

**GRASS LAKE TOWNSHIP**

**ZONING ORDINANCE**

**APRIL 15, 1992**

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TOWN BOARD

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PLANNING CONSULTANT

East Central Regional Development Commission  
Gordon Heitke, Community Development Resources, Inc.

April, 1992

## ZONING ORDINANCE FOR THE TOWN OF GRASS LAKE, MINNESOTA

The Town Board of the Town of Grass Lake ordains: An ordinance regulating the use of land; the location, size and use of buildings; and the arrangement of buildings on lots in the Town of Grass Lake, Minnesota, pursuant to the authority granted by Minnesota Statutes Section 462.357.

### SECTION 1. TITLE AND APPLICATION

#### Subd. 1.

Title. This Ordinance shall be known as the "Zoning Ordinance of the Town of Grass Lake, Minnesota," except as referred to herein, where it shall be known as "this Ordinance."

#### Subd. 2.

Intent and Purpose. The intent of this Ordinance is to protect the public health, safety and general welfare of the Town and its people through the establishment of minimum regulations governing land development and use. This Ordinance shall divide the Town into use districts and establish regulations in regard to location, erection, construction, placement, reconstruction, alteration and use of structures and land. Such regulations are established to provide convenience of access to property; to prevent congestion in the public right-of-way; to prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards and density of population; to provide for compatibility of different land uses; to provide for administration of this Ordinance; to provide for amendments; to prescribe penalties for violation of such regulations; to define powers and duties of the Town Staff, the Board of Adjustments and Appeals, the Planning Commission, and the Town Board in relation to the Zoning Ordinance.

#### Subd. 3.

Standard Requirement. Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the Town, County, State, or Federal Government, the ordinance, rule or regulation which imposes the more restrictive condition standard or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall be met.

not affect any other provision of this Ordinance not specifically included in said judgment.

- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

## SECTION 2.

### DEFINITION OF TERMS

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

#### Subd. 1.

Accessory Building or Use. A subordinate building, structure or use which is located on the same lot on which the main building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

#### Subd. 2.

Agriculture Uses. Those uses commonly associated with the growing of produce and raising of livestock on farms. These uses include: field crop farming; pasture; the production of hay, fruit, trees, plants, shrubs or flower nursery without building; truck gardening; roadside produce stands in season; and livestock raising and feeding.

#### Subd. 3.

Automobile Wrecking or Junk Yard, Salvage Operations. Any place where five (5) or more vehicles not in running condition and/or not licensed, or parts thereof are stored in the open; or any land, building or structure used for commercial wrecking or storing of such motor vehicles or parts thereof; and including any commercial salvaging and scavenging of any other goods, articles or merchandise.

#### Subd. 4.

Basement. A portion of a building located partially underground but having more than one-half (1/2) its floor to ceiling height below the average land grade.

**Subd. 13.**

Commercial Uses. Any establishment, occupation, employment, or enterprise where merchandise is exhibited or sold, or where services are offered for compensation.

**Subd. 14.**

Conditional Use Permit. A permit issued by the Town Board in accordance with procedures specified in this Ordinance, as well as its compatibility with the Town's Comprehensive Plan, as a flexibility device to enable the Town Board to assign dimensions to a proposed use or conditions surrounding it after consideration of adjacent uses and their functions and the special problems which the proposed use presents.

**Subd. 15.**

District. A section or sections of the Town for which the regulations and provisions governing the use of buildings and lands are uniform for each class of use permitted herein.

**Subd. 16.**

Dwelling. A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, seasonal dwellings, manufactured housing, but not including hotels, motels, and boarding houses.

**Subd. 17.**

Dwelling, Multiple (Apartment). A building designed with three (3) or more dwelling units exclusively for occupancy by three (3) or more families living independently of each other but sharing hallways, main entrances and exits.

**Subd. 18.**

Dwelling, Single Family. A detached dwelling unit designed for occupancy of one (1) family.

**Subd. 19.**

Dwelling, Two-Family. A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

**Subd. 20.**

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

reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowners.

**Subd. 29.**

Home Occupation. Any occupation or profession carried on by a member(s) of the family residing on the premises, provided that the use is clearly incidental and secondary to the main use of the premises for dwelling purposes and does not change the character thereof.

**Subd. 30.**

Industrial Use. Any establishment, occupation, employment, or enterprise where the manufacturing, commercial salvaging, commercial recycling, storage, or warehousing of products and materials occur.

