

# **GREENBUSH TOWNSHIP ZONING ORDINANCE**

**GREENBUSH TOWNSHIP  
MILLE LACS COUNTY, MINNESOTA**

**Ordinance No. GB 21-0126**

**Adopted January 26, 2021**

## Previous Versions

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**GREENBUSH TOWNSHIP  
ZONING ORDINANCE**

The Board of Supervisors of the Town of Greenbush ordains:

**ARTICLE I  
TITLE AND AUTHORITY**

This ordinance, which shall be known as the Greenbush Township Zoning Ordinance (this “Ordinance”), is adopted pursuant to the Town Board’s authority under Minnesota Statutes, sections 462.351 to 462.364, 115.55, chapter 326B, and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

**ARTICLE II**  
**PURPOSE AND METHOD**

The primary purposes of this Ordinance are to: ensure public health, safety and general welfare of the inhabitants of the Town of Greenbush; protect and conserve the character, social and economic stability of the agricultural, residential, commercial, industrial and other use areas; secure the most appropriate use of land; prevent the overcrowding of the land and undue congestion of population; and facilitate adequate and economical provision of transportation, water supply, sewage disposal, schools, recreation and other public requirements. In order to accomplish these purposes, this Ordinance sets minimum and maximum standards, creates districts and establishes boundaries, identifies the uses allowed with the districts and establishes standards for particular uses, provides for changes in regulations, restrictions and boundaries of districts, establishes regulations related to the subdivision of land, defines certain terms, and provides for its administration and enforcement.

### **ARTICLE III** **JURISDICTION AND COMPLIANCE**

Subdivision 1. Application. This Ordinance applies to all of the area of Greenbush Township outside the incorporated boundaries of cities and as otherwise provided by law.

Subdivision 2. Intent and Stricter Provisions. The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and welfare. Where the conditions imposed by any provision of this Ordinance are either more or less restrictive than the comparable conditions imposed by any law, rule, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. The requirements of this Ordinance shall apply in addition to any deed restrictions, covenants, or declarations and shall be controlling over any inconsistent or less restrictive provision within any such restrictions, covenants, or declarations. The Town has no duty to enforce deed restrictions, covenants, or declarations.

Subdivision 3. Compliance. No structure or building shall be erected, converted, moved, repaired, reconstructed, or altered without first obtaining a building permit and no structure or land shall be used in any manner which is not in conformity with the provisions of this Ordinance. A separate or additional fee may be established by the Town Board for beginning construction, or initiating a use, without all required permits.

Subdivision 4. Uses. Except as herein provided, no building, structure or premises shall be used or occupied, and no building permit shall be granted, that does not conform to the requirements of this Ordinance. Building permits issued by the Town shall be valid for 180 days after the date of issuance.

Subdivision 5. Applications. Applications submitted to the Town shall comply with all of the following:

- (1) All applications must be on forms approved by the Town Board. Any requests not submitted on an approved Town form shall not be considered an application for the purposes of this Ordinance or Minnesota Statutes, section 15.99 and shall be rejected. An application shall be immediately rejected if it is not accompanied by the required application fee and escrow (if required).
- (2) Applications for permits, variances, requests to re-zone, conditional use permits, interim use permits, and any other requests for approvals required by this Ordinance shall be made to the Zoning Administrator.
- (3) Applications will not be accepted from anyone who is not the owner of land, or authorized agent of the owner, for which the application is made. However, nothing in this Ordinance 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, appeal, or other approval. No application or appeal shall be attended by any presumption of approval. Applications must contain all information required by this Ordinance.



Subdivision 6. Prior Ordinances. This Ordinance supersedes and replaces all previous land use and zoning ordinances adopted by the Town Board and all such previous land use and zoning ordinances are hereby repealed. This Ordinance does not repeal the Greenbush Township Floodplain Ordinance separately adopted and incorporated herein by reference. The repeal of the Town's previous land use and zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

Subdivision 7. Unpaid Taxes or Charges. Any application for a zoning request related to property in which there are delinquent property taxes, special assessments, penalties, interest, or past due public utility fees shall not be considered complete and shall not be processed until the owner certifies to the Town, with adequate supporting documentation, that all such delinquent or past due amounts, interest, and penalties have been paid in full. Furthermore, any person that submits an application for a zoning request that owes the Town for past zoning related fees or costs, or if the application relates to property on which there are zoning related fees or costs owed to the Town, the application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full to the Town. The Town will not issue a permit or variance to any of the above described properties until all past due amounts, penalties, and interest has been paid in full. The Town may collect any zoning related fees, charges, or costs owed to it by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity owing the amount owns in the State. The Town will provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

Subdivision 8. Separability. The various provisions of this Ordinance shall be deemed and construed to be separable. In the event any court of competent jurisdiction:

- (1) Shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment; or
- (2) Shall adjudge invalid the application of any provision of this Ordinance to a particular use, property, building or structure, such judgment shall not effect the application of said provision to any other property, building or structure not specifically included in said judgment.

## **ARTICLE IV**

### **RULES AND DEFINITIONS**

Subdivision 1. Rules. For purposes of this Ordinance, words used in the singular number include the plural, in the plural includes the singular; the present includes the past and future tenses and the future the present; the word “shall” is mandatory, the quote “may” is permissive; and all measured distance shall be to the nearest integral foot. Unless specifically defined below or elsewhere in this Ordinance, words or phrases used in this Ordinance shall have the same meaning given them in the most relevant county ordinance and, if no specific definition is provided therein, they shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable interpretation and affect. The references made herein to statutes, rules, regulations, or ordinances of the state or county shall automatically include any amendments made thereto and successor provisions without further action by the Town Board. Furthermore, such references shall serve to incorporate those statutes, rules, regulations, or ordinances by reference to the extent necessary to achieve the intent and purposes of this Ordinance. However, such incorporations are intended only to give effect to this Ordinance and are not intended to make the Town responsible for the administration or enforcement of the statutes, rules, regulations, or ordinances being referenced. The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive, exhaustive, or otherwise limited.

Subdivision 2. Definitions. The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

- (1) Accessory Building. A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.
- (2) Accessory Use. A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
- (3) Adult Uses. An establishment consisting of, including, or having the characteristics of any or all of the following:
  - (a) Adult Arcade. An establishment where, for any form or 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, 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.
  - (b) Adult Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to, on or in the body of a patron when such body is wholly or partially

nude in terms of “specified anatomical areas,” as defined herein (including tattoo, piercing establishments).

- (c) 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 Minnesota Statutes, § 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.
- (d) Adult Cabaret. As used herein, adult cabaret means and includes any of the following: (A) 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; (B) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
- (e) 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 its emphasis on matter depicting, describing, or relating to sexual conduct as defined in Minnesota Statutes, Section 617.241 subd. 1(b).
- (f) Adult Theater. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or specified sexual activities.
- (g) 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.
- (h) 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.
- (i) Sexual Encounter Establishment. An establishment other than a hotel, motel, or similar establishment offering public accommodations which, 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.

- (j) Other Uses. 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 Minnesota Statutes, Section 617.241, subd. 1(b).
  - (k) Specified Anatomical Area. As used herein, specified anatomical areas means and includes any of the following: (A) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (B) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  - (l) Specified Sexual Activities. As used herein, specified sexual activities means and includes any of the following: (A) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (B) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (C) masturbation, actual or simulated; or (D) excretory functions as part of or in connection with any of the activities in an adult use entertainment.
- (4) Addition. A structure added to the surface area covered by the original building.
  - (5) Advertising Sign. See sign, advertising.
  - (6) 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 Ordinance to be recognized at a hearing under any such proceeding and shall include:
    - (a) The holders of fee title;
    - (b) Contract for deed vendees (purchasers);
    - (c) Contract for deed vendors (sellers) with the written consent of all vendees;
    - (d) Lessees and renters with the written consent of the owner(s);
    - (e) Named buyers under a purchase agreement provided that the purchase agreement contains a provision that is conditional upon the buyer first obtaining any permit or approval required by this Ordinance;
    - (f) Optionees provided that the option contains a provision that is conditioned upon the optionee obtaining any permit or approval required by this Ordinance;

- (g) Mortgagees following a mortgage foreclosure and the expiration of the period of redemption or otherwise with the written consent of the mortgagors and/or other owners (ex: short sale);
- (h) 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
- (i) 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 representatives of any association or entity owning or occupying any affected land shall be heard at any public hearing under such proceeding.

