area and include stationing and distances to the center line. Limits of clearing shall be marked by stakes or flagging. After



clearing and grubbing is done, road construction stakes shall be placed at one hundred (100) foot stations, a minimum of fifteen (15) feet and a maximum of twenty (20) feet off the center line, and grades shall be marked on the tops of the stakes. Cut and fills shall be computed to the finish grade of the roadway and said cuts or fills shall be marked on side stakes.

- (3) Clearing and Grubbing. All trees and brush, stumps, large roots, loam, forest litter, sod, muck, silt or other unacceptable material within the right-of-way or slope lines, whichever is farthest from the centerline of the street, shall be cut, excavated, and removed from the area except that trees that are to remain to secure the intent of these regulations to provide a mature stand of trees for ornamentation and aesthetic design. Under no circumstance shall any wood, brush, or any other unsuitable material be placed under or allowed to remain within the limits of the subgrade area.
- (4) Clean-Up. Before acceptance, a street shall be cleaned up, by whatever means necessary, so that it is left in a neat and presentable condition. Construction related debris of all kinds, both natural and man-made, shall be completely removed from the right-of-way.
- (5) Safety. The Town Board reserves the right to modify proposed street plans for the purpose of enhancing the safety of the traveled way. Potential modifications include, but are not limited to, removing obstructions, adding guard rails where steep slopes exist or are created, and requiring additional warning signs. The Town Engineer may act for the Town Board under this paragraph.
- (6) Traffic Impact Studies. A traffic impact study may be required of any proposed subdivision at the discretion of the Town Board. The Town Board reserves the right to retain the services of an outside agency for the purposes of reviewing any traffic impact analysis submitted. The cost of review of submitted traffic impact studies shall be borne by the subdivider/owner.

Sections 16-54 thru 60. **Reserved.**

Section 16-61. **Subdivision Characteristics.**

(a) Blocks.

1. Length. The length, width and acreage of a block shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1300 feet or shorter than 300 feet only if the Township Planning Commission and the Town Board agree

that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles.

2. Width. The width of the block shall be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

(b) Lots.

1. Size. The lot dimensions shall be such as to comply with the minimum lot areas specified in Chapter 20.
2. Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial or curved street lines.

(c) Drainage. Lots shall be graded so as to provide drainage away from building locations.

(d) Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.

(e) Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than be allowed to remain as substandard parcels.

(f) Through Lots. Through lots (lots with frontage on two parallel streets) or lots with reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten (10) feet in order to allow for screen planting along the back lot line.

(g) Sewage Disposal. In areas being platted for rural development, the size and relative location of on-site soil absorption systems shall be governed by the Sewage Disposal Standards under Minnesota Rules, Chapter 7080, as amended. In addition, the following requirement shall apply:

1. On each lot, there shall be an area preserved for the construction of an additional drain field system should the original system fail. The area set aside for a second drain field shall be of a size and so located that a drain field can be constructed that will meet all standards on size and setbacks recommended by the Minnesota Department of Health.

- (h) Tree Removal and Conservation of Vegetation. All subdivisions shall be planned, designed, constructed and maintained so that:
1. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
  2. Existing native vegetation shall not be disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of a tentative map.
- (i) Erosion and Sediment Control. The following guidelines shall be applied in the subdivision and construction of land areas:
1. The development shall conform to the natural limitations presented by the topography and soil so as to create the least potential for soil erosion.
  2. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
  3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
  4. When soil is exposed, the exposure shall be for the shortest reasonable period of time.
  5. Where the topsoil is removed, a sufficient amount shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- (j) Drainage. The natural drainage system shall be used as far as if feasible for the storage and flow of runoff. The following requirements shall also apply:
1. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.

2. No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, or rerouted without written permission from the Town Board and other applicable authorities.
  3. Where artificial channels must be constructed to augment the natural drainage systems, such channels, as well as the natural drainage ways, may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational use.
  4. The drainage system shall be constructed and operational as quickly as possible during construction.
- (k) Easements. All easements shall be dedicated by appropriate language on the plat as required by Chapter 505 of Minnesota Statutes and shall include the following:
1. Easements for Utilities. Easements for utilities at least sixteen (16) feet wide, centered on rear and other lot lines, shall be provided for utilities where necessary. Easements provided shall have continuity of alignment from block to block.
  2. Easements for Drainage. Easements shall be provided along each side of the centerline of any water course or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall not be less than twenty (20) feet in width.
- (l) Improvements Required. Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install the following site improvements in conformity with construction plans approved by the Township Engineer, and in conformity with all applicable standards and ordinances:
1. Monuments. Monuments of a permanent character as required by Chapter 505 of Minnesota Statutes shall be placed at each corner or angle on the outside boundary of the subdivision; pipes or steel rods shall be placed at each corner of each lot and at each angle in a lot line or the plat boundary.
  2. Streets. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the Township. Except in areas where lot widths exceed one

hundred (100) feet or topography or tree cover dictates otherwise, grading shall provide for each installation of sidewalks at some future date.

3. Paving. All streets and alleys shall be improved with a bituminous or concrete surface unless granted a waiver from the Town Board. Streets shall be constructed for nine-ton axle weight capacity and shall be constructed according to the specifications of the Town Engineer. Paving may be waived by the Town Board, in its sole discretion, if it can be demonstrated to the satisfaction of the Town Board that the proposed development will not adversely impact adjoining Athens Township roads. In considering a waiver, the Town Board shall consider such factors as the resulting need for additional Town road maintenance and the proximity to existing residential subdivisions or areas suitable for future residential development.
4. Concrete Curb and Gutter. Concrete curb and gutter may be required for all paved streets.

(m) Water Supply. In all subdivisions, the subdivider shall either:

1. Install a system providing each lot with an adequate supply of potable water or –
2. State on his final plat that purchasers of individual lots will be required to install their own approved wells.

**Section 16-62. Park Dedication.**

Since the subdivision of land results in additional development in the community and causes additional demand upon the recreational park facilities located therein, it is declared general policy that in all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds or other public use. Such percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. Areas designated for park dedication shall not be located in flood plain, shoreland or other areas unsuitable for park development unless such action is determined to be consistent with approved park plans.

**Section 16-63. Residential, Commercial and Industrial Development.**

In areas developed for residential, commercial or industrial development, an area of public open space shall be dedicated for public recreation space, not including dedications for street, alleys, easements or other public use. Dedication requirements shall be established from time to time by ordinance of the Town Board.

- (a) Application of Park Dedication Requirements. Park dedication requirements shall apply to all new development, redevelopment, lot combinations/redivisions to facilitate development, lot splits and expansion of residential or commercial, industrial, or business use that is not regulated by this Chapter. Park dedication requirements shall not apply to lot combinations/redivisions that do not increase the number of single family residential lots or dwelling units, conversions of apartments to condominiums, or internal leasehold improvements.
- (b) Approval of Park Dedication Areas. No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose for which they are to be dedicated. Such dedication of land for public use shall be made without restrictions or reservations and shall be transferred to the Town by deed or by plat.

When, in the opinion of the Town Board, the subdivision is too small for practical dedication or no land within the proposed subdivision is suitable, or if no need for land dedication is perceived, the subdivider shall pay a fee as established from time to time by ordinance of the Town Board. Such fees shall be payable to the Town prior to execution of signatures by Township officials on the final plat mylars. Money given to the Town in lieu of land shall be used by the Town for acquiring or developing public parks and playgrounds.

**Section 16-64. Street Lighting.**

Street lighting of a type approved by the Town Board must be installed at all intersections within the subdivision unless waived by action of the Town Board.

**Section 16-65. Sewage Disposal.**

As specified in Chapter 20 and this Chapter, individual on-site sewage disposal facilities shall be provided for each lot and so located as to permit easy and the least expensive connection to the sewer should a public sanitary sewer system becomes available. There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way or roadside ditch. The subdivider or owner shall be required to provide appropriate soil borings and percolation tests in order to determine proper sewage system design.

**Section 16-66. Drainage.**

A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts may be required where necessary in conjunction with the grading of streets. Cross drains may be required to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.

**Section 16-67. Street Signs.**

Street signs of standard design approved by the Township shall be installed at each street intersection. The posting of all street signs or markings shall be the responsibility of the subdivider/owner and such signs shall be installed prior to release of the escrow or bank letter of credit.

Section 16-68. **Driveways.**

- (a) A driveway permit must be approved by the Zoning Administrator prior to construction.
- (b) In essence, a driveway cannot interrupt the natural or ditch line flow of drainage water. In some case where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and maintained by the homeowner or subdivider. Stabilization of the driveway in-slope must be provided as part of the final grade.
- (c) Final driveway acceptance shall rest with the Zoning Administrator. Any decision of the Zoning Administrator regarding driveway permits may be appealed to the Town Board following transmission of a written notice of appeal, which specifies the subject and grounds therefor. Such notice must be received by the Zoning Administrator within ten (10) days following the issuance of an order, requirement, decision or determination which is the subject of the appeal. The Zoning Administrator will forward the appeal to the Town Board.
- (d) Upon appeal, the Town Board will take action to approve or deny driveway permit appeal requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
- (e) In no case shall the culvert pipe under a driveway be less than eighteen inches (18") in diameter, with aprons.
- (f) The cost of culverts shall be borne by the homeowner or subdivider.
- (g) Driveways shall intersect the roadway at a preferred angle of ninety (90) degrees but in no case shall the intersecting angle be less than sixty (60) degrees.
- (h) An all season safe distance of two hundred feet (200') in each direction must be present for a building permit to be issued.
- (i) No driveway shall be constructed within fifty feet (50') of an intersecting street. One hundred feet (100') is preferable.

- (j) The maximum allowable driveway width shall be twenty feet (20'), not counting the flares. The desirable width shall be 12 – 15 feet and the minimum width shall be ten feet (10').

**Section 16-69. Landscaping of Right-of-way and Shoulders.**

Topsoil shall be distributed to provide at least four (4) inches of cover to all areas disturbed between the right-of-way limits and the shoulders and shall be established by seeding and mulching or planting.

**Section 16-70. Utilities.**

Prior to any new road construction or subdivision approval, written preliminary approval must be included from all applicable utility services. Any plot plan, subdivision plan or town road construction plans must include underground or aerial service systems. Utility poles should be kept close to the right-of-way and in no case in the ditch line and always well back from the curb.

**Section 16-71. Sidewalks, Pedestrian Ways, and Bicycle Paths.**

Sidewalks, pedestrian ways, and bicycle paths may be required at the discretion of the Town Board. When required, sidewalks shall be constructed in accordance with the specifications in the Town Transportation Plan or as approved by the Town Engineer. Proposed designs of pedestrian ways and bicycle paths will be subject to the approval of the Town Board. Sidewalks are defined as those walkways adjacent to traveled roadways. Pedestrian ways and bicycle paths may or may not be adjacent to traveled roadways.

**Section 16-72. Payment for Installation of Improvements.**

The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public; however, in the case of an improvement that would, by general policy of the Town Board, be assessed only in part to the improved property and the remaining cost paid out of general tax levy, the Town Board may, in its sole discretion, make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Township.

If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the Town Board may, in its sole discretion, make provision for causing a portion of the cost of the improvement representing the benefit of such lands to be assessed against the same; in such case, the subdivider will be required only to pay for such portions of the total cost of said improvements as will represent the benefit to the property within the subdivision.

- (a) Required Agreement providing for Proper Installment of Improvements. Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Town Board



requiring the subdivider to furnish and construct said improvements at his sole cost, unless otherwise agreed to by the Town Board, in accordance with the plans and specifications and usual contract conditions, all approved by the Town Board. The agreement shall include provisions for supervision of details of construction by the Township Zoning Administrator, and shall grant to the Zoning Administrator the authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder with any other work being done or contracted by the Township in the vicinity. The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a bank letter of credit.

The bank letter of credit or cash escrow shall be equal to one hundred twenty-five percent (125%) of the estimated cost of the required improvements.

If the required improvements are not completed within the one-year period, all amounts held under the escrow agreements or the bank letter of credit shall be turned over to the Township and applied to the cost of the improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.

- (b) Financial Guarantee. The contract shall require the subdivider to make an escrow deposit or, in lieu thereof, furnish the bank letter of credit as follows:
1. Escrow Deposit. An escrow deposit shall be made with the Township, including the cost of inspection by the Township of all improvements to be furnished and installed by the subdivider pursuant to the contract which have not been completed prior to the approval of the final plat; the Township shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the Township for completion of the work in case of default of the subdivider under said contract, and for any damages sustained by the Township on account of any breach thereof. Upon completion of the work and termination of any liabilities to the Township or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.
  2. Bank Letter of Credit. In lieu of making an escrow deposit above described, and if the Town Board so agrees, the subdivider may furnish the Township with a bank letter of credit, in a form approved by the Town Board, with corporate surety in a penal sum equal to one hundred twenty-five percent (125%) of the total cost as estimated by the Township Engineer, including the cost of inspection, of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bank letter of credit shall be approved by the Township Attorney and filed with the Township Clerk. The developer (subdivider) shall be responsible for all attorneys' fees, special meeting costs, zoning administration fees,

drafting of documents, inspecting the project and any other fees that the Town may reasonably incur related to the proposed subdivision.

**Section 16-73. Construction Plans.**

Construction plans for the required improvements, conforming in all respects to the standards of the Township and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; said plans shall contain the surveyor's seal. Such plans, together with the quantity of construction items, shall be submitted to the Zoning Administrator for approval and for the Engineer's estimate of total cost of the required improvements. Upon approval, the plans shall become a part of the contract. The tracings of the plans approved by the Township, plus four (4) prints, one of which shall be filed with Isanti County, shall be required.

**Section 16-74. Variances.**

A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended purpose.

The Town Board, acting as the Board of Adjustment, may grant a variance upon receiving a report from the Zoning Administrator and the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography, or any other physical conditions, that strict compliance with these regulations would cause an unusual hardship on the land, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Chapter in specific cases, which, in its opinion, meet the following criteria:

- (a) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
- (b) The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Chapter is carried out. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- (d) Procedure.
  1. The property owner applying for a variance shall submit to the Zoning Administrator a completed variance application stating the hardship present and provide all other information required by the Zoning

Administrator. The application shall be completed when the applicant has complied with the following requirements:

- a. Provided a written and/or graphic description of the variance request including an explanation why the variance is required, the hardship involved, why the request is unique to the property, potential impact on development and surrounding property, and show the request complies with the Comprehensive Plan and Chapter 20 (Zoning Regulations).
  - b. Provided supporting information.
  - c. Submitted a fee for the variance request as established by the Town Board.
2. The Zoning Administrator, upon receipt of the application, shall notify the applicant within fifteen (15) town business days if the application is found to be incomplete.
  3. Upon receipt of a complete application, the Zoning Administrator shall prepare a report and refer the application to the Town Planning Commission and the Town Board for consideration.
  4. The Planning Commission shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. Property owners of record within five hundred (500) feet of the subject property shall be notified in writing of the proposed variance. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, providing a bona fide attempt to comply has been made.
  5. The applicant or his representative shall appear before the Planning Commission and Town Board in order to answer questions concerning the proposed application.
  6. The Planning Commission and Town Board shall have the authority to request additional information from the applicant concerning a variance. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
  7. Any variance or modification granted or denied shall be recorded in the minutes of the Town Board, acting as the Board of Adjustment,

and setting forth the reasons that justified the action. The order issued shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document recording requirements of this section and shall maintain records of the variance request.

8. In approving variances, the Town Board, acting as the Board of Adjustment, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Chapter.
9. All decisions of the Town Board, acting as the Board of Adjustment, in granting variances shall be final, except that any aggrieved person or persons shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court of Isanti County on questions of law and fact.
10. A variance shall automatically expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial.
11. If necessary, an extension of a variance shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration date of the original variance. The request for an extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for variance extension, the Zoning Administrator shall forward the request to the Town Board. The Town Board, acting as the Board of Adjustment, shall act to approve or deny the requested extension. No extension shall be for more than one (1) year, after which if the variance is not utilized, the variance shall automatically expire.

**Section 16-75. Modifications and Exceptions.**

- (a) State and Special District Consideration. It shall be the responsibility of the town to refer any preliminary plat to appropriate special districts or state agencies affected and involved, if any of the following circumstances exist:
  1. Items of regional or state significance are involved, such as regional parks, state highways, sewer extensions, or similar matters.
  2. Pollution (air, water, ground) may be a factor.

3. Airports, mass transit, schools, major employment centers, or similar considerations are involved.

- (b) Easements. All easements required for public purposes shall be provided at locations approved by the Town Board. Said easements may be for utilities, drainage, floodplain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be transferred and recorded at the office of the County Recorder. No plat shall be approved that is inconsistent with local, county or regional utility plans.

Oversizing of utilities to provide future services for more intense development of the land or to provide future service to other areas may be required.

- (c) Land Division. In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not come within the definition of subdivision as defined by this Chapter, a description of such land division shall be filed with the Township Zoning Administrator.

- (d) Compliance with State Wetland Conservation Act. The subdivider shall provide proof of compliance with the State Wetland Conservation Act.

- (e) Enlargement of pre-existing parcels. The Zoning Administrator may approve a conveyance of a part of a parcel, the owner of an adjacent parcel, where the reduced parcel remains in compliance with the provisions of this Chapter. The conveyance (deed) shall contain the following language:

“This conveyance is made for the purpose of enlarging a pre-existing parcel; the parcel here conveyed shall not be deemed a buildable lot under the Athens Town Zoning Ordinance.” (Chapter 20)

To ensure compliance with this Chapter and Chapter 20, the Zoning Administrator may require that the conveyance of part of a parcel and the adjacent parcel be combined to form one parcel. The combination or consolidation shall be accomplished through the filing of an appropriate deed or contract for deed transferring interest in all of the parcels to be merged. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by the County.

- (f) Lot Splits.

1. The Zoning Administrator may administratively approve applications for lot splits that do not require variances. An application form, along

with three (3) copies of a site sketch and the appropriate fee, as determined by the Town Board, must be submitted to the Zoning Administrator. In addition, if deemed necessary to determine compliance with Chapter standards, the Zoning Administrator may request a map or sketch, drawn to scale, or a survey, showing:

- a. Name and address, including telephone number, of the legal owner and/or agent of the property.
  - b. All contiguous property and all roads and their legal name.
  - c. Proposed new property lines with the dimensions noted.
  - d. Proposed driveway locations and the location of existing driveways on the same side of the road.
  - e. Location of any existing and proposed legal rights-of-way or public and private easements encumbering the property.
  - f. Proposed legal description of the parcel(s) to be subdivided.
  - g. Location, purpose, and dimensions of all buildings. Location shall note the distance of those buildings closest to property lines from the existing and proposed property lines.
  - h. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands, and the top and toe of any bluffs present. When applicable, the ordinary high water level and the 100-year flood elevations shall be shown.
  - i. Location of a primary and an alternate site for individual sewage treatment systems with a copy of percolations tests and soil borings.
  - j. Location of all existing and proposed public or private easements.
2. The Zoning Administrator may require such revisions as are necessary to meet code requirements.
  3. The Zoning Administrator shall make a decision to approve or disapprove a requested lot split within ten (10) working days of submission of a complete application or may refer the application to the Town Board. The Zoning Administrator shall provide written notice of any such decision to the owner or subdivider.

4. Any decision of the Zoning Administrator, unless appealed, shall be the final decision of the Town.
  5. Any decision of the Zoning Administrator regarding lot splits may be appealed to the Town Board following transmission of a written notice of appeal that specifies the subject and grounds therefore. Such notice must be received by the Zoning Administrator within ten (10) days following the issuance of the order, requirement, decision or determination which is the subject of the appeal. The Zoning Administrator will forward the appeal to the Town Board.
  6. Upon appeal, the Town Board will take action to approve or deny lot split requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
- (g) Conveyance to the Public. The subdivision regulations in this Chapter shall not apply to conveyances to the state, the county, or the town made for the purpose of widening, altering, or creating new roads, nor to conveyances of land upon which no buildings will be erected.
- (h) Transfer of Development Rights. Under current regional and County policies, the transfer of development rights is used to promote cluster development. The following standards apply to the transfer of development rights:
1. The property from which the transfer of development rights is taken and the property on which the transfers are used must be owned by the same person(s).
  2. The property from which the transfer of development rights is taken must have buildable sites that would be allowed under the density requirements of Chapter 20. The property from which the transfer is made cannot contain solely non-buildable area or already have the maximum buildable densities.
  3. Up to a maximum of eight (8) buildable parcels may be created within a quarter-quarter section, provided that the land is platted and the plat includes sufficient land from contiguous quarter-quarter sections to meet the overall density requirements. All of the land utilized for the purpose of meeting the density requirement shall be platted as an outlot or outlots and will not be eligible for further subdivision to create additional buildable parcels. This development restriction shall remain in effect until the density provisions of Chapter 20 are amended. Any new density increases shall also consider the transfers that have previously occurred in calculating the remaining allowable buildings.

4. For the purpose of the transfer of development rights, contiguous shall mean either sharing a common boundary, touching at quarter-quarter section corners or lying on opposite sides of a common road right-of-way.
5. When the transfer of development rights is employed, the lots must be created through platting as regulated by this Chapter.

Section 16-76 thru 16-90. **Reserved.**

Section 16-91. **Violations and Penalties.**

Any person who violates any of the provisions of this Chapter shall, upon conviction, be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

- (a) Injunctive Relief and Penalties. In the event of a violation of this Chapter, the Town may institute appropriate actions or proceedings, including bringing criminal charges, or seeking civil or injunctive relief, to prevent, restrain, correct or abate such violations. The Town in a civil action in any court of competent jurisdiction may recover all costs incurred for corrective action. Any violator of this Chapter shall be responsible for the Township's cost of prosecution, including attorneys' fees.
- (b) Repeal of Conflicting Ordinances. The Athens township Subdivision regulations adopted prior to this Chapter are hereby repealed in their entirety. Furthermore, all other ordinances in conflict with the provisions contained herein are hereby repealed to the extent necessary to give this Chapter full force and effect.



**CHAPTER 17      RESERVED**

**CHAPTER 18      RESERVED**

**CHAPTER 19      RESERVED**

**CHAPTER 20      ZONING REGULATIONS<sup>††</sup>****Article I:      In General.**

The Town Board of the Town of Athens hereby ordains an ordinance regulating the use, subdivision and development of land and the location, size, use and arrangement of buildings on those parcels of land located in the Town, this ordinance being adopted pursuant to Chapter 462 of Minnesota Statutes.

**Section 20-1. Short Title.**

This Chapter shall be known, cited and referred to as the Athens Township Zoning Ordinance, except as referred to herein, where it shall be known as this Chapter.

**Section 20-2. Intent and Purpose.**

The purpose of this Chapter is to protect the public interest; to ensure a safer, more pleasant and economical environment; to preserve agricultural and open lands; and to promote the public health, safety and general welfare through the establishment of minimum standards governing the subdivision, development and use of land and structures contained and/or erected upon same.

This Chapter divides the Town into use districts and regulates the subdivision, development and use of land and the location, size, use and arrangement of buildings.

The regulations and standards herein have been adopted to promote orderly development of residential, commercial, agricultural, recreational, and public areas and to promote open spaces; to prevent the overcrowding of land and undue congestion upon public roads; to minimize the incompatibility of different land uses and encourage the most appropriate use of land within the Town; to prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts; to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder; to provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the district in which they are located; to avoid the creation of substandard lots whereby uniform setback requirements cannot be complied with; to protect and guide the development of rural areas; to discourage the premature and unnecessary conversion of prime agricultural land to urban uses; to protect and enhance existing agricultural uses; to conserve natural resources; to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures; to prevent the wasteful scattering of population; to discourage noncontiguous urban development patterns which unnecessarily increase the costs of community

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<sup>††</sup> Adopted on May 3, 1999.

service; to control and obtain the most economic distribution of and demand for public utilities and services; to conserve and enhance natural and scenic areas along roads and otherwise; to provide for the administration of this Chapter and amendments thereto; to prescribe penalties for violations of the minimum standards and regulations herein; and to define the powers and duties of the Town, its staff and appointed personnel.

Section 20-3. **Definitions.**

Abut. To physically touch or border upon; or to share a common property line but not overlap. (See Adjoining lot or land; contiguous.)

Accessory structure or facility. Any building or improvement clearly subordinate to a principal use such as garages, sheds, or storage buildings located on the same parcel as the principal structure.

Accessory Use. A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same parcel as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants or caretakers.
2. Swimming pools and private recreational facilities for the use of the occupants of a residence or their guests.
3. Residential – or agriculture – related storage in a barn, shed, tool room, or similar accessory building.
4. Interior storage of merchandise normally carried in-stock in connection with a business or industrial use unless such storage is excluded in the applicable district's regulations.
5. Accessory off-street parking spaces, open or enclosed.
6. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

Addition. (1) A structure added to the original structure at some time after the completion of the original; or (2) an extension or increase in floor area or height of a building or structure.

Adjacent Land. See Adjoining Lot or Land.

Adjoining Lot or Land. A lot or parcel that shares all or part of a common lot line with another lot or parcel of land. (See abut; contiguous.)

Adult Uses. An establishment consisting of, including, or having the characteristics of any or all of the following:

- (1) Adult Arcade. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, video cassette players, digital disk players, or similar machines for viewing by five or fewer persons, each of which are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- (2) Adult Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas,” as defined herein.
- (3) Adult Bookstore. A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, videodiscs, or motion picture film when any or all of the materials previously mentioned are distinguished or characterized by an emphasis on the depiction or description of sexual conduct as defined in Minn. Stat. § 617.241 Subd. 1(b). A business establishment shall be defined as an “Adult Bookstore” if five percent (5%) or more of its retail space is used for the distribution or sale of the materials described above.
- (4) Adult Cabaret. (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- (5) Adult Companionship Establishment. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.

- (6) Adult Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
- (7) Adult Health/Sport Club. A health/sport club that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
- (8) Adult Hotel/Motel. A hotel or motel that excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
- (9) Adult Massage Parlor, Health Club. A massage parlor or health club that restricts minors by age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
- (10) Adult Mini-Motion Picture Theater. A building or portion of a building with a capacity for fewer than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein, for observation by patrons therein.
- (11) Adult Modeling Studio. An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas,” as defined herein, while being observed, painted, painted upon, sketched, drawn, sculpted, photographed, or otherwise depicted by such customers.
- (12) Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coin – or slug-operated or electronically -, electrically -, or mechanically – controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas,” as defined herein.

- (13) Adult Motion Picture Theater. An enclosed building or portion thereof or open air or projection facility engaged in the business of presenting film, video tape or other similar motion pictures, which excludes minors from the premises, or which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct as defined in Minn. Stat. § 617.241 Subd. 1(b).
- (14) Adult Novelty Business. A business that has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- (15) Adult Sauna. A sauna that excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
- (16) Adult Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or a heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas,” as defined herein.
- (17) Adult Theater. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or specified sexual activities.
- (18) Adult Use Establishments. Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, or sexual encounter establishment.
- (19) Escort, Model, Dancing or Hostess Service. Any person, establishment, or business advertising, offering, selling, trading, or bartering the services of itself, its employees or agents as hostesses, models, dancers, escorts, dates or companions, whether or not goods or services are simultaneously advertised, offered, sold, traded, or bartered and regardless of whether said goods or services are also required to be licensed.
- (20) Sexual Encounter Establishment. An establishment, other than a hotel, motel, or similar establishment offering public accommodations that,



for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.

- (21) Any other use which, in the reasonable judgment of the Town Board, features entertainment, goods and/or services aimed exclusively at adults by reason of its emphasis on matter depicting, describing, or relating to sexual conduct, as defined in Minn. Stat. § Subd. 1 (b).

For purposes of this Chapter, the following terms are also hereby defined:

- (a) Specified Anatomical Areas. As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the areolae; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (b) Specified Sexual Activities. As used herein, specified sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities in an adult use establishment.
- (22) Adult Use – Accessory. A use, business, or establishment having more than five percent (5%) but less than ten percent (10%) stock in trade or floor area allocated to, or more than ten percent (10%) but less than twenty percent (20%) of its gross receipts derived from adult movie rentals or sales and/or adult magazines or other adult material sales or rental.

Adverse impact. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities. Adverse impacts usually relate to circulation, drainage, erosion, potable water, sewage collection and treatment, lighting and glare, aesthetics, quality of life and impact on the environment.

Advertising Sign. See sign, advertising.

Aesthetic. The perception of artistic elements or elements in the natural or created environment that are pleasing to the eye.

Affected Property Owner. A person, association or entity having a legal interest in a lot or parcel of real property sufficient to initiate any proceeding authorized by this Chapter or to be recognized at a hearing under any such proceeding and shall include:

- (1) The holders of fee title;
- (2) Contract for Deed vendees (purchasers);
- (3) Contract for Deed vendors (sellers) with the written consent of all vendees;
- (4) Lessees and renters with the written consent of the owner(s);
- (5) Named buyers under a purchase agreement provided that the purchase agreement contains a provision that is conditioned upon the buyer first obtaining any permit or approval required by this Chapter;
- (6) Optionees provided that the option contains a provision that it is conditioned upon the optionee obtaining any permit or approval required by this Chapter;
- (7) Mortgagees following a mortgage foreclosure and the expiration of the period of redemption or otherwise written consent of the mortgagors and/or other owners;
- (8) Personal representative(s) of an estate, a guardian, trustee, receiver or other person or entity appointed by a court having authority over the use and/or development of any affected land; or
- (9) Person or entity named as a general power of attorney or granted authority as to the use and/or development of any affected land in a limited power of attorney.

The Town Board or its designated officials may request proof of such ownership or authority where deemed appropriate. Any person or the representative of any association or entity owning or occupying any affected land shall be heard at any public hearing under such proceeding.

Agricultural Uses. Those uses commonly associated with the growing of produce on farms, including livestock raising, crop farming, fruit growing, truck gardening, tree, plant, and/or flower nurseries, and a roadside stand for the retail sale of same in season. Wetlands, pasture and woodlands accompanying land that

is in agricultural use shall be deemed to be in agricultural use. Agricultural use shall not include use of land for recreational purposes, suburban residential acreages, rural home sites, or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the move of a building or structure from one location to another. This excludes normal repairs and maintenance, such as painting or roof replacements. (See structural alteration.)

Animal Kennel. Any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain. (See kennel.)

Animals, Food. Fish, fowl, cattle, swine, sheep and other members of the animal kingdom raised for the purposes of food consumption.

Animals, Fur. Mammals that are raised for their pelts.

Animals, Pleasure. Dogs, cats, birds and any member of the animal kingdom housed principally in a cage, aquarium, or other confined area within the homestead and kept principally for non-commercial and non-scientific purposes.

Animal Unit. A unit of measure used to compare differences in the production of animal waste that, as a standard, uses the amount of waste produced on a regular basis by a slaughter steer or heifer. For animals not listed in the following chart, the number of animal units shall be defined as the average weight of the animal divided by 1,000 lbs. This chart shall be amended from time to time to be consistent with Minnesota Rules Chapter 7020.

<u>Animals</u>	<u>Equivalent</u>
Calves (150 – 500 lbs)	0.5 animal units
Feeder Cattle (500 – 1200 lbs)	1.0 animal units
Beef Cows	1.0 animal units
Young Dairy Stock (500 – 1000 lbs)	0.75 animal units
Replacement Heifers	1.0 animal units
Dairy Cows	1.4 animal units
Nursery Pigs (up to 50 lbs.)	0.05 animal units
Grower/Feeder Pigs (50 – 100 lbs)	0.4 animal units
Finishing Hogs (100 lbs.-market wt.)	0.4 animal units
Sows	0.4 animal units

Boars	0.4 animal units
Sheep	0.1 animal units
Turkeys	0.018 animal units
Layer Chickens	0.01 animal units
Broiler Chickens	0.01 animal units
Horses	1.0 animal units
Ostriches	0.4 animal units

Apartment. A structure containing three or more dwelling units.

Apartment Unit. A part of the building consisting of a room or suite of rooms intended, designed or used as a residence by an individual or a single family.

Applicant. A person submitting an application for land use, zoning or development approvals. (See person.)

Assisted Living Facility. Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation.

Associated accessory retail sales. Uses that are clearly an accessory use to the conditionally-permitted use, such as retail sales of products or pre-packaged foods related to wine-making or consumption of wine, literature, art and craft items, and regional value-added agricultural products.

Automatic Car Wash. A structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying. Zoning considerations include drainage and possible freezing of run-off, water use, drying areas, vehicle stacking capacity, and litter and debris.

Automotive (Garage) Repair. Any building, premises, and land in which or upon which a business, service, or industry involving maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Automobile Sales. The use of a building, land area, or other premises for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles, and including any vehicle preparation or repair work conducted as an accessory use.

Automobile Service Station. Any building, land area, or other premise, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Basement. A portion of a building located partly underground. A basement shall be counted as a story if it has ½ or more of its height above the highest level to the adjoining ground and/or if it is intended to be used for dwelling or business purposes.

Bed and Breakfast, Boarding or Lodging House. A building where lodging, with or without meals, is provided for compensation on a regular basis.

Berm. A landscaped and contoured formation of land that is raised from natural grade.

Billboard. An advertising sign that directs attention to a business, commodity, services or entertainment.

Block. An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

Bluff Line. A line along the top of a slope, connecting the points at which the slope becomes less than 12%. This applies to those slopes within the land use district(s) that are beyond the setback provisions from the ordinary high water mark.

Boarding or Lodging House. A building designed for or used as a single-family or two-family dwelling and containing guest rooms where lodging, with or without meals, is provided for compensation on a regular basis.

Board of Adjustment. Shall be that Board as established in this Chapter.

Brewer. A person who manufactures malt liquor for sale.

Buildable Area. That part of a lot or parcel of sufficient elevation to accommodate the principal building, a well and on-site sewer system (two locations), all of which meet applicable codes, ordinances and/or regulations. Areas that are floodway, wetlands, rights-of-way, bluffs or have poor soils which are unsuitable for individual sewage treatment systems, cannot be included in calculating the buildable area of a lot. Type 1, 2 and 6 wetlands may be crossed to get access to the buildable area of an outlot that is being used for the transfer of building rights. Future access roads are limited to filling of 10,000 square feet with a minimum road width of twelve (12) feet. The outlot area must be above the flood plain elevation, and if there is no identified flood elevation, the access road must be three feet (3') above the OHW (ordinary high water elevation) of the adjacent wetland.

Building. Any structure, temporary or permanent, for the shelter, support, or enclosure of persons, animals, chattel, or property of any kind; and when

separated by party walls without openings, that portion of such building so separated shall be deemed a separate building.