**Subd. 31.**

Kennel. Any place where four (4) or more dogs over six (6) months of age are boarded, bred, or offered for sale, except veterinary clinics. Kennels shall be considered a commercial use for the purposes of this Ordinance.

**Subd. 32.**

Lot, Of Record. A parcel of land, whether subdivided or otherwise legally described of record as of the effective date of this Ordinance, or approved by the Town as a lot subsequent to such date.

**Subd. 33.**

Lot. Land occupied or to be occupied by one (1) principal building or use and its accessory buildings, together with such open spaces as are required under the provisions of this Zoning Ordinance, having not less than the minimum area required by this Zoning Ordinance for a building site in the district in which such lot is situated and having its principal frontage on a street or a proposed street approved by the Board, or having not less than a thirty-three (33) foot easement for the purpose of access to a street or proposed street approved by the Board.

**Subd. 34.**

Lot Area. The area of a horizontal plane within the lot lines.

**Subd. 35.**

Lot, Corner. A lot situated at the junction of and abutting on two

nineteen (19) feet in length, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) automobile which has adequate access to a public road and permitting satisfactory ingress and egress of an automobile.

**Subd. 44.**

Permitted Use. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards (if any) of such districts.

**Subd. 45.**

Planning Commission. The planning advisory board of the Town, designated by the Town Board.

**Subd. 46.**

Principal Use. The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.

**Subd. 47.**

Public Road. For the purpose of this Ordinance public roads shall include only those roads which are owned by the township, county, state, or federal government, and dedicated for public use.

**Subd. 48.**

Public Uses. Uses owned or operated by a municipality, school district, town, county, state or other governmental units.

**Subd. 49.**

Protected Waters. Any waters of the State which serve a beneficial public purpose, as defined in Minnesota Statutes, Section 1036.201. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the State of Minnesota shall be exempt from the provisions of these regulations.

**Subd. 50.**

Setback. The minimum horizontal distance between a structure or sanitary facility and a road or highway right-of-way or property lot line, or between a structure or sanitary facility and the ordinary high water mark.

**Subd. 51.**

Shoreland. Land located within the following distances from public

hardwood), and northern lowland forest (conifer swamp) communities. (These communities correspond roughly to wetland types 1, 2, 3, 4, 5, 6, 7 and 8 described by the United States Fish and Wildlife Service, Circular 39, "Wetlands of the U.S.", 1956).

- B. Mineral soils with grey horizons or organic solids belonging to the Histosol order (peat and muck).
- C. Soil which is water logged or covered with water at least three months of the year. Swamps, bogs, marshes, potholes, wet meadows, and sloughs are wetlands, and properly, may be shallow water bodies, the waters of which are stagnant or actuated by very feeble currents, and may at times be sufficiently dry to permit tillage but would require drainage to be made arable. The edge of a wetland is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**Subd. 58.**

Yard. An open space on the lot which does not contain structures. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

**Subd. 59.**

Yard - Front. A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.

**Subd. 60.**

Yard - Rear. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

**Subd. 61.**

Yard - Side. A yard between the side line of the lot and the nearest line of the building and extending from the front yard of the lot to the rear yard.

**Subd. 62.**

Zoning Administrator. A person appointed by the Town Board to enforce the Zoning Ordinance.

**Subd. 63.**

Zoning Map. The maps or map incorporated into this Ordinance as



bodies of water shall be construed to follow such center lines.

- 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 which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.
- F. The exact location of all district boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided in Section 13 of this Ordinance.

**Subd. 5.**

District Regulations. The regulations of this Ordinance within each district shall be 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, 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, placed, or altered to exceed the height or bulk, to accommodate or house a use, to occupy a greater percentage of lot area, and to have narrower or smaller yards, other than herein required, or in any other manner contrary to the provision of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**SECTION 4.**

**(A-R) AGRICULTURAL - RESIDENTIAL DISTRICT**

**Subd. 1.**

Purpose. The Agricultural-Residential District is intended to provide a district which will allow suitable areas of the Township to be retained and utilized in agricultural and residential uses, prevent scattered non-farm uses from developing improperly, promote

- D. Two-family and multi-family residences.
- E. Churches.
- F. General Commercial. (fronting T.H. 65 or T.H. 107)
- G. Light Industrial. (fronting T.H. 65 or T.H. 107)
- H. Governmental or private club buildings.
- I. Kennels.
- J. Home occupations as described in Section 8, Subd. 2.B.