- (7) Aggregated Project. A wind energy that is developed and operated in a coordinated fashion but may have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure, such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
- (8) Agricultural Building. A structure designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner and members of the owner's immediate family as defined in Minnesota Statutes, section 326B.103, subdivision 2, as it may be amended.
- (9) Agricultural Uses. Those used commonly associated with the growing of produce on farms including, but not limited to, livestock raising, crop farming, fruit growing, truck gardening, tree, plant, shrub and/or flower nurseries, and a roadside stand for the retail of same in season.
- (10) Alley. A public right-of-way that affords a secondary means of access to abutting property and is not intended for general traffic circulation.
- (11) Alteration. Any change or rearrangement of the supporting members of a building such as framing, bearing walls, columns, beams, or girders, means of ingress or egress openings, increase or decrease in size, building location change, including repairs related to siding and/or roofing.
- (12) Animal Unit. A unit of measure used to compare the difference 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 pounds. For purposes of these regulations, the following equivalents apply:

ANIMAL UNIT EQUIVALENT CHART	
ANIMALS	EQUIVALENT
Dairy cow (over 1,000 lbs.)	1.4 animal units
Young Dairy Stock ( 500 – 1000 lbs.)	.75 animal units
One mature cow, whether milked or dry, under 1,000 lbs.	1.0 animal units
One heifer replacement	1.0 animal units
One calf	0.5 animal units
One slaughter steer or stock cow	1.0 animal units
One feeder cattle (500 – 1200 lbs.)	1.0 animal units
Beef\Cows	1.0 animal units
One cow and calf pair	1.2 animal units
One calf (150 – 500 lbs.)	0.5 animal units
One head of swine over 300 lbs.	0.4 animal units
Grower/Feeder/Finishing/Sow/Boars	0.4 animal units
Nursery Pig (up to 50 lbs.)	0.05 animal units
One horse	1.0 animal units
One sheep	0.1 animal units
One laying hen or broiler	0.01 animal units
One ostrich	0.4 animal units
One turkey over five lbs.	0.018 animal units
One turkey under five lbs.	0.005 animal units
One duck	0.01 animal units
If not listed:	Per MPCA Rule

- (13) Animal, Wild. An animal commonly considered to be naturally wild and not naturally trained or domesticated or which are commonly considered to be inherently dangerous to public health, safety, and welfare. The term includes:
- (a) A member of the large cat family (family *Felidae*) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
  - (b) A naturally wild member of the canine family (family *Canidae*) including wolves, coyotes, dingoes and jackals, but excluding commonly accepted domesticated dogs.
  - (c) A crossbreed such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
  - (d) A member or relative of the rodent family including skunks, raccoons or squirrels but excluding those members otherwise defined or commonly accepted as domesticated house pets.

- (e) A poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
  - (f) Any other animal not listed above but which can be reasonably included in the definitions in this subdivision including, but not limited to, bears, deer, monkeys and game fish.
- (14) 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 omni-directional antennae, such as whip antennae.
- (15) Apartment. A structure containing three or more dwelling units.
- (16) 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.
- (17) 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.
- (18) Bed and Breakfast, Boarding or Lodging House. A building where lodging, with or without meals, is provided for compensation on a regular basis.
- (19) Berm. A landscaped and contoured formation of land that is raised from natural grade.
- (20) Billboard. An off-premises sign on which lettered, figured, or pictorial matter is displayed that has a display surface of 150 square feet or more.
- (21) 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.
- (22) Bluff Line. A line along the top of a slope, connecting the points at which the slope becomes less than twelve percent (12%). This applies to those slopes within the land use district(s) that are beyond the setback provisions from the ordinary high water mark.
- (23) Board of Appeals and Adjustments (Board of Adjustment). The Greenbush Township Board of Appeals and Adjustments established by this Ordinance.
- (24) 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.

- (25) 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.
- (26) Buildable Area. That part of a lot or parcel of sufficient elevation to accommodate the principal building, a well, and an on-site sewer system (two locations), all of which meet applicable codes, ordinances and 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 buildable area of a lot. Certain types of wetlands may be crossed to get access to the buildable area on an outlot that is being used for the transfer of building rights. Delineations of wetlands shall be made by qualified soils professional. 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 floodplain 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.
- (27) 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.
- (28) Building, Accessory. A subordinate structure on the same lot as the principal or main building or use.
- (29) 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.
- (30) Building Height. (See Appendix A - Building Height Diagram)  
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.
- (31) 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.
- (32) Building Official. The building official of Greenbush Township or authorized representative.
- (33) Building Permit. Written permission required and issued by the designated Town Building Official as required by the Minnesota State Building Code.
- (34) Building, Principal. A building in which is conducted, the principal use of the lot on which it is located.



- (35) Building Setback. The minimum horizontal distance prescribed in this Ordinance between a building and a specified lot line or boundary. (see Appendix B - Building Setback Requirements)
- (36) Business – (Also See Commercial Uses). Any occupation, employment or enterprise wherein merchandise is exhibited, sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.
- (37) C-BED Project. A C-BED Project is a Community Based Energy Development Project that must have local owners; no single owner may be allowed to own more than 15 percent of a project; must have a local resolution of support; and the Power Purchase Agreement must ensure levelized cash flow to the project owners. Based on their total name plate generating capacity, C-BED Projects are considered Micro-WECS, Non-Commercial WECS or Commercial WECS as defined in this Section.
- (38) 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 operation expense of the town, and such other information on capital improvements as may be pertinent.
- (39) Certificate of Survey. A certificate of survey shall show the boundary lines of the parcels or parcels surveyed and indicated monuments set at corners (or road rights-of-way when abutting roads), angle points of said parcel or parcels, and also at appropriate locations along boundary lines where lines cannot be seen from corner to corner and there is a need to clarify building setback requirements. The survey shall also be tied into required and identified land corner. The drawing shall be prepared by or under the direct supervision of a Minnesota Registered Land Surveyor.
- (40) 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.
- (41) 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.
- (42) Cluster Developments (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.
- (43) Co-location. The placement of wireless telecommunication antennae by two or more service providers on a tower, building or structure.

- (44) Commercial Recreation Facility. A recreation facility operated as a business and open to the public for a fee. Includes, but it 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.
- (45) 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.
- (46) Commercial WECS. A WECS of 40-kilowatts or more in total name plate generating capacity.
- (47) Communication Towers. Radio, cellular and television broadcasting, transmission and/or receiving towers and antennas which are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio or television reception antennas, or amateur radio station antennas, all of which are deemed to be incidental to residential use.
- (48) 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 through 7082, as amended. (See also Subsurface Sewage Treatment System, Article IX).
- (49) Comprehensive Plan. The general plan for land use, transportation, and community facilities of the Town.
- (50) Conditional Use. A use that has one or more characteristics, or one or more impacts, which are incompatible with the permitted uses within a zoning district, but which, if properly controlled or restricted, will eliminate or minimize the incompatibilities. Uses identified by this Ordinance as a conditional use may only be established after receipt of a conditional use permit from the Town. Once permitted, the use must be established and continue to be operated in compliance with the conditions imposed thereon and the applicable requirements of this Ordinance.
- (51) Conditional Use Permit. A permit issued by the Town to a specific property for a specific use identified by this Ordinance as a conditional use within the zoning district. A conditional use permit is recorded in the office of the County Recorder and runs with the land.
- (52) Condominium. A form of individual ownership in 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 land and the other common property of the building.

- (53) Contiguous. Next to, abutting, or touching and have a boundary, or portion thereof, that is coterminous (see abut; adjoining lot or land.).
- (54) Corner Lot. A lot situated at the junction of and fronting on two or more roads or highways.
- (55) County. Mille Lacs County, Minnesota.
- (56) Cul-de-sac. A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
- (57) Day Care Facility. Any facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis for periods of less than 24 hours a day, in a place other than the person's own home. Day care facilities include, but are not limited to, family day care homes, group family day care homes, day care centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult day care centers and day services.
- (58) 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.
- (59) Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.
- (60) 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.
- (61) Depth of Rear Yard. The mean horizontal distance between the rear line of the building and the centerline of the alley, where an alley exists; otherwise a rear lot line.
- (62) Design Standards. A set of guidelines defining the parameters to be followed in site and/or building design and development.
- (63) 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.
- (64) Development. The act of building structures and installing site improvements.
- (65) 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.

- (66) District. A part, zone, or geographic area within the Town within which certain zoning or development regulations apply.
- (67) Double Frontage Lots. Lots that have a front line abutting on one street and a back or rear line abutting on another street.
- (68) Drainage Course. A watercourse or indenture for the drainage of surface water.
- (69) 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.
- (70) 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.
- (71) Dwelling, Attached. A structure having dwelling units joined by one or more party walls.
- (72) Dwelling, Detached. A dwelling that is entirely surrounded by open space on the same lot.
- (73) Dwelling, Energy Efficient Subterranean. A structure meeting the specifications of the Minnesota Energy Code.
- (74) 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.
- (75) Dwelling, Single Family. A detached dwelling designed exclusively for occupancy by one family and containing not more than one dwelling unit.
- (76) Dwelling, Townhouse. One building or structure designed to accommodate more than one family in independent units, each having its own separate access and amenities.
- (77) 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.
- (78) Dynamic Display. Any sign, portion of a sign or characteristics of a sign that appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, waving, flashing, blinking, or animated display or structural element and any display that

incorporates rotating panels, LED lights manipulated through digital input, “digital ink,” incandescent bulbs, or any other method or technology that allows a sign face, or any other device, to present a series of images or displays.