Building, Accessory. A subordinate structure on the same lot as the principal or main building or use.

Building, Principal. A building in which is conducted the principal use of the lot on which it is located.

Building Coverage. The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

Building Height. The vertical distance from the natural grade measured either at the curb level or at a point ten (10) feet away from the front center of the structure or building, whichever is closer, to the top of the highest point of the roof on a flat or shed roof, the decline line of a mansard roof, or to a point half way between the highest top plate and the highest ridge for gable, hip, and gambrel roofs.

Building Line. That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.

Building Official. The building official of Athens Township or his or her authorized representative.

Building Permit. Written permission issued by the proper Township authority for the construction, repair, alteration or addition to a structure.

Building Setback. The minimum horizontal distance prescribed in this Chapter between a building and a specified lot line or boundary.

Bulk Regulations. Standards and controls that establish the maximum size of structures and the buildable area within which the structure can be located, including height, gross floor area, lot area, lot coverage, impervious surface coverage and yard requirements, but excluding residential density regulations.

Business (See also Commercial Uses). Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

Certificate of Occupancy. A document issued by the Township allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable Township codes and ordinances.

Certificate of Survey. A certificate of survey shall show the boundary lines of a parcel or parcels surveyed and indicate monuments set at corners (or road right-of-ways when abutting roads), angle points of said parcel or parcels and also at appropriate locations along boundary lines or lines where lines cannot be seen from corner to corner and there is a need to clarify building setback requirements. The survey shall be tied into required and identified land corners. The drawing shall be prepared by or under the direct supervision of a Minnesota Registered Land Surveyor.

Church. A building, together with its accessory buildings and uses, including licensed daycare facilities, where persons regularly assemble for religious worship and which building, together with its accessory buildings and use, is maintained and controlled by a religious body organized to sustain public worship.

Clear-cutting. The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural development purposes.

Clinic. An establishment where patients are admitted for examination and/or treatment by a group of physicians, dentists, or similar licensed professionals but are not lodged overnight.

Club or Lodge. A club or lodge is a non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

Cluster Development (Residential). A development pattern and technique whereby dwelling units are arranged in closely related groups to make the most efficient use of the natural amenities of the land.

Commercial Recreation Facility. A recreation facility operated as a business and open to the public for a fee. Includes, but is not limited to, the following: Bowling alley; cart track; jump center; golf; pool hall; vehicle racing or amusement; dance hall; skating; tavern; theater; entertainment; public shows; private campgrounds; firearms range; and similar uses.

Commercial Uses. Any enterprise, establishment, occupation or employment wherein or whereby merchandise is exhibited, traded and/or sold or any service is offered in exchange for compensation or other things of value.

Common Ownership. Ownership by one or more individuals in any form of ownership of two or more contiguous lots.

Communication Towers. Radio and television broadcasting, transmission and/or receiving towers and antennas that are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio and

television reception antennas and amateur radio station antennas, all of which are deemed to be incidental to residential use.

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

Community Water and Sewer Systems. Utilities system serving a group of buildings, lots, or any other area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota under Minnesota Rules 7080, as amended.

Comprehensive Plan. The general plan for land use, transportation, and community facilities of the Town.

Conditional Use. A use that has characteristic(s) which are or the impact of which is incompatible with the permitted uses within a zoning district but which, if properly controlled or restricted such as will eliminate or minimize the incompatibilities, may be permitted with a conditional use permit.

Conditional Use Permit. A permit specially and individually granted for a conditional use permitted in any use district.

Condominium. A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and the other common property of the building.

Construction Debris. Concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal, and wood from demolished structures. It shall also include waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads, and any material as defined by the MPCA or permitted for deposit in construction debris disposal facilities by said agency, such as, but not limited to, foundry, sand, waste shingles, tree waste, waste or water treatment plant lime sludge, and street sweepings.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. (See abut; adjoining lot or land.)

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Contractor Yard. An establishment providing general contracting or building construction service and that involves outdoor storage of machinery or equipment.

Convenience Grocery Store. Any retail store whose principal business is selling convenience grocery items, health and beauty items, and other items intended for



routine use and consumption by the consumer. These stores shall be no more than 4,800 square feet.

Cooperative. A multi-unit development operated for and owned by its occupants. Individual occupants do not own their specific housing units outright, as in a condominium, but they own shares in the enterprise.

Copy. A print or reproduction made from a tracing.

Corner Lot. A lot situated at the junction of and fronting on two or more roads or highways.

County. Isanti County, Minnesota.

Craft brewery. A facility manufacturing malt liquors for sale.

CSES: Community Solar Energy System.

Daycare Facility. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or development guidance on a regular basis for periods of less than 24 hours a day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, developmental achievement centers, day treatment programs, adult daycare centers and day services.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use or site and at any point extending more than 30 inches above the ground.

Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.

Depth of Lot. The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Depth of Rear Yard. The mean horizontal distance between the rear line of a building and the center line of an alley, where an alley exists; otherwise, a rear lot line.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development. The act of building structures and installing site improvements.

Disposal Facility. A waste facility that is designed or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal.

Distilled spirits. Ethyl alcohol, hydrated oxide of ethyl spirits of wine, whiskey, rum, brandy, gin, vodka and other distilled spirits, including all dilutions and mixtures thereof for non-industrial use.

District. A part, zone, or geographic area within the municipality within which certain zoning or development regulations apply.

Double Frontage Lots. Lots that have a front lot line abutting on one street and a rear lot line abutting on another street.

Drainage Course. A water course or indenture for the drainage of surface water.

Drive-through facility. A facility which accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include, but are not limited to, drive-up windows, menu boards, order boards or boxes, drive-in restaurants and drive-up banks. Drive-through facilities shall not include direct refueling of motor vehicles.

Driveway. The area used for vehicular access to an off-street parking area from a street or alley. Driveway shall also include the area used for vehicular access to areas of the lot other than an off-street parking area.

Duplex. A building designed and/or used exclusively for residential purposes and containing two dwelling units separated by a common party wall or otherwise structurally attached.

Dust-Free. A minimum treatment of the native soil with a covering of asphalt, concrete, wood, masonry, gravel, oil penetration or soil-cement.

Dwelling – Attached. A structure having dwelling units joined by one or more party walls.

Dwelling – Detached. A dwelling that is entirely surrounded by open space on the same lot.

Dwelling – Energy Efficient Below Ground. A structure meeting the specifications of the Minnesota Energy Code.

Dwelling – Multiple. A structure or building designed or utilized for more than two families in independent units other than townhouses. This term does not

include hotels, motels, lodging houses, boarding houses, bed and breakfasts, or tourist homes.

Dwelling – Single Family. A detached dwelling designed exclusively for occupancy by one family and containing not more than one dwelling unit.

Dwelling – Townhouse. One building or structure designed to accommodate more than one family in independent units, each having its own separate access and amenities.

Dwelling Unit. Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

Easement, Utility. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone poles, storm sewer or storm drainage and gas lines.

Encroachment, Flood Plains. Limits of obstruction flows. These lines are generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows. The stream channel and adjoining flood plains between these lines will be maintained as open space and will be adequate to convey a flood without adversely increasing flood heights.

Engineer. A professional engineer engaged by the Town Board.

Enlargement. An increase in the size of an existing structure or use, including physical size or the property, building, parking and other improvements.

Equal Degree of Encroachment, Flood Plains. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

Essential Services. Underground or overhead utilities including gas, electric, steam, water and sewer including all appurtenances necessary or incidental thereto but excluding buildings, transmission pipelines and electric transmission lines.

Excavation. Any non-agricultural excavation of earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, gravel, stone or other natural matter, or made by turning or breaking or undermining the surface of the earth.

Extractive Use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 through 93.51, as amended.

Family. An individual or two or more persons related by blood, marriage or adoption or not more than four unrelated persons living together in an independent, single housekeeping unit.

Family Daycare. Daycare for no more than ten children of ten (10) years of age or under of which no more than six (6) are under school age. The number of children must include all children of any caregiver when the children are present in the residence.

Farm. A tract of land of not less than ten (10) acres, the principal use of which is for agricultural purposes. This definition shall not preclude a small tract from being classified as agricultural if otherwise qualifying under the laws of the state of Minnesota. A farm is real property considered to be in agricultural use provided that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products. Slough, wasteland, and woodland shall be considered to be in agricultural use if under the same management and ownership.

Farm winery. A farm winery operated by the owner of a Minnesota farm and producing table, sparkling wines, or fortified wines from grapes, grape juice, other fruit bases, or honey, with a majority of the ingredients grown locally or sourced or produced in Minnesota. A farm winery must be operated on agricultural land operating under an agricultural classification, zone, or conditional use permit. (Minnesota Statute 340 a.315 Subd. 9.)

Feedlot. A fenced land area or building or combination of fenced land area and buildings intended for the confined feeding, breeding, raising or holding of animals exceeding ten (10) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purpose of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall not be considered to be feedlots. A feedlot does not cease to be a feedlot merely because confined feeding, breeding, raising or holding of animals is not actually taking place at a given time; however, such areas, building or combinations which have not been used for confined breeding, raising or

holding of animals for a five-year period shall not be considered a feedlot until such use resumes.

FEMA. Federal Emergency Management Agency.

Fence. A man-made barrier forming a boundary to or enclosing a tract of land, or some portion thereof. Where applicable, the provisions of Minn. Stat. § 344, as amended, shall control the location and type of fence.

Field Windbreak. A strip or belt of trees or shrubs more than 100 feet in length, 50 feet or less in width, adjacent to or within a field.

Final Approval. The last official action of the approving agency taken on a development plan that has been given preliminary approval, after all conditions and requirements of preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approval conditioned upon the posting of such guarantees.

Final Plat. A drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and by this Ordinance to be presented to the Town Board for approval, and which, if approved, may be duly filed with the County Recorder.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a lake that results in inundation of normally dry areas.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. That portion of the flood plain outside of the floodway.

Flood Plain. The area adjoining a watercourse that has been or hereafter may be covered by the regional flood.

Flood Proofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway. The channel of the watercourse and those portions of the adjoining flood plains that are reasonably required to carry and discharge the regional flood.

Floor Area. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings and shall include basement floor area except for porches, balconies, breezeways, and attic areas having a head room of less than 7'7".

Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.

Forestry. The management, including logging, of a forest, woodland or tree plantation and including related research and educational activities and the construction and maintenance of woodroads and skidroads.

Frontage. The boundary of a lot that abuts an existing or dedicated public street.

FWCBMD. For the purposes of this ordinance, farm wineries, craft breweries, and micro-distilleries when referred to together.

Garage. An accessory building or accessory portion of the principal building that is intended for and used exclusively to shelter private passenger vehicles of a family or those families residing on the premises.

Garage, Public. A building or portion of a building used for the storage of vehicles for remuneration.

Garage, Repair. A building or space for the maintenance of vehicles, but not including auto wrecking or junkyards.

Garage Sale. Garage sale shall include rummage sales, basement sales, yard sales, porch sales, and all other periodic sales at a residential location intended for the limited purpose of isolated or occasional sales as defined by Minnesota Statutes 297A.25 for the selling of used goods or home-crafted items by the residents thereof.

Governing Body. The Athens Township Board of Supervisors.

Group Family Daycare Facility. A state licensed daycare for no more than fourteen (14) children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Grade. (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface.

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

Habitable Room. Any room in a dwelling other than a kitchen, bathroom, closet, pantry, hallway, cellar, storage space, garage, and basement recreation room.

Hardship. As used in connection in the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to his property, not created by the landowner. Economic considerations

alone shall not constitute a hardship if reasonable use for the property exists under the terms of the Ordinance.

Hazardous Waste. Disposal of substances or material that, by reason of its toxic, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. As categorized by the U. S. Environmental Pollution Agency (EPA), hazardous waste includes, but is not limited to, inorganic mineral acids of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, arsenic, and their common salts; lead, nickel and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts; and all radioactive materials.

(Significant) Historic Site. Any archeological 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 unplatted cemetery that falls under the provisions of Minnesota Statutes § 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historical sites.

Home based craft sales. A home based activity selling items made or fabricated on site, such as, but not limited to: ceramics, pottery, rugs, wood products, art work, etc. Such sale events are limited to six (6) times per calendar year for no more than three days for each sale. Home based craft businesses are permitted uses.

Home Occupation – Permitted. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. Permitted home occupations shall not include the repair of motorized vehicles or internal combustion engines, uses conducted in an accessory building, or uses that require equipment that is substantially different from that typically found in residential dwellings.

Home Occupation – Permitted with Interim Use Permit. Any activity carried out for gain by a resident within an accessory building.

Hotel/Motel. A building having provision for five (5) or more guests in which lodging is provided with or without meals for compensation and that is open to transient or permanent guests and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby.

Impermeable. Not permitting the passage of water.

Impervious Surface. Any material that prevents absorption of stormwater into the ground.

Incidental. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Individual Septic Treatment System (ISTS). A system for the treatment and disposal of sanitary sewage in the ground on the lot upon which the primary use is located. A septic tank and soil absorption system or other individual cluster type sewage treatment system as described and regulated under Minnesota Rules Chapter 7080, as amended.

Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Industrial Waste. Solid waste resulting from an industrial, manufacturing, service, or commercial activity that is managed as a separate waste stream.

Infectious Waste. Laboratory waste, blood, regulated body fluids, sharps, and research animal waste that have not been decontaminated.

Interim Use. Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.

Interim Use Permit. A temporary permit issued by the Town Board granting approval of an interim use under conditions listed on said permit.

Irrigation System. Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.

Junkyard. An establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary fills not regulated by the Minnesota Pollution Control Agency (MPCA); whether maintained in connection with another business or not, where the waste, body, or discarded material stored is equal in bulk to five (5) or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.

Kennel, Private. Shall mean a place where no more than four (4) dogs are kept for private purposes. The keeping of more than four (4) dogs for private purposes shall require an interim use permit.



Kennel, Commercial. Shall mean a place where more than three (3) dogs of over six (6) months are kept for the purposes of breeding, sale or boarding.

Key Map. A map drawn to comparatively small scale that definitely shows the area proposed to be platted and the areas surrounding it to a given distance.

Land Reclamation. The recovery or restoration of wasteland, wetlands, marshes, etc. by ditching, grading, filling, or similar means. Any lot or parcel of land upon which 400 cubic yards or more of fill is to be deposited shall be land reclamation.

Landscaping. Planting such as trees, shrubs, sod or seeding.

License. A permit, granted by an appropriate governmental body, generally for a consideration, to a person, firm, or corporation to pursue some occupation or to carry on some business subject to regulation under police power.

Licensed Daycare Facility. Any public or private facility required to be licensed by a governmental agency that provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than 24 hours per day, in a place other than the person's own home. Licensed day care facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult daycare centers, and day services.

Licensed Engineer. A person licensed as a professional engineer by the State of Minnesota.

Licensed Residential Care Facility. Any public or private facility required to be licensed by a governmental agency, that provides one or more persons with a 24-hour-per-day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include but are not limited to state institutions under the care of the Commissioner of Human Services, foster homes, residential treatment centers, group homes, residential programs, supportive living residences for functionally-impaired adults, or schools for handicapped persons. A facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquents on the basis of conduct in violation of criminal statutes pertaining to sex offenses shall not be considered a licensed residential care facility.

Livable Space. The total area, measured in square feet, of a story or stories of a residential dwelling, that is used for living space.

Livestock Waste Storage Facility. A diked enclosure, pit or structure for temporary disposal or storage of livestock wastes.

Loading Berth. An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials and merchandise.

Lot. A separately described parcel of land, with or without buildings, occupied or used for or intended for occupancy or any use permitted under the provisions of this Ordinance having not less than the minimum area required by this Ordinance for each use, including buildings to accommodate same, in the zoning district in which such lot is located and which abuts a public road, street or highway.

Lot Area. The area of a lot on a horizontal plane bounded by the lot lines.

Lot, Butt. A lot located on the end of a block, excluding corner lots.

Lot, Corner. A lot situated on the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot, Interior. A lot other than a corner lot, including through lots.

Lot, Through. Any lot other than a corner lot that abuts more than one street.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line.

Lot Frontage – Lot Line, Front. That side of a lot that abuts an existing or dedicated public road, street or highway.

Lot Line. Any boundary line of a lot, provided that where any lot is encroached upon by a public street, road or highway, or by any private road easement that was recorded in the office of the County Recorder prior to the effective date of this Ordinance or otherwise appears binding on the lot owner for the purpose of meeting the minimum requirements of this Chapter, the lot line shall be the right-of-way line of any such street, road, highway or private easement.

Lot Line, Rear. The boundary of a lot, other than a through lot, which is opposite the front lot line. If the rear lot line is less than 30 feet in length or if the lot forms a point in the rear, the rear lot line shall be a line 30 feet in length within the lot, parallel to the front lot line.

Lot of Record. Any lot that was recorded by deed or filed as a separate parcel in the office of the Isanti County Recorder on or before October 7, 1996 or any lot

where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before October 7, 1996.

Lot Sideline – Lot Line, Side. Those lines of a lot that begin at the point of intersection with a public right-of-way and then run away from said right-of-way. Any boundary of a lot that is not a front lot line or rear lot line.

Lot, Substandard. See “substandard lot.”

Lot Width. The shortest horizontal distance between the side lot lines. Where the side lot lines do not run parallel, (a) if the side lot lines diverge from their intersection with the public right-of-way, the minimum lot width shall be measured one-half of the required setback distance from said right-of-way line; (b) if the side lot lines converge from their point of intersection with said right-of-way line, the minimum lot width shall be measured at the minimum setback line of that lot.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.

Malt liquor. Any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume. Minnesota statute 340A.101, Subd. 9 or as amended.

Manufactured Home. A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent.

Manufactured Home Subdivision. A platted area of lots that is designed and intended for exclusive placement of manufactured homes and so stipulated by deed restrictions. Said lots must be for sale.

Manufacturing – Light (Industry). Any enterprise that includes the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not violate the performance standards found in this Chapter.

May. Used to indicate a certain measure of likelihood or possibility; permissive.

Mean Flow Level. The average flow elevation of a stream or river computed as a mid-point between extreme low and extreme high water.

Metes and Bounds Description. A description of real property that is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Micro-distillery. A micro-distillery operated within the state producing premium, distilled spirits in total quantity not to exceed 40,000 proof gallons in a calendar year.

Mining. The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand (1000) cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building or structure provided such removal is an approved item in the building permit.

Motor Freight Terminal. A building or area in which freight brought by motor truck is transferred and/or stored for movement.

Motor Fuel Station. A retail place of business engaged primarily in the sale of motor fuels, but also may be engaged in supplying goods and services generally associated with the operation and maintenance of motor vehicles. These may include sales of petroleum products, sale and servicing of tires, batteries, automotive accessories, and replacement items, washing and lubrication services; and the performance of minor automotive maintenance and repair.

Motor Court, Motor Hotel, or Motel. A building or group of buildings not to exceed two (2) stories other than a hotel used primarily as a temporary residence of a motorist, tourists or travelers.

Motor Vehicle. The meaning given to it in Minnesota Statutes, section 168.011, subd. 4, as amended, and also includes a park trailer as defined in Minnesota Statutes, section 168.011, subd. 8, as amended, and a horse trailer as defined in Minnesota Statutes, section 168.27, subd. 1, as amended.

Motor Vehicle Dealer. Any person, firm, or corporation, including licensed used motor vehicle dealers, wholesalers, auctioneers, and lessors of new or used motor vehicles, regularly engaged in the business of selling, purchasing, and generally dealing in new and used motor vehicles, and new and used motor vehicle bodies, chassis-mounted or not, having an established place of business for the sale, trade, and display of new and used motor vehicles, and new and used motor vehicle bodies, and that has new and used motor vehicles and new and used motor vehicle bodies for the purpose of sale or trade.

Motor Vehicle Sales. The sale, offering for sale, display for sale, or facilitating the sale of motor vehicles, new or used.

Motor Vehicle Sales Lot. Any lot, site, premises, or establishment where motor vehicles, new or used, are sold, offered for sale, or displayed for sale or where the sale of motor vehicles is facilitated.

Natural Waterway. A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Nightclub. A use engaged in the sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses, or a use other than a restaurant which provides general entertainment.

Nonconforming Structure or Use. Any structure or use lawfully established prior to the effective date of this Chapter but which is not permitted under the provisions of this Chapter.

Normal High Water Mark. A mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high watermark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Noxious Matter or Materials. Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on the physical or economic well-being of individuals.

Nursery, Day. A facility where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.

Nursery, Landscape. A business that grows or sells trees, flowering and decorative plants and shrubs.

Nursing Home. A facility for aged, chronically ill, or incurable persons licensed by the Minnesota Department of Health providing nursing care and related medical services.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain that may impede, retard, or change the direction of the flow of water, or regulatory flood plain that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Office. A room or group of rooms used for the management of affairs of an establishment or for the non-retail, non-production conduct of affairs of a service, professional, institutional, or business nature.

Official Control. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria all of which control the physical development of the township and are the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps.

Official Map. A map established by the Town Board, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed. (Should not be confused with the zoning map.)

Off-Street Parking Lot. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, or reserved for public or private use or enjoyment of the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Storage. Storage of material outside of a building. The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Outlot. A parcel of land on a plat that is unbuildable with the exception of public buildings, essential services, and parks. This designation may be due to insufficient size or frontage, peculiar site characteristics, a lack of public improvements or necessary replatting to utilize any remaining building rights. It may also delineate the area from which development rights have been taken to allow clustering on contiguous parcels to preserve open space. Type 1, 2 and 6

wetlands may be crossed to provide access to the buildable area of an outlot that is being used for the transfer of building rights. Future access roads are limited to the filling of 10,000 square feet with a minimum of road of twelve feet (12') in width. The outlot area must be above the flood plain elevation and, if there is no identified flood elevation, the access road must be three feet (3') above the OHW (ordinary high water elevation) of the adjacent wetland. (County)

Overhang. (1) The part of a roof or wall that extends beyond the façade of a lower wall; (2) the portion of a vehicle extending beyond the wheel stops or curb.

Owner. An individual, firm, association, syndicate, partnership, limited liability company, corporation, trust, or any other legal entity having a legal or equitable interest in land.

Parking Space. A surfaced and maintained area for the storage of a standard motor vehicle (9 feet by 20 feet).

Party Wall. A common wall that divides two independent structures.

Permitted Use. A use that is expressly permitted within a district established by this Chapter, provided that such use conforms with all requirements, regulations and performance standards (if any) applicable thereto.

Person. An individual, to include both male and female, and shall also extend and be applied to bodies political and corporate and to partnership and other unincorporated associations.

Pine Plantation. A thick or dense planting of coniferous trees more than fifty (50) feet in width and more than one hundred (100) feet in length.

Planning Commission or Commission. The duly appointed Planning Advisory Commission of the Town Board.

Plat. A map or drawing which geographically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

Platted Area. A parcel of land described by block and lot.

Practical Difficulties. Means that the property owner proposes to use the property in a reasonable manner not permitted by this Chapter, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes access to direct sunlight for solar energy systems.

Privy. An outbuilding with one or more seats and a pit serving as a toilet.

Portable Toilets. A portable unit containing toilet facilities.

Preliminary Plat. The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Town Board for their consideration.

Principal Building. A building in which is conducted the principal use of the lot on which it is located.

Principal Use. The primary or main use of land and/or buildings upon same. Principal uses shall be generally categorized as agricultural, residential or commercial. If a use is mixed or might qualify under more than one of the general categories, the Planning Commission shall determine which category is applicable.

Private Easement. Authorization by a property owner for the use by another, and for a private purpose, of any designated part of the property including but not limited to private roads, private driveways, private accesses, private thoroughfares, and private utilities.

Professional Offices. The office of a member of a recognized profession maintained for the conduct of that profession.

Prohibited Use. A use that is not permitted in a zoning district.

Proof gallon is one liquid gallon of distilled spirits that is 50 percent alcohol at 60 degrees Fahrenheit. Minnesota 340A.101, Subd. 24a. Proof gallon.

Property. A lot, parcel, or tract of land together with the building and structures located thereon.

Property Line. The legal boundaries of a parcel of land.

Protective Restrictive) Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Enforcement of protective covenants shall be by the parties involved, not the Town Board.

Public Land. Land owned and/or operated by a governmental unit.

Public Road. Those roads under the direct authority of the Town, the County, the State or the Federal government.

Public tasting. Wine, malt liquors, or distilled spirits sampling by the general public.



Public Waters. Any water of the State that serves as a beneficial public purpose, as defined in Minn. Stat. 103G.005, Subdivisions 15 to 18, as amended.

Publication. Notice placed in the official Township newspaper stating the time, location, date of meeting and description of the topic(s).

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Receiving area. An area in the agriculture/residential district that denotes where building rights are being transferred into to complete the transfer of development rights for a plat.

Recreation Equipment. Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecues, and similar apparatus, but not including tree houses, swimming pools, playhouses exceeding 25 square feet of floor area, or sheds used for storage of equipment.

Recreational Facility. A place designed and equipped for the conduct of sports and leisure time activities.

Recreational Vehicle. A vehicle that is built on a single chassis, is four hundred (400) square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this Chapter, the term recreational vehicle shall be synonymous with the term travel trailer/ travel vehicle.

Regional Flood. A flood that is representative of the largest flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval.

Registered Land Survey. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minn. Stat. § 508.47.

Regulatory Flood Protection Elevation. A point not less than one (1) foot above the water surface profile associated with the regional flood, plus any increase in flood heights attributable to encroachment on the flood plain. It is the elevation to which uses regulated by this Chapter are required to be elevated or flood proofed.

Religious Facility. An institution primarily used for the gathering of people for the practice of religious faiths.

Repairable Motor Vehicle. A motor vehicle that can be repaired, rebuilt, or reconditioned for further use consistent with its usual functions; the term does not include a motor vehicle that has value only for its component parts.

Residential Use. A permanent place of residence for a family.

Restaurant. An establishment that sells unpackaged food to the customer in a ready-to-consume state, in individual servings, and where the consumer consumes these foods in the building, picks up the food from the building to consume elsewhere, or the food is delivered to the customer by employees of the restaurant.

Restaurant, Drive-Through. A restaurant providing a drive-through facility as defined elsewhere in this chapter.

Retail Sales. Stores and shops selling personal service or goods to consumers.

Retreat Center. A facility consisting of a building or buildings whose purpose is to offer hospitality, education, spiritual renewal or quiet recreation and offering temporary lodging. (County)

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, service, place or however designated.

Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use, such as land over which a power line passes. (1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

Salvage Yard. Any use that involves or includes the storing, keeping, salvaging and/or holding for sale of all or parts of the following: unlicensed and/or inoperable motor vehicles; used farm machinery and equipment unless used as part of a farm operation or unless held for sale under a permit authorized by this Chapter; scrap iron and scrap metals; and any other item or items which no longer customarily serve the purpose for which they were designed.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Selective Cutting. The removal of single scattered trees.

Self-Service Storage Facility. An establishment designed and used for the purpose of renting or leasing storage spaces to tenants who have sole access to such space for the storage of personal property.

Semi-Public 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.

Sending area. An area in the agriculture/residential district that denotes where building rights are coming from to complete the transfer of development rights for a plat.

Setback. The distance between a building and any lot line.

Setback, Pump. The distance from the street right-of-way to the centerline of the motor fuel station pump island, measured as the perpendicular distance from the right-of-way.

Sewage Treatment System. Septic tank and soil absorption system or other individual or cluster-type sewage treatment system as described and regulated in this and other chapters on sewage treatment.

Sewer System. Pumping force main, pipelines, or conduits, and all other construction, devices, appliances, or appurtenances used for conducting sewage, industrial waste, or other wastes to a point of ultimate disposal.

Shopping Center. A group of commercial establishments planned, developed, owned, or managed as a unit, related in size (gross floor area) and type of shops to the trade area that the unit serves, and with off-street parking provided on the property.

Shore Impact Zone. Land located between the ordinary high water (OHW) level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

Shoreland. Land located within the following distance from public water: (1) 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream; or the outward extent of a flood plain designated by Ordinance on such a river or stream, or more than 1000 feet from a lake, whichever is greater. For any plat that is approved containing any single lots that extend more than 300 feet from a river or stream, the shoreland district shall be enlarged so as to include each of said lots in their entirety.

Sight Distance Triangle. A triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection. Such triangle shall be defined beginning at the intersection of the projected curb lines of two (2) intersecting streets or at the intersection of projected curb lines where a driveway intersects a street, measured thirty five (35) feet along each curb line and connected by a diagonal line.

Sign. Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location.

Sign – Advertising (Billboard). A sign that directs attention to a business, commodity, services or entertainment at a location other than the premises on which the sign is located.

Sign – Business. A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

Sign – Community. Signs erected with the purpose of identifying and promoting the community.

Sign – Flashing. An illuminated sign that is not constant in intensity or color at times of operation.

Sign – Gross Area of. The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign – Nameplate. A sign, located on the premises, giving the name and/or address of the owner or occupant of a building or premises.

Sign – Temporary. A sign allowed for a period of ninety (90) days, or until a short term condition is met, e. g. “For Sale.”

Site. Any lot or parcel or combination of lots or parcels assembled for the purpose of development.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the Township.

Sketch Plan. A drawing showing the proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

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

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

Solar Energy Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated electricity. The Solar Energy Farm has a footprint of no less than 20 acres.

Solar Garden. A community solar energy system.

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

Solid Waste Management Facility. Any tract or parcel of land, including any constructed facility used for the treatment of, or preliminary, intermediate or final disposal of solid waste, including, but not limited to, transfer station, incineration, composting, waste reduction and landfill disposal.

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 the Isanti County soil survey or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this ordinance. 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, that are not bluffs.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for principal use.

Story, Half. That part of a building under the gable, hip, or gambrel roof, the wall plates of which are not more than four (4) feet above the floor.

Streets and Alleys.

1. Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, lane, place or however otherwise designated.
2. Collector Street. A street that carries traffic from local streets to arterials.
3. Cul-De-Sac. A minor street with only one outlet and having a turn-around.
4. Service Street. Marginal access street, or otherwise designated, as a minor street, which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

5. Local Street. A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
6. Alley. A minor way that is used primarily for secondary vehicular service access to the back or side of properties abutting on a street.
7. Arterial Street. A street or highway with access restrictions designed to carry large volumes of traffic between various sectors of the Township and beyond.
8. Street Width. The shortest distance between the lines delineating the right-of-way of a street.

Structure. Anything constructed or erected, the use of which requires location on or in the ground or attached to something having a location on or in the ground. "Structure" does not include accessory buildings smaller than 120 square feet, improved driveways, sidewalks or slabs.

Structure – Nonconforming. A structure that was legally existing on October 7, 1996, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Chapter.

Structure, Temporary. Structures that are of a mobile nature and located on a property for no more than six (6) months in a 12-month period, such as ice fishing shanties, camping tents, enclosed trailers, and other similar facilities.

Structural Alteration. A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Subdivider. Any person, firm, corporation, partnership, limited liability company, or association, who shall lay out any subdivision or part thereof as defined herein, either for himself or others.

Subdivision. The division of a parcel of land after the effective date of the Subdivision Ordinance (Chapter 16 of the Town Code) into two or more lots or parcels, for the purpose of transfer or ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. If construction or development of a new street, road or highway is involved, any division of a parcel of land shall be considered a subdivision.

Substandard Lot. Any lot of record that does not meet the minimum lot area, frontage, setbacks or other dimensional standards of the Town Code.

Surveyor. A person duly registered as a land surveyor by the State of Minnesota.

Tasting room. A room in conjunction with a FWCBMD where the retail sales of FWCBMD products, associated accessory retail sales of non-food items, products

by the bottle for off-premises consumption, and food items are allowed. Gratuitous offerings of cheese, crackers, or condiments associated with sampling are permitted. Consumption and sale of alcohol shall be subject to all state laws and regulations, federal laws and regulations, and/or applicable laws and regulations.

Temporary Structures. Any structure that's placed on private property that exceeds 200 square-foot and does not require a building permit. This includes but is not limited to tarps, tents, sheds, shelters, and temporary construction trailers.

Toxic Substance. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Transfer of Development Rights (TDR). The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district to land in another district where such transfer is permitted.

Travel and Camp Trailers. Any trailer or semi-trailer not used as a residence, but is used for temporary living quarters for recreational or vacation activities and that may be towed on public roads in connection with such use.

Truck Stop. A motor fuel station devoted principally to the needs of trucks and which shall include eating and/or sleeping facilities.

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

Use – Accessory. A use subordinate to and serving the principal use or structure on the same lot.

Used Motor Vehicle. A motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with Minnesota Statutes, Chapter 168, 168A and 297B, or the laws of the residence of the owner.

Variance. A modification or variation of the provisions of this Chapter where it is determined that, by reason of special and unusual circumstances relating to a specific lot, that strict application of this Chapter would cause practical difficulties.

Veterinary. Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.

Waste. Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste and hazardous waste.

Warehousing. The storage of materials or equipment within an enclosed building.

Wetland. Lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have two of the following three attributes:

1. Have a predominance of hydric soils;
2. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for live in saturated soil conditions; and
3. Under normal circumstances, support a prevalence of such vegetation.

Wholesale. The selling of goods, equipment and materials by bulk to another business that, in turn, sells to the final customer.

Wine. The product made from the normal alcoholic fermentation of grapes, including still wine, sparkling and carbonated wine, wine made from condensed grape must, wine made from agricultural products other than sound, ripe grapes; imitation wine; compounds sold as wine; vermouth; cider; perry; and sake, in each instance containing not less than one-half of one percent nor more than 24 percent alcohol by volume for nonindustrial use. Wine does not include distilled spirits.

Wine case. A case that contains twelve (12) standard wine bottles (750 milliliters each).

Wine producer. Any person who has facilities and equipment for the conversion of grapes, berries, fruit, or other agricultural products into wine, and is engaged in the production of wine. All persons producing less than 200 gallons of wine per year for personal consumption are not considered wine producers.

Yard. That open space or those open spaces on a lot that do not contain any buildings.

Yard – Front. A yard extending across the front of the lot between the side property lines and lying between the front lot line and the nearest line of a building and is adjacent to a public road right-of-way. Any yard adjacent to a shoreline shall be considered a front yard.

Yard – Rear. A yard extending across the rear of the lot between the side property lines and lying between the rear lot line and the nearest line of the building.

Yard – Side. A yard between the side line and the nearest line of the building and extending from the front yard line to the rear yard line.