**Subd. 4.**

Accessory Uses. The following uses are permitted accessory uses:

- A. Any structure or use which is incidental to the permitted principal use including garages, sheds, fencing, and landscaping.
- B. Recreational facilities which serve the residents of the principal use.
- C. Operation and storage of vehicles, equipment and machinery which is incidental to the permitted principal use.
- D. Home occupations subject to Section 8, Subd. 2.A. of this Ordinance.

**Subd. 5.**

Residential Density Requirements. No more than two (2) dwelling units per quarter (1/4) of a quarter (1/4) section, including existing dwellings, are permitted. Existing parcels or lots of record shall be considered buildable, notwithstanding this density requirement. All dwelling lots shall front an existing public road.

**Subd. 6.**

Lot Area Requirements.

- A. Lot Area. A lot area of not less than five (5) acres is required, of which an area of at least one (1) acre is determined to be buildable.
- B. Lot Width. A lot width of not less than three hundred (300)

## SECTION 6.

### BUILDING REQUIREMENTS

#### Subd. 1.

##### Purpose.

The purpose of this Section is to establish building requirements and standards which apply to all districts within the zoning jurisdiction of the Town to assure compatible land uses; to prevent blight and deterioration; and to enhance the health, safety and general welfare of the Town.

#### Subd. 2.

##### Building Standards.

- A. No buildings shall be permitted on areas considered as wetlands, flood plain, peat or muck soils, or areas having poor drainage, or areas where the water table depth is less than four (4) feet.
- B. Dwelling Size. All dwellings shall have a minimum finished livable space of at least eight hundred, sixty (860) square feet. Additions to manufactured homes shall not be considered in determining area requirements.
- C. Frost Free Footings. All dwellings must be placed on frost free footings, foundations or pillars. Such footings shall have a minimum depth of at least five (5) feet.
- D. Manufactured Homes. Any manufactured home placed on a lot shall be a U.S. Department of Housing and Urban Development certified unit as evidenced by the HUD certification seal affixed to the unit.
- E. Design Standards. The architectural appearance and function of any building and site shall not be so dissimilar to the existing buildings or area as to constitute a blighting influence. Earth sheltered buildings are allowed if in compliance with all other zoning provisions promulgated pursuant to M.S. 462.357.
- F. No garage, tent or accessory building shall at any time be used as an independent residence or dwelling unit, temporarily or permanently.
- G. All buildings shall be so placed so that they will not obstruct future roads which may be constructed by the Town in conformity

lot, density and setback provisions of this Ordinance are met.

c. Accessory Residence for Farm Employees. A conditional use permit may be issued to allow an accessory residence to be placed or constructed and occupied on a farm to provide housing for a person(s) or family which is actively engaged in the operation of the farm, provided:

- (1) The major portion of the livelihood of the person(s) or family residing is derived from the farm.
- (2) A county-approved sewer system exists on the site to accommodate the additional structure.
- (3) The accessory residence shall not be subsequently divided from the farm unless all density, lot and setback provisions of this Ordinance are met.

2. When issuing or renewing a temporary accessory dwelling permit or issuing a conditional use permit for an accessory residence, the Town Board may place additional, reasonable conditions on the permit to further the purpose and intent of this Ordinance. The failure to comply with these conditions may result in the revocation of said permit.

3. When conditions change, whereby the purpose and conditions of this section are no longer met, the temporary accessory residence or accessory farm residence may remain and be occupied through the term of the permit, however, the accessory residence shall be removed from the lot within ninety (90) days of the expiration date of the permit.

I. Temporary Dwellings. Temporary dwellings including travel trailers, campers, tents, recreational vehicles, and other vehicles or structures which are adaptable for living and may be reasonably transported, may only be used for dwelling purposes for a period not to exceed thirty (30) consecutive days or more than thirty (30) days of a sixty (60) day period. Only one temporary dwelling may be placed on a parcel or lot, except for short term periods such as family reunions, and visits which do not exceed a period of fourteen (14) days. Any deviation from the above restrictions requires a conditional use permit for a campground.

mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.

2. Yard lights and signs provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public right of way or adjacent residential property.
3. Off-street parking spaces except as hereinafter regulated.
4. Fencing not exceeding eight (8) feet, or screening materials as hereinafter regulated.
5. The planting of new trees, provided they are not less than eight (8) feet from any property line.
6. In rear yards: recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and decks, and outdoor eating facilities, are allowed, provided these are not less than ten (10) feet from any lot line.

**Subd. 3.**

Lot Area Requirements. The minimum lot area requirements are set forth within the district provisions of this Ordinance.