- (79) Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner’s property.
- (80) Easement, Utility. A grant by a property owner for the use of a strip or portion 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.
- (81) Engineer. A Minnesota licensed professional engineer engaged by the Town Board.
- (82) Enlargement. An increase in the size of an existing structure or use, including physical size of the property, building, parking or other improvements.
- (83) Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.
- (84) 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 Ordinance including, but not limited to, construction of certain improvements or refunding the Town’s costs. The Town may withdraw funds from the account as it determines is appropriate to accomplish the purpose.
- (85) Essential Services. Underground or overhead utilities, including gas, electric, steam, water or sewer including all appurtenance necessary or incidental thereto, but excluding buildings, transmission pipelines, and electric transmission lines.
- (86) Excavation. Any non-agricultural excavation of earth exceeding fifty (50) square feet of surface area and 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 of undermining the surface of the earth.
- (87) Extractive Use. The use of land for surface or subsurface removal of sand, clay, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 through 93.51, as amended.
- (88) Fall Zone. The area defined as the furthest distance from the tower base, in which a tower will collapse in the event of the structural failure. This distance will be greater than the total height of the tower and blade.
- (89) 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.

- (90) Family Daycare. Daycare for no more than ten children of ten years of age or under of which no more than six are under school age. The number of children must include all children of any caregiver when the children are present in the residence.
- (91) Farm. A tract of land 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.
- (92) Farmstead. Property on which structures and a farm dwelling are located for management, storage and general farm operation.
- (93) Federal Communications Commission (FCC). The Federal administrative agency, or lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.
- (94) Feedlot. A fenced 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 this Ordinance, open lots used for the feeding and rearing of poultry (poultry ranges) shall 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, buildings 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.
- (95) Fence. A man-made barrier forming a boundary to or enclosing a tract of land, or some portion thereof.
- (96) Field Windbreak. A strip or belt of trees or shrubs more than one hundred (100) feet in length, fifty (50) feet or less in width, adjacent to or within a field.
- (97) Final Approval. The last official action of the Town Board 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.

- (98) Final Plat. A drawing in final form, showing a proposed subdivision containing all information and detail required by law 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.
- (99) Financial Guarantee. A financial security consistent with the requirements of this Ordinance, posted with the Town 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.
- (100) Floodplain. The area adjoining a watercourse that has been or hereafter may be covered by the regional flood.
- (101) Floor Area. The sum of all horizontal floor areas of a 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, or breezeways, and attic areas having a head room of less than 84 inches.
- (102) Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.
- (103) 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.
- (104) Frontage. The boundary of a lot that abuts an existing or dedicated public street.
- (105) 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.
- (106) Garage, Repair. A building or space for the maintenance of vehicles, but not including auto wrecking or junkyards.
- (107) Generator Nameplate Capacity. The maximum rated output of electrical power production of a generator under specific conditions designated by the manufacturer with a nameplate physically attached to the generator.
- (108) Governing Body. The Greenbush Township Board of Supervisors.
- (109) Government Sign. Any temporary or permanent sign erected and maintained by the town, county, state, federal government, or public utility.
- (110) 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.

- (111) Group Family Day Care Facility. A state licensed day care for no more than fourteen (14) children at any one time. The total number of children includes all children of any care giver when the children are present in the residence.
- (112) Guyed Tower. A tower that is supported, in whole or in part, by wires and ground anchors.
- (113) 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 are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium and 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.
- (114) 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 a Mille Lacs County numerical route designation; and any Town road.
- (115) 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 Registrar of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 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.
- (116) 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 than that typically found in residential dwellings.
- (117) Home Occupations with Interim Use Permit. Any activity carried out for gain by a resident that is incidental to, and an accessory use of, the use of property for residential purposes and that is conducted within an accessory building.
- (118) Hotel. A building having provision for five (5) or more guests in which lodging is provided with or without meals for compensation and which 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.
- (119) Impervious Surface. Any material that prevents absorption of storm water into the ground.



- (120) Incidental. Subordinate and minor in significance and bearing a reasonable relationship to or with the primary use.
- (121) Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- (122) Industrial Waste. Solid waste generated from an industrial, commercial, manufacturing or service activity that is managed as a separate waste stream.
- (123) Interim Use. Temporary use of property, until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permits the use.
- (124) Interim Use Permit. A temporary permit issued by the Town Board granting approval of an interim use under conditions listed on said permit. Uses identified by this Ordinance as an interim use may only be established after receipt of an interim use permit from the Town. The permit terminates on the date, or the occurrence of the event, identified in the permit.
- (125) Junk Yard. 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.
- (126) Kennel, Commercial. Any structure, premises, place, or property in or on which animals are boarded, groomed, bred, or trained for financial gain and includes the keeping of three (3) or more dogs of over 6 months of age for financial gain. This term does not include animal agriculture or feedlots.
- (127) Landscaping. Plantings, such as trees, shrubs, sod or seeding.
- (128) Lattice or Self-Supported Tower. A tower, erected on the ground, which consists of metal crossed strips or bars to support antennae and related equipment.
- (129) Licensed Day Care 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 a day, in a place other than persons own home. These 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.

- (130) Licensed Engineer. A person licensed as a professional engineer in the State of Minnesota.
- (131) 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 can not be furnished in the persons own home. These 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 the functionally impaired adults, or schools for handicapped persons. A facility for 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.
- (132) Livable Space. Space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.
- (133) Livestock Operation. Any operation for the feeding and care of animals for poultry, for food, or pelts.
- (134) 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 the Ordinance for each use, including buildings to accommodate same, in the zoning district in which such lot is located which abuts a public road, street or highway.
- (135) Lot Area. The area of a lot on a horizontal plane bounded by lot lines.
- (136) Lot, Corner. A lot situation 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. (See Appendix Article B - Building Setback Requirements).
- (137) Lot Coverage. The part or percentage of the lot occupied by buildings or structures including accessory buildings or structures. (see building coverage)
- (138) Lot Depth. The mean horizontal distance between the front lot line and rear lot line.
- (139) Lot Frontage, Lot Line – Front. That side of a lot that abuts an existing or dedicated public road, street or highway.
- (140) Lot, Interior. A lot other than a corner lot, including through lots. (See Appendix B - Building Setback Requirements).

- (141) 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 which 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 Ordinance, the lot line shall be the right-of-way line of any such street, road, highway or private easement.
- (142) 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 thirty (30) feet in length or if the lot forms a point in the rear, the rear lot line shall be a line thirty (30) feet in length within the lot, parallel to the front lot line.
- (143) Lot of Record. Any lot that was recorded by deed or filed as a separate parcel with the office of the Mille Lacs County Recorder on or before May 14, 1996, or any lot where sufficient proof can be shown that an unrecorded contract for deed was entered into on or before May 14, 1996.
- (144) Lot Sideline, Lot Line, Side. Those lines of a lot which begin at the point of intersection with a public right-of-way. Any boundary of a lot which is not a front or rear lot line.
- (145) Lot Split. The division of one (1) parcel of land into two (2) parcels, both of which meet all applicable Zoning Ordinance standards and all requirements of this Ordinance. Lot splits may be granted administratively pursuant to this Ordinance. Subdivisions meeting the definition of a lot split need not comply with the procedures and standards of this Ordinance, except as those procedures and standards specifically apply by their terms to an administrative lot split.
- (146) Lot, Substandard. See “Substandard Lot.”
- (147) Lot, Through. Any lot other than a corner lot that abuts more than one street.(see also Double Frontage Lot)
- (148) 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 line 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.
- (149) Manufacturing. Any enterprise that includes the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not violate the Special Provisions set forth in this Ordinance.
- (150) 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 connected to or with the required utilities.

- (151) Meteorological Towers. Towers that are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. For purposes of this ordinance, meteorological towers do not mean towers and equipment used by airports, the Minnesota Department of Transportation, or other similar applications to monitor weather conditions.
- (152) Metes and Bounds Description. A description of real property which 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 from the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.
- (153) Micro-WECS. WECS of 1 kw nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
- (154) Minimum Subdivision Design Standards. The guides, principles, and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the plan.
- (155) Midsized subsurface sewage treatment system (“MSTS”). As defined in Minnesota Administrative Rule 7081.001, subpart 4, which is incorporated hereto by reference. See Article IX for septic ordinances.
- (156) Mining. The extraction of sand, gravel, rock, soil, or other material from the land in the amount of one thousand (1,000) 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 provided such removal is an approved item in the land use permit.
- (157) 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.
- (158) Motor Vehicle. The meaning described in Minnesota Statutes, Sections 168.011, subd. 4, for vehicles, as amended, Section 168.011 subd. 8 for park trailers, as amended, Section 168.27, subd. 1 for horse trailer, as amended.
- (159) Multi-User Tower. A tower to which is attached the antennae of more than one service provider or governmental entity.
- (160) Nacelle. The part of the WECS that contains the key components of the wind turbine, including the gearbox, yaw system and the electrical generator.
- (161) Non-commercial WECS. A WECS of less than 40 kilowatts (KW) in total name plate generating capacity and not more than 40 feet in height.