Zoning Administrator. The person, regardless of job title, designated to supervise the application of this Chapter and to enforce the provisions thereof.

Zoning District. An area within the limits of the zoning jurisdiction for which the regulations and requirements governing use, height and bulk of structures and premises, are uniform.

Zoning Map. That map or those maps incorporated into and being a part of this Chapter designating zoning districts, and as amended from time to time.

Zoning Ordinance. Zoning regulations controlling the use of land as adopted by Athens Township under this Chapter. Definitions in this Chapter also apply to the subdivision regulations (Chapter 16).

**Article II: General Provisions.****Section 20-4. Minimum Requirement.**

The provisions of this Chapter shall be applied and constructed to constitute minimum standards for the promotion of the public health, safety and welfare.

**Section 20-5. Relation to Other Standards.**

Where a condition imposed by any provision of this Chapter is either more or less restrictive than the comparable condition imposed by any other ordinance, rule or regulation of the Town, County, State or Federal government, the more restrictive condition will prevail. For purpose of this section, “more restrictive” shall mean the least congestion, the least intrusion and the least intensity of any use or development permitted between those provisions that are in conflict.

The Town acknowledges and encourages the use of restrictive covenants, privately imposed, where appropriate. However, no restrictive covenant shall permit any use or development of land that does not meet the minimum requirements of this Chapter. Further, it is not the duty of the Town to enforce compliance of restrictive covenants.

**Section 20-6. Application.**

The provisions of this Chapter shall apply to all land within the Township.

**Section 20-7. Concurrent Review.**

In order to provide for the efficient administration of this Chapter, whenever a project or proposal requires more than one land use review, including but not limited to conditional use permit, interim use permit, rezoning, variance, site plan review or platting, all applications shall be processed concurrently.

**Section 20-8. Pending Applications.** No new application for zoning approval for land use approvals shall be submitted or accepted until all previous applications for such project or proposal have been finally acted upon.

**Section 20-9. Compliance with this Chapter.**

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used in any manner that is not in conformity with the provisions of this Chapter.

**a. General Regulations.**

1. Applications for conditional use permits, interim use permits, site plans, variances, rezonings, amendments, appeals and any other request that requires Town Board approval shall be submitted to the Zoning Administrator.
2. Applications for conditional use permits, interim use permits, variances, and rezonings will not be accepted from anyone who is not an owner of the land for which the application is being made. However, nothing in this Chapter shall be construed to abrogate or otherwise deny the right of a property owner to apply for a conditional use permit, interim use permit, variance, amendment or appeal. No

application or appeal shall be attended by any presumption of approval. Applications must contain all information required by this Chapter.

3. No landowner shall erect, construct, structurally alter, extend, convert, move or use, nor allow or permit another person, including a lessee, tenant, agent, employee or contractor, to erect, construct, structurally alter, extend, convert, move or use on the landowner's land any building or structure in any zoning district within the Town without first obtaining a permit.
4. All land use approvals made pursuant to this Chapter shall remain in effect as long as all of the conditions and guarantees of such approval(s) are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Chapter and may result in termination of the land use approval.
5. The following provisions shall apply to the issuance of building permits in all zones in Athens Township:
  - A. A building permit shall be obtained prior to erecting, installing, altering, converting, remodeling, removing or demolishing any building or structure or part thereof.
  - B. The following structures shall be exempt from the requirement to obtain a building permit:
    - i. Storage buildings 120 square feet or less in size outside of the Shoreland and Flood plain districts.
    - ii. Agricultural structures that obtain an Agricultural Structures Permit as provided below.
- b. Agricultural Structure Permit. In all zoning districts, an Agricultural Structure Permit shall be obtained for the construction of new agricultural buildings and structures or for additions to such structures. Buildings and structures must meet the following criteria to be defined as an agricultural building or structure for the purposes of this provision:
  1. The building or structure must be on a parcel of land at least ten (10) acres in size and used exclusively for storage of agricultural goods or equipment; or
  2. The building or structure must be used exclusively to house animals.
- c. Protection for Farming Practices. All agricultural uses in the Township occurring on parcels of a minimum of ten (10) acres and being conducted in compliance with the terms of this Chapter and other applicable local, state and federal regulations shall have the right to continue regardless of the fact that there may have been changes in the surrounding character of the area.
- d. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

- e. Uses Not Provided For Within Zoning Districts. Whenever in any zoning district a use of land and/or buildings is neither specifically permitted nor specifically prohibited, the use shall be considered prohibited. If such a use is considered prohibited, the Planning Commission, on its own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, the appropriate zoning district and the condition under which said use will be permitted.
- f. Nonconforming Uses and Structures.
1. Any nonconforming use or nonconforming structure existing on October 7, 1996, may continue subject to the restrictions contained in this section.
  2. Any structure that will, under this Chapter, become nonconforming, but for which a land use permit has been lawfully granted prior to October 7, 1996, shall be considered a nonconforming structure.
  3. Additions or expansions up to twenty-five percent (25%) of the bulk area of the structure may be made to a nonconforming structure only if the addition meets the following conditions:
    - a. Increasing nonconformity prohibited. An addition or expansion shall not increase the degree of nonconformity of the structure, or further infringe upon established setbacks or building restrictions, except that:
      1. Existing structures meeting at least fifty percent (50%) of the required front yard setback may be allowed to expand provided the addition does not encroach further upon existing setbacks and the structure is not located within the shore impact zone, bluff impact zone or in a flood plain.
      2. Existing structures not meeting the required side or rear yard setbacks may be allowed to expand provided they do not encroach further upon the existing setbacks and are not located within the shore impact zone, bluff impact zones or in a flood plain.
      3. New accessory structures may be built in line with the residential structure at the same existing side yard setback, but no closer than one-half (1/2) the required side yard property line setback.
      4. Cannot result in replacement. The process of adding on to an existing nonconforming structure shall not be used to effectuate replacement of the structure where replacement would not otherwise be allowed under the provisions of this Chapter.
      5. Existing structure in sound condition. An addition may be made to a nonconforming structure only if the existing structure is in sound condition, as determined by the Township Building Official.
      6. Existing structure must remain. No structural part of the existing structure shall be removed once the new structure is completed.

7. Encasement prohibited. The addition, or multiple additions, shall not surround or encase the existing structure.
  8. Replacement. A nonconforming structure may be replaced only if the replacement structure meets the setback requirements and all other provisions of this Chapter.
  9. Sewage treatment. Expansion of, or addition to, or replacement of a nonconforming structure requiring a building permit shall be subject to the requirements of this Code for sewage and wastewater treatment.
  10. Interior alteration. An interior alteration of a nonconforming structure is permissible provided it will not result in increasing the flood damage potential of that structure.
4. If a nonconforming use is discontinued for a period of more than one year, further use of the structure or property shall conform to this Chapter.
  5. If a nonconforming structure is destroyed by fire or other peril by more than fifty percent (50%) of its market value as indicated by the records of the Isanti County Assessor, any subsequent use of the land or premises shall be a conforming use unless a building permit to replace or repair the nonconforming structure is obtained within 180 days of the destruction or other peril. Any subsequently erected structure shall be a conforming structure. Cement slabs, foundations and equipment, which are not used to compute the cost of land use permits, shall not be used as part of the market value. Any figure of the County Assessor that takes into account these items shall be adjusted accordingly.
  6. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use, or that is a nonconforming structure, is permitted, including necessary non-structural repairs and incidental alterations which do not extend the life of the nonconforming use or intensity of the nonconforming use.
  7. Any nonconforming use of a structure or structures and premises may not be changed to another nonconforming use.
  8. A nonconforming structure or use shall not be moved to any other part of its site or to another site where it would still constitute a nonconforming use.
  9. Nonconforming Sewage Treatment Systems:
    - a. A “nonconforming sewage treatment system” means those septic systems or privies that do not provide for adequate treatment of sewage or meet specific requirements. They include:
      1. Cesspools.
      2. Leaching pits.
      3. Drywells.

4. Seepage pits.
5. Systems with less than three (3) feet of unsaturated soil or sand between the bottom of the drainfield or mound rock bed and the limiting soil characteristic, which includes a seasonal high water table as evidenced by the presence of ground water, mottled soil, or bedrock.
6. Systems discharging sewage to (1) the surface (including tile lines); (2) active or unused wells; (3) bodies of surface waters; or (4) any rock or soil formations that are not conducive to purification of water by filtration.
7. Systems that do not meet well setback requirements.
8. Systems where any part of the system is under a building.
9. Privies with less than three (3) feet of separation from the bottom of an open pit to the limiting soil characteristic described in item 10 below.
10. Privies with sealed containers that do not meet the capacity and construction requirements of Minn. Rules, Chapter 7080, Subp. 4 B (2) (b), as amended.

- b. The Isanti County Commissioners have, by formal resolution, notified the MPCA Commissioner of its program to identify nonconforming sewage treatment systems. On all lakes and streams, a County inspection will be required for all septic systems at the point of sale.

10. Nonconforming Lots of Record – Exceptions.

- a. Construction on nonconforming lots of record in the Highway Business District (B-1), General Business District (B-2), Shoreland District (S), and Rum River Scenic District (SR):

Lots of record in the Isanti County Recorder’s Office that are substandard in size or dimensional requirements may be allowed as building sites, provided: (1) such use is permitted in the zoning district; (2) the lot (if created before February 10, 1982) has been in separate ownership from abutting lands at all times since it became substandard; (3) sewage treatment, flood plain management regulations, and setback requirements of this Chapter are met; and (4) the lot is compliant with official controls in effect at the time as specified below:

Lots created before February 10, 1982:

	<u>Riparian Lots</u>	<u>Non-Riparian</u>
General Development Lakes	15,000 s. f.	0.6 acres
Recreational Development Lakes	0.6 acres	0.6 acres
Natural Environment Lakes	1.2 acres	1.2 acres

Lots created after February 10, 1982:

General Development Lakes	25,000 s. f.	1.0 acre
Recreational Development Lakes	1.0 acre	1.0 acre

Natural Environment Lakes                      2.0 acres                      2.0 acres

b. Construction on nonconforming lots of record in the Agricultural District:

Lots of record in the Isanti County Recorder’s Office that are substandard in size or dimensional requirements as required by this Chapter may be allowed as building sites, provided (1) such use is permitted in the zoning district; (2) the lot was created before Feb. 10, 1982; (3) the building lot area is greater than 75% of the minimum lot area required; and (4) sewage treatment, flood plain management regulations, and setback requirements of this Chapter are met.

c. One parcel of record per deed. The entire area of land described in a single deed shall be considered one lot of record regardless of whether the area is described in several parcels, several lots, sub areas or sub parcels in the deed, and regardless of whether the parcels, lots, sub areas or sub parcels are contiguous or not contiguous.

d. Contiguous parcels shall be combined. If contiguous lots are lots of record separately meeting the definition requirements of the Chapter, but are under the same ownership on the date of adoption of this Chapter, they shall comply with all of the following requirements before a permit may be issued:

- 1. The contiguous lots shall be considered as a lot of record only if combined to meet, to the maximum extent possible, the minimum lot width, depth and area requirements for the proposed permitted use in the zoning district within which the parcels lie; and
- 2. No permit shall be issued unless the contiguous lots are legally described as a single lot, and legally recorded as a single lot with the Isanti County Recorder; and
- 3. If one or more of the contiguous lots is transferred into separate ownership after the date of adoption of this Chapter, the lots shall not separately be considered as a lot of record.

e. Proof of lot of record. All applicants for a permit, dimensional variance, conditional use or interim use involving a lot of record must provide the Zoning Administrator with sufficient documentation to establish that the lot meets the definitional requirements for a lot of record as contained in this Chapter. If proof is not established, the applicant must meet all requirements of this Chapter. No application for a land use permit, dimensional variance, conditional or interim use permit involving an undeveloped lot of record shall be accepted or considered without such documentation.

f. Lots of Record are Buildable Lots. Parcels of land that meet the definition of a lot of record according to this Chapter shall

be defined as buildable lots even though the parcel may not conform to the minimum lot size or density requirements of this Chapter, provided however, that all setback requirements and all provisions for sewage and wastewater treatment of this Code are met.

- g. Parcels that are not Lots of Record. Parcels of land that do not meet the definition of a lot of record according to this Chapter must be enlarged and/or replatted to conform to all the requirements of this Chapter before being considered a buildable lot. If a parcel of land is created by platting after the date of adoption of this Chapter, it shall conform to all requirements of this Chapter before being considered a buildable lot.

g. Dwelling Units Prohibited.

1. Structures or portions of structure in which dwelling units are prohibited. No cellar, garage, or basement with unfinished structure above (excluding energy efficient subterranean dwellings), or accessory building, shall at any time be used as a dwelling unit or residence, except as hereinafter provided.
2. Camper or travel trailer on vacant property. A camper or travel trailer of the type generally used temporarily as living quarters during the hunting, fishing, or vacation season and duly licensed and registered under the laws of the State of Minnesota, may be parked on residential property in the Town provided, however, that such camper or travel trailer shall not while so parked be used as a permanent human dwelling place, living abode or living quarters. Said camper or travel trailer must be placed in a location that meets the setback standards of the underlying zoning district.
3. Camper or trailer for non-resident, guest or visitor. No more than one camper or travel trailer of the type described in subpart 2 above and owned by a non-resident, guest, or visitor, may be parked or occupied by said guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed one hundred twenty (120) days in the same calendar year while visiting the resident of said property. Said camper or travel trailer must be placed in a location that meets the setback standards of the underlying zoning district.
4. Temporary dwelling during home construction. The Zoning Administrator may, upon application, grant a temporary permit for the use of a manufactured home or similar portable unit for temporary residential purposes within the Town in conjunction with a home construction project that is underway provided, however, that a duly authorized and valid land use permit shall have been approved prior to the application for said temporary trailer permit and subject to the following:
  - a. The applicant for said temporary trailer permit shall file an application with the Zoning Administrator setting forth the legal description of the land on which said trailer is to be located, together with a copy of the land use permit, for the home to be constructed on said property.



- b. The term of said trailer permit shall not exceed six (6) months or upon completion of construction of the residential home in question, whichever comes first.
  - c. Said temporary dwelling must be placed in a location that meets the setback standards of the underlying zoning district.
- h. Sewer and Water Systems.
1. All on-site sewage disposal facilities shall be required to comply with the requirements for regulating sewage disposal systems as established in Minn. Rules Chapter 7080.
  2. Private wells shall be so located and constructed that they will not be contaminated by any existing or future sewage disposal systems. They shall also be constructed to minimize the possible contamination from all possible external sources within the geological strata surrounding the well. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood proofed.
- i. Preservation of Survey Monuments. All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise location. It shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development.
- j. Lot Size Requirements.
1. No land division or split shall be made which results in one or more lots, parcels or tracts of land, smaller in size or dimension than required in the zoning district in which the land is situated. No use shall be established or maintained on a lot, parcel, or tract of land which is substandard in size for the zoning district in which it is located, except as hereafter provided. In addition to other remedies, under the law and this Chapter, no land use permit shall be issued for any use or structure on any parcel of land that was illegally subdivided that became nonconforming after October 7, 1996. Lot splits in all zoning districts must have written certification from the Zoning Administrator before the newly created parcel(s) can be recorded at the County.
  2. A substandard lot now owned by, or hereafter acquired by, the owner of an abutting tract or parcel of land, shall be deemed to be a part of the abutting tract or parcel of land to the extent necessary to reduce or eliminate the substandard features of the lot for the zoning district in which it is situated. Tracts or parcels of land separated by a public road shall be deemed to be separate and individual lots of record.
  3. Any substandard lot of record as of October 7, 1996, may be allowed as a building site, provided such use is permitted in the zoning district in which the lot is located, the lot is in separate ownership from abutting lands, and all sanitary sewer

requirements of this Chapter are complied with.

- 4. Public rights-of-way are not part of the buildable lot area.
- 5. Any road established after adoption of this Chapter shall have a minimum right-of-way of 66 feet.
- 6. There shall be no more than one principal building on a residential or agricultural parcel.

k. Accessory Buildings and Structures.

- 1. No accessory building or use shall be constructed or developed on a residential lot prior to the time of obtaining a permit for the principal building to which it is necessary unless approved by the Town Board.
- 2. An accessory building shall be considered as an integral part of the principal building if it is located less than ten (10) feet from the principal building.
- 3. If an accessory building is attached to the main building, or within ten (10) feet of the main building, it shall be made structurally a part of the building and shall comply in all respects with the requirements of this Code applicable to the main building.
- 4. No detached accessory building in a residential platted subdivision shall be located nearer the front lot line than the principal building on the lot.
- 5. Detached accessory buildings related to a residential use shall be limited in size as follows:
  - a. For parcels of land of 1.99 acres or less, the maximum size of all detached accessory structures shall be 1200 square feet and shall have a maximum side wall of fourteen (14) feet.
  - b. For parcels of land 2 (two) acres and up to 4.99 acres, the maximum size of all detached accessory structures shall be 2400 square feet and shall have a maximum sidewall of fourteen (14) feet,
  - c. A maximum size for detached accessory structures is not applicable to parcels of five (5) acres or more.
  - d. All detached accessory structures greater than 120 square feet must comply with the following regulations (one shed of 120 sq. ft, or less is allowed on all properties and is not included in the calculation for detached accessory structures).

Parcel Size	Maximum Square Feet	Maximum Number of Detached Accessory Structures
0 to 1.99 acres	1,200 square feet	1

2.00 to 4.99 acres	2,400 square feet	2
5.00 or more acres	Not applicable	Not applicable

- 6. Detached accessory structures in a platted subdivision related to a residential use shall be constructed of materials that are similar in color to those used for the principal building and shall be constructed to include at least three (3) architectural features, such as overhangs, windows, and façade materials, that are similar to the principal building.
- 7. Attached accessory structures (garages) shall be a maximum of 1,000 square feet or the size of the footprint of the residential dwelling, whichever is greater.
- 8. Portable toilets must adhere to the following regulations:
  - a. Portable toilets must adhere to all structure setbacks.
  - b. Portable toilets may be used for a period of up to two (2) years in lieu of permanent restroom facilities with approval of a site plan review provided they meet the following:
    - 1. All sites that use portable toilets for temporary use in lieu of permanent restroom facilities must provide the following:
      - (a) A site plan is submitted that shows the following:
        - i. Location of the proposed SSTS.
        - ii. Location of the portable toilets.
      - (b) A design plan of the proposed SSTS must be submitted.
      - (c) A plan to show how the proposed SSTS and drain field area will be preserved as to not damage the soil or surrounding conditions.
      - (d) A current and future occupancy calculation to show that the proposed SSTS will meet capacity needs.
      - (e) The starting and end date that the portable toilets will be onsite must be provided.
      - (f) The name, address and phone number of the owner of the portable toilets.
      - (g) A maintenance schedule for cleaning or replacing the portable toilets.
      - (h) Any additional information as requested by Athens Township Staff.
  - c. In all cases where temporary portable toilets are permitted, the portable toilets must be cleaned or replaced at least once every thirty (30) days.

- d. In the case that the State of Minnesota, the Minnesota Pollution Control Agency, or other State governing entity has different requirements, the more restrictive requirements shall prevail.
- l. Yard Requirements. Measurements must be taken from the nearest point of the wall of a building to a lot line in question, subject to the following qualifications:
    1. Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
    2. Fire escapes may extend into the required front yard a distance not to exceed four (4) feet, six (6) inches.
    3. A landing place or covered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such landing place.
    4. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
    5. A fence, hedge, retaining wall, or similar structure may occupy part of the required front, side or rear yard.
    6. The required front yard of a corner lot shall not contain any retaining wall or similar structure, fence, or other structure, tree, shrub or other growth that may cause danger to traffic on a road or public road by obscuring the view.
    7. On double frontage lots, the required front yard shall be provided on both streets.
    8. For any intersection of roads, there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of right-of-way lines of two (2) intersecting roads and a straight line adjoining the two (2) said right-of-way lines at points thirty-five (35) feet distant from their point of intersection. All obstructions must also conform to the side yard setback requirements.
  - m. Height Regulations.
    1. There shall be a maximum height limitation of thirty-five (35) feet on all structures within the Town unless otherwise provided herein.
    2. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established road elevation at the property line, an allowance of one (1) story may be added to the number of stories permitted in the district in which the lot is situated provided the additional story is situated on the downhill side of the building.
    3. Any tower, spire, or elevator, etc., that exceeds this height must be granted a Conditional Use Permit. The Conditional Use Permit will only be granted upon the

applicant obtaining a letter of clearance from the Federal Aeronautics Administration (FAA) and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation. Height limitations set forth in other sections of this Chapter may be increased by one hundred percent (100%) when applied to the following:

- a. Monuments
  - b. Flag poles
  - c. Cooling towers
  - d. Grain elevators
  - e. Church spires, belfries or domes which do not contain usable space
  - f. Water towers
  - g. Chimneys or smokestacks
  - h. Radio or television transmitting towers
  - i. Silos
  - j. Power poles or other poles or towers upon which transmission lines are strung
  - k. Forest fire watch towers
- n. Building Bulk Limitations. Except as otherwise provided, each single family dwelling shall have a minimum of 840 square feet of livable space in the principal structure. Carports, garages, overhangs, and such structures shall not qualify in meeting these requirements. All dwellings shall be a minimum of twenty (20) feet in width for 2/3rds of the length of the structure and shall have a full perimeter foundation.
- o. Farm Animals on parcels of three (3) acres or less. Farm animals on parcels in platted subdivisions or on separate parcels of three (3) acres or less are prohibited except for the following:
1. Domestically raised fowl for food and pleasure. This includes chickens, turkeys, duck, geese and game birds
    - a. Up to six domestically raised fowl are permitted on parcels of three acres or less, according the following standards.
      1. The property shall contain one detached single-family structure. Domestically raised fowl shall not be permitted on vacant property or those containing multi-family residential buildings.
      2. Domestically raised fowl shall not be kept inside the principal structure.
      3. No roosters are permitted.
      4. Coops and attached exercise pens s for domestically raised fowl hall be fully enclosed and constructed of durable weather resistant materials.
      5. Coops and pens shall be located in rear yards only.
      6. All food stored for domestically raised fowl shall be kept in rodent proof containers stored inside coops or other buildings. All

premises in which domestically raised fowl are kept or maintained, including coops or pens, shall be kept reasonably clean from filth, garbage or any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.

- b. For parcels of land of three acres or less with more than six domestically raised fowl, the following standards apply:
  1. An interim use permit is required.
  2. The property shall contain one detached single-family structure. Domestically raised fowl shall not be permitted on vacant property or those containing multi-family residential buildings.
  3. The maximum number of domestically raised fowl shall be calculated by taking the full acreage minus the area of wetlands, existing buildings, the area for a secondary SSTS site, the area of permissible future accessory structures, the front setbacks/rights of way, and the area comprised of driveways, sidewalks, decks, and impervious surfaces and then multiplying the resulting allowable acreage by the current animal unit standard for they type of domestically raised fowl.
  4. Domestically raised fowl shall not be kept inside the principal structure.
  5. No roosters are permitted.
  6. Coops and attached exercise pens for domestically raised fowl shall be fully enclosed and constructed of durable weather resistant materials.
  7. Coops and pens for domestically raised fowl shall be located in rear yards only.
  8. All food stored for domestically raised fowl shall be kept in rodent proof containers stored inside coops or other buildings. All premises, in which domestically raised fowl are kept or maintained, including coops or pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.
  9. No person shall slaughter domestically raised fowl on site except when in an area of the property not visible to the public or adjoining properties.
  10. The floor area of the coop shall be a minimum of two square feet in area per fowl.
  11. Coops and pens shall meet all setback requirements for accessory structures.

12. Coops larger than 200 square feet in area shall meet all accessory structure requirements of the Town Code including those pertaining to size, number and height.
13. Domestically raised fowl shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision.
14. Domestically raised fowl shall not be kept in a manner as to constitute a public nuisance as defined by the Athens Town Code.
15. Township officials may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with a granted interim use permit for the property.
16. Manure storage.
  - i. Manure storage shall be set back a distance of one hundred feet (100') from a neighboring shallow well and fifty feet (50') from a neighboring deep well.
  - ii. Manure storage shall be set back a distance of fifty feet (50') from any property line.
  - iii. Manure piles shall be removed within 210 days unless managed as compost piles in bins located no closer than one hundred feet (100') from any ditch, stream or water flowage.
2. Rabbits.
  - a. Up to four rabbits are permitted on parcels of three acres or less, according the following standards.
    1. The property shall contain one detached single-family structure. Rabbits shall not be permitted on vacant property or those containing multi-family residential buildings.
    2. Rabbit hutches and attached exercise pens shall be fully enclosed and constructed of durable weather resistant materials.
    3. All food stored for rabbits shall be kept in rodent proof containers stored inside other buildings. All premises in which rabbits are kept or maintained shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.

- (p) Pre-Inspections Required. A pre-inspection by the Zoning Administrator is required for any buildings, structures, or dwellings that are to be moved into the Township. Photographs will be required. Any costs incurred for inspection shall be borne by the applicant.
- (q) Sales of new or used vehicles in Agricultural District. No more than one (1) new or used vehicle may be sold at any one time from any parcel of land in an agricultural district. Such vehicle shall be the property of one of the residents of such parcel. In addition, such vehicle shall be displayed for sale for a period of no more than three (3) months. Sale of vehicles shall be limited to no more than six (6) months in a calendar year for each parcel of land. All adjacent land in common ownership shall be considered as one parcel for the purposes of this sub-section.
- (r) Farm Wineries, Craft Breweries, and Micro-Distilleries.
1. Purpose. The purpose of this subdivision is to provide for the orderly development of farm wineries, craft breweries, and micro-distilleries within the Agriculture/Residential, Special Protection, and Shoreland (residential and water oriented commercial) Districts, to encourage for the sampling and sales of value-added products, to protect the agricultural character and long-term agricultural production of agricultural lands, and to ensure compatibility with adjacent land uses. All existing and future farm wineries, craft breweries, and micro-distilleries in Athens Township, Isanti County, MN, shall comply with Title 27 of the United States Code of Federal Regulations (CFR) and Minnesota Statutes Section 340A.315, as amended from time to time, and the regulations contained within this Chapter.
  2. Regulatory Agencies. Food safety is an important public health issue. Several government agencies are involved in insuring the safety of production, processing, distribution and sale of food products. All farm wineries, craft breweries, and micro-distilleries must adhere to the regulations of the Alcohol and Tobacco Tax and Trade Bureau (TTB), the Federal Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), the Minnesota Department of Agriculture (MDA), the Occupational Safety and Health Administration (OSHA), and the Minnesota Department of Health (MDH).
  3. Application Requirements for FWCBMD.
    - (a) All FWCBMD shall require a conditional use permit.
    - (b) The following must be included on the conditional use permit application for a FWCBMD to be filed with the Township Zoning Administrator:
      - i. The name and address of the operator and owner of the land.
      - ii. An accurate legal description of the property where the FWCBMD shall be located.
      - iii. A site layout of the property indicating the location of all property



- lines, structures, parking area(s), vineyard and SSTS (subsurface sewage treatment system). The layout shall include distances and shall be drawn to scale.
- iv. Proposed days and hours of operation.
  - v. Existing and proposed structures, with maximum capacity of each building where customers have access.
  - vi. Information typically required for a site plan review, such as site circulation, access points, etc.
  - vii. Plans showing how the FWCBMD production waste will be disposed of or recycled.
- (c) Standards for all FWCBMD:
- i. Setbacks. All FWCBMD structures, including temporary structures, must meet all the setbacks for the zoning district where the proposed FWCBMD will be located.
  - ii. Owner-operated. The FWCBMD, sales facilities, and retail operations must be operated by the owner of the parcel on which they are located.
  - iii. SSTS. On-site SSTS shall be designed in compliance with Chapter 4, Article 2 and Chapter 20 of the Athens Town Code and sized to accommodate employee, tasting room, and commercial sewage flows. Portable toilets may be approved for temporary use during special events.
  - iv. Signs. The following signs are permitted for FWCBMD's: One (1) business sign of no more than 35 square feet; no more than two (2) flag-type temporary signs; and other signage as approved through the conditional use permit process.
  - v. Solid waste. All solid wastes must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days by a licensed waste hauler. Burning of solid waste is strictly prohibited.
  - vi. Parking. Adequate parking for employees and customers shall be provided on site and shall meet the standards of Section 20-112 of this Chapter. Any parking areas must be located a minimum of thirty feet (30') from property lines and public road rights-of-way. No on-street parking will be allowed.
  - vii. Nuisance Standards. Noise, fumes, dust, odors, vibration, or light generated as a result of the FWCBMD business will at the property line, be below the volume, frequency, or intensity such that the rural

tourism business does not unreasonably interfere with the enjoyment of life, quiet, comfort, or outdoor recreation of an individual of ordinary sensitivity and habits in amounts not inconsistent with Minnesota Statutes. This standard shall not apply to incidental traffic parking, loading, construction, farming, or maintenance operations. In venues where there could be elevated noise issues, the applicant shall provide a designed noise abatement plan.

- viii. Accessibility. All buildings used in conjunction with FWCBMD shall meet the accessibility requirements imposed by any applicable State or Federal law.
- ix. Grounds maintenance. The grounds and all structures shall be maintained in a clean and safe manner.
- x. Subordinate sales. FWCBMD are allowed to sell glassware literature and accessories, prepackaged food items properly labeled in accordance with all applicable state regulations, and other wine-, beer- or spirit-related food items. Sales of non-wine, beer and spirits merchandise shall be subordinate to the wine, beer, and spirit sales.
- xi. Sale of products on the internet. FWCBMD may sell their products via the internet as permitted in Minnesota Statutes, Section 40A.417 and as otherwise allowed by Minnesota statute.
- xii. Tastings. Wine, malt liquor or distilled spirit tastings may be held at the FWCBMD. The primary focus of the tasting facilities for the FWCBMD shall be the marketing and sale of the wine, malt liquor or distilled spirits products produced, vented, cellared, or bottled at the FWCBMD. Foods that are allowed to be consumed during tastings shall be limited to delicatessen-oriented foods, such as sandwiches, cheeses, cold cut meats, and pizzas. Bars, restaurants, and similar facilities are not allowed in association with FWCBMD under this section of the Town Code.
- xiii. Customer activity. The FWCBMD shall be responsible for supervising and controlling the activities of their customers within the establishment. The FWCBMD owner shall ensure that no disorderly behavior occurs in this area, that FWCBMD drinks are not taken out of the designated area, and that there are not more customers occupying the establishment than the maximum capacity allowed under this section.
- xiv. Odors. Any FWCBMD established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located.
- xv. Exterior Lighting. Any lights used for exterior illumination shall direct light away from adjoining properties and roadways.

- xvi. Screening Standards.
- A. Where any FWCBMD is adjacent to property zoned or developed for residential use, FWCBMD may be required to provide screening along the boundary with residential property. Screening may also be required where a FWCBMD is across the street from any residential area.
- B. The screening required herein shall consist of a solid fence or wall that is at least seventy-five percent (75%) opaque and not less than five feet (5') or more than eight feet (8') in height, but shall not extend within fifteen feet (15') of any street. An acceptable alternative to such screening shall be a double row or more of evergreen trees that can be shown to provide seventy-five percent (75%) of blockage within two (2) years.
- xvii. Drainage standards. No land shall be developed and no use shall be permitted that results in water run-off causing flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area, or other suitable facility.
- xviii. Exterior storage. In all districts, all FWCBMD materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger vehicles and pick-up trucks. Unoccupied trailers, less than twenty feet (20') in length, are permissible if stored in the rear yard more than ten feet (10') from the property line. The Township may require that, as a condition of the conditional use permit, any exterior storage be stored in a manner that will not constitute a hazard to the public health and safety, or has a depreciating effect upon nearby property values, impairs scenic views, or constitutes a threat to living amenities. All storage or display areas must meet the setbacks for structures within the zoning district where the FWCBMD is located.
- xix. Refuse. All waste material, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.
- xx. Guests. There shall be no more than seventy-five (75) guest on FWCBMD site at a time. That number does not include employees.
- (s) Rural tourism businesses.
1. Purpose. In accordance with the stated goals of the Athens Township Comprehensive Plan, it is the purpose of this section to:

- (a) Preserve and celebrate Athens Township’s archeological properties, rural and agricultural heritage, and historical landscapes;
- (b) Recognize Athens Township’s scenic features, exceptional rural ambience, and historic sites as desirable local amenities which will draw outside revenue from visitors that are vital to the local economy;
- (c) Enhance Athens Township’s appeal to visitors who are drawn to its rural atmosphere; and
- (d) Provide opportunities for new economic growth through rural tourism businesses.

2. Standards.

- (a) Conditional use permit required. A conditional use permit is required to operate a rural tourism business in accordance with Section 20-180 (d) of this ordinance.
- (b) Maximum capacity. Rural tourism businesses are limited to up to three hundred (300) guests including staff support present on the site at any one time. The number of permitted guests will be determined through the conditional use approval process.
- (c) Allowed Uses. Allowed rural tourism businesses include businesses such as farm or other historical heritage attractions, single family residential properties for retreats, crafting, weddings, receptions, wineries, craft breweries and distilleries, special events, corn mazes, holiday celebrations, harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods, and services, and other reasonably related merchandise, and other uses determined by the Planning Commission and Town Board to be similar in nature and scope.
- (d) Prohibited Uses. The following uses will not be permitted under the rural tourism standards:
  - i. Amplified music concerts.
- (e) Requirements. A rural tourism business shall meet the following:
  - i. The rural tourism business shall not create an increased demand upon existing services or amenities.
  - ii. The rural tourism business must be screened or have the ability to adequately screen, or be sufficiently separated from adjacent development or land, to prevent undue negative impacts to nearby properties.
  - iii. The rural tourism business shall not have an appearance that is

- inconsistent or incompatible with the surrounding area.
- iv. The rural tourism business shall protect public and private property and the natural resources from damage resulting from storm-water runoff and erosion.
  - v. The rural tourism business shall have impervious surface lot coverage of no more than twenty-five percent (25%).
  - vi. Parking area(s) must be located a minimum of thirty feet (30') from property lines and public road rights-of-way. No on-street parking will be allowed. The amount of parking will be determined as part of the conditional use permit approval process and may include a requirement for parking attendants. Access points from a paved township road must be paved.
  - vii. The rural tourism business shall not cause traffic hazard(s) or undue congestion on adjacent roadways and neighborhoods. Roadway improvements to address traffic concerns may be required as a conditional of approval.
  - viii. Noise, fumes, dust, odors, vibration, or light generated as a result of the rural tourism business will at the property line, be below the volume, frequency, or intensity such that the rural tourism business does not unreasonable interfere with the enjoyment of life, quiet, comfort, or outdoor recreation of an individual or ordinary sensitivity and habits in amounts not inconsistent with Minnesota Statutes. This standard shall not apply to incidental traffic parking, loading, construction, farming, or maintenance operations. In venues where there could be elevated noise issues, the applicant shall provide a designed noise abatement plan.
  - (ix) Accessibility. All buildings used in conjunction with rural tourism business shall meet the accessibility requirements imposed by any applicable State or Federal law.
  - (x) Hours of operation. Hours of operation shall be as determined through the conditional use permit process.
  - (xi) Liquor. Liquor may be provided by a licensed vendor.
  - (xii) Overnight accommodations. Overnight accommodations are permitted if approved as part of the conditional use permit process.
  - (xiii) Site services. Adequate sanitary services, potable water, fire protection, security, traffic and crowd control, and emergency services shall be provided as approved through the conditional use permit process.
  - (xiv) Outdoor lighting. Outdoor lighting must be shielded and directed on site.