A. Lot Area Exception. A lot of record existing upon the effective date of this Ordinance which does not meet the area or width requirements of this Ordinance may be utilized provided that the following conditions are met:

1. The combining of adjacent lots of common ownership to meet the requirements of this Ordinance is not possible.
2. All sanitary sewer standards of the County are met.

**SECTION 8.**

**GENERAL PROVISIONS**

**Subd. 1.**

Purpose. The purpose of this section is to establish general development and performance standards to assure compatible developments and land uses to prevent blight and deterioration, and to enhance the health, safety and general welfare of the Town.

system or generate hazardous wastes without an approved plan for off-site disposal.

- D. Review by Planning Commission. The Zoning Administrator may bring a proposed or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with the performance standards and intent of this Ordinance.

**Subd. 3.**

Commercial Mining. The extraction of sand, gravel, or other material from the land in the total amount of five hundred (500) cubic yards or more for sale and removal thereof from the site shall be defined as commercial mining. In all districts, the conduct of commercial mining shall be permitted only upon issuance of a Conditional Use Permit. Commercial mining operations in existence prior to the enactment of this Ordinance, shall apply for a conditional use permit and be subject the provisions of this Ordinance at any time that the existing mining operation is expanded or moved to another land parcel. The following requirements shall apply to commercial mining operations:

- A. In addition to the requirements for conditional uses in Section 11, the following information shall accompany the conditional use permit application in writing with necessary maps.

1. Site Plan
  - a. Area of site
  - b. Proximity of site to lot lines, adjacent structures
  - c. Existing drainage and permanent or temporary ponding areas
  
2. Operational Plan
  - a. Placement of structures and equipment
  - b. Location and amount of materials to be removed
  - c. Location and height of materials to be stock piled
  - d. Altered drainage and ponding areas
  - e. Erosion and sediment controls to be used
  - f. Dust, noise, and smoke control
  - g. Duration of mining operation
  - h. Hours of operation
  - i. Materials to be produced
  - j. Other activities occurring related to mining activity
  
3. Reclamation Plan
  - a. Final grade of site
  - b. Vegetative cover
  - c. End use of site

**Subd. 4.**

Land Reclamation. Under this Ordinance land reclamation is the reclaiming of land by the deposit of materials so as to elevate the grade. All land reclamation shall be controlled under the provisions of the Zoning Ordinance and shall meet the following minimum standards:

- A. The smallest amount of bare ground is exposed for as short a time as feasible.
- B. Temporary ground cover is used and permanent ground cover, such as sod, is planted.
- C. Methods to prevent erosion and trap sediment are employed.
- D. Fill is stabilized to accepted engineering standards.
- E. Final slopes for cut slopes should be a maximum of 1:1, or 100%; fill slope 3:1, or 30%, and grade or construction slope 5:1, or 20%.

**Subd. 5.**

Signs on Commercial, Industrial Sites. Signage shall consist of no more than one (1) single or double-faced sign with a maximum area of one hundred, twenty-eight (128) feet per side.

**Subd. 6.**

Vision Clearance at Corners, Crossings, and Access Points. Notwithstanding any part of this Ordinance or any permit or variance granted, no structure, vehicle, vegetation, fence, sign, building, or any obstacle, or any portion thereof shall be placed or retained in such a manner to constitute a traffic hazard or obstruct the vision clearance of corners, crossings, or access points.

**Subd. 7.**

Protected Water Alteration. Any alteration which will change or diminish the course, current or cross section of a public water shall be approved by the Commission of the Minnesota Department of Natural Resources, in accordance with the procedures of Minnesota Statute, Section 103G.241 as amended. This alteration includes the construction or any change to water courses; excavation of lake or stream bottoms for removal of muck, silt or weeds; and filling in the lake or stream bed.

on the property, unenclosed, provided that said vehicles are not visible from a public road or adjacent residences. Vehicles shall be screened by buildings or natural vegetation.

F. All structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent degradation to the value of adjacent property.

**Subd. 11.**

Nuisances. Any visual appearance, noise, odors, heat, dust, vibration, smoke, air pollution, glare, electrical interferences, or other such objectionable influences, or the storage of refuse or disposal of wastes that construed by the Town Board to be a menace or nuisance to the public health, safety, or general welfare of the Town, or to have a depressing influence upon property values in the area shall be prohibited.

**Subd. 12.**

Administrative Standards. Whenever in the course of administration and enforcement of this Ordinance it is necessary or desirable to make any administrative decision, unless other standards are provided within this Ordinance, the decisions shall be made so that the result will be consistent with the intent and purpose of the Ordinance as described in Section 1, Subd. 2 of this Ordinance.