- (162) Nonconforming Building, Structure or Use. A building, structure or use that does not conform with the district regulations in which it is situated.
- (163) 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 water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
- (164) 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.
- (165) 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.
- (166) Nursery, Landscape. A business of growing or selling trees, flowering and decorative plants and shrubs.
- (167) 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.
- (168) Off-Premise Sign. A commercial speech sign which directs the attention of the public to a business that is not on the same premises where such a sign is located.
- (169) 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 by owners, occupants, and guests of land adjoining or neighboring such open space.
- (170) Open Storage. Storage of materials outside 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 (24) hours.
- (171) Outlot. A parcel of land on a plat that is unbuildable with the exception of public buildings, essential services, and parks. Designation may be due to insufficient size or frontage, peculiar site topography, a lack of public improvements or necessary replatting to utilize remaining building rights. (see also Buildable Area)
- (172) Overhang. The part of a roof or wall that extends beyond the façade of a lower wall.
- (173) Owner. An individual, firm, association, syndicate, partnership, limited liability company, trust, or any other legal entity having a legal or equitable interest in the land.

- (174) Parking Space. An area sufficient in size to store one standard automobile, which has adequate access to a public street or alley, with a minimum area of 8 ½ feet by eighteen (18) feet.
- (175) Parks and Playgrounds. Public lands and open spaces in Greenbush Township dedicated or reserved for recreation purposes.
- (176) Pedestrian Way. A public right-of-way across or within a block intended to be used by pedestrians.
- (177) Permitted Use. A use that may be lawfully established in a particular district or districts, provided it conforms with all requirements and Special Provisions (if any) applicable to such use.
- (178) 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.
- (179) 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.
- (180) Planning Commission or Commission. The Greenbush Township Planning Commission.
- (181) 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 laws.
- (182) Platted Area. A parcel of land described by block and lot.
- (183) Power Purchase Agreement. A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.
- (184) Practical Difficulties. When used in connection with considering a variance application, means the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the owner is due to circumstances unique to the property that were not created by the owner, and the variance, if granted, will alter the essential character of the locality. Economic considerations alone shall not constitute practical difficulties.
- (185) Preliminary Approval. Official action taken by the Town on an application to create a subdivision that establishes the rights and obligations set forth in Minnesota Statutes, section 462.358 and the applicable subdivision regulations. In accordance with Minnesota Statutes, section 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.
- (186) 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.
- (187) Principal Building or Structure. A building in which is conducted the principal use of the lot on which it is located.
- (188) 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.
- (189) Private Sewer, Private Water Systems. Onsite systems associated with occupancy that provides sanitary water and waste disposal.
- (190) Project Boundary/Property Line. The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
- (191) Property Line. The legal boundaries of a parcel of land.
- (192) 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.
- (193) Public Conservation Lands. The land owned in fee title by State or Federal agencies and managed specifically for [grassland] conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this Section, public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conversation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
- (194) Public Land. Land owned and/or operated by a governmental unit.
- (195) Public Road. Those roads under the direct authority of the Town, the County, the State or Federal government.

- (196) Public Utility. Persons, corporations, or governments supplying gas, electric, transportation, water or land line telephone service to the general public. For the purpose of this Ordinance, wireless communication service facilities shall not be considered public utility uses and are defined separately.
- (197) Public Waters. Any water of the State which serves as a beneficial public purpose, as defined in Minnesota Statutes, Section 103G.005, subds. 15 to 18, as amended.
- (198) Recreation Equipment. Play apparatus such as swing sets and slides, sandboxes, poles for nets, picnic tables, lawn chairs, barbecue stands, and similar apparatus, but not including tree houses, swimming pools, playhouses exceeding twenty-five (25) square feet of floor area, or sheds utilized for storage of equipment.
- (199) Recreational Facility. A place designed and equipped for the conduct of sports and leisure time activities.
- (200) Recreational Vehicle. A vehicle that is built on a single chassis, 400 square feet or less when measured at its largest projection, designed to be self propelled or towable by a light duty truck, and is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Travel trailer or travel vehicle are synonymous names.
- (201) 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 Minnesota Statutes, Section 508.47, as amended.
- (202) 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.
- (203) Retail Sales. Stores and shops selling personal service or goods to consumers.
- (204) 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, including the following: (A) 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; and (B) in general, the right of one to pass over the property of another. The minimum right-of-way area for a public road for the application of this Ordinance shall be the following distances from the centerline of the road: 33 feet on a Town Road; 50 feet on a County Road; and 100 feet on a State Highway. If the road is recorded with the county recorder's office, the recorded width shall be considered the right-of-way of the road.



- (205) 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.
- (206) 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.
- (207) Rotor Diameter (RD). The diameter of the circle described by the moving rotor blades.
- (208) Salvage Yard. Any use which involves or includes the storing, keeping, salvaging and/or holding for sale 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 Ordinance; scrap iron and scrap metals; and any other item or items which no longer customarily serve the purpose for which they were designed.
- (209) Same Ownership. For the purposes of this Ordinance 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, L.L.C.'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 question individually with another individual, and other lots are owned by one's spouse, parent, grandparents, children, grandchildren, or the spouse of any child or grandchild, or a brother or 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.
- (210) Service Provider. Any individual or entity which provides wireless telecommunication services.
- (211) Setback. The minimum horizontal distance between a building and street or lot line. (See Figures 2 and 3.)
- (212) Sewage. Waste produced by toilets, bathing, laundry, or culinary operations or the floor drains associated with these sources, and includes household cleaners, medications, and other constituents in sewage restricted to amounts normally used for domestic purposes. See "Subsurface Septic Treatment System," as defined herein; see also Article IX for septic ordinances.
- (213) Shore Impact Zone. Land located between the ordinary high water (OHW) level of public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.
- (214) Shoreland. Land located within the following distances from public water: (A) 1,000 feet from the ordinary high-water mark of a lake, pond or flowage; (B) 300 feet from a river

or stream; (C) or the landward extend of a floodplain designated by Ordinance on such a river or stream, or more than 1,000 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.

- (215) 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.
- (216) Sign. Any letter, word, symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed including all associated brackets, braces, supports, wires, and structures, which is displayed for information or communicative purposes. A sign does not include wall or building art.
- (217) 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.
- (218) Sign, Nameplate. A sign, located on the premises, giving the name and/or address of the owner or occupant of a building or premises.
- (219) Sign, Temporary. A sign allowed for a period of ninety (90) days, or until a short-term condition is met, e. g. "For Sale."
- (220) Single-User Tower. A tower to which is attached to 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 Article.
- (221) Site. Any lot or parcel or combination of lots or parcels assembled for the purpose of development.
- (222) 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, floodplain, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and building; 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 Town.
- (223) 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.

- (224) 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.
- (225) 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 Mille Lacs 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.
- (226) 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.
- (227) 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.
- (228) Streets and Alleys.
- (a) Alley. A minor way that is used primarily for secondary vehicular service access to the back or side of properties abutting on a street.
  - (b) Arterial Street. A street or highway with access restrictions designed to carry large volumes of traffic between various sections of the Town and beyond.
  - (c) Collector Street. A street which carries traffic from local streets to arterials.
  - (d) Cul-De-Sac. A minor street with only one outlet and having a turn-around.
  - (e) Local Street. A street of limited continuity used primarily for access to the abutting properties and the local need of a neighborhood.
  - (f) Service Street. A 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.
  - (g) Street. A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, arterial parkway, throughway road, avenue, land, place, or however otherwise designated.
  - (h) Street Width. The shortest distance between the lines delineating the right-of-way of a street.

- (229) Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. “Structure” does not include accessory buildings smaller than 120 square feet, improved driveways, sidewalks or concrete slabs.
- (230) Structure, Nonconforming. A structure which is legally existing as of the date of enactment of this Ordinance, which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Ordinance.
- (231) 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.
- (232) 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.
- (233) 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 for others.
- (234) Subdivision. The division of a parcel of land after the effective date of the Ordinance into two or more lots or parcels, for the purpose of transfer of ownership or building development. The term includes re-subdivision 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.
- (235) Subsurface Sewage Treatment System (SSTS). A subsurface sewage treatment system or part thereof, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are described and regulated under Minnesota Rules 7080 through 7082 as amended. See also Article IX for septic ordinances.
- (236) Substandard Lot. Any lot of record that does not meet the minimum lot area, frontage, setbacks, or other dimensional standards of this Ordinance.
- (237) Substations.
- (a) Any electrical facility designed to convert electricity produced by wind turbines to a voltage for interconnection with transmission lines.
  - (b) Any electrical facility designed to convert electricity produced by a wind turbine to a voltage greater than 35,000 volts (35 kilovolts) for interconnection with high voltage transmission lines.

- (c) Any electrical facility designed to convert electricity produced by a wind turbine to a voltage acceptable for interconnection with high voltage transmission lines.
  - (d) Any electrical facility designed to convert electricity produced by a wind turbine to a voltage legally acceptable for interconnection with high voltage transmission lines
- (238) Surveyor. A person duly registered as a land surveyor by the State of Minnesota.
- (239) Total Height. The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
- (240) Total Name Plate Capacity. The total of the maximum rated output of the electrical power production equipment for a WECS project.
- (241) 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 which is taller than fifteen (15) feet, including roof antennas.
- (242) Tower Height. The total height of the WECS exclusive of the rotor blades.
- (243) Town. Greenbush Township, Mille Lacs County, Minnesota.
- (244) Town Attorney. An attorney or firm hired by the Town Board to represent the Town.
- (245) Town Board. Greenbush Township Board of Supervisors.
- (246) Town Engineer. An engineer hired by the Town Board to assist on a zoning or subdivision matter.
- (247) Township. Greenbush Township, Mille Lacs County, Minnesota.
- (248) 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.
- (249) Transfer of Development Rights. 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 or location where such transfer is permitted.
- (250) Transmission Line.