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- (xv) Food service. Food service must be provided by State licensed vendors.
- (xvi) Signage.
1. No flashing lights on signs shall be permitted.
  2. One identification sign no larger than 35 square feet is permitted.
  3. Directional signage shall be no more than two (2) square feet in size, unless otherwise approved through the conditional use permit process.
  4. Temporary signs may be allowed as approved through the conditional use permit process.
- (xvii) Periodic inspections. The site shall be subject to periodic inspections by the Township Zoning Administrator or other Township official.
- (xviii) General conditional use permit standards. All conditional uses for rural tourism must meet the general standards for conditional use permits.
- (xix) Code compliance.
1. An existing structure or SSTS which is subjected to a change in occupancy or gallons per day loading as a result of an approved conditional use permit for a rural tourism business shall be retrofitted and/or upgraded to conform to current code requirements.
  2. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.
- (xx) Setbacks. A setback of five-hundred (500) feet is required from the venues' main event area to the nearest neighboring residence laying within Athens Township. The measurement shall be taken from the edge of the event area, as determined by the Zoning Administrator, to the nearest exterior wall of the closest residential building.
- (t) Temporary Structures.
1. Setbacks. All temporary structures are subject to accessory structure setbacks in the district they are located.
  2. Occupancy.

- a. No temporary structure shall be used for the overnight occupancy of a person or persons at any time.
- 3. Size Limits. All temporary structures are limited to the following size limits:

Parcel Size	Maximum Square Feet	Maximum Number of Temporary Structures
0 to 1.99 acres	1,200 square feet	1
2.00 to 4.99 acres	2,400 square feet	2
5.00 acres or more	No maximum	No maximum

- 4. Fire Code. All temporary structures must comply with all applicable fire code regulations.

**Section 20-10.Environmental Review Program.**

(a) Purpose. The purpose of the Environmental Review Program section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minn. Stat. § 116D.01 (1994) as amended, to implement the Environmental Review Program in accordance with Minnesota Rules 4410, one copy of which is on file in the office of the Zoning Administrator.

(b) Actions Requiring Environmental Assessment Worksheets (EAW).

- 1. General. The purpose of an Environmental Assessment Worksheet (EAW) is to assess rapidly, in a worksheet format, whether a proposed action is a major action with the potential for significant environmental effects and in the case of a private action, is of more than local significance.
- 2. EAW Required. An EAW shall be prepared for projects that meet or exceed threshold limits specified in Minnesota Rules 4410.4300, subparts 2 to 34 (1993), or as amended.
- 3. Optional EAW. The Town Board may, upon recommendation of the Zoning Administrator, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- a. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
- b. Is the action likely to have disruptive effects such as generating traffic and noise?

- c. Will the action have significant impacts on any School District located within the Township?
  - d. Are there public questions of or controversy concerning the environmental effects of the proposed action?
  - e. Is the action in or near a wetland or on soils unsuitable or sensitive toward the proposed action?
  - f. Is the action more than a local impact?
- (c) Action Requiring Environmental Impact Statements (EIS). General. An Environmental Impact Statement (EIS) shall be required whenever it is determined that an action is major and has the potential for significant environmental effect. In making this determination, projects that meet or exceed the threshold limits specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24, or as amended, indicate that an EIS should be prepared.
- (d) Action Not Requiring Environmental Documents. Projects exempt from the preparation of an EAW or EIS are specified in Minnesota Rules, Chapter 4410.4600, subparts 2 to 26 91993), or as amended.
- (e) Review Procedures and Administration.
1. The Zoning Administrator shall be person responsible for the administration of the Environmental Review Program.
  2. The applicant for a permit for any action for which environmental documents are required by Minnesota Laws or regulations shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably requested by the Township that the applicant has in his/her possession or to which he/she has reasonable access.
  3. The Zoning Administrator shall be responsible for determining whether an action for which an EAW or EIS is required under this section. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under this section and shall notify the Planning Commission and Town Board of these proposed actions.
  4. All EAW's and EIS's shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission and approved by the Town Board.
  5. When reviewing an EAW or EIS, the Zoning Administrator and Planning Commission may suggest design alterations or other alternatives, including no action, that would lessen the environmental impact of the project. The Town 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 to lessen the environmental impact of the project.



6. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the Town Board whether or not it should require the preparation of the EIS. The Town Board shall require an EIS when it finds that project thresholds are met or exceeded as specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24 (1993), or as amended.
- (f) Enforcement.
1. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Chapter are completed.
  2. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established in this Chapter are fully complied with.
- (g) Cost of Preparation and Review. No permit for a project for which an EAW or EIS is required shall be issued until all costs of preparation and review of the EAW or EIS are paid by the applicant; all information required is supplied; the environmental review process has been completed as provided in this Chapter; and pursuant to any written agreement entered into between the applicant and Town Board.

Section 20-11. **Survey Required.** Applications for a building permit on parcels of five (5) acres or less must be accompanied by a survey.

Section 20-12. **Compliance with State Wetland Conservation Act.** Applications made under this Chapter shall be in compliance with the State Wetland Conservation Act.

Section 20-13. **Restrictions on Filing and Recording Conveyances.** No conveyance of land that results in a division of such land within Athens Township shall be filed or recorded without first obtaining a lot split certification from the Township.

Section 20-14. **Separability.** The various provisions of this Chapter shall be deemed and construed to be separable. In the event any court of competent jurisdiction:

- (a) Shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment;
- (b) Shall adjudge invalid the application of any provision of this Chapter to a particular use, property, building or structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

Section 20-15 thru 20-20. **Reserved.**

**Article III: Zoning Use Districts.**

**Section 20-21. Establishment of Districts.**

For the purpose of this Chapter, the Town of Athens is hereby divided into Districts that shall be designated as follows:

Agricultural/Residential District (A/R)	Article IV
Business District (B)	Article V
Rum River Scenic District	Article VIII
Shorelands District (S)	Article IX
Subdistricts of the Shoreland District	
Special Protection (SP)	Article IX
Flood Plain Overlay District	Article X

**Section 20-22. Zoning Map.**

The location and boundaries of the districts established by this Chapter are set forth on the zoning map attached hereto, the original of which shall be on file with the Town Clerk.

The zoning map may change from time to time; thus, the original map attached hereto may not show subsequent amendments. Inquiry should be made of the Zoning Administrator to determine if any amendments to the zoning map have been adopted and as to their affect.

Said map and all notation, references and other information shown thereon as hereafter amended shall have the same force and effect as if fully set forth herein.

**Section 20-23. Detachment.**

In the event of changes in the Town boundaries, the boundaries of the internal zoning districts shall be extended or retracted accordingly.

**Section 20-24. Zoning District Boundaries.**

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, alleys or railroad lines shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- (c) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, lakes, or other such bodies of water shall be construed as following such boundaries.
- (d) Boundaries indicated as approximately following the Town boundaries shall be construed as following such boundaries.
- (e) Where a district boundary line divides a lot that was in single or common ownership at the time of passage of this Chapter and if either portion of the lot is undevelopable under the provisions of the district within which it is located without obtaining a variance, the Planning Commission shall determine the location of the district boundary.
- (f) If district boundaries, as interpreted by the Zoning Administrator, are contested, the Planning Commission shall make a judgment as to the location of the district boundaries. When boundaries are in dispute, the burden of proof shall lie with the applicant.
- (g) If Shoreland District boundaries, as interpreted by the Zoning Administrator, are contested, the Planning Commission shall make a judgment as to the location of the district boundaries. A judgment by the Commissioner of the Department of Natural Resources may also be sought in the event that agreement relative to precise location of shoreland district boundaries cannot be obtained.
- (h) Where a conflict exists between the Flood Plain limits illustrated on the official Zoning Map and the actual field conditions, the flood elevations shall be the governing factor in locating the flood plain limits. The boundaries of the Flood Plain Overlay District shall be determined by scaling distance of the official Flood Zone Maps.
- (i) The maps and text of the Flood Insurance Study for Isanti County (which includes the section for Athens Township), prepared by the Federal Emergency Management Agency (FEMA), dated November 5, 2003, and the Flood Insurance Map, dated November 5, 2003, and the Flood Insurance Rate Map dated November 5, 2003, are hereby adopted as the official Flood Zone maps for purposes of administration of this Chapter. A copy of the referenced maps shall be on file in the office of the Zoning Administrator.

**Section 20-25. District Regulation.**

The regulation of this Chapter within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure of land except as hereinafter provided:

- (a) No building, structure or land shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (b) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or small rear yards, front yards, side yards or other open spaces, than herein required; or in any other manner contrary to the provision of this Chapter.
- (c) No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirement set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirement of this Chapter.

**Section 20-26. Public Waters Classification.**

The following are protected waters in Athens Township:

<b>Number</b>	<b>Name</b>	<b>Classification</b>	<b>Section</b>
30.26	Athens WMA	NE	5, 8 (E)
30-63	Unnamed	NE	7, 8 (E) 12, 13 (W)
30-27	Stratton Lake	NE	17, 18, 19 (E)
30-29	Unnamed	NE	17 (E)
2-100	Smith	NE	23 (W)

Note: Classification NE means Natural Environment.

The following natural and altered natural watercourses are considered protected waters:

<b>Name – Classification</b>	<b><u>Section</u></b>	<b><u>From Township</u></b>	<b><u>Range</u></b>	<b><u>Section</u></b>	<b><u>To Township</u></b>	<b><u>Section</u></b>
Rum River (RR) W & S	7	35	25	20	34	24
Unnamed to RR – TR	30 Basin 100	35	24	15	34	24
Cedar Creek (CC) – TR	2, 16	34	23	21,15	34	23
Unnamed to CC -- TR	8 Basin 26	34	23	16	34	23
Unnamed to Unnamed	35	35	23	2	24	23
North Branch Sunrise – River (NBSR) – TR	1	34	23	36	35	23
Seelye Brook – TR	7	34	24	23	34	25
Unnamed to CC – TR	Hwy. 65	35	23	2	34	23

Note: W & S means Wild and Scenic; TR mean Tributary.

Section 20-27 thru 20-30. **Reserved.**

## **Article IV:** Agriculture/Residential District (A/R).

### **Section 20-31. Purpose.**

The Agriculture/Residential District (A/R) is intended to provide a district that will:

- (a) Allow suitable areas of the Township to be retained in agricultural use;
- (b) Prevent scattered, non-farm development;
- (c) Secure economy in governmental and private expenditures for public services, utilities, schools and residents of the Township;
- (d) Protect and preserve open space; and
- (e) Enhance, encourage and protect agricultural uses in the Town.

Anyone building in the agricultural district must accept the rural environment as it is found, including generally accepted farming practices.

### **Section 20-32. Permitted Uses.**

The following uses shall be permitted in the Agriculture/Residential (A/R) District:

- (a) Agriculture, including farm buildings and one farm dwelling, and accessory buildings provided the resident or residents of the farm dwelling either owns, operates, or is employed on said farm. Sale of said farm dwelling for non-farm dwelling purposes will require conformance to the single family dwelling requirements set forth in Subpart (t) below.
- (b) Farm production, including:
  - 1. Livestock animals kept for use on farms or raised for sale or profit, including but not limited to, dairy and beef cattle, swine, sheep, goats, horses, and livestock products.
  - 2. Animals other than farm livestock raised for their pelts, food, or pleasure, including, but not limited to, rabbits, mink, ponies, buffalo and deer.
  - 3. Domestically raised fowl for food and pleasure, including but not limited to, chickens, turkeys, ducks, geese and game birds.
  - 4. Bees for honey and pollination purposes.

5. Field and specialty crops, including but not limited to, corn, milo, sorghum, sunflowers, soybeans, wheat, oats, rye, barley, hay and grass used for livestock and other animal feed; dried beans, potatoes, sweet corn, peas, green beans and other seed crops for canneries, and sod.
6. Fruit growing, including but not limited to, apples, plums, apricots, peaches, grapes, cherries, and berries.
7. Nursery stock and tree farms, including deciduous and conifer trees, fruit trees and bushes, and ornamental shrubs, trees and flowers; and all-season greenhouses.
8. Garden vegetables.
9. Farm-related regulations:
  - a. All inoperable farm machinery must be set back from the road right-of-way 150 feet or be placed behind farm buildings or screened in some acceptable manner so as to be out of view from the public road.
  - b. Feedlots or confinement buildings with less than 300 dairy animals (420 animal units), 400 beef animals (400 animal units), 600 pigs (30 animal units of nursery pigs, 240 animal units of feeder pigs, or a combination thereof), 1200 sheep (120 animal units), or 4,000 fowl (40 animal units) per feedlot and manure storage, consistent with MPCA regulations. Sump type livestock and. or poultry manure storage systems, or other systems of manure management that are of a like or similar nature, are also permitted. Feedlots are also subject to the following:
    1. The feedlot area, confinement building, or manure storage area shall be set back a minimum of five hundred (500) feet from any existing non-farm related dwelling.
    2. The feedlot area, confinement building, or manure storage area shall have side and rear yard setbacks of 250 feet.
    3. New non-farm related dwellings shall be set back a minimum of one thousand (1000) feet from an existing feedlot.
  - c. Farm drainage systems, flood control and watershed structures and erosion control structures or devices, meeting all Township, County, State, and Natural Resources Conservation Service (NRCS) regulations are permitted.
- (c) Forestry and nurseries.

- (d) Railroad rights-of-way, but not including freight classification yards and buildings.
- (e) Essential public service structures including electric, gas, telephone and water utility substations, water reservoirs, highway maintenance shops, public park facilities, and similar public uses.
- (f) Utility substations, for electric, gas, telephone and water.
- (g) Historic sites and areas.
- (h) Religious facilities, including the use of space for pre-school activities, subject to the following:
  - 1. The facility shall be served by a minor collector or higher functional classification of roadway.
  - 2. The parcel shall have a lot area no less than four times the size of the building footprint.
  - 3. Parking shall meet the requirements of this Chapter.
  - 4. 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.
  - 5. All accessory residential, school or day care uses shall be subject to the provisions of this Chapter.
  - 6. No building shall be located within fifty feet (50') of any side or rear lot line.
- (i) Temporary or seasonal roadside stands for purposes of retailing farm produce with adequate off-street parking, not to exceed one stand per farm.
- (j) Seasonal greenhouses for the sale of garden plants to customers arriving on-site and meeting the following conditions:
  - 1. Off-street parking must be provided as follows: one (1) space for every five hundred (500) square feet of sales display area.
  - 2. The greenhouse structure shall not be used for any other use.



3. A maximum of three thousand (3,000 square feet) of seasonal greenhouse space is allowed per parcel that also contains a residential dwelling.
- (j) Local government administration and service buildings, including, but not limited to, police, fire stations and community center buildings and must be used only for government-related uses.
- (k) Wildlife areas, parks and recreation areas, game refuges and forest preserves managed by governmental agencies of non-profit groups.
- (l) Riding stables containing less than ten (10) animal units, meeting the following conditions:
  - a. The facility must be at least five (5) acres in size.
- (m) Cemeteries and memorial gardens.
- (n) Platted road for purposes of accessing other districts in which platting is permissible.
- (o) State licensed residential facility serving six (6) or fewer persons.
- (p) State licensed nursery schools or day care facilities serving twelve (12) or fewer persons operated at a single family residence. A conditional use permit is required for the operation of such schools or facilities on non-residential premises within this zone.
- (q) Group family day care facility established under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children
- (r) Controlled burning of diseased trees with an MPCA permit.
- (s) Public, parochial or private schools, meeting the following:
  1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
  2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the municipality.
  3. No building shall be located within fifty feet (50') of any side or rear lot line.

- (t) Single family dwellings, subject to the following regulations:
  - 1. Density. Residential properties may be developed under the following:
    - (a) Two dwelling units per quarter of a quarter section, subject to the following standards:
      - (i.) Existing single family homes will be included in calculating the number of dwelling units permitted on a particular property.
      - (ii.) Where more than two (2) parcels exist in the quarter-quarter section and are considered an improved lot of record as recorded in the Isanti County Recorder's office on or before October 7, 1996, development of the lot(s) is allowed regardless of the number of parcels that are recorded.
    - (b) Up to four dwelling units per quarter of a quarter section, subject to the following standards:
      - (i) Existing single family homes will be included in calculating the number of dwelling units permitted on a particular property.
      - (ii) Development that creates a subdivision of three or more lots requires paved roads within the development.
      - (iii) Any development under this standard that includes the transfer of development rights must meet the standards of sub-part (u) of this section.
      - (iv) Where possible, dwellings shall be located in wooded areas to preserve open space and agricultural land.
  - 2. Each single family home shall be located on a minimum of two (2) acres with a minimum of one (1) acre of buildable land, all of which shall be of such an elevation as to be not less than two (2) feet above mottled soil.
  - 3. No dwelling shall be located upon soil which is poorly drained, structurally inadequate, or construction upon which would create erosion control problems.
  - 4. The parcel shall have frontage of one hundred fifty (150)\* feet on an existing publicly maintained road. No access to public roads shall be placed in any hazardous locations relative to curves, hills, or vegetation that offer potential safety hazards. The Town Board may grant a waiver from this requirement if a hardship is established.

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\* Adopted by Ordinance 2017-05 on November 6, 2017

5. All individual sewage treatment systems (ISTS) must meet Minnesota Pollution Control Agency Rules, Chapter 7080, 7081, 7082, and 7083 as amended, and as regulated by this Chapter. All lots shall contain a minimum of two sites that will be suitable as drainfield sites, one site a primary site and the other a secondary site. Suitability shall be demonstrated by the submission of a minimum of two (2) appropriate soil borings. Additional tests or borings may be required by the Zoning Administrator to verify the soil suitability for treatment systems. The submission shall include a plan clearly showing both the primary and secondary sites. The secondary site shall be preserved. No construction shall be permitted on the secondary site nor shall the site be used for an activity which would make it unsuitable for future use as a drainfield.
6. Each dwelling unit shall contain a minimum of 840 square feet of livable space. Carports, overhangs, garages and such structures shall not qualify in meeting these requirements. All dwellings must be a minimum of twenty-two (22) feet in width and must be placed on a permanent, full perimeter foundation.
7. All dwellings shall meet the minimum standards of the Minnesota Building Code, as adopted. Manufactured homes shall meet the statutory standards for manufactured housing.
8. A dwelling shall not be located on land with an existing slope greater than twelve percent (12%), except where engineering or architectural documentation is provided that satisfies the Township building official that the site can be adapted to allow construction of the dwelling unit.
9. If the building site is located in a pine plantation, the following fire prevention measures, as approved by the Minnesota Department of Natural Resources, must be employed:
  - a. The solid portion of a conifer stand shall be removed for a distance of seventy-five (75) feet around the perimeter of any building. Single, well-spaced trees may be left in this buffer area.
  - b. An alternate, passable driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire and will allow for the entrance and movement of emergency equipment; and
  - c. Building construction materials should conform to reflect the relative fire danger of the area. Roofs and exteriors of buildings should be of a fire resistant nature.

- (u) Transfer of Development Rights.
  - 1. The property from which transfers are taken and the property on which the transfers are used must be owned by the same person(s).
  - 2. One density right must remain on the quarter section from which transfers are made. New lots shall be two (2) to three (3) acres except that the remaining development right on the quarter section may exceed the three (3) acre maximum lot size if necessary.
  - 3. Any transfer of rights shall require platting. All sending and receiving areas shall be included in the plat.
  - 4. The property from which the transfer of development rights is taken must have buildable sites that would be normally allowed as part of the density restrictions of this Section. The transfer from which the transfer is made cannot contain solely non-buildable area or already have the maximum allowable densities for single family parcels.
    - (i) To prove that a building right from one acre (a) contiguous area from the sending area is available for transfer, it must be shown that there is:
      - a. There is land available for one future primary and one secondary septic site.
      - b. Access to the site is available by crossing land or by crossing only type 1, 2 and 6 wetlands.
      - c. Calculations may be needed to show that no more than 10,000 square feet of wetland is being impacted to construct a road with a minimum of twelve feet (12') in width to access the sending area for the transfer of building rights.
      - d. The remaining lot from the sending area may be allowed to be accessed by a minimum 66' wide easement and/or deeded property to a public road.
  - 5. Up to a maximum of eight (8) buildable parcels may be created within a quarter-quarter section, provided that the land is platted and this plat includes sufficient land from contiguous quarter-quarter sections to meet the overall four (4) per quarter-quarter density requirement.

- (i) All of the land used for the purpose of meeting the density requirement shall be platted and will not be eligible for further subdivision to create additional buildable parcels.
  - (ii) Any new density increases shall also consider the transfers that have occurred in calculating the remaining allowable dwellings. Parcels of land in the agriculture/residential district that previously had building rights utilized or transferred may be eligible for additional building rights less building rights used under the previous agricultural district density of 2 dwellings per quarter quarter section.
  - (iii) When platting occurs, the section lines, quarter quarter section lines, quarter quarter lines and government lot lines do not need to be considered as a lot line, provided the overall density of contiguously owned property is not exceeded and practical difficulties exist.
- 4. For the purpose of the transfer of development rights, contiguous shall mean either sharing a common boundary, touching at quarter-quarter section corners or lying on opposite sides of a common road right-of-way.
  - 5. Cemeteries, town halls, essential services, churches and county or town parks shall not reduce the development rights within a quarter-quarter section.
  - 6. Prior to the preparation of a preliminary plat for which a transfer of rights is being used, the subdividers/developers/owners shall meet with Township staff and other appropriate officials to be made fully aware of all applicable ordinances, regulations, and plans for the area to be subdivided.

Section 20-33. **Permitted Accessory Uses.**

The following uses shall be permitted accessory uses within an Agriculture/Residential (A/R) District:

- (a) Private garages, parking spaces, or carports for passenger cars.
- (b) Landscape features.
- (c) Keeping of not more than two (2) boarders or roomers by a resident family.
- (d) Private swimming pools and tennis courts.

- (e) Solar collectors, satellite dishes, and other accessory uses customarily incidental to the uses permitted in Section 20-32.
  
- (f) Home occupations in a dwelling, subject to the following:
  - 1. Not more than 25 percent of the square footage of the dwelling, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. Not more than 25 percent of the attached garage (or detached garage if no attached garage exists), as measured by using the horizontal perimeter of the garage, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
  - 2. The exterior residential character of the property shall not be altered by use of the property for a home occupation.
  - 3. Only persons who are members of the household residing on the premises may be employed in the home occupation.
  - 4. Signage shall not exceed eight (8) square feet for properties of less than five (5) acres and sixteen (16) square feet for properties of five acres or more. Any exterior lighting used to illuminate signage shall be arranged as to deflect light away from any adjoining residential property, or from the public streets. Direct or sky-reflected glare (e.g.: up lighting and flood lighting) shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare light bulbs shall not be permitted in view of adjacent property, or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed one (1) foot candle (meter reading) as measured from said property line. The following signs are prohibited:
    - (i) Abandoned signs.
    - (ii) Roof signs.
    - (iii) Off-premises signs.
    - (iv) Portable signs.
    - (v) Dynamic display signs.
    - (vi) Signs posted within the public right-of-ways and on public property.
    - (vii) Signs painted directly on the outside wall of a building, fence, rock or similar structure.
    - (viii) Signs attached to trees.
  - 5. Adequate off -street parking shall be provided and not more than three parked vehicles may be present at one time. \_All parking shall be contained on the site.
  - 6. No outside storage or open display of merchandise or materials related to the conduct of the home occupation is allowed.

7. No retail sales shall be allowed except those incidental to the conduct of the home occupation.
  8. Any home occupation in existence prior to February 21, 1996 will be allowed to continue as a legal non-conforming use.
  9. Except by interim use permit, only one (1) home occupation is allowed on a property at any time. Contiguous parcels that are under the same ownership are considered the same property for the purposes of this clause.
- (g) Portable Toilets. Provided they meet the requirements of Section 20-9 (k) of the zoning ordinance.
- (h) Temporary Structures subject to Section 20-9 (t) of the Township Code.

## Section 20-34. Conditional Uses.

The following uses may be allowed in the Agriculture/Residential (A/R) District, subject to the provisions for issuing a conditional use permit in Section 20-213 and the following:

- (a) Golf courses, clubhouse, country club, and public swimming pools, subject to the following:
  1. 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.
  2. 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.
  3. Golf courses shall be designed with environmental resources in mind. Performance standards to this effect include water recycling and conservation through on-site storage and use facilities; landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and use of landscaping and careful layout of the golf course to preserve and enhance wildlife habitat through preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.
  4. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities.
  5. Parking shall meet the requirements of this Chapter.
  6. No principal structure shall be located within fifty feet (50') of any lot line of an abutting residential lot.

- (b) Organized group camps.
- (c) Railroad freight classification yards and accessory buildings.
- (d) The mining of minerals, sand, gravel, peat, and black dirt (soil). A reclamation plan may be required to grant approval of a conditional use permit for mining.
- (e) Feedlots with any of the following animal quantities or more are present: 300 dairy animals, 400 beef animals, 600 pigs, 1200 sheep, or 4,000 fowl and manure storage, consistent with MPCA regulations. Feedlots are also subject to the following:
  - 1. The feedlot area, confinement building, or manure storage area shall be set back a minimum of one thousand (1000) feet from any existing non-farm related building.
  - 2. The feedlot area, confinement building, or manure storage area shall have side and rear yard setbacks of 250 feet.
  - 3. Setback requirements may be increased for this use based upon the proposed location, the surrounding uses, or the size of the facility.
- (f) Commercial grain storage and drying facilities.
- (g) Livestock sale barns and accessory facilities.
- (h) Wireless telecommunications facilities, subject to the provisions of this Chapter.
- (i) State licensed residential facilities serving more than six (6) persons.
- (j) Farm equipment sales and repair facilities subject to:
  - i. All storage shall relate to repair of equipment and shall be screened from view from public roads and non-resident dwellings located on adjacent lots.
  - ii. Hours of operation of sales and repair facilities shall be limited from 8:00 a.m. to sunset Monday through Saturday and no Sunday operations unless such operations are conducted solely within an enclosed building.
- (k) Airstrip, subject to all obtaining all necessary State or Federal permits and complying with all State or Federal regulations for private airstrips.
- (l) Saw mills.
- (m) Residential Cluster Developments, subject to the following:



1. The overall density of the cluster shall not exceed a density of eight (8) dwellings per quarter quarter section. The farm dwelling and land within the right-of-way of public lands shall be included in the density calculations.
2. All lots within the cluster shall be contiguous to each other or separated only by road right-of-way.
3. The proposed cluster shall comply with all other requirements of this Chapter and the Chapter relating to subdivisions.
4. All dwellings in a cluster development shall have a minimum separation from an existing feedlot as established by this Chapter.
5. The existing roads to the cluster shall not need to be upgraded by the Township or County in order to handle the additional traffic generated by the cluster.
6. Within the cluster, an area shall be designated residential, with the remaining area designated agricultural, open space or any combination thereof.
7. The following uses shall be permitted on land within the cluster that has been designated as agricultural or open space:
  - a. Agricultural uses and buildings.
  - b. Drainage systems, flood control and watershed structures, erosion control devices meeting all County, State and NCRS standards.
  - c. Feedlots of less than fifty (50) animal units if located five hundred (500) feet or more from a residential cluster.
  - d. Forest and game management areas.
  - e. Livestock raising.
  - f. Railroad right-of-way.
  - g. Temporary or seasonal family operated produce stand.
8. The following uses shall be permitted on the land within the cluster that has been designated as residential within a cluster:
  - a. Single family dwellings.
  - b. Essential services for public utilities.
  - c. Home occupations that meet the standards for permitted home occupations in the Agriculture/Residential District.

9. Approval of a residential cluster development shall require a deed restriction filed against the deed for the remaining undeveloped (open space) property that prohibits any development on the undeveloped property until such time as the standards of this Chapter change to allow further development.

(n) Utility power transmission lines and pipelines.

(o) Retreat centers, subject to the following:

1. The duration of any temporary housing shall be determined by the Town Board.
2. A minimum site of 25 acres is required.
3. A maximum of 25 people are permitted to stay overnight.
4. The owner/operator must reside on the property.

(p) Public libraries, museums, art galleries, and post offices.

(r) Water supply buildings, reservoirs, commercial wells, elevated tanks, gas regulator structures, electric sub-stations, and similar essential service structures except that no structure shall be located 50' of any abutting lot line.

(s) Educational and training facilities, including, but not limited to, Vo Tech Schools which train students in the use of heavy machinery, including bulldozers, assorted earthmovers, and other like equipment used in heavy construction. This includes the actual use of such equipment on the premises by the instructors and/or students. The equipment area shall be located 1,000 feet from any residential building.

(t) Saddle club facilities to allow for outdoor and indoor shows and other horse related activities such as horse clinics and tack swaps. Overnight parking for participants only in compliance with the following:

- a. Minimum lot size of 40 acres.
- b. All parking shall be accommodated on the property and not on adjacent public streets.
- c. Adequate restroom facilities shall be provided for members and guests with permanent and adequate sanitary facilities to meet building code, MPCA and State Health Department regulations.
- d. Overnight camping for the purpose of caring for horses may be allowed for members and guests attending overnight events on the property. Overnight camping shall be limited to the time frame for which the overnight event is occurring including one night prior to and one night after the event.

- e. The use and operation of the saddle club facilities must comply with applicable County and State regulations.
  - f. Solid Waste Management plan shall be in place and approved.
  - g. Notification to the Township when an event is planned.
  - h. Minimum setback of 500' with adequate screening to any existing residence for outdoor camping and activities.
- (u) Assisted living facility
- (v) Rural Tourism Businesses subject to Section 20-9 Rural Tourism Businesses.
- (w) Solar Energy Farms as a principal use, provided that:
1. All solar energy systems are subject to any and all applicable federal, state and local laws and regulations. A conditional use permit is required for ground-mounted solar energy systems.
  2. Setbacks. A ground-mounted solar energy system must be setback a minimum of seventy-five (75) feet from all property lines and rights-of-way when mounted at minimum tilt. The Town Board may require a different setback if necessary.
  3. A solar energy system shall maintain a distance of at least two-hundred (200) feet from the nearest panel to the nearest existing residential dwelling.
  4. A ground-mounted solar energy system must not exceed fifteen (15) feet in height when mounted at maximum tilt.
  5. A solar energy farm shall be located on a site of not less than twenty (20) acres.
  6. The total square footage of a ground-mounted solar energy system when oriented at minimum tilt will be included in the property's impervious surface calculation.
  7. A ground-mounted solar energy system must be screened from view to the extent possible from public rights-of-way and immediately adjacent properties. Screening may include, but is not limited to, walls, fences, or landscaping. The screening must be maintained per the approved screening plan for the life of the solar farm.
  8. Feeder lines. The electrical collection system for a solar energy system must be placed underground within the boundaries of the property. A collection system may be placed overhead if it is near a substation or a point of interconnection to the electric grid.
  9. The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642. Beneficial habitat

standards shall be maintained on the site for the duration of operation, until the site is decommissioned.

10. A site plan shall be required that shows the following:
  - a. Location, size, quantity, and type of landscaping materials prepared by a licensed landscape architect.
  - b. Two rows staggered of shade tolerant conifer trees which must be a minimum of eight (8) feet in height at the time of installation with a maturity height equal to the height of the array will be required to adequately screen from public rights-of-way and immediately adjacent properties. The Planning Commission may consider the substitution of other screening plans
  - c. Areas of bare ground at each facility shall be vegetated with a low growing pollinator friendly seed mix.
  - d. Security Fencing: Security fencing will be required to be at least eight feet (8') in height surrounding the facility.
  
11. Conditional use permit applications for solar energy farms shall be accompanied by horizontal and vertical elevation drawings, drawn to scale. The drawings shall show the location of the system components on the property, as well as other elements, including but not limited to the following:
  - a. Existing features
  - b. Proposed features
  - c. Property boundaries
  - d. Property zoning designation(s) including district property line and roadway setbacks
  - e. Solar arrays, connecting lines, and all affiliated installations and structures
  - f. Topography & surface water drainage patterns and treatment systems
  - g. Existing and proposed/preserved/protected wildlife corridors (wetland/woodland/topography connectivity)
  - h. Floodplains
  - i. Soils
  - j. Historical features
  - k. Archeological features

- l. Wildlife and ecological habitat
  - m. Environmental mitigation measures
  - n. Description of Project Staging (if applicable)
  - o. Access points, drive aisles, security features, and fencing
  - p. Screening Plan
12. Additional Standards:
  - a. Compliance with Building Code. All solar energy farms shall require a building permit, shall be subject to the approval of the Township Building Official, and shall be consistent with the State of Minnesota Building Code.
  - b. Compliance with State Electric Code. All solar energy farms gardens shall comply with the Minnesota State Electric Code.
  - c. Security and Equipment Buildings. Security and equipment buildings on the site of solar energy farms shall be permitted uses provided that they are accessory to the solar energy farm.
  - d. Controlled Access. The owner or operator shall contain all unenclosed electrical conductors located above ground within an enclosure that controls access.
13. The solar energy farm is not located within six-hundred (600) feet of areas designated or formally protected from development by Federal, State, or County Agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor.
14. The solar energy farm is not in a delineated wetland as recognized by the Minnesota Department of Natural Resources and the Minnesota Wetland Conservation Act
15. The solar energy farm is not in a floodplain as recognized by the Minnesota Department of Natural Resources or the Federal Emergency Management Agency.
16. The applicant submits a Decommissioning / Abandonment Plan: the owner/operator shall submit a decommissioning plan for ground-mounted CSES's to ensure that the owner or operator properly removes the equipment and facilities upon the end of the project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall Include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based

plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet the requirements of the Isanti County Solid Waste Ordinance. The owner/operator shall be required to provide a current-day decommissioning / abandonment cost estimate, and shall post a bond, letter of credit, or establish an escrow account, including an inflationary escalator, in an amount determined by the Township Board, to ensure proper decommissioning / abandonment. The Town Board may choose to waive this requirement.