**Subd. 13.**

Existing Building Structures and Premises. Nothing in this Ordinance shall prevent or hinder the present or current use, operation of any existing building structure or premise that is occupied or under operation at the date of passing of this Ordinance.

**SECTION 9.**

**NONCONFORMING BUILDINGS, STRUCTURES AND USES**

**Subd. 1.**

Purpose. It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of



**Subd. 7.**

If at any time a nonconforming building, structure, or use shall be destroyed to the extent of more than seventy-five (75) percent of its fair market value, said value to be determined by the County Assessor, then without further action by the Board, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are located. Any building which is damaged to an extent of less than seventy-five (75) percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Zoning Administrator.

**Subd. 8.**

Whenever a lawful nonconforming use of a structure or land is discontinued for a period of twelve (12) months, following written notice from an authorized agent of the Town, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.

**Subd. 9.**

Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.

**Subd. 10.**

Alterations may be made to lawful nonconforming residential units when they will improve the livability thereof, bring the building nearer to compliance with all township, county, and state regulations, provided they will not increase the number of dwelling units.

**Subd. 11.**

Any proposed structure which will, under this Ordinance, become nonconforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans, provided construction is started within sixty (60) days of the effective date of this Ordinance. Such structure and use shall thereafter be a legally nonconforming structure and use.

deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes.

- C. Issuance of Permit. The Zoning Administrator shall issue the land use permit only when the plans comply with this Ordinance and other applicable ordinances. Prior to issuance of the land use permit for a dwelling, the applicant shall show proof that the County has deemed the lot suitable for an on-site sewer system and issued an on-site sewer permit for the development.
- D. Expiration of Permit. Land use permits shall be considered nullified if the proposed action is not completed within a period of one (1) year from the date of issuance. A permit extension may be granted by the Town Board if substantial progress has been made on the project and completion can be accomplished within an identified, reasonable period of time.

#### Subd. 4.

##### Fees.

- A. To defray administrative costs of processing requests for land use permits, conditional uses, amendments, variances, or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule hereby made part of this Ordinance.
- B. In order to defray any additional cost of processing applications (land use permit, amendment, conditional use, variance, appeal) 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 not be limited to maps, graphs, charts, drawings, 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.
  - 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 production of any materials and the applicant shall be given a reasonable estimate of project time and/or materials costs.
- C. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning

related information, to the Town Planning Commission for consideration. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the proposed amendment or conditional use.

- D. The Planning Commission and Town staff shall have the authority to request additional information from the applicant concerning planned use of the property, operational factors, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, if information is declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance.
- E. Within sixty (60) days from the date of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request of the Town Board.
  - 1. The Planning Commission shall consider possible adverse affects of the proposed amendment or conditional use. Its judgment shall be based upon (but not limited to) the following general factors:
    - a. Relationship to the Town's Comprehensive Plan and Policies.
    - b. The use will not create an excessive demand on public services and facilities.
    - c. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
    - d. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
    - e. The use in the opinion of the Town is reasonably related to the overall needs of the Town and to the existing land uses.
    - f. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
    - g. The use will not cause traffic hazards or congestion.
  - 2. Conditional Uses - In considering conditional use requests, the Planning Commission shall evaluate the use, utilizing

individual outside access, and the uses shall not conflict in any manner.

- m. General commercial and industrial uses shall have a minimum of 300 feet frontage on State Trunk Highway 65 or State Trunk Highway 107 and shall not have more than one freestanding sign and such sign shall not have an area exceeding one hundred, twenty-eight(128) square feet per face.

- 3. Conditional Use - The conditional use application shall comply with the minimum specific requirements pertaining to each designated conditional use as stated below.

<u>CONDITIONAL USE</u>	<u>REQUIREMENTS (Above)</u>
<u>General commercial uses</u>	a,b,c,d,e,f,g, h,i,j,k,l,m
<u>Light industrial uses</u>	a,b,c,d,e,f,g, h,i,j,k,l,m
<u>Commercial recreational parks, campgrounds, facilities, kennels</u>	a,b,c,d,e,f,g, h,i,j,k,l,
<u>Churches, government buildings</u>	a,c,e,f,g,i, j,k
<u>Organized group camps, private club buildings</u>	a,b,c,d,e,f, g,i,j,k,l
<u>Commercial extraction of sand, gravel, minerals, rock</u>	a,b,c,d,e,f, g,j
<u>Two-family, multi-family residences</u>	a,c,e,f,g,i, j,k

- 4. The Township may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, in addition to those specific requirements set forth in paragraph E, 2 and 3 of Subdivision 1 of this Section, may include, but are not limited to the following:
  - a. Matters relating to the architecture or appearance.
  - b. Establishing hours of operation.