- (a) means those electrical power lines that carry voltages of at least 69,000 volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
  - (b) means those electrical power lines that carry voltages used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
  - (c) means those electrical power lines that carry voltages generated from a private residential property containing a WECS offsite to a substation or high voltage public utility.
- (251) Travel or 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.
- (252) 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 Special Provisions of this Ordinance.
- (253) Use, Accessory. A use subordinate to and serving the principal use or structure on the same lot. (See also Accessory Use.)
- (254) Variance. Written approval waiving the literal provisions of the Ordinance in instances where the applicant establishes that there are practical difficulties in strictly complying with the Ordinance because of circumstances unique to the parcel or property under consideration and are not created by the owner and the variance, if granted, will be consistent with the comprehensive plan, will not allow a use prohibited within the zoning district, and will not alter the essential character of the locality.
- (255) Veterinary. Those uses concerned with the diagnosis, treatment, and medical care of animals, including animal or pet hospitals.
- (256) Warehousing. The storage of materials or equipment within an enclosed building.
- (257) Waste. Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste and hazardous waste.
- (258) WECS – Wind Energy Conversion System. An electrical generating facility comprised of one or more wind turbines and accessory facilities, including, but not limited to, power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or may be distributed into the electrical grid.

- (259) 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:
- (a) Have a predominance of hydric soils;
  - (b) 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 life in saturated soil conditions; and
  - (c) Under normal circumstances, support a prevalence of such vegetation.
- (260) Wholesale. The selling of goods, equipment and materials by bulk to another business that, in turn, sells to the final customer.
- (261) Wind Turbine. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
- (262) Wireless Telecommunication Services. Licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.
- (263) Yard. That open space or those open spaces on a lot which does not contain any buildings.
- (264) 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 shoreland shall be considered a front yard. (See figures 2 and 3.)
- (265) Yard, Rear. A yard extending across the rear area of the lot between the side property lines and lying between the rear lot line and the nearest line of the building. (See figures 2 and 3)
- (266) 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. (See figures 2 and 3)
- (267) Zoning Administrator. The person, or individual designated to supervise the application of this Ordinance and to enforce the provisions thereof.
- (268) 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.

- (269) Zoning Map. The areas comprising the zoning districts and boundaries of said districts, as shown upon the maps attached hereto and made a part of this Ordinance, being designated as the Town of Greenbush Official Zoning Map, with all proper negotiations, references and other information shown thereon.
- (270) Zoning Ordinance (Ordinance). Zoning and subdivision regulations controlling the use of land as adopted by the Town Board of Greenbush Township.



**ARTICLE V**  
**GENERAL PROVISIONS.**

Subdivision 1. Uses Not Provided for Within Zoning Districts. Whenever in any zoning district a use of land and/or buildings is neither specifically permitted nor prohibited, the use shall be considered prohibited unless the Town Board determines, on its own initiative or upon request, that a proposed use is substantially similar to a use expressly allowed within the zoning district. An owner requesting the Town Board find a proposed use is substantially similar to an allowed use in the same zoning district shall submit an application to the Town requesting such a determination. Such applications shall be submitted to the Zoning Administrator and referred to the Planning Commission for review and a recommendation to the Town Board. The Town Board shall make the final determination of whether the proposed use is substantially similar to an allowed use and, if allowed as a substantially similar use, whether the use will be classified as permitted, interim, or conditional. The owner must then apply for any required permits based on the Town Board's classification of the use and any other applicable regulations. The Town Board shall maintain a record of all uses it expressly finds to be substantially similar and will make a good faith effort to include those uses in the Ordinance the next time it is amended. If the Town Board finds the proposed use is not substantially similar to an allowed use, the owner may submit a separate application to seek an amendment to the text of this Ordinance to expressly allow the use within the zoning district.

Subdivision 2. Nonconforming Uses and Structures.

- (1) Any nonconforming use or nonconforming structure existing on the date of adoption of this Ordinance may continue, subject to the restrictions contained in this subdivision and the other applicable provisions of this Ordinance.
- (2) Any structure that will become nonconforming as a result of an amendment to this Ordinance, but for which a building permit has been lawfully granted prior to adoption, shall be considered a lawful nonconforming structure.
- (3) Nonconforming uses and nonconforming structures shall not in any way be extended, expanded, enlarged or increased in intensity, except as expressly allowed by this subdivision.
- (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 Ordinance.
- (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 Mille Lacs County Assessor, any subsequent use of the land or premises shall be a conforming use, unless a building permit to repair or replace the nonconforming structure is obtained within 180 days of the destruction or peril. Any subsequently erected structure shall be a conforming structure. Building components such as cement slabs, foundations and equipment, which are not used to compute the cost of building permits, shall not be used as part of the market

value. Any figure of the County Assessor that takes into account for these items shall be adjusted accordingly.

- (6) Additions or expansions up to 25% of the original footprint area of the original structure may be made to a nonconforming structure only if they comply with 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:
- (i) Existing structures meeting at least 50% of the required front yard setback may be allowed to expand provided the addition does not encroach further upon existing setbacks, and that the structure is not located within the shore impact zone, bluff impact zone, or is in a floodplain.
  - (ii) Existing structures not meeting the required side or rear yard setbacks may be allowed to expand provided they do not encroach further upon existing setbacks and are not located within the shore impact zones, bluff impact zones, or in a floodplain.
  - (iii) 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.
  - (iv) 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 Ordinance.
  - (v) An addition may be made to a nonconforming structure only if the existing structure is in structurally sound condition, as determined by the Building Official or supportive engineering submittal of documentation.
  - (vi) No structural elements of the existing structure shall be removed after the new structure is completed.
  - (vii) The addition(s) shall not surround or encase the original structure.
  - (viii) The nonconforming structure may be replaced only if the replacement structure meets all setback and ordinance requirements.
  - (ix) Interior alteration of a nonconforming structure is permissible provided it does not result in an increase of flood damage potential.

- (x) Work performed requiring a permit shall be subject to all septic requirements for compliance with current requirements. See Article IX for septic ordinances.
- (7) 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 the nonconforming structure.
- (8) Any nonconforming use of a structure or structures and premises may not be changed to another nonconforming use. Once a nonconforming use or occupancy is discontinued, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy.
- (9) No nonconforming building or structure may be renovated if the cost to effect repairs exceeds 50% of the assessed value.
- (10) 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.
- (11) Nonconformance within shorelands is subject to the provisions of Minnesota Statutes, Section 462.357, subdivision 1e, paragraphs (d) through (j).

Subdivision 3. Dwelling Units Prohibited.

- (1) One Dwelling. Unless expressly allowed by this Ordinance, only one dwelling is allowed on a lot.
- (2) Structures or portions of structures 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 expressly allowed.
- (3) Camper or trailer on vacant property. A self containing camper or 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 Minnesota, may be parked on residential or agricultural 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 at a location that meets the setback standards of the underlying zoning district.
- (4) Camper or trailer for non-resident, guest or visitor. No more than one self containing camper or travel trailer of the type described in paragraph (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 ninety (90) 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.

- (5) Temporary dwelling during home construction. The Zoning Administrator may, upon application, grant 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 building 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 building 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 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.
  - (d) All campers, trailers, temporary dwelling units used or approved for seasonal or temporary use shall have self-containing sanitary waste systems for offsite disposal or be connected to an approved septic system per Minnesota Rules, chapter 7080 through 7082. See also Article IX for septic ordinances.

Subdivision 4. 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 Minnesota Rules, chapters 7080 through 7082. See also Article IX for septic ordinances.
- (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.

Subdivision 5. Preservation of Survey Monuments. All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations, and it shall be the responsibility of the applicant to insure that these markers are maintained in good condition during and following construction and development.

Subdivision 6. Lot Splits, Boundary Line Adjustments, 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 hereinafter provided. In addition to other remedies under the law and this Ordinance, no building permit shall be issued for any use or structure on any parcel of land that was illegally subdivided that became nonconforming after May 28, 1996. Lot splits in all zoning districts must have written certification from the Zoning Administrator before the newly-created parcel(s) can be created.
- (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 May 28, 1996, may be allowed as a building site, provided that 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 sewage disposal requirements of this Ordinance are complied with.
- (4) Public rights-of-way are not part of the buildable lot area.
- (5) Any road to be dedicated to the public that is established after adoption of this Ordinance shall have a right-of-way of at least sixty-six (66) feet.
- (6) There shall be no more than one principal dwelling on a parcel. Any structure used or occupied for human habitation other than the principal building is nonconforming and shall be removed offsite.