17. Glare Study. Solar farms utilizing a reflector system shall conduct a glare study (US Department of Energy's Solar Glare Hazard Analysis Tool) to identify the impacts of the system on occupied buildings and transportation rights-of-way within half (1/2) mile of the project boundary.
18. Granted Solar Energy Farm conditional use permits shall become void if the applicant does not proceed substantially on the work within twelve (12) months, if applicable. To proceed substantially means to make visible improvements on the property. One or more extension for not more than six (6) months each may be granted by the Township Board for good cause.
19. The Town reserves the right to request an inspection of the solar farm for compliance on any issue that may arise. The solar farm operator must grant access to the site as requested for inspection.
20. The project shall be reviewed by the Fire Department for compliance with all fire code measures.
21. The installation of a solar farm system shall not constitute a right to sunlight from any adjoining property, nor does the Township assure access to sunlight.

Section 20-35. **Interim Uses.**

The following uses may be allowed in the Agriculture/Residential (A/R) District, subject to the provisions for issuing an Interim use permit and meeting the following standards:

- (a) One additional temporary farm dwelling for the purpose of providing living accommodations for farm workers, and elderly or disabled family members, subject to the following:
  1. The applicant shall provide a signed statement identifying the farm activity that requires additional farm workers or the health limitations of a family member.
  2. The dwelling must be removed when no longer used by the farm worker

or family member.

3. The temporary dwelling shall be accessory and not the primary residence on the farm.
4. The temporary dwelling shall meet all minimum building size and setback standards.

(b) Home occupations in an accessory building, subject to the following conditions:

1. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
2. Only persons who are members of the household residing on the premises may be employed in the home occupation.
3. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.
4. A separate accessory building may be devoted solely to the home occupation activities.
5. If the accessory structure contains more than one (1) home occupation, a separate interim use permit shall be required for each use.
6. All materials and vehicles, incidental to the use, shall be stored within the dwelling or the accessory building.
7. Adequate off-street parking shall be provided, but not more than three parked vehicles may be present at one time.
8. Additional accessory buildings associated with the extended home occupation may be allowed subject to Section 20-9 a.
9. Signs are allowed subject to Section 20-33 (g) 4.

(c) Outdoor storage or the placement of two or more campers or travel trailers.

(d) Commercial Kennel, subject to the following:

1. The parcel shall be a minimum of ten (10) acres.
2. The facility shall be located (1000) feet from any residential dwelling, except that of the owner, and a minimum of 1/2 (one-half) mile from ten (10) or more homes, or platted lots, existing prior to the application for a permit under this provision. Structures used for animal confinement require a minimum 100 foot setback from any property line, other than the applicant's, that is existing at the time of application.

3. Confinement and shelter shall be provided through the use of fences and structures in compliance with the Minnesota Animal Welfare Statutes.
4. Indoor facilities must have adequate heating, ventilation and lighting.
5. Outdoor facilities must provide shelter from sun, rain, wind, snow and extreme cold temperatures.
6. Each adult animal shall be provided with a (minimum) enclosure equal to thirty-six (36) square feet per animal.
7. Proper drainage shall be provided for both indoor and outdoor facilities.
8. A plan for the disposal of waste must be approved by the Township.
9. The facility must obtain all required State and Federal licenses or operational permits.
10. Facilities shall be subject to an initial inspection and shall be inspected once a year thereafter, at a maximum of a twelve (12) month interval, at the owner's expense by a doctor of veterinary medicine who shall provide a report to the Township describing the condition of the animals and the facility, medical treatment required for the animals, and remedial actions necessary to improve the condition of the kennel.
11. Parking shall be required as determined through the interim permit hearing process.
12. Subject to receipt of a kennel license.
  - (h) The private ownership of dogs over the age of four (4) months shall be limited to four (4) at one time per residential household. Property owners may apply for an Interim Use Permit to allow for more than the maximum allowable number of dogs. The Township shall consider any of the standards for kennels as potential conditions of approval of such Interim Use Permits.
  - (i) Other proposed uses that are determined to be similar in nature to the interim uses listed in this section.
  - (j) Bed and Breakfast facility located within a single family dwelling on a parcel currently in agricultural operations, subject to the following:
    1. The application shall identify the family members residing therein and provide at least one (1) bedroom for every two (2) members. Bedrooms in excess of those needed by the resident family may be rented to boarders.
    2. No more than two (2) boarders allowed per bedroom.



3. All dwellings used for a bed and breakfast shall comply with Town Code standards for sewage and wastewater treatment.
  4. Guest stay shall be limited to seven (7) days.
  5. Primary entrance to all guestrooms shall be from within the dwelling.
  6. The exterior appearance of the structure shall not be altered from its single family character.
  7. The bed and breakfast shall be owner-occupied.
  8. No food preparation or cooking shall be conducted within any of the guestrooms.
  9. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use.
- (k) Land application of septage that was pumped from septic systems within (a) Athens Township, subject to the following standards:
1. A site evaluation shall be submitted to the township for approval prior to any land application;
  2. Haul slips shall be submitted to the township on an annual basis.
  3. Haul slips shall be subject to periodic inspections by the township.
  4. Soil testing results shall be submitted to the township on a monthly basis.

Section 20-36. **Prohibited Uses**. The following uses are prohibited in the Agricultural (A) District:

- (a) Final disposal facility for mixed municipal solid waste, hazardous waste, industrial waste, incinerator ash, or infectious waste.
- (b) Incineration or treatment, disposal or processing of mixed municipal solid waste, hazardous waste, industrial waste, and infectious waste.
- (c) Solid waste, hazardous waste, or land application of mixed municipal waste transfer station.
- (d) Storage or land application of water treatment lime and sewer sludge.
- (e) Sanitary landfill.
- (f) Junk yards and the storage of junk or inoperable equipment, except where inoperable farm equipment, that has been used on the farm, is screened from public view and located in a single area not exceeding one (1) acre.
- (g) Processing of waste tires to produce tire derived products.

- (h) Disposal of waste tires.
- (i) Open dumps.
- (j) The use of semi-trailers and manufactured homes for storage purposes.
- (l) Fertilizer plants, bulk liquid storage, and alcohol fuel plants.
- (m) Application of contaminated soils.
- (n) Demolition waste transfer stations.
- (o) Temporary equipment placement and/or operations, such as a bituminous plant, ready mix plant, or contractor's yard for the purpose of stockpiling materials, for highway/road construction.
- (p) Notwithstanding anything to the contrary contained in this Chapter, if any of the Prohibited Uses listed above are lawfully existing in the Agricultural District upon the effective date of this Chapter, then such uses may continue in the size and manner of operation lawfully existing, but such uses shall not expand, enlarge or add different types of waste. Such uses may also be subject to reasonable compliance with performance standards set forth in this Chapter.

All uses not listed as permitted, conditionally permitted, or permitted with an interim use permit shall be considered prohibited.

Section 20-37. **Height, Yard, Lot Width and Lot Depth Regulations.**

- (a) Height Regulations. No building hereafter erected or altered shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height, unless otherwise provided for in the General Regulations Section of this Chapter.
- (b) Front Yard Regulations. There shall be a front yard setback of not less than:
  - 1. 130 feet from highways, expressways, four-lane highway rights-of-way, including U.S. and State Highways.
  - 2. 130 feet from the centerline of all County roads.
  - 3. 120 feet from the centerline of all Township roads, including private road easements.
  - 4. Where a lot is located at the intersection of two or more roads or highways (corner lot), there shall be a front yard setback for each yard abutting a road or highway.
  - 5. In cases where an accessory building is attached to the main building, it shall be considered as structurally a part thereof, and shall comply in all respects with the requirements of this Chapter applicable to the principal

building. An accessory building, unless attached to and made a part of the principal building as provided above, shall not be closer than ten (10) feet to the principal building.

6. Structures that were previously permitted at 100' or more from the centerline of any road would be allowed for lateral expansions and not have to go through a variance.

(c) Side Yard Regulations. There shall be a minimum side yard setback of not less than thirty (30) feet for all buildings or structures.

(d) Rear Yard Regulations.

1. There shall be a minimum rear yard setback of not less than forty (40) feet for all buildings or structures.
2. All lots adjoining lakes, ponds, or flowages which are less than twenty-five (25) acres and are not included in the Shoreland Districts, shall also provide a setback from the ordinary high water mark of seventy-five (75) feet for principal buildings and fifty (50) feet for all septic systems.

(e) Lot Width and Depth Regulations.

1. All lots shall have no less than one hundred fifty (150) feet in width at the building setback line as well as the rear lot line and the lot shall also have a depth of no less than two hundred fifty (250) feet, as measured from all road right of ways.
2. Cul-de-sacs where lots shall have a minimum of fifty (50) feet of lot width at the road right of way and all lots have a minimum of one hundred fifty (150) feet of width at the front yard setback line. All lots shall be capable of providing on site sewer and water.

Section 20-38. General Provisions. Additional requirements for signs, parking, and other regulations in the Agriculture/Residential (A/R) District are set forth in Articles VI and VII of this Chapter.

Section 20-39 thru 20-40. Reserved.

**Article V. Business District (B).**

Section 20-41. **Purpose.** The business district is intended to provide a district that will allow retail and general commercial uses in a convenient and safe manner.

Section 20-42. **Permitted Uses.** The following uses shall be permitted within the B – Business District:

- (a) Agricultural land uses.
- (b) Appliance stores and appliance repair.
- (c) Banks, savings and loans institutions, credit unions
- (d) Barber and beauty shops
- (e) Bicycle sales and repair shops
- (f) Book stores, but not adult books stores, stationary stores, antique or gift shops, art and school supplies
- (g) Bowling alleys
- (h) Candy, ice cream, soft drink or confectionery stores
- (i) Cabinet, carpenter shops or construction yard
- (j) Clothing, ready to wear stores, dry goods or notion stores
- (k) Delicatessens
- (l) Drug stores
- (m) Furniture stores
- (n) General store, department store, retail establishments, variety stores
- (o) Grocery, fruit, vegetable or meat store, bakery or pastry shop
- (p) Hardware stores
- (q) Landscape nursery, garden store and greenhouses
- (r) Laundrettes or self-service laundries

- (s) Marine, boat and sporting goods sales, subject to the following:
  - 1. The sale or rental of motor vehicles, trailers, campers, boats and other items that are not kept entirely within a building shall require approval of an open sales lot.
  - 2. Any outside or sales area adjacent to a residential district, or public road, shall be screened by a solid fence at least six (6) feet in height and additional landscaping, or by equivalent evergreen vegetation.
  - 3. All repairs shall be performed completely within a building.
  - 4. Outdoor speakers shall not be audible beyond the property line.
- (t) Miniature golf course, archery or golf driving range.
- (u) Motel and hotel
- (v) Professional offices, such as realtor, doctor, lawyer, therapeutic masseuse, or other professional service provider
- (w) Restaurant, cafés
- (x) Signs as regulated by this Chapter.
- (y) Government buildings for government use only, including, but not limited to, fire and police stations, post office of substations.

Section 20-43. Permitted Accessory Uses. The following accessory uses shall be permitted within the B Business District.

- (a) Adult use – accessory, subject to the following:
  - 1. Shall comprise no more than 10% of the floor area of the establishment in which it is located or shall comprise an area no greater than 100 square feet of a floor area in which it is located, whichever is smaller.
  - 2. Shall comprise no more than 20% of the gross receipts of the subject business operation at the subject location.
  - 3. Shall not involve or include any activity except the sale or rental of merchandise.
  - 4. Shall be restricted from and prohibit access by minors by the physical separation of such items from general public areas, according to the following:
    - a. Movie rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access to which is in clear view and under the control of the persons

responsible for the operation.

- b. Magazines. Publications classified or qualifying as adult uses shall be covered in a wrapper or other means to prevent display of any material other than the publication title.
  - c. Other Use. Adult use/accessory activities not specifically cited shall comply with the intent of this section subject to the approval of the Township Zoning Administrator of his or her designee.
5. Adult use – accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.
6. Adult use – accessory – signs. In addition to the sign regulations contained in the Chapter, the following regulations will apply to an adult use – accessory:
- a. All signs shall be flat wall signs and non-illuminated.
  - b. The amount of allowable sign areas shall be six (6) square feet.
  - c. No merchandise or pictures of the products or entertainment on the premises, advertisements, displays or other promotional materials depicting nudity, sexual conduct, sexual excitement, or sadomasochistic abuse shall be displayed in window areas or any area where they can be viewed from the sidewalks in front of the building or from any public right-of-way.
  - d. Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square foot sign may be placed on the door to state hours of operation and admittance to adults only.
  - e. In addition to any allowable sign under this Chapter, an adult use – accessory shall post on all entrances to the establishment, a sign no less in area than one square foot, stating that pursuant to the Township Zoning Ordinance, anyone under the age of 18 is prohibited from entering the premises.
- (b) Accessory uses customarily incidental to the uses permitted in the B Business District.
  - (c) Landscape features.
  - (d) Temporary Structures subject to Section 20-9 (t) of the Township Code.
  - (e) Portable Toilets. Provided they meet the requirements of Section 20-9 (k) of the zoning ordinance.

Section 20-44. Conditional Uses. The following uses may be allowed in the B Business District, subject to the Conditional Use Provisions in Section 20-213 and any additional standards listed below:

- (a) Drive-through restaurants, retail stores, service uses, or similar uses that provide goods and services to patrons in automobiles, subject to the following:
  - 1. The use shall have direct access to a paved road.
  - 2. The public address system, if provided, shall not be audible from a residential property.
  - 3. Adequate stacking space shall be provided.
  - 4. The operation shall be conducted in a manner that is consistent with the approved site plan for the site and the regulations in this Section.
- (b) Car washes, free-standing or accessory, subject to the following:
  - 1. Adequate parking space for vehicles shall be provided.
  - 2. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
  - 3. Vacuum and drying facilities shall be located in an enclosed structure or at a sufficient distance from any residential use to minimize the impact of noise.
  - 4. The facility shall meet all MPCA standards for water quality.
  - 5. The operation shall be conducted in a manner that is consistent with the approved site plan for the site and the regulations in this Section.
- (c) Other business activities of the same general character as listed in Section 20-42 of this Chapter.
- (d) Single family homes, when associated with the operation of a business located on the same parcel.
- (e) Drive-in theaters.
- (f) Hospitals, convalescent homes, nursing homes and medical clinics, subject to the following:
  - 1. Licensing by the appropriate agency.

2. Such facilities shall be located on a major street on a parcel of no less than one-half acre.
- (g) Mini-storage facilities.
  - (h) Utility power transmission lines and pipelines.
  - (i) Light manufacturing.
  - (j) Billboards, as regulated by off premise sign standards in Section 20 - 111 of this Chapter.
  - (k) Wireless communication towers, subject to the provisions of Article XI of this Chapter.

Section 20-45. Interim Uses.

- (a) Automobile service stations for the sale of gasoline, oil and accessories, and automobile repair, subject to the following:
  1. Any canopy, weather protections, pump island or building shall meet the minimum required building setback specified for the district.
  2. A minimum of twenty-five (25) foot landscaped yard shall be provided along all yards abutting rights-of-way lines, except where approved driveways occur.
  3. Whenever a service station abuts a residential lot, a solid screen not less than six (6) feet in height shall be erected and maintained along the side and rear property lien that abuts the residential lot.
  4. All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces, in compliance with the standards of this Chapter.
  5. All vehicles parked or stored on the site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or junk vehicles is prohibited.
  6. A car wash facility, either attached or detached from the principal structure, may be permitted as an accessory use, meeting the standards for a car wash as found in this Chapter.
  7. All repairs shall be performed within a completely enclosed building.



8. Venting of odors, gas and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas odors.
  9. Additional controls may be established to control noise during the operation of the facility, including controls on hours of operation.
  10. Operations shall be conducted in a manner that is consistent with the approved site plan for the property and the regulations in this Section.
- (b) Bed and Breakfast, subject to the following:
1. Vehicular access points shall create a minimum of conflict with through traffic movement.
  2. The facility shall maintain a guest register open to inspection by the Township.
  3. Guest stay shall be limited to fourteen (14) days.
  4. The applicant shall meet all applicable local, county, state and federal regulations.
  5. The operator shall carry liability insurance and shall provide proof of such insurance to the Town upon request.
- (c) Temporary proposed uses that are determined to be similar in nature to the uses listed in Section 20-42.
- (d) Commercial kennels, subject to the conditions listed in Section 20-35, subpart (e).

Section 20-46. Prohibited Uses. The following uses are prohibited in the B Business District:

- (a) Final disposal facility for mixed municipal solid waste, hazardous waste, industrial waste, incinerator ash, or infectious waste.
- (b) Incineration or treatment, disposal, or processing of mixed municipal solid waste, hazardous waste, industrial waste, and infectious waste.
- (c) Solid waste, hazardous waste, or land application of mixed municipal waste transfer station.
- (d) Sanitary landfill.
- (e) Junk yards and the outdoor storage of junk or inoperable equipment.

- (f) Disposal of waste tires.
- (g) Open dumps.
- (h) Mass gatherings.
- (i) The use of semi-trailers and manufactured homes for storage purposes.
- (j) Land application of contaminated soils.
- (k) Demolition waste transfer stations.
- (l) Salvage yards.
- (m) Temporary equipment placement and/or operations, such as a bituminous plant, ready mix plant, or contractor's yard for the purpose of stockpiling materials, for highway/road construction.

All uses not listed as permitted, conditionally permitted, or permitted with an interim use permit shall be considered prohibited.

Section 20-47. Height, Yard, Lot Width and Lot Coverage Regulations.

- (a) Height Regulations. No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty-five (35) feet in height.
- (b) Front Yard Setback Regulations. There shall be a front yard of not less than:
  - 1. 130 feet from highway, expressways, four-lane highways, rights-of-way, including U. S. and State highways.
  - 2. 130 feet from the centerline of all County roads.
  - 3. 120 feet from the centerline of all Township roads.
  - 4. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback for each yard abutting a road or highway.
- (c) Side Yard Setback Regulations.
  - 1. There shall be a minimum side yard setback of not less than fifteen (15) feet for all buildings or structures.
  - 2. No building shall be located within thirty (30) feet of any side lot line abutting a lot in any residential or agricultural district.
- (d) Rear Yard Setback Regulations. There shall be a minimum rear yard

setback of not less than fifty (50) feet.

Section 20-48. Landscaping Requirements.

All required yards shall be either open landscaped and green areas or left in a natural state, except as provided in the General Regulations Section of this Chapter. If any yards are to be landscaped, they shall be landscaped attractively with lawn, either seeding or sod, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a slightly and well kept condition. Yards that directly adjoin any residential use shall be landscaped with vegetative screening. Plans for such screening shall be included in the site plan approval submission. Landscaping shall be installed as part of the initial construction.

Section 20-49. Lot Width Regulations.

Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public road as well as at the front building setback line.

Section 20-50. Lot Area Regulations.

Every lot or tract of land on which a permitted or conditional use is constructed shall have an area of not less than one (1) acre of buildable land area. If on-site sewage treatment is to be provided, each lot must be able to accommodate two (2) separate drainfield sites.

Section 20-51. Storage of Materials.

Open storage of materials in any required front or side yard shall be prohibited. Any outside storage shall be located or screened so as not to be visible from adjoining residential property

Section 20-52. Lot Coverage Regulations.

No more than fifty percent (50%) of the lot or parcel shall be occupied by buildings.

Section 20-53. Signage Regulations.

- a) No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area is allowed.
- b) The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area, or three hundred (300) square feet in area, whichever is less.
- c) No business sign shall project above the permitted building height.

- (d) For regulations of off-premise advertising or billboard signs and for general regulations governing signage, see the section of this Chapter regarding Special Provisions.

Section 20-54. General Regulations.

- (a) Where structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the front yard setback of the proposed development to meet the setbacks of those existing structures. If, however, one of more the existing structures is less than fifty percent (50%) structurally sound (based upon the Minnesota Building code definition), then the structure(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development.
- (b) Additional requirements for signs, parking and other regulations for the B-1 District are set forth in the General Regulations and Performance Standards sections of this Chapter.

Article VI. Performance Standards.

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various Zoning Use Districts, the permitted, accessory, conditional and interim uses shall conform to the following standards:

Section 20-81. Nuisance Standards.

- (a) Noise. Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, farming or maintenance operations.
- (b) Vibration. Any use creating periodic earth-shaking vibration shall be prohibited if undue vibrations are perceptible beyond the boundaries of the property on which the use is located. This standard shall not apply to vibrations created during periods of construction.
- (c) Glare and Heat. Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.
- (d) Smoke and Particulate Matter. Any use established, enlarged, or remodeled after the effective date of this Chapter shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke and particulate matter.
- (e) Toxic or Noxious Matter. No use shall discharge into the atmosphere, water, or subsoil, any toxic or noxious matter. All discharges shall be in conformity to the regulations and standards adopted by the Minnesota Pollution Control Agency.

Section 20-82. Storage Standards.

All materials and equipment shall be stored within a building or screened from adjoining properties, except for the following: Laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used for construction of the premises, and off-street parking, except as otherwise regulated herein. Boats and travel trailers and motor homes, less than thirty-five (35) feet in length, are permissible, if stored in the side or rear yard not less than ten (10) feet distant from any property line. Existing uses shall comply with this provision within twelve (12) months of the effective date of this Chapter. Plans for screening shall be reviewed by the Planning Commission and approved by the Town Board before structures are erected. In a residential platted subdivision,

wood piles must be neatly stacked, a maximum of eight (8) feet in height and must not take up more than ten (10) percent of the total open area of a yard.

- (a) Bulk Storage (Liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of any applicable federal or state law or regulations, and have documents from those offices stating that the use is in compliance. Fuel tanks may be permitted as an accessory use only and shall be subject to setback regulations. All existing, above-ground liquid storage tanks shall comply with the requirements of the Minnesota State Fire Marshal's office.

Section 20-83. Visual Standards.

- (a) Screening. When any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. The screening required shall consist of fence, trees, or shrubs. Plans for such screening shall be approved by the Planning Commission and Town Board before the structure is erected.
- (b) Fences. The following general standards apply to all fences constructed within the Township:
1. Any fence in excess of six (6) feet shall require an interim use permit, except open fences constructed for agricultural purposes.
  2. Fences shall be located entirely upon the private property of the persons constructing the fence unless the owner of the adjacent property agrees, in writing, that such fence may be erected on the division line of the respective properties. If adjacent neighbors cannot agree that such fence be placed on the property line, such fence must be placed one foot from the property line. The Town may require the owner of the property with an existing fence to establish the boundary line of the property by a survey.
  3. Posts and framework shall be placed within the property lines of the owner the actual fencing material, such as chain link, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or adjacent property.
  4. Building permits are not required for fences under six (6) feet.
  5. No fence shall be constructed on road right-of-way and shall not be placed in a manner that obstructs the view within the intersection sight distance triangle or that interferes with use of the right-of-way for right-of-way purposes.

6. Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Cloth or canvas fences shall not be allowed.
  7. Every fence shall be maintained in a condition of good repair and shall not be allowed to become and remain in a condition that would constitute a public nuisance or a dangerous condition.
- (c) Residential Fences. The following additional standards apply to residential fences:
1. The maximum height for a residential fence shall be six (6) feet.
  2. Barbed wire is not permitted in a residential platted subdivision.
- (d) Business and Industrial Fences. The following additional standards apply to business and industrial fences:
1. Fences may be located on a lot line to a height of six (6) feet. Fences over six (6) feet in height shall require an interim use permit.
  2. A security arm for barbed wire shall be permitted when needed for security reasons as approved by the Planning Commission and Town Board.

Section 20-84. Access Driveways.

- (a) The distance from a driveway to the intersection of two streets shall not be less than thirty-five (35) feet measured along the street right-of-way, provided, however, that if, in the opinion of the Town Board, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the Town Board. The distance from a driveway to the intersection shall be the greatest practical distance possible.
- (b) The distance between driveways shall be two hundred (200) feet or the greatest practical distance possible if two hundred (200) feet is not possible.
- (c) The driveway angle to the street shall be ninety (90) degrees unless otherwise recommended by the Planning Commission and approved by the Town Board.
- (d) The distance from a driveway to the property line of an adjacent property shall not be less than ten (10) feet measured along the right-of-way line, unless otherwise recommended by the Planning Commission and approved by the Town Board.

- (e) Access driveways for other than single family dwellings shall be thirty-six (36) feet wide measured along the property line, unless otherwise recommended by the Planning Commission and approved by the Town Board.
- (f) Access driveways for single family dwellings shall be not less than sixteen (16) feet, nor more than twenty-four (24) feet wide, measured across the road top, unless otherwise recommended by the Planning Commission and approved by the Town Board.
- (g) More than one access driveway shall require approval of the Town Board.
- (h) A galvanized metal culvert is required for all driveways unless otherwise approved by the Zoning Administrator.
- (i) A driveway permit must be obtained prior to construction of the driveway.

Section 20-85. Hazardous Elements Standards.

- (a) Explosives. Any use requiring the storage, utilization or manufacturing of products that could decompose by detonation shall be located not less than four hundred (400) feet from any residence. This section shall not apply to the storage or usage of liquid petroleum or natural gas for normal residential or business purpose.
- (b) Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- (c) Incinerators. The installation of incinerators, their use and design, shall be in conformity with the regulations and standards adopted by the Minnesota Pollution Control Agency.

Section 20-86 thru 20-110. Reserved.



Article VII. Special Provisions.Section 20-111. Signs.

- (a) General Provisions. Signs are a permitted accessory use in all use districts, subject to the following regulations:
1. Private signs, other than warning signs posted by public utilities or traffic control signs, are prohibited within public rights-of-way.
  2. Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of rays of lights shall be prohibited, except those signs giving public service information such as, without limiting the generality of the foregoing: time, date, temperature, or weather.
  3. For the purpose of selling, renting or leasing a single parcel, a sign not in excess of twelve (12) square feet for residential purposes and twenty-five (25) square feet per surface for commercial or industrial properties shall be placed within the front yard. Such signs shall not be less than ten (10) feet from the right-of-way line.
  4. For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign, not to exceed 32 square feet of surface, may be erected upon the project site. Such signs shall not be less than ten (10) feet from the right-of-way line and shall be removed when construction of the site has been completed. No such sign under this subdivision shall remain for more than twenty-four months unless a longer time has been approved by the Town Board.
  5. No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
  6. Signs shall not be painted directly on the outside wall of a building.
  7. Signs shall not be painted on fences, rocks, or similar structures or features, nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.
  8. Election signs are permitted provided such signs are removed within ten (10) days following the election as related to the sign. Such signs shall not be erected prior to the first day of filing and shall be removed within ten (10) days after the election to which they are applicable, except that the winners of a primary election may keep their campaign signs up continuously from filing to ten (10) days after the general election. Each sign shall contain the name and address of the person responsible for the

placement of such sign. Such person shall be responsible for removal of the sign.

9. All signs, except advertising signs, must be placed ten (10) feet from any right-of-way or property line.
  10. Portable signs including, but not limited to, hot air or gas filled balloons or semi-truck umbrellas used for advertising, signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parking and visible from the public-right-of-way, (except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business), are not permitted.
  11. All signs shall be kept in good repair and the area around the sign shall be kept free from debris, bushes and high grass or weeds. In any case where a sign is not so maintained, the Zoning Administrator shall give written notice to the property owner and/or lessee thereof to so maintain the sign or to remove the sign. Signs that have become obsolete because of the discontinuance of the business, activity, or service that the sign advertises, shall be removed.
  12. Commercial vehicles or other vehicles with signage attached shall not be parked in such a way where the primary purpose and function of the vehicle is to serve as an advertising billboard.
  13. Freestanding community identification signs are permitted in any zone in the Township subject to approval of the Town Board after review by the Planning Commission. Such sign must be related to Athens Township.
- (b) Signs Permitted in Commercial Districts: The following regulations apply to signs in the commercial districts:
1. Construction or placement of a commercial sign(s) shall require a sign permit.
  2. Advertising signs (billboards) shall be permitted in the B Business Districts, subject to the following regulations:
    - a. Advertising signs along State Highways must be placed a minimum of 1,000 feet from any at-grade public road intersection with any trunk highway and may not be placed within 1,000 feet of an interchange of an Interstate Highway, picnic area, rest area, or park or within three hundred (300) feet of a church or school.

- b. No advertising sign shall be closer than fifty (50) feet to any property line or right-of-way line.
  - c. No advertising sign shall be erected closer than one thousand (1,000) feet to another such sign on the same side of the road.
  - d. Advertising signs shall not exceed five hundred (500) square feet in area or twenty-five (25) feet in height as measured perpendicularly from the height of the highest point of the sign structure to the grade level directly below the sign. Existing grade may not be altered for the purpose of increasing sign height.
  - e. An annual permit is required for the placement of an advertising sign. The fee for such permit shall be established by the Town Board.
- (d) Signs Permitted in an Agriculture/Residential District. The following signs are permitted in an agricultural district:
1. Those related to residential use of the property as indicated in subpart (b) of this section.
  2. Crop demonstration signs, farm market signs or signs related to agricultural products, subject to the following:
    - a. Such signs shall not exceed sixteen (16) square feet in area or be more than four (4) feet by four (4) feet.
    - b. No such sign shall be constructed to have more than two (2) sides.
  3. Nameplate signs.
    - a. One nameplate sign for each occupied building not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
    - b. One nameplate sign for each permitted non-residential use or use by conditional or interim use permit. Such sign shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) sides.
- (e) Sign Removal.
1. The applicant for a sign permit shall be deemed the owner and thus be responsible for the removal of the sign within thirty (30) days of its discontinued use as determined, or for the removal of a sign which is

structurally unsafe or in disrepair as determined by the Zoning Administrator.

2. Signs not so removed by the owner will be removed by the Township at the owner's expense.

(f) Community Signs.<sup>7</sup>

1. For purposes of this section, community sign shall mean signs erected with the purpose of identifying and promoting the community.
2. Community signs shall be permitted in all districts subject to the following:
  - a. The design shall be approved by the Town Board.
  - b. The sign shall be owned and maintained by the Township.
  - c. This sign shall be set back at least ten feet (10') from any property line and fifteen feet (15') from any road right-of-way.
  - d. The community sign shall not exceed sixty (60) square feet in area (each side).

Section 20-112. Off-Street Parking.

(a) General Provisions.

1. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business or manufacturing establishments.
2. Required off-street parking spaces shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for sale or rent.
3. In no event shall the combination of off-street parking space, structures of any type, driveways, or other features result in impervious surface of more than seventy-five percent (75%) of the parcel.

(b) Location Requirements. All off-street parking facilities required herein shall be located in respect to the following:

1. Spaces accessory to one family, two family and multiple family dwellings must be located on the same lot as the principal use served.

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<sup>7</sup> Amended to include this provision on April 6, 2009.

2. There shall be no off-street parking space within ten (10) feet of any road right-of-way.
3. No off-street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes.
4. Commercial off-street parking spaces shall not be less than ten (10) feet from a property line.

(c) Design Requirements.

1. Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access driveways, a width of not less than nine (9) feet and a length of not less than twenty (20) feet.
2. Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width. Driveway access in a commercial area shall be a minimum of thirty-six (36) feet in width.
3. All of the area intended to be utilized for parking space and driveways shall be surfaced with a material that controls dust and drainage. Parking areas for less than three (3) vehicles shall be exempt. Plans for surfacing and drainage shall be subject to approval of the Town Engineer.
4. In the commercial district, parking and driveways shall be surfaced with bituminous or concrete material.
5. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from the adjoining property and right-of-way.
6. All off-street parking spaces shall have access from driveways and not directly off the public street.

(d) Loading Spaces. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of vehicles they are designed to serve.

(e) Computing Requirements. In computing the number of such parking spaces, the following rules shall govern:

1. Floor space shall mean the gross floor area of the specific use.

2. Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
  3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature, as determined by the Planning Commission and Town Board.
- (f) Buffer Fences and Planting Screens. On-site parking and loading areas near or abutting Shoreland or Residential Districts shall be screened by a buffer fence of adequate design or a planting buffer screen. Plans for such screening shall be submitted for approval as part of the required site plan and such fence or landscaping shall be installed as part of the initial construction.
- (g) Required Number of On-Site Parking Spaces. On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The chart below indicates the minimum number of required parking spaces for each use:

TYPE OF USE	NUMBER OF REQUIRED ON-SITE PARKING SPACES
Residential Dwelling	Two (2) spaces
Multiple Family Dwelling	One and one-half (1 ½) spaces per unit
Churches, Assembly or Exhibition Halls, Auditorium, Theater or Sports Area	One (1) space for each four (4) seats, based upon design capacity
Golf course, golf clubhouse, country club, swimming club, tennis club, public swimming pool	Twenty (20) spaces, plus one (1) square for each five hundred (500) square feet of principal building floor area
Automobile Service Station	Four (4) spaces, plus two (2) spaces for each service stall
Auto sales, trailer sales, marine and boat sales, implement sales, garden supply store, building material sales, auto repair	One (1) space for each five hundred (500) square feet of floor area
Bowling alley	Five (5) spaces for each bowling lane
Drive-in restaurant	Twenty (20) spaces or one (1) space for each twenty (20) square feet of floor area, whichever is greater
Motel or motor hotel	One (1) space for each rental room or suite
Restaurant, café, night club, tavern or bar, retail stores and service establishments	One (1) space for each one hundred (100) square feet of floor area
Research, experimental or testing stations	One (1) space for each employee on the major shift or one (1) space for each two thousand (2000) square feet of floor area, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises.
Storage, wholesale, or warehouse	One (1) space for each two (2) employees

establishments	on the major shift or one (1) space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company vehicle when customarily kept on the premises.
Manufacturing or processing plant	One (1) space for each two (2) employees on the major shift or one (1) space for each one thousand (1,000) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company vehicle when customarily kept on the premises.

Section 20-113. Individual Sewage Disposal Systems (ISTS).

- (a) All ISTS sewage and water systems hereafter constructed or altered shall conform with the provisions of Minnesota Rules, Chapter 7080, as amended.
- (b) Permits. No person, firm, or corporation shall install, alter, repair, or extend any individual sewage disposal systems in the Township without first obtaining a permit from the Township.