Approval of a request shall require passage by two-thirds (2/3) vote of the full Town Board. The Zoning Administrator or Town Clerk shall notify the applicant of the Board's action.

- I. A certified copy of every conditional use shall be filed with the County Recorder.
- J. The recommendation of the Planning Commission shall be advisory to the Town Board. The decision of the Town Board shall be final subject to judicial review.

**Subd. 2.**

Amendments - Initiation. The Town Board or Planning Commission may, upon their own motion, initiate a request to amend the text or the district boundaries of this Ordinance. Any person owning real estate within the Town may initiate a request to amend the district boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning Commission.

**Subd. 3.**

Lapse of Conditional Use Permit by Non-Use. Whenever within one (1) year after granting a conditional use permit, if the work has not begun, then such permit shall become null and void unless a written extension of time in which to complete the work has been granted by the Town Board. Such extension shall be requested in writing and filed with the Zoning Administrator or Town Clerk at least thirty (30) days before the expiration of the original conditional use permit. There shall be no charge for the filing of such a request. The request for extension shall state facts showing a good faith attempt to complete the work permitted in the conditional use permit. Such request shall be presented to the Planning Commission for a recommendation and to the Town Board for a decision and shall be requested only one time on a singular action. Upon lapse of a conditional use permit, the County Recorder shall be notified of the nullification of the permit.

**Subd. 4**

Performance Bond. The Planning Commission and Town Board shall have the authority to require a performance bond or other security when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a conditional use permit the Town may require a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building

**Subd. 3.**

Public Hearing. A public hearing and notification of property owners is required as set forth in Section 11 of this Ordinance.

**SECTION 13**

**VARIANCES AND APPEALS**

**Subd. 1.**

Board of Adjustment and Appeals. The Planning commission shall act as the Board of Adjustment and Appeals and shall have the following powers:

- A. 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 official in the enforcement of the Zoning Ordinance.
- B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

**Subd. 2.**

Procedures.

- A. Requests for variances or appeals shall be filed with the Zoning Administrator on an official application form. Such application shall also be accompanied by the application fee and complimentary copies of detailed written or graphic materials fully explaining the proposed request. The Zoning Administrator shall refer said application, along with all related information to the Board of Appeals, for consideration.
- B. The Board of Adjustment and Appeals, shall consider the request at its next regular meeting. The applicant or a representative thereof shall appear before the Planning Commission in order to answer questions concerning the variance request or appeal.
- C. The Board of Adjustment and Appeals and Town staff shall have the authority to request additional information from the applicant or to retain expert testimony, with the consent and at the expense of the applicant, when said information is declared necessary.

may not permit as a variance any use which is not permitted within the zone that the property is located.

- F. Approval of variances or appeals shall require passage by two-thirds (2/3) vote of the Board of Adjustment and Appeals. The Zoning Administrator or Town Clerk shall notify the applicant of the action. The decisions of the Board of Adjustment and Appeals shall be final subject to judicial review.
- G. A certified copy of every variance shall be filed with the County Recorder.

**Subd. 3.**

Lapse of Variance or Appeal. Whenever within one (1) year after granting a variance or appeal the work as permitted by the variance or appeal has not been started, then such variance or appeal shall become null and void unless a request for extension of time in which to complete the work has been granted by the Board of Adjustment and Appeals. Such extension shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing of such request. The written request for extension shall state facts showing a good faith attempt to complete the work permitted in the variance or appeal. Such request shall be presented to the Board of Adjustment and Appeals for a decision, and shall be requested only one time on a singular action.

**Subd. 4.**

Performance Bond. The Planning commission shall have the authority to require a performance bond or other securities when it is deemed necessary and appropriate.

- A. Except in the case of non-income producing residential property, upon approval of a variance or appeal the Town may be provided with a surety bond, cash escrow certificate of deposit, securities or cash deposit prior to the issuing of land use permits or initiation of work on the proposed improvements or development. Said security shall guarantee conformance and compliance with the conditions of the variance or appeal and the ordinances of the Town.
- B. The security may be in the amount of the Town Board's estimated costs of labor and materials for the proposed improvements or development.