Subdivision 7. Yard Requirements. Measurements to determine compliance with setback requirements must be taken from the nearest point of the overhang or part of a building to the lot line in question, subject to the following qualifications:

- (1) Cornices, canopies, or eaves may extend into the required front yard a distance not to exceed 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 to the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such 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 distance 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 seventy-five (75) feet distant from their point of intersection. All obstructions must also conform to the side yard setback requirements.

Subdivision 8. Height Regulations.

- (1) There shall be a maximum height limitation of thirty-five (35) feet on all building structures within the Town, unless otherwise prescribed by this Ordinance.
- (2) Where the average slope of a lot is greater than a 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 any building.
- (3) Any tower, spire, or elevator, etc. proposed to exceed the height limitation must apply for an interim or conditional use permit unless otherwise permitted by this Ordinance. A permit will only be granted upon the applicant obtaining a letter of clearance from the Federal Aeronautics Administration 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 Ordinance 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) Chimneys or smokestacks;
- (g) Radio or television transmitting towers;
- (h) WECS (wind electrical conversion system);
- (i) Silos; or
- (j) Power poles or other poles or towers upon which transmission lines are strung.

Subdivision 9. 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 dwelling units shall be a minimum of twenty (20) feet in width for two-thirds of the length of the structure and shall have a full perimeter foundation.

Subdivision 10. Pre-Inspections Required. A pre-inspection by the Building Official or Zoning Administrator is required for any buildings, structures, or dwellings that are to be moved into the Town. Photographs may be required. Any costs incurred for inspection shall be borne by the applicant.

Subdivision 11. Environmental Review Program.

- (1) Purpose. The purpose of the Environmental Review Program section is to provide for the preparation and review of the Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minnesota Statutes, chapter 116D.04, to implement the Environmental Review Program in accordance with Minnesota Rules, chapter 4410.
- (2) Actions Requiring Environmental Assessment Worksheets (EAW).
  - (a) General. The purpose of the 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, if those effects have more than local significance.
  - (b) EAW Required. An EAW shall be prepared for projects that meet or exceed threshold limits specified in Minnesota Rules, part 4410.4300.
  - (c) 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 Town Board determines the action is 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:

- (i) Whether the action is to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing.

- (ii) Whether the action is likely to have disruptive effects such as generating traffic and noise.
  - (iii) Will the action have significant impacts on any school district located in the Town.
  - (iv) Are there public questions or controversy concerning the environmental effects of the proposed action(s).
  - (v) Whether the action in or near a wetland or on soils unsuitable or sensitive toward the proposed action.
  - (vi) Whether the action has more than a local impact.
- (3) Actions Requiring Environmental Impact Statements (EIS). An Environmental Impact Statement (EIS) shall be required whenever required by state law or the Town Board determines the 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 indicate that an EIS shall be prepared.
- (4) Actions not requiring Environmental Documents. Projects exempt from the preparation of an EAW or EIS are specified in Minnesota Rules, part 4410.4600.
- (5) Review Procedures and Administration.
- (a) The Zoning Administrator, or other qualified individual appointed by the Town Board, shall be the person responsible for the administration of the Environmental Review Program.
  - (b) 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 reasonable requested by the Town that the applicant has in his/her possession or to which he/she has reasonable access.
  - (c) The Zoning Administrator shall be responsible for determining 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.
  - (d) All EAWs or EISs shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission, and reviewed and approved by the Town Board.



- (e) When reviewing an EAE or EIS, the Zoning Administrator and the Planning Commission may suggest design alterations or other alternatives, including no action, which would lessen the environmental impact of the actions. 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 action.
  - (f) 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 an EIS. The Town Board shall require an EIS when it finds that project thresholds are met or exceeded as specified in Minnesota Rules, part 4410.4400, as amended.
  - (g) Nothing in this section shall be interpreted as limiting the authority of the Town Board to order a discretionary EAW or EIS as it may deem appropriate.
- (6) Enforcement.
- (a) No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
  - (b) 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 state law and this Ordinance are fully complied with.
- (7) Cost of Preparation and Review. No permit for an action for which an EAW or EIS is required shall be issued until all costs of preparation and review are paid by the applicant, all information required is supplied, and the environmental review process has been completed as provided in this section and pursuant to any written agreement entered into between the applicant and the Town Board.

Subdivision 12. Survey Required. Applications for a building permit on parcels of land of five acres or less shall be accompanied by a survey.

Subdivision 13. Compliance with State Wetland Conservation Act. Approval of applications made under this Ordinance are conditioned upon compliance with the State Wetland Conservation Act to the extent applicable.

Subdivision 14. Restrictions on Filing and Recording Conveyances. No conveyance of land within the Town shall be filed or recorded if the land is described by metes and bounds or by reference to an unapproved plat made after adoption of this Ordinance, except where the land described:

- (1) Was a separate lot of record on the date of adoption of this Ordinance.

- (2) Is a single parcel of land not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any of which is less than twenty (20) acres or five hundred (500) feet in width.

If the foregoing restrictions create an unnecessary hardship and failure to comply does not interfere with the purpose of these regulations, the Town Board may waive such compliance by adoption of a resolution to that affect.

Subdivision 15. Minnesota State Building Code. Building permits issued pursuant to this Ordinance shall be issued in compliance with the Minnesota State Building Code (“Building Code”).

- (1) Adopted by Reference. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry, pursuant to Minnesota Statutes, chapter 326B, including all of the amendments, rules, and regulations established, adopted, and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Ordinance. The Minnesota State Building Code is hereby incorporated in this Ordinance as if fully set forth herein.
- (2) Application, Administration, and Enforcement. The application, administration, and enforcement of the Building Code shall be in accordance with Building Code and Minnesota Rules, Chapter 1300. The Building Inspector is designated the Town’s building official for the purposes of the Building Code and shall be responsible for administering and enforcing the Building Code in the Town. The Building Inspector must have the qualifications and be certified in accordance with Minnesota Statutes, section 326B.133 in order to serve as the building official.
- (3) Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in the Building Code and its authorizing legislation. Permit fees shall be assessed for work governed by the Building Code in accordance with the fee schedule adopted by the Town Board. In addition to the permit fee, a surcharge fee shall be collected on all permits issued for work governed by the Building Code in accordance with Minnesota Statutes, section 326B.148.

**ARTICLE VI**  
**DISTRICT PROVISIONS.**

Subdivision 1. Classification of Districts. For the purposes of this Ordinance, Greenbush Town is hereby divided into classes of districts which shall be designated as follows:

<b>A – 1</b>	General Agriculture District
<b>R</b>	Rural Residential District.
<b>C</b>	General Business District
<b>S</b>	Shoreland Overlay District
<b>FP</b>	Floodplain Overlay District

Subdivision 2. Zoning Map. The location and boundaries of the Districts established by the Ordinance are hereby set forth on the Zoning Map which is adopted, and incorporated herein, by reference. The Zoning Map shall have the same force and effect as if fully set forth herein.

The maps and text of the Flood Insurance Study for Mille Lacs County (which includes the section for Greenbush Township), prepared by the Federal Emergency Management Agency (FEMA), are part of the Zoning Map and shall serve as the official Flood Zone maps for purposes of administration of this Ordinance and the Greenbush Township Floodplain Ordinance. A copy of the Zoning Map, including the Flood Zone maps, shall be on file in the office of the Zoning Administrator.

Subdivision 3. Zoning District Boundaries. The boundaries of the zoning districts are as shown on the Zoning Map and the location of the district boundaries shall be interpreted in accordance with the following:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, alleys or railroad lines shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as following shorelines 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.
- (4) Boundaries indicated as approximately following the Town boundaries shall be construed as following such boundaries.

- (5) Where a district boundary line divides a lot that was in single or common ownership at the time of passage of this Ordinance 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.
- (6) If district boundaries, as interpreted by the Zoning Administrator or the Planning Commission, are contested, the Town Board shall make the final decision as to the location of the district boundaries. When boundaries are in dispute, the burden of proof shall lie with the applicant.
- (7) If Shoreland Overlay 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.

Subdivision 4. District Regulations. The regulation of this Ordinance within each district shall be the minimum regulations and shall apply uniformly to each class or kind of structure of land. The following shall be complied with within each district:

- (1) 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 as well as all other applicable standards and regulations including, but not limited to, the Special Provisions set out in this Ordinance.
- (2) 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 Ordinance.
- (3) One or more permits may be required for a use identified within a district as being permitted or as requiring a particular type of permit, depending on the nature of the use and whether a structure is to be constructed or altered.
- (4) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirement of this Ordinance.

Subdivision 5. General Agriculture District (A-1).

- (1) Purpose. The General Agriculture District (A-1) is intended to provide a district that will:

- (a) Allow suitable areas of the Town 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 Town;
- (d) Protect and preserve open space; and
- (e) Enhance, encourage and protect open space in the Town.

Anyone building in the General Agriculture District must accept the rural environment as it is found, including generally accepted farming practices and the noises and smells they produce.