Section 20-114. Water Systems.

Individual wells shall be constructed and maintained as required by standards and specifications as established by the Minnesota Department of Health.

Section 20-115. Mining and Extraction.

- (a) Permit Review.
  - 1. A conditional use permit shall be required for all mining operations.
  - 2. Persons requesting a mining permit shall submit such fee as established by the Town Board to the Township Zoning Administrator, together with all information required in this Section. The owner shall provide three (3) copies of the required information.
  - 3. If the request is denied, no reapplication shall be made for a period of six (6) months.
- (b) Information Required. The following information shall be provided by the person requesting the permit:
  - 1. Name and address of person requesting the mining permit.

2. The exact legal property description and acreage of the area to be mined.
  3. A soil erosion and sediment control plan.
  4. A plan for dust and noise control.
  5. A full and adequate description of all phases of the proposed operation to include an estimate of the mining operation, and approximate amount to be mined.
  6. Any other information requested by the Zoning Administrator or Town Board.
  7. A restoration plan.
- (c) Renewal of Mining Permits. Renewal requires an update of all information as required in this section for the initial permit.
- (d) Use Restrictions.
1. The crushing, washing, refining or processing, other than the initial removal of material, shall be considered a separate Conditional Use.
  2. In some quarries, the production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site, shall be considered a separate Conditional Use.
  3. The manufacturing of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete and any similar production or manufacturing processes that might be related to the mining operation, shall be considered a separate Conditional Use.
- (e) Performance Standards.
1. General Provisions.
    - a. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed around buildings or structures as may be necessary to preserve a reasonably neat appearance and to prevent seeding an adjoining property.
    - b. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is



practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

2. Water Resources.
  - a. The mining operation shall not interfere with surface water drainage beyond the boundaries of the mining operation. The mining operation shall not adversely affect the quality of surface or subsurface water resources.
  - b. Surface water originating outside and passing through the mining site shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site.
  - c. The mining operation shall perform any water treatment necessary to comply with this provision.
3. Safety Fencing. Any mining operation adjacent to a residential zone, or within three hundred (300) feet of two (2) or more residential structures, shall be bound by the following standards:
  - a. Where collections of water occur that are one and one-half (1 ½) feet or more in depth existing for any period of at least one (1) month, 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 some similarly effective barrier such as a snow fence at least four (4) feet in height.
  - b. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.
4. Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance on the public road in view so that any turns onto the public road can be completed with a margin of safety. Mining access roads require approval of the Town Board.
5. Screening Barrier. Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented), for the depth of the roadside setback, except where traffic safety requires cutting and trimming.
6. Setbacks.

- a. Processing of minerals (stationary equipment) shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential or commercial structures located prior to commencement of processing operations, without the written consent of all owners and residents of said structures.
  - b. Mining operations shall not be conducted closer than thirty (30) feet to the boundary of any zone where such operations are not permitted, nor shall such production or processing be conducted closer than one hundred (100) feet to the boundary of an adjoining property line, unless the written consent of the owner in fee of such adjoining property is first secured in writing and the restoration plan provides sufficient protection.
  - c. Mining operations shall not be conducted closer than thirty (30) feet to the right-of-way line of any existing or platted street, road or highway, except that excavating may be conducted within such limits in order to reduce the elevation (i.e., slope and vegetation) thereof in conformity to the existing or platted street, road, or highway.
7. Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable, and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated. For purposes of this section, “plant” shall mean a building used for the mining operation.
  8. Dust and Dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, dust conditions that are injurious or substantially annoying to persons living in the vicinity. All access roads from mining operations to public highways, roads, or streets, or to adjoining property, shall be maintained to minimize dust conditions.
  9. Additional Standards. The governing body may impose additional performance standards as part of the Conditional Use Permit. An example of this would be the repair and maintenance of access roads that are Township roads.
- (f) Land Rehabilitation. All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be completed within one (1) year. The following standards shall apply:
    1. Within a period of three (3) months after the 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 a mining permit, 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 or by, and at the expense, of the landowner. A conditional use permit may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such permit may apply for only one (1) year, after which said buildings, structures, machinery and plants shall be removed. For purposes of this section, "plant" shall mean a building used for the mining operation.

2. The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.
3. Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of immediate surrounding land areas, and to a depth of at least three (3) inches. Such required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted, but not as a substitute for legumes and grasses. Such planting shall be designed to adequately retard soil erosion.

Excavations completed to a water producing depth need not be backfilled if the water depth is at least ten (10) feet, and if banks are sloped to the water line at a slope no greater than twelve percent (12%).

The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. 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 operations cease.

#### Section 20-116. Motor Fuel Stations.

(a) General Provisions.

1. For architectural purposes, each side of a motor fuel station shall be considered as a front face.
2. The storage of items for sale outside the principal building shall require a conditional use permit.
3. All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.

4. All goods for sale, other than those required for the operation and maintenance of motor vehicles, shall be displayed within the principal structure.
5. Open dead storage of motor vehicles shall not be permitted for a period of more than forty-eight (48) hours.

(b) Site Requirements.

1. Whenever a motor fuel station abuts residential property, a fence or compact evergreen hedge not less than 50 percent (50%) opaque and not less than six (6) feet high, shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way.
2. The entire motor fuel station site other than the part devoted to landscaping and structure, shall be maintained and operated in such a manner as to minimize, as far as is practicable, conditions that are injurious or substantially annoying to persons living in the vicinity.
3. Driveways shall not exceed thirty-six (36) feet in width, nor be spaced closer than thirty (30) feet apart measured at the property line. No more than two (2) access drives to any street shall be permitted.

(c) Setbacks.

1. Setbacks. The following setbacks apply to motor fuel stations:

	Lot Width	Front Yard	Adjacent to Another Lot	Adjacent to Street	Rear Yard	Pump Setback
Motor Fuel Station	200 feet	70 feet	30 feet	70 feet	30 feet	30 feet
Truck Stop	200 feet	80 feet	60 feet	80 feet	60 feet	30 feet

2. Canopies. The setback of any overhead canopy or weather protection, free standing or projecting from the station structure, shall be not less than ten (10) feet from the street right-of-way, nor less than twenty (20) feet from an adjacent property line.

Section 20-117. Essential Services.

- (a) Essential services are permitted uses in all zoning districts and are not subject to height, yard, setback requirements, or permits or certificates of any kind, except as required by the provisions of this section.
- (b) Public utility buildings shall be permitted uses in all zoning districts, except that a conditional use permit shall be required before construction in any residential district.
- (c) Since some essential services, as defined by this Chapter, may have an effect upon township recreation and wildlife areas, the location of all such essential services in any zoning district shall be filed with the Zoning Administrator prior to commencement of any construction by the applicant.
- (d) Except as otherwise provided herein, essential services not located within highway and street rights-of-way shall follow the following procedure:
  - 1. A site permit is required for all construction of facilities for essential services.
  - 2. The applicant shall file with the Zoning Administrator maps indicating the location, alignment, and type of service proposed.
  - 3. The Zoning Administrator shall review the location and alignment to determine whether the proposed services encroach upon recreation or wildlife areas, and, if there is no encroachment, will indicate as such on the application. If there is encroachment, plans for mitigation of the encroachment must be submitted.
  - 4. The Zoning Administrator will furnish the applicant with information as to land use that may be of assistance to the applicant in the development of the proposed service.
- (e) The applicant for a permit for essential services located within the Township road rights-of-way shall follow the following procedure:
  - 1. The applicant shall file with the Zoning Administrator, on forms provided by the Town, an application for such permit accompanied by maps indicated the location, alignment and type of service proposed.
  - 2. The application and accompanying data shall be reviewed by the Town, and the Town may issue the permit after determining that the application is acceptable and in the best interest of the Township.
  - 3. The Town may require in conjunction with the issuance of such permit that:

- a. The applicant submit as-built drawings of the essential service after construction.
- b. The applicant constructing the essential service shall take into consideration contemplated widening, regarding, or relocation of a Township road, providing the Township owns such additional right-of-way.
- (f) No filing shall be necessary to maintain, reconstruct, or relocate existing lines or facilities where the general line and location thereof remain essentially the same. Nor shall any filing be necessary for electric lines unless the voltage is in excess of 35 KV. Emergency work otherwise requiring a permit or filing may be accomplished provided such filings are made as soon thereafter as possible.
- (g) The Township may require a franchise fee as it deems necessary.

Section 20-118. Manufactured Home Parks.

- (a) Minimum Park Size. The minimum size for a manufactured home park shall be ten (10) acres.
- (b) Storm Shelters. Every new manufactured home park constructed in the Town shall provide for a storm shelter for the protection of residents of the park. When additions to the capacity of a park are approved, the storm shelter capacity shall also be increased to provide shelter equal to the projected population of the entire park. Storm shelters may be multi-purpose and may be used day-to-day as utility rooms, recreation areas or other uses, so long as the area is readily accessible to the residents of the park. All storm shelters shall be constructed to withstand wind pressure as required by the applicable section of the Minnesota Building Code.
- (c) Minimum Lot Size. The minimum lot size per homesite shall be 6,000 square feet.
- (d) Off-Street Parking. All home sites must have a minimum of two (2) 9 feet by 20 feet off-street parking spaces.
- (e) Streets. All public access streets shall have a minimum width of thirty (30) feet. Streets and parking areas shall have a bituminous surface.
- (f) Setbacks. Each homesite shall have a minimum front yard setback of twenty (20) feet, a minimum side yard setback of ten (10) feet and a minimum rear yard setback of ten (10) feet.

- (g) Temporary Residence. In no event shall a travel or camp trailer be permitted for occupancy in a manufactured home park.
- (h) Procedure for Approval. Before construction of a manufactured home park, the following procedure shall be followed:
1. Pre-Application Meeting. Prior to the preparation of a site plan for the manufactured home park, the owner may meet with the Athens Township Planning Commission, the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans for the area to be developed.
  2. Submission of Site Plan. After the pre-application meeting, the owner shall file with the Zoning Administrator five (5) copies of the proposed site plan, including drainage plans, utility plans for wastewater and stormwater disposal, and landscaping plans, and a fee as set forth by separate action of the Town Board. Any additional expenses incurred by the Town for review of the site plan shall be borne by the owner/applicant.

The proposed site plan, in conjunction with any other necessary approvals for the project, will be forwarded to the Planning Commission for review and recommendation to the Town Board. The Town Board will review and either approve or deny the site plan.

3. Financial Guarantee. The owner/applicant shall furnish to the Town an escrow deposit, or, in lieu thereof, a bank letter of credit to guarantee installation of all improvements, including landscaping.
4. Streets. All streets contained in the park must be privately owned and maintained. All private streets shall be paved and must be twenty-two (22) feet in width.

Section 20-119. Field Windbreak.

- (a) No person shall remove or destroy any field windbreak or pine plantation, nor remove trees or stumps remaining after a field windbreak or pine plantation is destroyed by natural causes or any cause, in any zoning district of the Township, without first making an application for and obtaining a conditional use permit.

No such permit shall be issued unless the land owner has entered into a contractual restrictive covenant providing for the implementation of an alternate erosion control plan meeting the standards of the CFSA (County Farm Service Agency) and approved by the Town Board. No permit shall be required for the normal harvest of trees planted for harvesting, for ornamental

or decorative purposes, or for the normal and accessory thinning of trees in a field windbreak or pine plantation.

Section 20-120. Adult Uses.

(a) Purpose. The nature of adult uses is such that they are recognized as having adverse characteristics, particularly when they are accessible to minors and are located near residential property or related residential uses such as schools, daycare centers, libraries or parks. The nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.

(b) General Regulations.

1. Setbacks. Adult uses shall be located at least five hundred (500) radial feet, as measured in a straight line from the closest point of the property line upon which the adult use is located to the property line of:
  - a. A residence.
  - b. A licensed daycare center.
  - c. A public or private educational facility classified as an elementary, junior high, middle, or senior high school.
  - d. A public library.
  - e. A public park.
  - f. Another adult use.
  - g. An on-sale liquor establishment.
  - h. A church or religious facility.
2. Signs. Adult uses shall adhere to the following sign regulations:
  - a. Sign messages shall be generic in nature and shall only identify the type of business that is being conducted;
  - b. Signs shall not contain material classified as advertising; and



- c. Signs shall comply with the requirements of size and number for the district in which they are located.
  3. Prohibited Adult Use Activities.
    - a. Activities classified as obscene as defined by Minn. Stat. § 617.241 are prohibited.
    - b. Adult use activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical, or other performance or exhibition presented to the general public where minors are permitted.
    - c. Adult uses shall be prohibited from locating in any building that is also utilized for residential purposes.
    - d. Adult uses shall be prohibited from locating in any place that is also used to dispense or consume alcoholic beverages.
    - e. Adult uses shall be prohibited if not conducted within an enclosed structure.
    - f. Adult entertainment establishments, as defined and regulated by M.S. 617.242, as amended, shall not be allowed according to the statutory language of M.S, 617.242, Subd. 3.
    - g. Consistent with Isanti County zoning regulations, adult uses, other than adult use-accessory, are not permitted within the township unless located in an industrial district.
  4. Access to Minors. Adult use facilities shall restrict from and prohibit access to minors by the physical separation of such items from areas of general public access as follows:
    - a. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation.
    - b. Magazines. Publications classified or qualifying as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
  5. Adult Uses not Specified. Adult uses not specifically cited shall comply with the intent of this section subject to the approval of the Zoning Administrator.

Section 20-121 thru 20-125. Reserved.

TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2022 01

ORDINANCE AMENDING CHAPTER 20 ARTICLE VIII OF THE TOWN  
CODE RELATING TO RUM RIVER SCENIC DISTRICT


THE TOWN BOARD OF ATHENS ORDAINS:

**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
the Town of Athens hereby adopts the amendment to Chapter 20, Article VIII of  
the Town Code as shown in Exhibit A.

**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 4<sup>th</sup> day of April 2022.

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom				<input checked="" type="checkbox"/>
Peterson			<input checked="" type="checkbox"/>	
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article VIII Rum  
River Scenic District Ordinance**

This a Complete repeal and replace of the existing ordinance.

## **New Language ADOPTED APRIL 4<sup>th</sup> 2022**

### **ARTICLE VIII. Rum River Scenic District (SR)**

#### **Subdivision 1. Purpose**

In order to preserve and protect the Rum River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values; the Rum River in Isanti County has been given the Scenic River classification, the boundaries of which are based on the Rum River Management Plan.

The boundaries of the Rum River Scenic Land Use District shall be those set forth on the map designated as the Athens Township Official Zoning Map which is made a part of this Ordinance and is on file in the Athens Township Zoning Office. These boundaries for zoning and zoning purposes shall extend back seven hundred (700) feet from the ordinary high water mark of the river and its oxbows.

#### **Subdivision 2. Height, Yard, Lot Width and Depth Requirements**

1. The following sets forth the minimum area, setbacks, and other requirements of the SR District:

a. Minimum lot size above ordinary high water mark	4 acres
b. Lot width at building line	250'
c. Lot width at ordinary high water mark	250'
d. Building setback from ordinary high water mark	150'
e. Building setback from bluffline	30'
Building setback from bluffline in Agriculture/Residential District	30'
f. On-site sewage treatment system setback from ordinary high water mark	150'
g. Maximum structure height, except agricultural structures	35'
h. Controlled vegetative cutting area (See Subdivision 6)	
Setback from ordinary high water mark	150'
Setback from bluffline	30'

2. On tributaries, following setbacks apply:

a. Building setbacks from ordinary high water mark	150'
b. On-site sewage treatment system setback from ordinary high water mark	75'
c. Controlled vegetative cutting area setback from ordinary high	100'

water mark

3. No structure shall be placed on any slope greater than twelve percent (12%) (12 feet vertical rise in 100 feet horizontal distance) unless such structure can be screened from river view with natural vegetation and where engineering or architectural documentation is provided that the lot can be adapted to the dwelling unit.

4. Front Yard Regulations:

There shall be a front yard setback of not less than:

- a. 130 feet from highway right-of-way lines, from expressways and four lane highways, U.S. and State Highways.
  - b. 130 feet from the centerline of all county roads.
  - c. 120 feet from the centerline of all township roads, including private road easements.
  - d. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No buildings shall project beyond the front yard of either road.
5. Side Yard Setback Regulations: There shall be a side yard having a width of not less than twenty (20) feet on each side of a building.
6. Rear Yard Setback Regulations: There shall be a rear yard having a depth of not less than forty (40) feet.

**Subdivision 3. Substandard Lots**

Lots of record in the office of the County Recorder on the effective day of enactment of this Ordinance which do not meet the dimensional requirements of this Ordinance shall be allowed as building sites provided: the lot was in separate ownership on the date of the enactment of this Ordinance and all sanitary requirements are complied with.

**Subdivision 4. Permitted Uses in the Scenic River (SR) District**

1. Agricultural uses.
2. Forestry uses.
3. Essential services.
4. Sewage disposal systems.
5. Private road and minor public streets.
6. Signs which are necessary for public health and safety, and signs, indicating areas that are available or not available for use.
7. Signs not visible from the river within Business zones only.

8. Governmental resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; and accessory roads.
9. Single family dwellings.
10. Swimming pools.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. New Private Access Drives – 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or Township roads shall require a permit from the local road authority.

**Subdivision 5. Conditional Uses in the Scenic River (SR) District**

(see also Article IV, A/R District)

1. Governmental campgrounds.
2. Private campgrounds.
3. Public accesses, including road access type with boat launching facilities and trail access type.
4. Temporary docks.
5. Other governmental open space recreational uses.
6. Other private open space recreational uses.
7. Underground mining that does not involve surface excavation.
8. Utility power transmission lines and pipelines.
9. Planned Unit Developments.
10. Assisted Living Facility.
11. Retreat Centers.
  - a. Duration of temporary lodging to be determined by the Planning Commission.
  - b. Minimum of 25 acres required.
  - c. Up to twenty five (25) people for overnight lodging.
  - d. The owner/operator/director must reside on the property.

**Subdivision 6. Vegetative Cutting**

The following vegetative cutting provisions shall apply in the SR District.

1. Clear cutting within the 150 foot setback area and 30 foot highest bluff line setback, except for any authorized public services such as roads and utilities, shall not be permitted.
2. Selective cutting of trees in excess of four (4) inches in diameter at breast height shall be permitted providing cutting is spaced in several cutting operations and a continuous tree cover is maintained.
3. The cutting provisions of (1) and (2) above shall not be deemed to prevent:
  - a. The removal of diseased or insect infested trees of rotten or damaged trees that present safety hazards.
  - b. Pruning understory vegetation, shrubs, plants, brushes, grasses, or from harvesting crops, or cutting suppressed trees or trees less than four (4) inches in diameter at breast height.

**Subdivision 7. Grading, Filling, Alterations of the Beds of Public Waters**

Any grading and filling work shall require a conditional use permit and shall comply with the following:



1. Grading and filling of the natural topography which is not accessory to a permitted or conditional use shall not be permitted.
2. Grading and filling of the natural topography which is accessory to a permitted or conditional use shall be performed in a manner which minimizes earth moving, erosion, tree clearing, and the destruction of natural amenities.
3. Grading and filling in of the natural topography shall also meet the following standards:
  - a. The smallest amount of bare ground is exposed for as short a time as feasible.
  - b. Temporary ground cover such as mulch is used and permanent ground such as sod is planted.
  - c. Methods to prevent erosion and to trap sediment are employed.
  - d. Fill is stabilized to accept engineering standards.
4. Excavation of material or filling, or construction of any permanent structures or navigational obstructions is prohibited unless authorized by a permit from the Commissioner.
5. Drainage or filling in of wetlands is not permitted.

#### **Subdivision 8. Public Roads**

A conditional use permit shall be required for any construction or rebuilding of public roads within the SR District. A conditional use permit is not required for minor public streets which are streets intended to serve primarily as an access to abutting properties. Public roads include roads and highways which serve or are designed to serve flows of traffic between communities or other traffic generating areas.

#### **Subdivision 9. Land Suitability**

No land shall be subdivided which is determined by the Town Board to be unsuitable by reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment capabilities or any other features likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. No plat or subdivision shall be approved unless or until the subdivider has proven through the methods required by ARTICLE II, General Provisions, Town Code Subdivision Ordinance, that each lot in the proposed subdivision has adequate area and a suitable location for installation of a sewage system.

#### **Subdivision 10. Planned Unit Developments**

1. A planned unit development may be allowed only when the proposed clustering provides a better means of preserving agricultural land, open space, woods, scenic views, wetlands, and other features of the natural environment than traditional subdivision development. Except for minimum setbacks and height limits, altered dimensional standards may be allowed as exceptions to this Section for planned unit developments provided:

- a. Central sewage facilities are installed which meet the standards, criteria, rules, or

regulations of the Pollution Control Agency and this Ordinance.

b. Open space is preserved. This may be accomplished through the use of restrictive deed covenants, public dedications, granting of scenic easements or other methods.

c. There is not more than one (1) centralized boat launching facility for each cluster.

e. The provisions of Section 11, Subdivision 11 are complied with.

**Subdivision 11. Non-Conforming Uses, Substandard Uses**

1. Non-conforming Uses. Uses which are prohibited by this Ordinance, but which are in existence prior to the effective date of this Ordinance shall be non-conforming uses.

2. Substandard Uses: All uses in existence prior to the effective date of enactment or amendment of this Ordinance which are permitted uses within the newly established land use district, but do not meet the minimum lot area, setbacks or other dimensional requirements of this Ordinance are substandard uses. All substandard uses, except for substandard signs, shall be allowed to continue. Substandard signs shall be gradually eliminated over a period of time not to exceed five (5) years from the date of enactment of this Ordinance.

**Subdivision 12. Variances**

The granting of a variance shall conform to the provisions of Section 20 - 212

**ATHENS TOWNSHIP  
ISANTI, MN  
RESOLUTION NO. 2022 01**

**RESOLUTION APPROVING PUBLICATION OF  
SUMMARY OF AMENDMENT TO CHAPTER 20 ARTICLE VIII  
(ZONING ORDINANCE): RUM RIVER SCENIC DISTRICT**

**WHEREAS**, M. S. § 365.125 allows publication of a summary of an ordinance;

**WHEREAS**, on April 4th, 2022, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2022- 01) amending the zoning ordinance to add provisions related to Rum River Scenic District

**WHEREAS**, Ordinance No. 2022 - 01 contains the following changes:

. This is a complete repeal and replace of the existing ordinance. Athens Township hereby adopts the Isanti County Rum River Scenic Ordinance as amended to fit all Athens Town Code Book references.


In order to preserve and protect the Rum River and its adjacent lands which possess outstanding scenic, recreational, natural, historical, scientific and similar values; the Rum River in Isanti County has been give the Scenic River classification, the boundaries of which are based on the Rum River Management Plan.

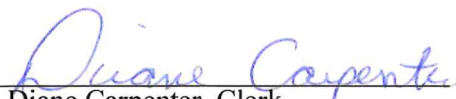
**WHEREAS**, the Board of Supervisors has determined that the summary language in the Where paragraphs above clearly tells the intent and effect of Ordinance No. 2022- 01

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 4<sup>th</sup> day of April 2022

ATTEST:

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

**TOWN OF ATHENS  
ISANTI COUNTY, MN.**

**ORDINANCE NO. 2022**02

**ORDINANCE AMENDING CHAPTER 20 ARTICLE IX OF THE TOWN  
CODE RELATING TO SHORELAND DISTRICT**


**THE TOWN BOARD OF ATHENS ORDAINS:**

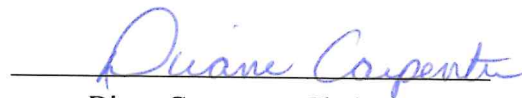
**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
the Town of Athens hereby adopts the amendment to Chapter 20, Article IX of the  
Town Code as shown in Exhibit A.

**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 6<sup>th</sup> day of December 2021.

Adopted Clarification this 4<sup>th</sup> day of April 2022

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom				<input checked="" type="checkbox"/>
Peterson			<input checked="" type="checkbox"/>	
Olson	<input checked="" type="checkbox"/>			
Christensen	<input checked="" type="checkbox"/>			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article IX Shoreland  
Ordinance**

*Note: Isanti County Ordinance is adopted by reference including all updates as they may be made from time to time.*

*4/4/2022 amendment/clarification*

*This Ordinance is a complete repeal and replacement of the existing Athens Township Ordinance.*

## ISANTI COUNTY SHORELAND ORDINANCE ADOPTION BY REFERENCE

### SECTION 11. S Shoreland District

#### Subdivision 1. Purpose

The intent of the S Shoreland District is to guide the wise development and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety, and welfare of all public waters in the unincorporated areas of the county.

#### Subdivision 2. Subdistricts

##### **Special Protection (SP)**

1. Purpose: To manage and preserve areas with special historical, natural or biological characteristics by limiting and properly managing development in unsuitable areas due to flooding, erosion, limiting soil conditions, steep slopes or other physical constraints.
2. Permitted Uses:
  - a. All general agricultural pasture and minimum tillage cropland, uses including farm dwellings and agricultural buildings.
  - b. Forestry tree farms and timber harvesting.
  - c. Nature areas, hiking and riding trails, wildlife preserves, and designated county, state, or federal wetland areas.
  - d. Home Occupation.
    - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
    - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
    - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
    - iv. A sign on the premises shall not exceed four (4) square feet.
    - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
  - e. Single family homes.
  - f. Swimming pools.
3. Conditional Uses (see Section 18, Subdivision 7 & 8)

- a. Parks and designated county, state, or federal historic sites which do not maintain

overnight camping facilities.

- b. Travel trailers or motor homes used as temporary dwelling shall be limited to a maximum placement on a lot for six (6) months within a calendar year (from May through October), on a lot of record and shall conform to all required structure setbacks established herein. Only one (1) travel trailer or motor home is allowed on a single lot of record.
  - c. Any essential services which cannot be reasonably located in other than the Shoreland District.
  - d. Assisted Living Facility.
  - e. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
  - f. Rural Retail Tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small – scale, low impact, and entertainment, recreation, and/or education focused. (See Section 14 General Regulations Subdivision 12 for further permitting regulations.)
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.
  - e. See Subdivision 7 in this Section regarding the placement of roads.
  - f. See Subdivision 8 in this Section regarding stormwater management.
  - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
  - h. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
  - i. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

#### **Residential District (R)**

- 1. Purpose: To allow a low to medium density residential use on lands suitable for these uses. To



prevent other uses that conflict with residential use.

2. Permitted Uses:

- a. Single family homes.
- b. Travel trailers or motor homes used as temporary dwelling shall be limited to a maximum placement on a lot for six (6) months within a calendar year (from May through October), on a lot of record and shall conform to all required structure setbacks established herein. Only one (1) travel trailer or motor home is allowed on a single lot of record.
- c. Essential services.
- d. Nature areas, wildlife preserves, and designated county, state or federal wetland areas.
- e. Home Occupation.
  - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
  - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
  - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
  - iv. A sign on the premises shall not exceed four (4) square feet.
  - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
- g. Swimming pools.

3. Conditional Uses (See Section 18, Subdivision 7 & 8)

- a. Semi-public uses.
- b. Parks and designated county, state, or federal historic sites which do not maintain overnight camping facilities.
- c. Golf courses, clubhouses, miniature courses, and golf driving ranges operated for commercial purposes.
- d. Duplexes designed to be occupied by not more than two (2) families with separate housekeeping and cooking facilities provided that such dwellings will be compatible with the surrounding dwellings.
- e. Public school or private schools having a curriculum equivalent to public schools.

- f. Places of worship.
  - g. Limited agricultural uses including fruit and vegetable farms and tree farms, provided such use shall not have any livestock associated with the use.
  - h. Assisted Living Facility.
  - i. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
  - j. Rural Retail Tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small – scale, low impact, and entertainment, recreation, and/or education focused. (See Section 14 General Regulations Subdivision 12 for further permitting regulations.)
4. General District Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.
  - e. See Subdivision 7 in this Section regarding the placement of roads.
  - f. See Subdivision 8 in this Section regarding stormwater management.
  - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
  - h. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
  - i. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

#### **Water Oriented Commercial District (WC)**

1. Purpose: To provide for existing or future commercial uses that are functionally dependent upon water location.
2. Permitted Uses.

- a. Surface water oriented commercial uses, except along natural environment lakes or any streams. Such uses include single family dwellings associated with a resort, marinas, campgrounds, recreational vehicle parks, bait shops, and marine repair shops.
  - b. Resorts and other permanent buildings which provide sleeping accommodations on a transient rental basis.
  - c. Restaurants, drive-ins, dinner clubs, taverns, and private clubs.
  - d. Home Occupation.
    - i. Only persons who are members of the household residing on the premises may be employed in the home occupation.
    - ii. Not more than 25 percent of the square footage of the dwelling including attached garage, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
    - iii. Adequate off-street parking shall be provided and not more than three parked vehicles may be present at one time.
    - iv. A sign on the premises shall not exceed four (4) square feet.
    - v. Any home occupation in existence prior to the adoption of this ordinance will be allowed to continue as a legal non-conforming use subject to Section 22 of this Ordinance.
  - e. Public and semi-public uses.
  - f. Parks and historic sites.
  - g. Essential services.
  - h. Swimming pools.
3. Conditional Uses (See Section 18, Subdivision 7 & 8).
- a. Surface water oriented commercial uses along natural environment lakes and streams.
  - b. Commercial Planned Unit Developments, or a Residential Planned Unit Development to allow the conversion of a resort to a planned unit development.
  - c. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design compatible with other general allowable uses of the district.
  - d. Riding academies and horse stables.
  - e. Assisted Living Facility.
  - f. Retreat Centers.

- a. Duration of temporary lodging to be determined by the Planning Commission.
  - b. Minimum of 25 acres required.
  - c. Up to twenty five (25) people for overnight lodging.
  - d. The owner/operator/director must reside on the property.
- g. Rural Retail Tourism businesses which attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small – scale, low impact, and entertainment, recreation, and/or education focused. (See Section 14 General Regulations Subdivision 12 for further permitting regulations.)
4. General Use Provisions.
- a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.
  - e. See Subdivision 7 in this Section regarding the placement of roads.
  - f. See Subdivision 8 in this Section regarding stormwater management.
  - g. See Subdivision 9 in this Section regarding standards for non-residential uses.
  - h. See Subdivision 11 in this Section regarding PUD standards.
  - i. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
  - j. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

**General Use District (G)**

- 1. Purpose: A district to be established where urban and commercial development has occurred prior to the amending of this Ordinance or where this type of development is likely to occur.
- 2. Permitted Uses.
  - a. Commercial uses, except along natural environment lakes and any streams.
  - b. Public and semi-public uses, except along natural environment lakes and any streams.
  - c. Essential services.
  - d. Swimming pools.

3. Conditional Uses (See Section 18, Subdivision 7 & 8)
  - a. Commercial uses along natural environment lakes and streams.
  - b. Public and semi-public uses along natural environment lakes and streams.
  - c. Commercial Planned Unit Developments.
  - d. Extractive uses.
  - e. Industrial uses, except along natural environment lakes and streams classified as Transitional or Agricultural.
  - f. Parks and historic sites.
  - g. Non-residential structures used solely in conjunction with raising wild animals or fish provided the structures are of a design compatible with other general allowable uses of the district.
  - h. Riding academies and horse stables.
  - i. Assisted Living Facility.
  - j. Retreat Centers.
    - a. Duration of temporary lodging to be determined by the Planning Commission.
    - b. Minimum of 25 acres required.
    - c. Up to twenty five (25) people for overnight lodging.
    - d. The owner/operator/director must reside on the property.
  - k. Signs
    1. No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area.
    2. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty percent (20%) of the front building face area or three hundred (300) square feet in area, whichever is less.
    3. No business sign shall project above the permitted building height.
4. General District Provisions.
  - a. See Subdivision 3 in this Section for regulations pertaining to structure height, side yards, lot area, lot width, lot depth, and other setbacks.
  - b. See Subdivision 4 in this Section regarding provisions regulating subdivisions of multi-family dwelling on Natural Environment Lakes, the placement of Guest Houses on single family lots, and lots intended as access lots.
  - c. See Subdivision 5 in this Section regarding other design criteria for structures in the case of high water elevations, water oriented accessory structures, stairways, lifts, and landings, historic sites, and steep slopes.
  - d. See Subdivision 6 in this Section regarding shoreland alterations.

- e. See Subdivision 7 in this Section regarding the placement of roads.
- f. See Subdivision 8 in this Section regarding stormwater management.
- g. See Subdivision 9 in this Section regarding standards for non-residential uses.
- h. See Subdivision 11 in this Section regarding PUD standards.
- i. See Section 14, Subdivision 2 for parking. Subdivision 3 for sanitary provisions.
- j. The private ownership of dogs over the age of four (4) months shall be limited to two (2) at one time per residential household.

Subdivision 3. Height, Yard, Area and Lot Depth Regulations

- 1. Height Regulations: All structures, except churches and agricultural structures must not exceed thirty-five (35) feet in height.
- 2. Lot Area Requirements (specified in Square Feet or Acres).

a. Lakes:

	<u>General Development</u>		<u>Recreational Development</u>		<u>Natural Environment</u>	
	Non-		Non-		Non-	
	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>
1. Single	20,000	40,000	40,000	40,000	80,000	80,000
2. Duplex	40,000	80,000	80,000	80,000	120,000	160,000

- 3. Each lot in the Natural Environment lake category shall contain a minimum of one (1) acre of buildable area.
- 4. In addition, Non – riparian lots in the Natural Environment lake category shall follow the underlying district housing density requirements.

b. Rivers: Every lot on which a single family dwelling is erected shall contain a minimum of two (2) acres which shall also contain one (1) acre of buildable area.

3. Lot Width Regulations (Specified in Linear Feet).

a. Lakes

	<u>General Development</u>		<u>Recreational Development</u>		<u>Natural Environment</u>	
	Non-		Non-		Non-	
	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>	<u>Riparian Lot</u>
1. Single	100'	150'	150'	150'	200'	200'
2. Duplex	180'	265'	225'	265'	300'	400'

b. Rivers

	<u>Transition</u>	<u>Agriculture/Tributary</u>
1. Single	250'	200'
2. Duplex	375'	275'

All lots shall have a minimum width at the shoreline as stated above, measured at the ordinary high water line. All lots shall also have a minimum lot width as stated above, at the building setback from the OHW, or bluffline, whichever is greater.

All lots shall also have a minimum of one hundred (100) feet of frontage along the road right-of-way line except on cul - de - sacs where lots shall have a minimum of fifty (50) feet of lot width at the road right-of-way and all lots shall have a minimum of one hundred (100) feet of width at the front yard setback line.

a. New Private Access Drives – Single Parcel

All new private access drives serving a single parcel shall have a (33) foot easement or owned property and a twelve (12) foot driving surface, with a minimum of three (3) inches of class 5 gravel, and shall provide an adequate turning surface at the terminus of the road. The access drive must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

b. New Private Access Drives – 2 Parcels

All new private access drives intended to service two building sites shall have a sixty-six (66) foot easement or owned property and a twenty-four (24) foot driving surface, with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least one hundred twenty (120) feet in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the Certificate of Occupancy. If the Township in which the private access drive is located has adopted its own road standards, these standards shall govern and the Township will inspect the private access drive. All driveway access points on County or Township roads shall require a permit from the local road authority.

c. Private Access Drives – 3 or more parcels

All new private access drives established to serve three (3) or more building sites shall build the road to the road standards adopted by the Township in which the private access drive is located. The Township shall have the authority to approve and inspect the road. If the Township does not have adopted road standards, the road must be upgraded to a sixty – six (66) foot easement and a twenty – four (24) foot driving surface with a minimum of three (3) inches of class 5 gravel and shall provide an adequate turning surface of at least 120' in diameter at the terminus of the road. The travel surface in the easement shall be built as close as practical to the centerline of the easement and shall have at least 3' on each side of the travel surface to the easement. Said road(s) must be completed prior to the issuance of the certificate of occupancy. All driveway access points on County or

Township roads shall require a permit from the local road authority.

4. Setback Regulations - from Ordinary High Water Level.

a. Placement of Dwellings on Lots: When more than one (1) setback applies to a site, dwellings and facilities must be located to meet all setbacks. Where dwellings exist on adjoining side lots of a proposed building site, consideration may be given to alter the setback from the ordinary high water level of the proposed dwelling without a variance to meet the setbacks of those existing dwellings, provided the proposed building site is not located in a Shore Impact Zone or in a Bluff Impact Zone. If, however, one or more of the existing dwellings is less than fifty percent (50%) structurally sound (based upon the Minnesota State Building Code definition), then the dwellings(s) will not be considered a viable building for determining applicable setbacks and this provision will not apply to the proposed development (for accessory structures, see “e” below).

b. Lakes.

	<u>General Development</u>	<u>Recreational</u>	<u>Natural Environment</u>
1. Structure	75	100	150
2. Septic System	50	75	150

c. Rivers

	<u>Transition</u>	<u>Agriculture/Tributary</u>
1. Structure	150	150
2. Septic System	100	75

d. Additional Structure Setbacks - Apply to all Shoreland Subdistricts:

<u>Setback from</u>	<u>Setback</u>
1. Top of Bluff	30'
2. Unplatted Cemetery	50'
3. Right-of-way line of all roads or streets, including private road easements	50'
4. Side Yards	20' on NE Lakes and Streams 10' on RD or GD Lakes
5. Rear Yard	40'

e. Accessory Structure Setbacks:

Accessory structures shall meet all structure setbacks, except as provided for in “f” below. In addition, where accessory structures exist on adjoining side lots of a proposed building site, consideration may be given to alter the setback from the road right-of-way line of the proposed accessory structure without a variance to meet the setbacks of those existing structures. However, this administrative variance procedure shall only be permitted up to 25' of the road right-of-way line. If an applicant wishes to construct, erect, or place an accessory structure in a position on a lot which would encroach closer than 25' from the road right-of-way line, the applicant must request a variance from the setback requirement.

f. Additional Setback Regulations:



- i. The one water oriented accessory structure allowed per lot must be setback ten (10) feet from the ordinary high water level.
- ii. A use without water oriented needs, if located on a lot with public water frontage, must be setback double the normal structure setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions, and meeting the minimum normal structure setback.

#### Subdivision 4. Special Provisions Applicable to Lot Area and Width Standards

1. Residential subdivision with dwelling densities exceeding those established in the performance standards of each land use district can only be allowed if designed and approved as residential PUD's.
2. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:
  - a. Each building must be set back at least 200 feet from the ordinary highway water level.
  - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building.
  - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building.
  - d. No more than twenty-five percent (25%) of a lakes shoreline can be in duplex developments.
3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions presented in Subdivision 3, 2 & 3 of this Section, provided the following standards are met:
  - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit.
  - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed fifteen (15) feet in height.
  - c. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.
4. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of non-riparian lots within subdivisions are permissible and must meet or exceed the following standards:
  - a. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
  - b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be

increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

#### Controlled Access Frontage Requirements

Ratio of lake size to shore length (acres/mile)	Required increase in frontage (percent)
Less than 100	25
100 - 200	20
201 - 300	15
301 - 400	10
Greater than 400	5

- c. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot.
- d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the non-significant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

#### Subdivision 5. Design Criteria for Structures

1. High Water Elevations: Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood proofed must be determined as follows:
  - a. For lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
  - b. For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
  - c. Water oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood resistant materials

to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

2. Water Oriented Accessory Structure: Each lot may have one (1) water oriented accessory structure not meeting the normal structure setback in Subdivision 3, #4 of this Section, provided this water oriented accessory structure complies with the following provisions.
  - a. The structure or facility must not exceed ten (10) feet in height, exclusive of safety rails and cannot occupy an area greater than 120 square feet. Detached decks must not exceed eight (8) feet above grade at any point.
  - b. The setback of the structure or facility from the ordinary high water level must be at least ten (10) feet.
  - c. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions.
  - d. The roof may be used as a deck with safety rails but must not be enclosed or used as a storage area.
  - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
  
3. Stairways, Lifts and Landings: Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements.
  - a. Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and planned unit developments.
  - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open space recreational properties, and planned unit developments.
  - c. Canopies or roofs are not allowed on stairways, lifts, or landings.
  - d. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.
  - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer, leaf-on conditions, whenever practical.
  - f. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub-items (1) to (5) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

4. Significant Historic Sites: No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
5. Steep Slopes: The Isanti County Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

#### Subdivision 6. Shoreland Alterations

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, and protect fish and wildlife habitat.

1. Vegetation Alterations.
  - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Subdivision 7 of this Section are exempt from the vegetation alteration standards that follow. However, if such alteration substantially reduces vegetative screening, replanting of native species may be required through the appropriate permit process.
  - b. Removal or alteration of vegetation, except for agricultural and forest managements uses as regulated in Subdivision 9, #2 and 3 respectfully, in this Section, is allowed subject to the following standards:
    - i. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
    - ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principle dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided that:
      - 1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
      - 2) Along rivers, existing shading of water surface is preserved.
      - 3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
2. Topographic Alterations/Grading and Filling.

- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construct of structures, sewage treatment systems, and driveways.
- b. Public roads and parking areas are regulated by Subdivision 7 of this Section.
- c. Notwithstanding Item “a” and “b” above, a grading and filling permit issued by the Isanti County Zoning Office will be required for:
  - i. The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones.
  - ii. The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.
- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals.
  - i. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the Wetland\*
    - 1) Sediment and pollutant trapping and retention.
    - 2) Storage of surface run-off to prevent or reduce flood damage.
    - 3) Fish and wildlife habitat.
    - 4) Recreational use.
    - 5) Shoreline or bank stabilization.
    - 6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
  - \* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approval by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers. The applicant will be so advised.
  - ii. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible.
  - iii. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage and a permanent vegetation cover must be established as soon as possible.
  - iv. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
  - v. Altered areas must be stabilized to accept erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and for the United States Soil Conservation Service.

- vi. Fill or excavated material must not be placed in a manner that creates an unstable slope.
  - vii. Plans to fill or excavate material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater.
  - viii. Fill or excavated material must not be placed in bluff impact zones.
  - ix. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G.245, or as amended.
  - x. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.
  - xi. Placement of natural rock rip rap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the rip rap is within ten (10) feet of the ordinary highway water level, and not more than five (5) feet into the water (waterward) and the height of the rip rap above the ordinary high water level does not exceed three (3) feet.
- e. **Connections to Public Waters.** Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

#### Subdivision 7. Placement and Design of Roads, Driveways, and Parking Areas

1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district or other applicable technical materials.
2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternative exist, they may be placed within these area and must be designed to minimize adverse impacts.
3. Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subdivision 6 of this Section must be met.

#### Subdivision 8. Stormwater Management

The following general and specific standards shall apply:

1. General Standards.

- a. When possible, existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater run-off before discharge to public waters.
- b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, run-off velocities, erosion potential, and reduce and delay run-off volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on this site.
- c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater run-off using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

2. Specific Standards.

- a. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
- b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation districts.
- c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

Subdivision 9. Special Provisions for Commercial, Industrial, Public/Semi-public, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat

1. Standards for Commercial, Industrial, Public and Semi-public Uses.

- a. Surface water oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water oriented needs must meet the following standards.
  - i. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
  - ii. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
  - iii. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards.

- 1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
  - 2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters.
  - 3) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.
- b. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be setback double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
2. Agriculture Use Standards.
- a. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
  - b. Animal feedlots must meet the following standards.
    - i. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins.
    - ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
3. Forest Management Standards: The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment



Forestry and the provisions of Water Quality in Forest Management A Best Management Practices in Minnesota.

4. Extractive Use Standards.
  - a. Site Development and Restoration Plan: An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
  - b. Setbacks for Processing Machinery: Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
5. Mining of Metallic Minerals and Peat: Mining of metallic minerals and peat, as defined in Minnesota Statutes, Sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Section 93.44 to 93.51 are satisfied.

#### Subdivision 10. Non-Conformities

1. Construction on Non – conforming Lots of Record.
  - a. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. Except as otherwise provided by law, a non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this section, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated 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 property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the board may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
  - b. Existing nonconforming lots in shoreland areas. This subdivision applies to shoreland lots of record in the office of the county recorder on the date of adoption of local shoreland controls that do not meet the requirements for lot size or lot width. A county shall regulate the use of nonconforming lots of record and the repair, replacement, maintenance,

improvement, or expansion of nonconforming uses and structures in shoreland areas according to this subdivision. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:

- (1) all structure and septic system setback distance requirements can be met;
- (2) a Type 1 sewage treatment system consistent with the Minnesota Pollution Control Agencies rules on onsite septic systems, can be installed or the lot is connected to a public sewer; and
- (3) the impervious surface coverage does not exceed 25 percent of the lot.

- c. In a group of two or more contiguous lots of record under a common ownership, an individual lot must be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:

- (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
- (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Pollution Control Agencies rules on onsite septic systems, and local government controls;
- (3) impervious surface coverage must not exceed 25 percent of each lot; and
- (4) development of the lot must be consistent with an adopted comprehensive plan.

- d. A lot subject to paragraph (c) not meeting the requirements of paragraph (c) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.

- e. Notwithstanding paragraph (c), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Pollution Control Agencies rules on onsite septic systems, or connected to a public sewer.

- f. In evaluating all variances, zoning and building permit applications, or conditional use requests, the zoning authority shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.

- g. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage system requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

## 2. Additions/Expansions to Non-Conforming Structures.

- a. All additions or expansions to be outside dimensions of an existing non-conforming structure must meet the setback, height, and other requirements of Subdivision 3 and 4 of this Section. Any deviation from these requirements must be authorized by a variance pursuant to Section 20.

- b. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met.
  - i. The structure existed on the date the structure setbacks were established.
  - ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
  - iii. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive.
  - iv. The deck is constructed primarily of wood and is not roofed or screened.

#### Subdivision 11. Planned Unit Development (PUD)

##### 1. Purpose:

The purpose of this Subdivision is to provide the means of designing building complexes containing an internal relationship between buildings and between building(s) and site(s) that cannot be accomplished through the standard one building - one lot application of this Ordinance. This Subdivision provides a procedure for the development of more than one structure upon a single tract or lot, as well as the integrated development of one or more lots as a single tract in the Shoreland District. The Planned Unit Development (hereinafter referred to as A PUD) is intended for use only as a commercial development and where the usual application of bulk and density controls (1) would not provide adequate environmental protection; (2) would allow design standards detrimental to the natural aesthetic and physical characteristics of the site; (3) would not provide an efficient and feasible use of the land.

##### 2. Administrative Procedure.

- a. An applicant for a Planned Unit Development shall follow the procedure as outlined for a Conditional Use Permit in Section 18 of this Ordinance. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- b. The applicant for a PUD shall obtain the application for the Conditional Use Permit at the office of the Zoning Administrator and simultaneously follow the County Subdivision Ordinance to secure both preliminary and final design approval from the Planning Commission and the County Board.

##### 3. General Regulations.

- a. All other development regulations of the appropriate Zoning District not specified in this Subdivision or specified as a condition to the Conditional Use Permit shall apply to a Planned Unit Development.
- b. It is the intent of this Subdivision that subdivision of the land involved be carried out simultaneously with the review of a Planned Unit Development.

- c. The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for Planned Unit Development.
  - d. The land which is to be set aside as open space or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the County shall be required.
  - e. No conveyance of property within the Planned Unit Development shall take place until the property is platted in conformance with the provisions of this Subdivision and applicable to the County Subdivision Ordinance. All by-laws, Property Owner's Association Articles of Incorporation, and Protective Covenants must be approved by the County Attorney and filed with the record plat.
  - f. All buildings shall be used only for those purposes and the customary accessory uses of the Zoning District in which the PUD is located.
  - g. There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirements of Section 14, Subdivision 2 of this Ordinance.
  - h. Drives, access ways and common parking areas must be developed to a standard equal to that required or public use by Section 14, Subdivision 2. Such drives and access ways must be protected by recorded deed covenants assuring their availability to all residents of the project.
4. Site Design Outside Shoreland Areas.
- a. The number of principal use structures which may be constructed within the Planned Unit Development shall be determined by dividing the net acreage of the project area by the required lot area per unit which is required in the district which the Planned Unit Development is located. The net acreage shall be defined as the project area less the land area dedicated for public streets. The project area includes all the land within the Planned Unit Development which is allocated for residential, commercial, or industrial uses, and for common open space as required by this Subdivision. Land to be dedicated for public streets is to be excluded from the project area.
  - b. The common open space, any other common properties, individual properties, and all other elements of the Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
  - c. The proposed PUD shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.
  - d. All Planned Unit Developments shall be served by central sewer and water facilities.
5. Site Design in Shoreland Areas.
- a. Site A Suitable Area Evaluation: Proposed new or expansions to existing Planned Unit Developments must be evaluated using the following procedures and standards to

determine the suitable area for the dwelling unit/dwelling site density evaluation in 5b below.

- i. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

Shoreland Tier Dimensions

	<u>Unsewered (feet)</u>	<u>Sewered (feet)</u>
General Development Lakes - First Tier	200	200
General Development Lakes - 2nd + addl. tiers	267	200
Recreational Development Lakes	267	267
Natural Environment Lakes	400	320
All River Classes	300	300

- ii. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial Planned Unit Development density evaluation steps to arrive at an allowable number of dwelling units or sites.
- b. Residential and Commercial PUD Density Evaluation: The procedures for determining the A base density of a PUD and density increase multipliers are as follow. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

- i. Residential PUD A Base Density Evaluation

The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density and suitability analyses herein and the design criteria in this Section.

- ii. Commercial PUD A Base Density Evaluation

- 1) Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
- 2) Select the appropriate floor area ratio from the following table:

Commercial Planned Unit Development  
Floor Area Ratios\* (Public Waters Classes)

Sewered general development lakes; first	Second & additional tiers on unsewered general
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*Ave. Unit Floor Area (Sq. Ft.)	tier on unsewered General development lakes; urban, agricultural, tributary river segments	development lakes; Recreational development lakes; transition and forested river segments	Natural environment lakes and remote river segments
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

\*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

- 3) Multiply the suitable area within each tier by the floor area ratio to yield floor area for each tier allowed to be used for dwelling units or sites.
  - 4) Divide the total floor area by tier computed in Item 3 above by the average inside living area size determined in Item 1 above. This yields a base number of dwelling units and sites for each tier.
  - 5) Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in this Section.
- iii. Density Increase Multipliers
- 1) Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in this Section are met or exceeded and the design criteria in this Section are satisfied. The allowable density increases in Item 2 below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography or additional means acceptable to the local unit of government and the setback is at least twenty-five (25) percent greater than the minimum setback

2) Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

6. Standards for Common or Public Open Space

- a. No open area may be accepted as common open space under the provisions of this Subdivision unless it meets the following standards:
  - i. The location, shape, size, and character of the common open space must be suitable for the PUD.
  - ii. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of structures to be provided.
  - iii. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open spaces must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved conditions.
  - iv. The development plan must coordinate the improvement of common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the Planned Unit Development is located.
  - v. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The County Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
  - vi. The construction and provision of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of the principal structures of the PUD.
- b. Open space requirements for PUD's in Shoreland Areas must meet the following criteria.

- i. At least fifty (50) percent of the total project area must be preserved as open space.
  - ii. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas, or structures, except water oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space.
  - iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
  - iv. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public.
  - v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
  - vi. Open space must not include commercial facilities or uses, but may contain water oriented accessory structures or facilities.
  - vii. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
  - viii. The Shore Impact Zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty (50) percent of the Shore Impact Zone area of existing developments or at least seventy (70) percent of the Shore Impact Zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least fifty (50) percent of the Shore Impact Zone must be preserved in its natural state.
- c. Maintenance and Administration Requirements for Shoreland PUD Open Space.
- i. Open Space Preservation: Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
    - 1) Commercial uses prohibited (for residential PUD's).
    - 2) Vegetation and topographic alterations other than routine maintenance prohibited.
    - 3) Construction of additional buildings or storage of vehicles and other materials prohibited.
    - 4) Uncontrolled beaching of watercraft prohibited.



- ii. Development Organization and Functioning: Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features.
  - 1) Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
  - 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
  - 3) Assessments must be adjustable to accommodate changing conditions.
  - 4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

7. Conveyance and Maintenance of Common Open Space

- a. All land shown on the final development plan as common open space must be conveyed under one of the following options:
  - i. It may be conveyed to a public agency (State, County or Township) to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
  - ii. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees; subject to covenants to be approved by the Planning Commission and the County Attorney which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. Interest in the common open space shall be undivided and such interest shall not be transferable.
- b. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants against any permitted use are expressly reserved.
- c. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
  - i. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
  - ii. The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.

- d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

8. Required Covenants, Easements and Provisions in the Plan

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of Planned Unit Development and not inconsistent with the best interest of the entire County.

The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually (or for the duration of the Planned Development) as open space for common use. The development shall be subject to all conditions so imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in the authorization.

9. Guarantee the Provision of Common Open Space

The County Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative and they may be used singly or in combination:

- i. The County Board may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Subdivision Control Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in the size and character.

10. Other Provisions for Shoreland PUD's

- a. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
  - i. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.
  - ii. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater run-off. Impervious surface coverage within any tier must not exceed twenty-five (25) percent of the tier area, except that for commercial PUD's thirty-five (35) percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved stormwater management plan and consistency with Subdivision 8 of this Section.
- b. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards.

- i. Planned Unit Developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Subdivision 4 of this Section and Section 14, Subdivision 3 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
- ii. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with #5;b;iii,(1) of this Subdivision for developments with density increases.
- iii. Shore recreation facilities, including, but not limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.
- iv. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
- v. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized.
- vi. Water oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Subdivisions 4 and 5 of this Section and are centralized.

## 11. Conversions in Shoreland Areas

Local governments may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met.

- a. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

- b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
- c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:
  - i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones.
  - ii. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water.
  - iii. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
- d. Existing dwelling unit or dwelling site densities that exceed standards in #5; b of this Subdivision may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

12. Final Approval

When the County Board gives final approval, a Certificate of Occupancy shall be issued for the Planned Unit Development even though the size of lots, depth of yards, and the required distance between grouped buildings and the building height, may not conform in all respects to the regulations of the district in which the project is to be located.

13. Final Action by Applicant

The applicant shall then review his application and plan in its final approved form and sign a statement that the Planned Unit Development Plan in its final form shall be made binding on the applicant, any successors in interest and assigns.

14. Control of Planned Unit Development Following Acceptance

All changes in use, or rearrangement of lots, blocks, and building tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan must be made by the County Board, under the procedures authorized for the amendment of this Ordinance. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of this County.

15. Amendments to the Final Development Plan

All changes in use, or rearrangement of lots, blocks, and building tracts, any changes in the provision of common open spaces, and all other changes in the approved final plan must be approved by the Planning Commission. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the County.

16. Failure to Begin Planned Unit Development

If no construction has begun or no use established in the Planned Unit Development within one (1) year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the County Board may extend for one (1) additional year the period for the beginning of co

TOWN OF ATHENS  
ISANTI COUNTY, MN.

ORDINANCE NO. 2021 02

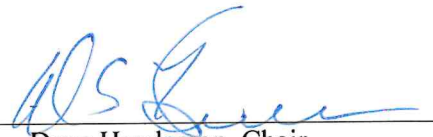
ORDINANCE AMENDING CHAPTER 20 ARTICLE X OF THE TOWN  
CODE RELATING TO FLOODPLAIN OVERLAY DISTRICT

THE TOWN BOARD OF ATHENS ORDAINS:

**Section 1:** Pursuant to authority granted by Minnesota Statutes, 462.357,  
the Town of Athens hereby adopts the amendment to Chapter 20, Article X of the  
Town Code as shown in Exhibit A.

**Section 2:** This Ordinance shall be in full force upon passage and publication.

Adopted this 1<sup>st</sup> day of November 2021.



Dave Henderson, Chair



Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	<input checked="" type="checkbox"/>			
Beckstrom	<input checked="" type="checkbox"/>			
Peterson	<input checked="" type="checkbox"/>			
Olson	<input checked="" type="checkbox"/>			
Christianson	<input checked="" type="checkbox"/>			

**EXHIBIT A-AMENDMENT TO Chapter 20 Article X**

*Note: All Highlighted is new language, all OK areas are the same with some minor verbiage changes.*

**ATHENS TOWNSHIP  
ISANTI, MN  
RESOLUTION NO. 2021 11**

**RESOLUTION APPROVING PUBLICATION OF SUMMARY  
OF AMENDMENT TO CHAPTER 20 ARTICLE X  
(ZONING ORDINANCE): FLOODPLAIN OVERLAY DISTRICT**

**WHEREAS**, M. S. § 365.125 allows publication of a summary of an ordinance;

**WHEREAS**, on November 1st, 2021, the Athens Township Board of Supervisors adopted an ordinance (Ordinance No. 2021-     ) amending the zoning ordinance to add provisions related to Floodplain Overlay District

**WHEREAS**, Ordinance No. 2021 -      contains the following changes:

Adds; New definitions and updated requirements from the State of Minnesota and the Department of Natural Resources.

**WHEREAS**, Ordinance No. 2021      contains the following additional language:

- (a) Minimum Development Standards. All new construction and substantial improvements must be:
  1. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. Constructed with materials and utility equipment resistant to flood damage;
  3. Constructed by methods and practices that minimize flood damage; and
  4. Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (b) Flood Capacity. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (c) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (d) Critical Facilities, as defined in Section 20-172(f)6, are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the 500 year flood elevation, whichever is higher.

**WHEREAS**, the Board of Supervisors has determined that the summary language in the

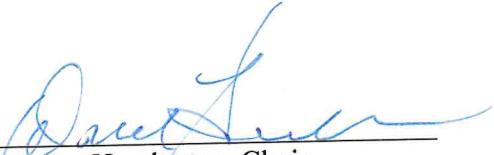



paragraphs above clearly tells the intent and effect of Ordinance No. 2021-     

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Athens Township hereby adopts this resolution approving publication of the summary language as shown above.

Adopted this 1<sup>st</sup> day of November 2021

ATTEST:

  
\_\_\_\_\_  
Dave Henderson, Chair

  
\_\_\_\_\_  
Diane Carpenter, Clerk

**ATHENS TOWNSHIP**  
**ISANTI, MN**  
**RESOLUTION NO. 2021 12**

**RESOLUTION TO APPLY TO PARTICIPATE IN THE NATIONAL FLOOD  
INSURANCE PROGRAM**

WHEREAS, certain areas of Athens Township are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of the town board to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Minnesota Statutes Chapters 103F and 462,

NOW, THEREFORE, BE IT RESOLVED, that this town board hereby:

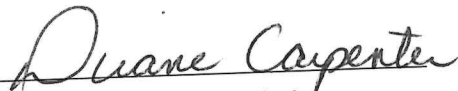
1. Assures the Federal Emergency Management Agency that it will enact as necessary in those areas having flood or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions, including:
  - a. Require permits for all proposed construction or other development in the community so that it may determine whether such construction or other development is proposed with the floodplain.
  - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.
  - c. Review and maintain all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
  - d. Review and maintain all permit applications to ensure that any development activities are consistent with criteria set forth in Section 60.3 of the National Flood Insurance Program Regulations.
  
2. Vests the Zoning Administrator with the responsibility, authority, and means to:
  - a. Assist the FEMA Administrator, at his request, in his delineation of the limits of the area having special flood or flood-related erosion hazards.
  - b. Provide such information as the FEMA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.

- c. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain or flood-related erosion areas and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation or existing hazards.
  - d. Submit on the anniversary date of the community's initial eligibility an annual report to the FEMA Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.
  - e. Upon occurrence, notify the FEMA Administrator, in writing, whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
  - f. Ensure that the community's Flood Insurance Rate Maps are maintained and kept current by providing the Federal Emergency Management Agency with any new or updated flood risk data or any modified data reflecting natural or man-made changes to the floodplain.
3. Appoints Zoning Administrator to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed the elevation (in relation to mean sea level) to which the structure was floodproofed;
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Adopted this 1<sup>st</sup> day of November 2021.



Dave Henderson, Chair



Diane Carpenter, Clerk

	Aye	Nay	Abstain	Absent
Henderson	✓			
Beckstrom	✓			
Peterson	✓			
Olson	✓			
Christianson	✓			

**Article X. Flood Plain Overlay District.**

Contents

SECTION 20-171 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE .....2

SECTION 20-172 GENERAL PROVISIONS.....2

SECTION 20-173 ESTABLISHMENT OF FLOODPLAIN DISTRICTS.....7

SECTION 20-174 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS .....8

SECTION 20-175 FLOODWAY DISTRICT (FW) .....9

SECTION 20-176 FLOOD FRINGE DISTRICT (FF) .....11

SECTION 20-177 GENERAL FLOODPLAIN DISTRICT (GF).....14

SECTION 20-178 SUBDIVISION STANDARDS .....15

SECTION 20-179 UTILITIES, RAILROADS, ROADS, AND BRIDGES .....16

SECTION 20-180 MANUFACTURED HOMES AND RECREATIONAL VEHICLES. ....16

SECTION 20-181 ADMINISTRATION .....17

SECTION 20-182 NONCONFORMITIES.....20

SECTION 20-183 VIOLATIONS AND PENALTIES .....21

SECTION 20-184 AMENDMENTS.....22

**Article X. Flood Plain Overlay District.****Section 20-171 Statutory Authorization, Findings of Fact and Purpose**

- (a) **Statutory Authorization:** The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Town Board of Athens Township, Minnesota, does ordain as follows.
- (b) **Purpose:**
1. This ordinance regulates development in the flood hazard areas of Athens Township. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
  2. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
  3. This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**Section 20-172 General Provisions**

- (a) **Lands to Which Ordinance Applies:** This ordinance applies to all lands within the jurisdiction of Athens Township within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 20.173(b).
1. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
  2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
  3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

(b) **Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance:

- Currently effective Flood Insurance Studies:
  - Isanti County, Minnesota and Incorporated Areas (dated 11/5/2003)
- Currently effective Flood Insurance Rate Map panels enumerated below:
  - Isanti County Panel 27059C280D, effective 11/5/03
  - Isanti County Panel 27059C282D, effective 11/5/03
  - Isanti County Panel 27059C290D, effective 11/5/03
  - Isanti County Panel 27059C295D, effective 11/5/03
  - Isanti County Panel 27059C301D, effective 11/5/03
  - Isanti County Panel 27059C325D, effective 11/5/03

For Any instance where the effective and preliminary maps conflict, the more restrictive map shall apply. These materials are on file in the Office of the Zoning Administrator and a copy on file in the office of the Town Clerk.

(c) **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(d) **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of Athens Township or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(e) **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

(f) **Definitions:** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

1. Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year.
3. Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance study.
4. 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.

5. Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
  - a. Certain conditions as detailed in the zoning ordinance exist, and
  - b. The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
6. Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
7. Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
8. Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
9. Farm Fence – An open type of fence of posts and horizontally run wire, further defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d), and is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.
10. Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
11. Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
12. Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study.
13. Flood Insurance Rate Map – An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
14. Flood Prone Area – any land susceptible to being inundated by water from any source.

15. Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
16. Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
17. Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
18. Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
19. Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
20. New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
21. Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
22. One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
23. Principal Use or Structure – all uses or structures that are not accessory uses or structures.
24. Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
25. Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for



- recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
26. Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
  27. Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
  28. Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
  29. Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
  30. Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
  31. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, decks manufactured homes, recreational vehicles not considered travel ready as detailed in Section 20-180(b)2 of this ordinance and other similar items.
  32. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

33. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
  - b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.
- (g) **Annexations:** The Flood Insurance Rate Map panels adopted by reference into Section 20-172(b) above may include floodplain areas that lie outside of the corporate boundaries of Athens Township at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into Athens Township after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

### Section 20-173 Establishment of Floodplain Districts

(a) **Districts:**

1. Floodway District. The Floodway District includes those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in Section 20-172(b), which are determined to be located in the floodway, as well as those areas determined to be located in the floodway based on the floodway and flood fringe delineation methods outlined in section 20-177(b). The Floodway District also includes areas within Zone A areas that are located at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
2. Flood Fringe District. The Flood Fringe District includes areas within Zones AE on the Flood Insurance Rate Maps adopted in Section 20-172(b), but are located outside of the floodway, as well as those areas determined to be located in the flood fringe based on the floodway and flood fringe delineation methods outlined in section 20-177(b). For lakes, wetlands and other basins within Zones A that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3. General Floodplain District. The General Floodplain District includes those areas within Zones A as shown on the Flood Insurance Rate Map adopted in Section 20-172(b).
- (b) **Applicability:** Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 20-175 or 20-176 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 20-175 apply unless the floodway boundary is determined, according to the process outlined in Section 20-177(b).

### Section 20-174 Requirements for all Floodplain Districts

- (a) Permit Required. A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this ordinance prior to conducting the following activities:
1. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
  2. The construction of a dam, on-site septic system, or any fence not meeting the definition of a farm fence outlined in Section 20-172(f)9 of this ordinance.
  3. The change or extension of a nonconforming use.
  4. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
  5. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
  6. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement culverts and bridges), unless a public waters work permit has been applied for.
  7. Any other type of “development” as defined in this ordinance.
- (b) Minimum Development Standards. All new construction and substantial improvements must be:
1. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. Constructed with materials and utility equipment resistant to flood damage;
  3. Constructed by methods and practices that minimize flood damage; and
  4. Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located

so as to prevent water from entering or accumulating within the components during conditions of flooding.

- (c) Flood Capacity. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (d) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- (e) Critical Facilities, as defined in Section 20-172(f)6, are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the 500 year flood elevation, whichever is higher.

### Section 20-175 Floodway District (FW)

- (a) **Permitted Uses:** The following uses, subject to the standards set forth in Section 20-175(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

1. General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
2. Loading areas, parking areas, streets, trails, airport landing strips, railroads, bridges, culverts, utility transmission lines and pipelines.
3. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential yards, lawns, gardens, parking areas, and play areas, provided these uses do not include associated accessory structures.
5. Grading or land alterations associated with stabilization projects.

- (b) **Standards for Floodway Permitted Uses:**

1. The use must have a low flood damage potential.
2. The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
3. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

- (c) **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 20-181(d) of this ordinance and further

subject to the standards set forth in Section 20-175(d), if otherwise allowed in the underlying zoning district.

1. Structures accessory to primary uses listed in 20-175(a)1 – 20-175(a)3 above and primary uses listed in 20-175(c)2 – 20-175(c)3 below.
2. Extraction, fill and storage of soil, sand, gravel, and other materials.
3. Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.
4. Storage yards for equipment, machinery, or materials.
5. Fences that have the potential to obstruct flood flows.
6. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

**(d) Standards for Floodway Conditional Uses:**

1. A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
2. Fill; Storage of Materials and Equipment:
  - a. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
  - b. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the Athens Township Board has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
3. Accessory Structures. Accessory structures, as identified in Section 20-175(c)1, may be permitted, provided that:
  - a. Structures are not intended for human habitation;
  - b. Structures will have a low flood damage potential;
  - c. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
  - d. Structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 20-181(b)2 shall be required.
  - e. As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above



grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention. A floodproofing certification consistent with Section 20-181(b)2 shall be required.

4. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
5. A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

### **Section 20-176 Flood Fringe District (FF)**

(a) **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 20-176(b). If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

(b) **Standards for Flood Fringe Permitted Uses:**

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
2. Accessory Structures. As an alternative to the fill requirements of section 20-176(b)1, structures accessory to the uses identified in Section 20-176(a) may be designed to accommodate the inundation of floodwaters, meeting the following provisions:
  - a. The accessory structure constitutes a minimal investment and satisfy the development requirements in Section 20-174(b).
  - b. Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:
    - i. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot

of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

3. The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 20-176(b)1 of this ordinance, or if allowed as a conditional use under Section 20-176(c)3 below.
  4. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
  5. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
  6. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the Athens Township Board.
  7. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
  8. Manufactured homes and recreational vehicles must meet the standards of Section 20-180 of this ordinance.
- (c) **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 20-181(d) of this ordinance and further subject to the standards set forth in Section 20-176(d), if otherwise allowed in the underlying zoning district(s).
1. The placement of floodproofed nonresidential basements below the regulatory flood protection elevation. Residential basements, are not allowed below the regulatory flood protection elevation.
  2. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 20-176(b)1 of this ordinance.
  3. The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filledstem walls, or above-grade, internally flooded enclosed areas such as crawl spaces or tuck under garages, meeting the standards in Section 20-176(d)4.



**(d) Standards for Flood Fringe Conditional Uses:**

1. The standards for permitted uses in the flood fringe, listed in Sections 20-176(b)4 through 20-176(b)8, apply to all conditional uses.
2. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 20-181(b)2 shall be required.
3. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
  - a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
  - b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Athens Township Board.
  - c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
4. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood; and 3) it is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:
  - a. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and include a minimum of two openings on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade, and have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.
  - b. Floodproofing certifications consistent with Section 20-181(b)2 shall be required. The structure shall be subject to a deed-restricted nonconversion agreement with the issuance of any permit.