- (2) District Boundaries. Land within the Town in the General Agriculture District (A-1) includes Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 28, 29, and 30 (Township 36, Range 27).
- (3) Permitted Uses. The following uses shall be allowed in the General Agriculture District (A-1) as permitted uses:
  - (a) Agricultural land uses including farm buildings and one farm dwelling.
  - (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 ostriches.
    - (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.
    - (6) Fruit growing.
    - (7) Nursery stock and tree farms.
    - (8) Garden vegetables.

- (c) Feedlots and confinement buildings less than two hundred (200) animal units per feedlot and manure storage, consistent with MPCA regulations and the Special Provisions.
- (d) Farm drainage systems, including but not limited to, flood control, watershed structures, erosion control structures and devices meeting all Town, County, State and Natural Resource Conservation Service (NRCS) regulations are permitted.
- (e) Forestry and nurseries.
- (f) Railroad rights-of-way, but not including freight classification yards and buildings.
- (g) Essential public services, including electric, gas, telephone and water utility substations, water reservoirs, highway maintenance shops, public park facilities, and similar public uses, subject to regulations set forth in this Ordinance.
- (h) Historic sites and areas.
- (i) Religious facilities, including the use of space for pre-school activities, subject to the Special Provisions.
- (j) Temporary or seasonal roadside stands for purposes of retailing farm produce with adequate off-street parking, not to exceed one stand per farm.
- (k) Seasonal greenhouses for the sale of garden plants to customers arriving on-site and meeting the requirements of the Special Conditions.
- (l) Local government administration and service buildings.
- (m) Wildlife areas, park and recreation areas, game refuges and forest preserves owned or operated by governmental agencies or non-profit groups.
- (n) Public schools or private schools having a curriculum equivalent to public schools.
- (o) Riding stables containing less than ten (10) animal units. The facility must be at least five (5) acres in size.
- (p) Cemeteries and memorial gardens.
- (q) State licensed residential facility serving six (6) or fewer persons.
- (r) 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.

- (s) Group family day care facility established under Minnesota Rules, Chapter 9502 to serve fourteen (14) or fewer children.
  - (t) Controlled burning of diseased trees with an MPCA permit.
  - (u) Public, parochial or private schools meeting the requirements of the Special Conditions.
  - (v) Single-family residential homes, subject to the regulations in the Special Conditions.
- (3) Permitted Accessory Uses. The following uses shall be allowed as accessory uses within the General Agriculture District (A-1):
- (a) Private garages, parking spaces, or carports for passenger cars.
  - (b) Landscape features, but no such feature more than four (4) feet in height shall be located in the site triangle of intersection roadways.
  - (c) Keeping of not more than two (2) boarders or roomers by a resident family.
  - (d) Private swimming pools and tennis courts.
  - (e) Home occupations conducted within a dwelling and meeting the definition of a Home Occupation, and subject to the Special Provisions.
  - (f) Accessory buildings, subject to the Special Provisions.
- (4) Conditional Uses. The following uses may be allowed in the General Agriculture District (A-1) as conditional uses, subject to the provisions regarding the issuance of a Conditional Use Permit:
- (a) Commercial outdoor recreation areas similar to Public Recreation areas.
  - (b) Golf courses, clubhouse, country club and public swimming pools, subject to the Special Provisions.
  - (c) Organized group camps.
  - (d) Gun clubs, shooting preserves, target ranges, trap and skeet ranges.
  - (e) Railroad freight classification yards and accessory buildings.

- (f) Feedlots with two hundred (200) or more animal units per feedlot and manure storage, consistent with MPCA regulations and the Special Provisions.
  - (g) Commercial grain storage and drying facilities.
  - (h) Livestock sale barns and accessory facilities.
  - (i) 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.
  - (j) Commercial kennels for dogs.
  - (k) Child and Day Care services.
  - (l) Bed and Breakfast facility located within a single-family dwelling on a parcel currently in agricultural operations, subject to the Special Provisions.
  - (m) Assisted living facilities.
  - (n) Retreat centers, subject to the Special Provisions.
  - (o) Agricultural equipment sales, storage and repair facilities subject to plan approval.
  - (p) Private airstrip, subject to obtaining all necessary State or Federal permits and complying with all State or Federal regulations for private airstrips. There must be a primary residence on-site for permit consideration.
  - (q) Sawmills.
  - (r) Automobile or vehicular repair shops, subject to the Special Provisions.
  - (s) Utility power transmission lines and pipelines.
  - (t) Wireless Communication facilities.
  - (u) WECS (Wind Electrical Conversion Systems).
  - (v) State licensed residential facility serving more than six (6) persons.
  - (w) Residential Cluster Developments, subject to the Special Provisions.
- (5) Interim Uses. The following uses may be allowed in the General Agriculture District (A-1) as interim uses, subject to the provisions regarding the issuance of an interim use permit:
- (a) Home occupations in an accessory building, subject to the Special Provisions.



- (b) Temporary equipment placement and/or operations, such as a bituminous plant, ready mix plant, or contractor's yard, for highway/road construction, for a period not to exceed 8 months. The types of facilities allowed include blacktopping processing facilities, which include the processing of recycled materials, and concrete recycling storage areas, which include storage, grinding, or other processing. The use shall be subject to the following:
    - (i) Erosion control and storm water management plans; and
    - (ii) A performance bond shall be required for site restoration and road repairs.
  - (c) Application of contaminated soils, subject to obtaining all necessary local, state and federal approvals.
  - (d) Demolition waste transfer stations.
  - (e) Outdoor storage or the placement of two or more campers or travel.
  - (f) Other proposed uses that are determined to be similar in nature to the interim uses listed in this section.
  - (g) Other uses that are temporary in nature and that the Town Board determines is substantially similar to one or more of the other uses allowed within this district.
- (6) Prohibited Uses. The following uses are prohibited in the General Agriculture District (A-1):
- (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 mixed municipal waste transfer station.
  - (d) Sanitary landfill.
  - (e) 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 is located in a single area not exceeding one (1) acre.
  - (f) Processing of waste tires to produce tire derived products.
  - (g) Disposal of waste tires.

- (h) Open dumps.
- (i) Land application of lime by-products, except for natural, unaltered quarry lime.
- (j) Overnight parking of semi-trailers.
- (k) Use of semi-trailers for storage.
- (l) All uses not listed as being allowed as a permitted, conditional or interim use shall be considered prohibited.

Notwithstanding anything to the contrary contained in this Ordinance, if any of the prohibited uses listed above is lawfully existing in the Agricultural District upon the effective date of this Ordinance, 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 Special Provisions set forth in this Ordinance.

(7) Height, Yard, Lot Width and Lot Depth Regulations.

- (a) Height Regulations. No building hereafter erected or altered shall exceed two and one-half stories or thirty-five (35) feet in height unless otherwise provided for in the General Regulations.
- (b) Front Yard Regulations. There shall be a front yard setback of not less than seventy-seven (77) feet from the right-of-way of any road, street or highway.
- (c) Side Yard Regulations. There shall be a minimum side yard setback of not less than fifteen (15) feet from all buildings or structures.
- (d) Rear Yard Regulations.
  - (i) There shall be a minimum rear yard setback of not less than thirty (30) feet for all buildings or structures.
  - (ii) All lots adjoining lakes, ponds or flowages which are less than twenty-five (25) acres and not covered by the Shoreland Overlay District regulations, shall also provide a setback from the ordinary high-water level of seventy-five (75) feet for principal buildings and fifty (50) feet for all septic systems. See also Article IX for septic ordinances.
- (e) Lot Width and Depth Regulations. Every lot on which a single-family dwelling is erected shall contain a minimum of five (5) acres, one (1) acre of which is buildable. The applicant is required to provide information sufficient to demonstrate the lot contains the required buildable area.

- (f) General Regulations. Additional requirements for signs, parking, and other regulations for the General Agriculture District are set forth in the General Regulations, Performance Standards, and Special Provisions articles of this Ordinance.

Subdivision 6. Rural Residential District (R).

- (1) Purpose. The Rural Residential District (R) is intended to provide a district that will:

- (a) Permit residential development in an orderly manner.
- (b) Require the platting of vacant proposed land for development; and
- (c) Assure a pleasant and suitable residential environment.

Due to the pre-existing agricultural nature of the Town, anyone building in the Rural Residential District must accept the rural environment as it is found, including generally accepted farming practices and the noises and smells they produce.

- (2) District Boundaries. The Rural Residential District is comprised of, and shall include, Sections 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35 and 36 (Township 36, Range 27), excluding a strip of land one thousand (1000) feet deep, on each side, both north and south, directly adjacent to the right-of-way of State Highway 95, running through Sections 25, 26 and 27, and also excluding a strip of land one thousand (1000) feet in depth running south of the existing State Highway 95 service road (Township Road #T-11-82).

- (3) Permitted Uses. The following uses shall be allowed in the Rural Residential District (R) as permitted uses:

- (a) Single family dwellings, subject to performance standard requirements:
- (b) Agricultural land uses provided animal unit density does not exceed one (1) unit per acre and the property must be more than three (3) acres.
- (c) Horticulture.
- (d) Public parks, game refuges, forestry, publicly owned recreation and wildlife areas.
- (e) Subdivisions of land for residential purposes, providing the subdivision of any lot of record, either initially or through future subdivisions, creates three or more parcels, none of which is less than 2 ½ acres in size. A registered land survey of all such divisions is required and shall be filed with the Zoning Administrator, either initially or at the time of the second subdivision thereof. (See Subdivision Section of this Ordinance for additional regulations.)