**Section 20-177 General Floodplain District (GF)****(a) Permitted Uses:**

1. The uses listed in Section 20-175(a) of this ordinance, Floodway District Permitted Uses, are permitted uses.
2. All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 20-177(b) below. Section 20-175 applies if the proposed use is determined to be in the Floodway District. Section 20-176 applies if the proposed use is determined to be in the Flood Fringe District.

**(b) Procedures for Determining Floodway Boundaries and Regional Flood Elevations:**

1. Requirements for Detailed Studies. Developments greater than 50 lots or 5 acres, or as requested by the zoning administrator, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:
  - a. Estimate the peak discharge of the regional (1% chance) flood.
  - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
  - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.
2. Alternative Methods. For areas where a detailed study is not available or required, the regional flood elevation must be identified to determine the boundaries of the special flood hazard area. The zoning administrator must use the best available data to determine the regional flood elevation. The entire floodplain must be treated as floodway until there is a floodway determination.
  - a. In those areas of the Special Flood Hazard Area where the floodway has not been determined, allowable uses are restricted to those identified in Sections 20-175(a) and 20-175(c). The proposed development must not increase flood stages more than one-half foot, as determined by a professional engineer or by using accepted engineering practices approved by the Zoning Administrator. A stage increase less than one-half foot must be used if increased flood damages would result.
  - b. If buildings or other development prohibited in floodways are proposed, a floodway/flood fringe determination is required to verify the development is within the flood fringe. The floodway /flood fringe determination must be done

by a professional engineer or by using other accepted engineering practices approved by the Zoning Administrator. Any such proposal must assume a 0.5 foot stage increase for the purposes of determining the regulatory flood protection elevation to accommodate for future cumulative impacts.

3. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
4. Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 20-175 and 20-176 of this ordinance.

#### **Section 20-178 Subdivision Standards**

- (a) **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
  1. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
  2. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the Athens Township Board. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
  3. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
  4. In the General Floodplain District, applicants must provide the information required in Section 20-177(b) of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
  5. Subdivision proposals must be reviewed to assure that:
    - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area,

- b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- c. Adequate drainage is provided to reduce exposure of flood hazard.

#### **Section 20-179 Utilities, Railroads, Roads, and Bridges**

- (a) **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- (b) **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 20-175 and 20-176 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (c) **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

#### **Section 20-180 Manufactured Homes and Recreational Vehicles.**

- (a) **Manufactured Homes:** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:
  - 1. New and replacement manufactured homes must be elevated in compliance with Section 20-176 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
  - 2. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 20-178 of this ordinance. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 20-178(a)2 of this ordinance.
- (b) **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

1. Meet the requirements for manufactured homes in Section 20-180(a), or
2. Be travel ready, meeting the following criteria:
  - a. The vehicle must have a current license required for highway use.
  - b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
  - c. No permanent structural type additions may be attached to the vehicle.
  - d. Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 20-174(b) and 20-176(b)2.

### **Section 20-181 Administration**

- (a) **Duties:** A Zoning Administrator or other official designated by the Athens Township Board must administer and enforce this ordinance.
- (b) **Permit Application Requirements:**
  1. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:
    - a. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
    - b. Location of fill or storage of materials in relation to the stream channel.
    - c. Copies of any required municipal, county, state or federal permits or approvals.
    - d. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
  2. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in in the State Building Code. Accessory structures designed in accordance with Section 20-176(b)2 of this ordinance are exempt from certification, provided sufficient assurances are documented. Any development in established floodways must not cause any increase in flood elevations or damages, as certified by a registered professional engineer.
  3. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

4. Recordkeeping of Certifications and As-Built Documentation. The Zoning Administrator must maintain records in perpetuity documenting:
  - a. all certifications referenced in Section 20-181(b)2 of this ordinance as applicable
  - b. Elevations complying with Section 20-176(b)1 of this ordinance. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
5. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
6. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

**(c) Variances:**

1. Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section(s) 20-212 of the zoning ordinance/code.
2. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
3. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
  - a. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
  - b. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
5. General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:
  - a. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
  - b. The danger that materials may be swept onto other lands or downstream to the injury of others;
  - c. The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
  - d. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
  - e. The importance of the services to be provided by the proposed use to the community;
  - f. The requirements of the facility for a waterfront location;
  - g. The availability of viable alternative locations for the proposed use that are not subject to flooding;
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - i. The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
6. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Zoning Administrator must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

7. Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
8. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(d) **Conditional Uses:**

1. **Administrative Review.** An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) 20-213 of the zoning ordinance/code.
2. **Factors Used in Decision-Making.** In passing upon conditional use applications, the Athens Township Board must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 20-181(c)5 of this ordinance.
3. **Conditions Attached to Conditional Use Permits.** In addition to the standards identified in Sections 20-175(d) and 20-176(d), the Athens Township Board may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - a. Limitations on period of use, occupancy, and operation.
  - b. Imposition of operational controls, sureties, and deed restrictions.
  - c. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
4. **Submittal of Hearing Notices to the Department of Natural Resources (DNR).** The Zoning Administrator must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
5. **Submittal of Final Decisions to the DNR.** A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

**Section 20-182 Nonconformities**

- (a) **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 20-172(f)33b of this ordinance, are subject to the provisions below.



1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 20-182(a)2 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
2. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 20-182(a)4 below.
3. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
4. If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 20-175 or 20-176 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 20-175 or 20-176 of this ordinance.
5. If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 20-175 or 20-176 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
6. If any nonconforming use or structure experiences a repetitive loss, as defined in Section 20-172(f)28 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

### **Section 20-183 Violations and Penalties**

- (a) **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- (b) **Other Lawful Action:** Nothing in this ordinance restricts Athens Township from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

- (c) **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) 20-218 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and Athens Township Board may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. Athens Township must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

#### **Section 20-184 Amendments**

- (a) **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Department of Natural Resources (DNR) if it is determined that, through other measures, lands are adequately protected for the intended use.
- (b) **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.
- (c) **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 20-172(b) of this ordinance.

## Exhibit A

### Article X. Flood Plain Overlay District.

#### Section 20-172 General Provisions

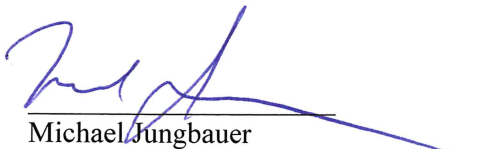
(b) **Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance:

- Currently effective Flood Insurance Studies:
  - Isanti County, Minnesota and Incorporated Areas (dated 11/5/2003)
- Currently effective Flood Insurance Rate Map panels enumerated below:
  - Isanti County Panel 27059C282D, effective 11/5/03
  - Isanti County Panel 27059C285D, effective 11/5/03
  - Isanti County Panel 27059C290D, effective 11/5/03
  - Isanti County Panel 27059C295D, effective 11/5/03
  - Isanti County Panel 27059C301D, effective 11/5/03
  - Isanti County Panel 27059C305D, effective 11/5/03
  - Isanti County Panel 27059C325D, effective 11/5/03

For Any instance where the effective and preliminary maps conflict, the more restrictive map shall apply. These materials are on file in the Office of the Zoning Administrator and a copy on file in the office of the Town Clerk.

New Map parcel number changes adopted alongside code codification currently in process. County panel numbers are not a material change in the ordinance, rather a clarification of panels located within Athens Township.

Amended 5/1/23

  
Michael Jungbauer  
Zoning Administrator



Article XI. Wireless Telecommunication Facilities.Section 20-191. Purpose.

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the town Board finds the following regulations are necessary to:

- (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township;
- (b) Minimize adverse visual effects of wireless communications towers through careful design and siting standards;
- (c) Avoid potential damage to adjacent properties from wireless telecommunication tower failure through structural standards and setback requirements;
- (d) Maximize the use of existing and approved towers, buildings and structures to accommodate new wireless telecommunication antennae to reduce the number of towers needed to serve the community; and
- (e) Locate towers to provide maximum benefit to the community as a whole while minimizing community impact.

Section 20-192. Intent.

This Article is intended to regulate wireless telecommunication towers and is not intended to regulate other types of towers such as radio and television antennae, residential satellite dishes or public safety transmitters.

Section 20-193. Definitions.

The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

- (a) Antenna. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to, directional antennae, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennae, such as whip antennae.
- (b) Co-location. The placement of a wireless telecommunication antenna by two or more service providers on a tower, building or structure.

- (c) Wireless Telecommunication Services. License commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- (d) Federal Communications Commission. The Federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services, and providers on a national level.
- (e) Guyed Tower. A tower that is supported, in whole or in part, by wires and ground anchors.
- (f) Lattice or Self-Supported Tower. A tower, erected on the ground, that consists of metal crossed strips or bars to support antennae and related equipment.
- (g) Monopole Tower. A single, self-supported pole-type tower, tapering from the base to the top and supporting a fixture designed to hold one or more antennae.
- (h) Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water or land line telephone service to the general public. For the purposes of this Chapter, wireless communication service facilities shall not be considered public utility uses and are defined separately.
- (i) Service Provider. Any individual or entity that provides wireless telecommunication services.
- (j) Tower. Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting or supporting an antenna, or antenna for wireless telecommunication purposes that is taller than fifteen (15) feet, including roof antennae.
- (k) Multi-use Tower. A tower to which is attached the antennae of more than one service provider or governmental entity.
- (l) Single-user Tower. A tower to which is attached only the antennae of a single service provider, although the tower may be designed to accommodate the antennae of multiple users as required in this Chapter.

Section 20-194. Permitted and Conditionally Permitted Towers.

- (a) Permitted Towers. The following towers are permitted in all zoning districts if in compliance with the performance standards set forth in this Article:

1. Towers located in the following locations:
  - a. Church sites, when camouflaged as steeples or bell towers.
  - b. Government, schools, utility and institutional sites.
  - c. Wall or roof-mounted towers.
  - d. Towers, other than those listed in Section 20-194 (a) 1 (a-c) are permitted in all zoning districts only upon issuance of a conditional use permit.
- (b) Conditional Use Permit Standards. The following specific standards apply to a conditional use permit for a wireless communication tower. The standards for conditional use permits found in Section 20-213 shall also apply.
  1. If the proposed tower is located in an agricultural, residential, commercial or industrial district, documentation must be included in the application that demonstrates that the tower cannot reasonably be located on a publicly-owned site. If the proposed tower cannot be reasonably located on a publicly-owned site, the applicant must also show that the tower cannot be located on a commercial or industrial site before agricultural or residential sites will be considered. Sites that are located in a Wild & Scenic River Overlay District or Shoreland Overlay District will be considered only if there is no other possible site for locating a tower.
  2. The site must comply with the performance standards set forth in this Article.
  3. No employees of the service providers shall be located on the site on a permanent basis. Employees may be on the site to perform periodic maintenance.
  4. Existing on-site vegetation shall be preserved to the maximum extent practicable.
  5. No outdoor storage shall be permitted on the tower site.

#### Section 20-195. Performance Standards.

All towers erected within the Township must conform to the applicable performance standards contained in this section:

- (a) Co-location Requirements. All towers erected, constructed or located within the Township shall comply with the following requirements:

1. A proposal for a new tower shall not be approved unless the Township Board finds that the wireless telecommunication equipment planned for the proposed tower cannot be accommodated on an existing or approved tower, building or structure due to one or more of the following reasons:
  - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - b. The planned equipment would cause interference materially impacting the usability of other existing equipment at the tower or building as documented by a licensed professional engineer and the interference cannot be prevented at a reasonable cost.
  - c. Existing or approved towers or buildings cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer.
  - d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

(b) Construction and Maintenance of Towers.

1. Tower and Antenna Design Requirements. Proposed or modified towers and antennae shall meet the following design requirements:
  - a. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration (FAA).
  - b. Towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend in to the surrounding environment. Lattice tower designs may be allowed to facilitate co-location.
  - c. The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams and other designs.
  - d. The base of the tower shall occupy no more than five hundred (500) square feet and the top of the tower shall be no larger than the base.

2. Tower Construction Requirements. All antennae and towers erected, constructed, or located within the Township, and all wiring therefor, shall comply with the following requirements:
  - a. All applicable provisions of this Article must be met.
  - b. Towers shall be certified by a Minnesota licensed professional engineer to conform to current structural standards and wind loading requirements of the Minnesota Building code and the Electronics Industry Association.
  - c. With the exception of necessary electric and telephone service and connection lines approved by the Township, no part of any antenna or tower nor any lines, cable, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
  - d. Towers and associated antennae shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
  - e. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
  - f. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
  - g. All towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration (OSHA).
3. Tower Setbacks. Towers shall conform with each of the following minimum setback requirements:
  - a. Towers shall be set back from any property line a minimum distance equal to fifty (50) feet and shall be set back a distance equal to the height of the tower when adjacent to a right-of-way.
  - b. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Township Board, to allow integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device or similar structure.



- c. The minimum distance to a residential structure shall be the height of the tower plus fifty (50) feet.
  - d. The tower or associated accessory structures shall not encroach upon any public easements.
  - e. The setback shall be measured from a point on the base of the tower located nearest the property line to the actual property line.
4. Height. The height of towers shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennae or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of any other applicable section of this Article.
5. Height Limitations for Towers.
  - a. In all zoning districts, the maximum height of any tower, including antennae and other attachments, shall not exceed two hundred (200) feet.
  - b. Noncompliance. Noncompliance of characteristics of antennae and towers created by application of this Section shall not in any manner limit the legal use of the property, nor in any manner limit the repair, maintenance, or reconstruction of a noncomplying antenna or tower; however, in no instance shall the degree of noncompliance be increased except as otherwise permitted by this Article.
6. Tower Lighting. Towers shall not be illuminated by artificial means and shall not display high intensity strobe lights (as defined by the FCC) unless such lighting is specifically required by the Federal Aviation Administration or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
7. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
8. Accessory Utility Buildings. All utility buildings and accessory structures to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except

where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

9. Abandoned or Unused Towers or Portions of Towers. Abandoned or unused towers or portions of towers shall be removed as follows:
  - a. All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.
  - b. Unused portions of towers above a manufactured connection shall be removed within six (6) months of the time of antenna relocation. The replacement of portions of a tower previously removed shall require the issuance of a new conditional use permit.
10. Antennae Mounted on Roofs, Walls, and Existing Structures. The placement of wireless telecommunication antennae on roofs, walls, and existing towers may be approved by the Zoning Administrator, provided the antennae meet the requirements of this Article, after submittal of (1) a final site and building plan as specified in this Article, and (2) a report prepared by a professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated. Accessory equipment for wall or roof mounted antennae must be located within the principal building or, if located on the rooftop, must be enclosed.
11. Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. The Township may require that all applications for new service be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new services or changes in existing service, telecommunication providers shall notify the Township at least ten (10) calendar days in advance of such changes and allow the Township to monitor interference levels during the testing process.
12. Lights and Other Attachments. No antenna or tower shall have affixed or attached to it in any way, except during time of repair or installation, any lights, reflectors, flashers, or other illuminating device, except as required

by the Federal Aviation Agency (FAA) or the Federal Communications Commission (FCC), nor shall any tower have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair.

13. Security Fencing. Towers shall be provided with security fencing to prevent unauthorized entry.

Section 20-196. Application, Building Permits, Fees and Inspections.

- (a) Application. Applications for approval to construct towers shall include information as required in this Article. In addition to the information required elsewhere in this Article, applications for towers shall include the following supplemental information:
  1. A report from a professional engineer that:
    - a. Describes the tower height and design including a cross section and elevation;
    - b. Documents the height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae;
    - c. Describes the tower's capacity, including the number and type of antennae it can accommodate;
    - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
    - e. Includes an engineer's stamp and registration number; and
    - f. Includes other information necessary to evaluate the application.
  2. A letter of intent committing the tower owner and the owner's successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
  3. Applications requiring conditional use permits shall be subject to the requirements set forth for conditional use permits in this Chapter.
- (b) Building Permits.
  1. It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, replace, or repair any tower without first

making application to the Zoning Administrator and securing a building permit therefore as hereinafter provided.

2. The applicant shall provide, at the time of application, sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons.
  3. Building permits are not required for:
    - a. Adjustment or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.
    - b. Antennae and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations. Temporary antennae shall be removed within 72 hours following installation.
  4. Before issuance of a building permit, the following information shall be submitted by the applicant:
    - a. Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and
    - b. A report from a Minnesota licensed professional engineer that demonstrates the tower's compliance with the aforementioned structural and electrical standards.
  5. Any Township cost of testing or verification of compliance shall be borne by the applicant.
- (c) Fee. The fee to be paid is that prescribed under the Minnesota Building Code and the Township fee schedule as currently adopted.
- (d) Inspections. Towers may be inspected by the Township Building Official to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Article.

Notice of violations will be sent by registered mail to the owner of the tower and the property upon which it is located who will have thirty (30) days from the date of notification to make repairs. Upon completion of the repairs, the owner shall notify the Building Official that the repairs have been made.

Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor.

Section 20-198. Interpretation.

It is not the intent of this Chapter to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this Chapter imposes a greater restriction upon the use or premises for antennae or towers than are imposed or required by other ordinances, rules, regulations, or permits, or by covenants or agreements, the provisions of this Chapter shall govern.

Section 20-199. Effect of Ordinance on Existing Towers and Antennae.

Antennae and towers in existence as of April 7, 1998. that do not conform or comply with this Chapter are subject to the following provisions:

- (a) Towers may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this Article.
- (b) If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this section; however, if the cost of repairing the tower to its former use, physical dimensions, and location would be fifty (50) percent or more of the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with this Article.

Section 20-200. Titles.

Titles to the subsections of this Article are for convenience only and are not to be considered a part of the provision to which they refer. They may not be used to define or otherwise interpret any particular section of this Article.

Section 20-201. Severability.

If any portion of this Article is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of other portions of this Article.

Sections 20-202 thru 20-205. Reserved.

**Article XII. Administration and Enforcement.****Section 20-206. Purpose.**

The following sections outline the major zoning procedures for implementation of the Zoning Ordinance.

**Section 20-207. Zoning Administrator.**

The office of the Zoning Administrator is hereby established, for which the Town Board may appoint such staff as it may deem proper. The term of office of the zoning administrator shall be indefinite and shall terminate at the pleasure of the Town Board.

(a) Duties. The zoning administrator shall:

1. Enforce and administer the provisions of this Chapter.
2. Issue permits and maintain records thereof.
3. Receive, and forward to the Planning Commission, applications for conditional use permits, subdivision plats, interim use permits, site plans, petitions for amendment of this Chapter, including rezoning;
4. Receive and forward applications and petitions for matters to come before the Board of Adjustment;
5. Maintain the township zoning map as amended from time to time by ordinance of the Town Board;
6. Conduct inspections to determine compliance with the provisions of this Ordinance;
7. Serve as an ex-officio member of the planning commission;
8. Such other matters and responsibilities as the Town Board may assign from time to time;
9. Collect all fees required by this Ordinance; and
10. File for record with the county recorder or registrar of titles all documents required to be filed by law.

**Section 20-208. Building Permit Required.**

(a) Scope. From and after the effective date of this Chapter, it shall be unlawful to proceed with the construction, placement or enlargement of any building or

structure, without first obtaining a building permit, unless such building or structure is exempted from this provision in the Minnesota Building Code. Accessory agricultural buildings, as defined in Minn. Stat. §273.13, subd. 23, as amended, shall require a site permit.

- (b) Application. Requests for a building permit shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings and parking area and such additional information deemed necessary for the proper review and enforcement of this Chapter and any other applicable building code.
- (c) Issuance of Permit. The Building Official shall direct the Zoning Administrator to issue the building permit only when the plans comply with this Chapter and other applicable laws, regulations and ordinances. The Zoning Administrator may deny a permit for the construction of any building upon land that, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Chapter.
- (d) Normal Maintenance. No building permit shall be required for normal maintenance.
- (e) Completion of Work. The work for which a building permit is issued shall commence within six (6) months after the date thereof unless an application for an extension has been submitted and approved. The work shall be completed within one year unless an application for an extension has been submitted and approved by the Zoning Administrator.

Section 20-209. Fees.

- (a) Base Fee. To defray administrative costs of processing requests for site permits, conditional uses, interim uses, amendments, preliminary and final plats, and variances or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule adopted by ordinance of the Town Board.
- (b) Other Fees. In order to defray any additional cost of processing applications (site permit, amendment, conditional use, interim use, variance, appeal, preliminary or final plat) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request and all materials for said request.

1. “Materials” shall include, but are not limited to, maps, graphs, charts, drawings, developer’s agreements, etc. and all printing or reproduction of same.
  2. “Staff and/or consulting time” shall include any time spent in either researching for or actual production of materials, either by Township staff, Township legal, engineering or planning consultants, or the Township attorney.
  3. The hourly rate for “staff and/or consulting time” shall be established and made available to the applicant by the Zoning Administrator prior to the production of materials and the applicant shall be given a reasonable estimate of project time and/or material costs.
- (c) Payment. Fees shall be payable at the time the application is filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator prior to referral to the Planning Commission. If a request is withdrawn prior to the Planning Commission meeting but after public notice, the cost of the public notice shall be borne by the applicant.

Section 20-210. Planning Commission.

- (a) Establishment of Planning Commission. The Athens Township Planning Commission, as currently established, is re-established by the Town Board’s adoption of this Chapter.
- (b) Conflict of Interest. Any planning commission member who has a conflict of interest on any issue before the commission shall not be allowed to participate as a commission member on that issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a commission member from acting thereon shall be decided by majority vote of all commission members present except the member who is being challenged.

Section 20-211. Board of Adjustment and Appeals.

- (a) Establishment of the Board of Adjustment. The Town Board shall act as the Board of Adjustment.
- (b) Powers and Duties. The Board of Adjustment shall have the following duties:
  1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Chapter.



- a. Actions of the Planning Commission and the Town Board shall not be appealable to the Board of Adjustment.
  - b. The appeal shall be made by filing written notice thereof with the Zoning Administrator not more than fourteen (14) days after the order, requirement, decision or determination appealed from.
  - c. The notice of appeal shall be in writing and shall specify the grounds thereof.
  - d. The filing fee established by the Town Board shall be paid to the zoning administrator at the time of filing the notice of appeal as a condition of perfecting the appeal.
2. To hear requests for variances from the literal provisions of this Chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
- (c) Application. Application for a variance shall be made to the Board of Adjustment on forms provided by the Zoning Administrator by filing such application and paying the filing fee to the Zoning Administrator. The Zoning Administrator shall fix a reasonable time for the hearing on the application and give notice thereof as required by law.
  - (d) Other Powers. The Board of Adjustment shall have such other powers and duties as are assigned to it by law.
  - (e) Findings of Fact. Separate written findings of fact shall be made by the Board of Adjustment for each variance granted or denied and for each appellate decision made.

Section 20-212. Variances.

- (a) Criteria for Granting Variances. A variance may be granted from the requirements of this ordinance including restrictions placed on nonconformities.
  1. Variances shall only be permitted when:
    - a. The proposed use is in harmony with the general purpose and intent of the zoning ordinance; and
    - b. The proposed variance is consistent with the comprehensive plan; and

- c. The proposed variance is not due to economic considerations alone.
  2. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. A variance granted under this sub-section shall also meet the standards in subpart (1) above.
    - a. Practical difficulties means :
      - (1) That the property owner proposes to use the property in a reasonable manner not permitted by this ordinance; and
      - (2) That the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
      - (3) The proposed variance, if granted, will not alter the essential character of the locality.
    - b. Practical difficulties also includes inadequate access to direct solar energy systems.
  3. Variances must be granted for earth sheltered construction as defined in state law when such construction is in harmony with this ordinance.
  4. No variance may be granted that would allow any use that is not allowed in the zoning district in which the property is located.,
  5. The Township may impose conditions in the granting of a variance. A condition of approval must be directly related to and must bear a rough proportionality to the impact created by granting the variance.

(b) Procedure.

1. The person applying for a variance shall fill out and submit to the Zoning Administrator a variance application that shall include a statement of the practical difficulties claimed, along with the filing fee.
2. The Zoning Administrator shall refer the application along with all related information to the Planning Commission acting in an advisory role to the Board of Appeals.
3. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place and purpose of the public hearing shall be according to Minn. Stat. § 462.354, Subd. 2, as amended.

4. The petitioner or his representative shall appear before the Planning Commission at the public hearing in order to present evidence concerning the proposed variance.
5. The Planning Commission may recommend the imposing of conditions on the granting of variances to ensure compliance and to protect adjacent properties and the public interest. The Board of Adjustment may place additional conditions upon the issuance of a variance.
6. The Planning Commission shall make findings of fact and recommend to the Town Board (acting as the Board of Adjustment) such actions or conditions relating to the request. Such findings shall be entered in and made a part of the written record of the Board of Adjustment.
7. Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Adjustment, shall place the report on the agenda for the next regular meeting.
8. Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Adjustment, shall either:
  - a. Approve or disapprove the request as recommended by the Planning Commission; or
  - b. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
  - c. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time for each variance request. If the request is referred back to the Planning Commission, the applicant shall be notified of the extension of time line for action on the request.
9. Approval of variances or appeals shall require approval by a 2/3rds vote of the full board. The Zoning Administrator or Town Clerk shall notify the applicant of the Town Board's action.
10. Decisions of the Planning Commission shall be advisory to the Town Board. The decisions of the Town Board, acting as the Board of Adjustment, shall be subject to judicial review.
11. No resubmission of a variance application will be allowed for six (6) months without new evidence related to the variance.

12. Granted variances become void if the applicant does not proceed substantially on the work related to the variance within six (6) months. To proceed substantially means to make visible improvement to the property. One or more extensions of not more than six (6) months each may be granted by the Board of Adjustment for good cause.
13. Applications for variances will not be accepted from anyone who is not an owner of the land for which the application is made.
14. All variances that are granted by the Town Board must be recorded at the office of the Isanti County Recorder.

Section 20-213. Conditional Use Permits.

- (a) Purpose of Conditional Use Permits. A conditional use permit is a zoning device that is intended as a means of reviewing uses that, because of their unique characteristics, cannot be permitted as a right in a particular zoning district, but may be allowed upon demonstration that such use meets identified standards established within this Chapter. A conditional use permit is granted for the particular use of a specific property, and may be transferred to subsequent owners so long as the use does not change and the conditions of approval continue to be met.
- (b) Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and the Town Board shall make the following findings where applicable:
  1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
  2. The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.
  3. The use, in the opinion of the Planning Commission and Town Board, is reasonably related to the existing land use.

4. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
  5. The use is not in conflict with the Township Comprehensive Plan.
  6. Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.
  7. The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.
  8. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  9. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the neighborhood.
  10. The conditional use, in all other respects, conforms to the applicable regulations in the district in which it is created.
- (c) Conditions of Approval. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission and Town Board may impose, in addition to the standards and requirements expressly specified by this Chapter, additional conditions that the Planning Commission and Town Board consider necessary to protect the best interests of the surrounding area of the community as a whole. These conditions may include, but are not limited to, the following:
1. Increasing the required lot size or yard dimensions;
  2. Limiting the height, size or location of buildings;
  3. Controlling the location and number of vehicle access points;
  4. Increasing the street width;
  5. Increasing the number of required off-street parking spaces;
  6. Limiting the number, size, location or lighting of signs;

7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and
8. Designation of open space.
9. Annual review may be required if deemed appropriate by the Town Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amendment to the existing conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission and the Town Board, time limits, review dates, and such other information as may be appropriate.

(d) Procedure.

1. Applications for conditional use permits will not be accepted from anyone who is not an owner of the land for which the application is made.
2. The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use permit application form and shall submit a filing fee.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stat. § 462.3595, as amended. The Planning Commission shall forward its recommendation to either deny or approve the Conditional Use Permit to the Town Board. The Town Board shall take final action on the request.
5. The petitioner or his representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use.
6. If the Planning Commission recommends granting the conditional use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. The fee shall be as set by separate action of the Town Board. Amended conditional

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use permits shall include requests for changes in conditions and as otherwise described in this Chapter.

8. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted conditional use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, if applicable. To proceed substantially means to make visible improvement to the property. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause.
10. If the land does not conform to the conditions of the permit, the conditional use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect.
11. All conditional use permits that are granted by the Town Board shall be recorded at the office of the Isanti County Recorder.

Section 20-214. Interim Use Permits.

- (a) Purpose of Interim Uses. An interim use is a use not currently allowed by this Chapter, which may be allowed as a temporary use of property until an established date, until the occurrence of a particular event, or until the zoning regulations no longer allow it.
- (b) Criteria for Granting Interim Use Permits. In granting an interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of the occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings where applicable:
  1. The proposed use meets the applicable standards set forth for conditional use permits;
  2. The proposed use will terminate upon a date or event that can be identified with certainty;
  3. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
  4. The proposed use will be subjected to, by agreement with the owner, any conditions that the Town Board deems appropriate for permission of the proposed 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

5. The interim use will be subject to review by the Town upon change of ownership.

(c) Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

1. The date or event stated in the permit; or
2. A violation of the conditions under which the permit was issued; or
3. The use has been discontinued for a minimum of one (1) year.

If it is believed that an interim use has terminated, the Planning Commission and Town Board shall take action to revoke the permit, including notification to the property owner of the Town's intent to revoke the permit.

(d) Conditions of Approval. In permitting a new interim use or the alteration of an existing interim use, the Planning Commission or Town Board may impose, in addition to the standards and requirements expressly specified by this Chapter, additional conditions which the Planning Commission and Town Board consider necessary to protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension;
2. Limiting the height, size or location of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location or lighting of signs;
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and
8. Designation of open space.



9. Annual review may be required if deemed appropriate by the Town Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued, shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all interim use permits issued including information on the use, location, and conditions imposed by the Planning Commission or Town Board, time limits, review dates, and such other information as may be appropriate.

(e) Procedure.

1. Applications for interim use permits will not be accepted from anyone who is not an owner of the land for which the application is made.
2. The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use permit application form and shall submit a filing fee.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stat. § 462.3595. The Planning Commission shall forward its recommendation to either approve or deny the Interim Use Permit to the Town Board. The Town Board shall take final action of the request.
5. The petitioner or his representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
6. If the Planning Commission recommends granting the interim use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
7. An amended interim use permit application shall be administered in a manner similar to that required for an interim use permit.
8. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted interim use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, if applicable. To proceed substantially means to make visible improvement to the property.

One (1) or more extensions of not more than six (6) months each may be granted by the Town Board for good cause.

10. If the land use does not conform to the conditions of the permit, the interim use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect. Upon revocation, the Town Board may establish a date when the applicant can reapply for a similar interim use permit. In no case shall the time period to reapply be more than one (1) year.

Section 20-215. Zoning Amendments.

(a) Procedure.

1. An amendment to this Chapter or the zoning map may be initiated by the Town Board, the Planning Commission, or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations or as allowed by Minnesota Statutes. Individuals wishing to initiate an amendment to this Chapter shall fill out a zoning amendment application form and submit it to the Zoning Administrator with a filing fee.
2. Written notice of public hearings on proposed amendments shall be sent to the governing bodies located within the township. Written notice of public hearings regarding the application of official controls to specific properties, including but not limited to, conditional uses, variances, zoning regulations, and subdivision regulations, shall be sent to property owners as follows:
  - a. In the case of variances, to owners of record within 250 feet in the residential and commercial districts, and within one-quarter (1/4) mile in the agricultural districts.
  - b. In the case of conditional uses, to owners of record within 350 feet of the affected property.
  - c. In the case of all other official controls, including, but not limited to, zoning regulations and subdivision regulations, to owners of record within one-quarter (1/4) miles of the affected property.

3. A public hearing on the rezoning application shall be held by the Planning Commission after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the Town Board, at the next regular meeting of the Town Board following the hearing, for recommending approval, disapproval, or modified approval of the proposed amendment.
4. The person making the application shall be notified of the action taken.
5. No application of a property owner for an amendment to the text of this Chapter or the zoning map shall be considered by the Planning Commission within a one (1) year period following a denial of such request, except the Town Board may permit a new application, if in the opinion of the Town Board, new evidence or a change of circumstances warrants reconsideration.
6. Applications for rezoning will not be accepted from anyone who is not an owner of the land for which the application is made.

Section 20-216. Site Plan Review.

- (a) Site Plan Review Required. Before site permits are issued for the development of multifamily residential, commercial, institutional, or industrial structures, a site plan shall be reviewed by the Planning Commission and approved by the Town Board.
- (b) Information Required. A site plan shall be submitted that contains the following information:
  1. A site survey drawing by a registered engineer or land surveyor showing property boundaries and dimensions.
  2. Building locations and dimensions, both existing and proposed, on and within fifty (50) feet of the subject property.
  3. Identification of adjacent land uses.
  4. Adjacent roadways and proposed entrances and exits.
  5. A grading plan.
  6. Parking areas, that indicate the type of surface, arrangement and dimension of spaces, truck loading docks and maneuvering areas,

sidewalks, retaining walls, refuse storage, service areas, and other man-made features.

7. The location of all easements and building and parking setbacks.
  8. A utility plan.
  9. A development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units (if applicable) and parking spaces provided.
  10. Additional information required by the Zoning Administrator, the Planning Commission or the Town Board, as is reasonably required to evaluate the site plan.
- (c) Fees and Approvals. Site plans shall be accompanied by such review fees, including legal, engineering, and planning consulting fees, as are established by the Town Board. In reviewing and acting on site plans, the Planning Commission and the Town Board shall consider the development standards in this Chapter and may disapprove plans which will violate one or more of those standards.

Section 20-217. Violations, Penalties and Injunctive Relief.

- (a) Violations and Penalties. It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy, or maintain any building or structure in the Township, or cause the same to be done, contrary to or in violation of any provisions of this Chapter or the codes adopted by reference to this Chapter. Any person, firm or corporation violating this Chapter shall be deemed guilty of a misdemeanor and each day that a violation continues shall constitute a separate offense and shall be punishable according to State law.
- (b) Injunctive Relief. In the event of a violation of this Chapter, the Town may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the Town in a civil action in any court of competent jurisdiction.

Section 20-218. Enforcement.

- (a) This Chapter shall be administered and enforced by the Zoning Administrator, who is hereby designated as the enforcing officer.
- (b) In the event of a violation or a threatened violation of this Chapter, the Town Board, in addition to other remedies, may institute appropriate actions or

proceedings to prevent, restrain, correct, or abate such violations or threatened violations. It is the duty of the Township Attorney, upon direction of the Town Board, to institute such action.

Section 20-219 thru 20-225.

Reserved.