- (f) Essential public services, including service, gas, telephone and water utility substations, water reservoirs, highway maintenance shops, public park facilities, and similar public uses, subject to regulations set forth in this Ordinance.
- (g) Agriculture and farm production, including farm buildings, one farm dwelling, and accessory buildings.
- (h) Feedlots and confinement buildings. In addition, sump type livestock and/or poultry manure storage systems, or other systems of manure storage that are of like or similar nature are permitted. These uses shall comply with all applicable MPCA regulations to prevent feedlot runoff. These uses are also subject to the Special Conditions.
- (i) Farm drainage systems, flood control and watershed structures and erosion control devices meeting all Town, County, State, Department of Natural Resources (DNR) and Natural Resource Conservation Service (NRCS) minimum standards.
- (j) Railroad rights-of-way, but not including freight classification yards and buildings.
- (k) Historic sites and areas.
- (l) Public schools or private schools having a curriculum equivalent to public schools.
- (m) Religious facilities, including the use of space for pre-school facilities.
- (n) Temporary or seasonal roadside stands for purposes of retailing farm produce with adequate off-street parking, not to exceed one (1) stand per farm.
- (o) Seasonal greenhouses for the sale of garden plants to customers arriving on-site and meeting the conditions in the Special Provisions.
- (p) Local government administration and service buildings.
- (q) Cemeteries and memorial gardens.
- (r) State licensed residential facilities serving six (6) or fewer persons.
- (s) 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 in non-residential premises within this zone.

- (t) Group family day care facility as established in Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
  - (u) Facilities, educational institutions, day care and any other non-residential use are subject to State and County guidelines and regulations.
- (4) Permitted Accessory Uses. The following shall be allowed as permitted accessory uses within the Rural Residential District (R):
- (a) Private garages, parking spaces, or carports for passenger cars.
  - (b) Landscape features, but no such feature more than four (4) feet in height shall be located in the site triangle of intersection roadways.
  - (c) Keeping of not more than two (2) boarders or roomers by a resident family.
  - (d) Private swimming pools and tennis courts.
  - (e) Home occupations conducted within a dwelling, subject to the Special Provisions.
  - (f) Signs as regulated by this Ordinance.
  - (g) Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal necessary construction time.
  - (h) Accessory buildings, subject to the Special Provisions.
- (5) Conditional Uses. The following uses may be allowed in the Rural Residential District (R) as conditional uses, subject to the provisions regarding the issuance of a Conditional Use Permit:
- (a) Commercial outdoor recreation areas, similar to Public Recreation areas.
  - (b) Organized group camps.
  - (c) Nurseries and greenhouses with retail sales of home-grown products.
  - (d) Manufactured home parks.
  - (e) Energy efficient subterranean dwellings.
  - (f) Duplexes.
  - (g) Commercial kennels for dogs or other animals.

- (h) Feedlots or livestock feed and poultry lots subject to the requirements of the Minnesota Pollution Control Agency (MPCA) regulations, when any of the following quantities are present: 300 dairy animals, 400 beef animals, 600 pigs, 1,200 sheep or 4,000 fowl. These uses are subject to the Special Provisions.
- (6) Interim Uses. The following uses may be allowed in the Rural Residential District (R) as interim uses, subject to the provisions regarding the issuance of an interim use permit:
- (a) Home occupations in an accessory building, subject to Special Provision requirements.
- (7) Prohibited Uses. The following uses are prohibited in the Rural Residential District (R):
- (a) Final disposal facility for mixed municipal solid waste, hazardous waste, industrial waste, incinerator ash, and 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 mixed municipal waste transfer stations.
  - (d) Sanitary landfill.
  - (e) 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.
  - (f) Processing of waste tires to produce tire-derived products.
  - (g) Disposal of waste tires.
  - (h) Open dumps.
  - (i) Land application of lime by-products, except for natural, unaltered quarry lime.
  - (j) Overnight parking of semi-trailers.
  - (k) Use of semi-trailers for storage.
  - (l) Outside storage of any kind in a front or side yard setback.
  - (m) All uses not listed as being allowed as a permitted, conditional or interim use shall be considered prohibited.

Notwithstanding anything to the contrary contained in this Ordinance, if any of the prohibited uses listed above lawfully exist in the Rural Residential District upon the

effective date of this Ordinance, 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 Special Provisions set forth in this Ordinance.

(8) Height, Yard and Area Requirements.

(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.

(b) Front Yard Regulations. There shall be a front yard setback of not less than seventy-seven (77) feet from the right-of-way of any road, street or highway. The edge of the right-of-way from which the setback shall be determined is based on the type of road as follows: the edge of the right-of-way from the centerline of a Town Road is 33 feet, 50 feet for a County Road, and 100 feet for a State Highway. There are some exceptions for wider rights-of-way.

(c) Side Yard Regulations. There shall be a minimum side yard setback of not less than fifteen (15) feet for all buildings or structures.

(d) Rear Yard Regulations.

(i) There shall be a minimum rear yard setback of not less than thirty (30) feet for all buildings or structures.

(ii) All lots adjoining lakes, ponds, or flowages which are less than twenty-five (25) acres and are not covered by the shoreland or floodplain regulations, shall also provide a setback from the ordinary high-water level (OHW) of seventy-five (75) feet if for principal buildings and fifty (50) feet for septic systems. There are exceptions that are allowed but are subject to wetland delineation. See also Article IX for septic ordinances.

(e) Lot Area Regulations. Every lot on which a single-family dwelling is erected shall contain a minimum of two and one-half (2 ½) acres.

(9) General Regulations. Additional requirements for signs, parking, and other regulations for the Rural Residential District are set forth in the General Regulations, Performance Standards and Special Provisions articles of this Ordinance.

Subdivision 7. General Business District (C).

(1) Purpose. The General Business District (C) is intended to provide a district that will:

(a) Allow compact and convenient limited, highway-oriented business that closely relates to major highways within the Town;

- (b) Promote development that is designed to insure that the traffic carrying capabilities of abutting roads and highways are not impaired by commercial uses; and
- (c) Permit orderly commercial and light industrial development.

Due to the pre-existing agricultural nature of the Town, anyone building in the General Business District (C) must accept the rural environment as it is found, including generally accepted farming practices and the noises and smells they produce.

- (2) District Boundaries. The General Business District (C) is comprised of a strip of land one thousand (1,000) feet deep on both sides (north and south) and directly adjacent to, the right-of-way of State Highway 95, running through Sections 25, 26, and 27, and including a strip of land one thousand (1,000) feet in depth running south of the existing State Highway 95 service road (Township road #T-11-82).
- (3) Permitted Uses. The following uses shall be allowed in the General Business District (C) as permitted uses:
  - (a) Agricultural land uses.
  - (b) Automobile service stations for the sale of gasoline, oil and accessories, automobile repair or service, and auto car wash.
  - (c) Drive-in retail stores or service uses.
  - (d) Bowling alleys.
  - (e) Wholesale uses, defined as any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products, which conform to the performance standards set forth hereinafter, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic materials, odors, fire or explosion hazards or glare.
  - (f) Livestock sales.
  - (g) Single-family dwellings, subject to special provision requirements.
  - (h) Miniature golf courses.
  - (i) Motel, hotel, or tourist camps.
  - (j) Professional offices.



- (k) Building and material sales.
  - (l) Dwelling units for watchmen and their families, located on the premises where they are employed in such capacity.
  - (m) Public utilities and services including fire stations, police stations, and utility substations.
  - (n) Auction houses.
  - (o) Light manufacturing that conforms to the Performance Standards section of this Ordinance.
- (4) Permitted Accessory Uses. The following uses shall be allowed as permitted accessory uses within the General Commercial District (C):
- (a) Accessory uses customarily incidental to the uses permitted or conditionally permitted in the General Commercial District (C), subject to the following:
    - (i) A detached accessory building shall not be located in any required front, side or rear yard setback.
  - (b) Landscape features, but no such feature more than four (4) feet in height shall be located in the site triangle of intersection roadways.
- (5) Conditional Uses. The following uses may be allowed in the General Business District (C) as conditional uses, subject to the provisions regarding the issuance of a Conditional Use Permit:
- (a) Other highway-oriented business activity of the same general character as those listed in this section.
  - (b) Drive-in theaters.
  - (c) Hospital, convalescent home, nursing home, and medical clinic.
  - (d) Mini-storage units.
  - (e) Wireless communication facilities (towers).
  - (f) Utility power transmission and pipelines.
  - (g) Radio or TV relay towers.

- (6) Interim Uses. The following uses may be allowed in the General Business District (C) as interim uses, subject to the provisions regarding the issuance of an interim use permit:
- (a) Home occupations in an accessory building on residential properties, subject to Special Provision.
  - (b) Outdoor storage or the placement of two or more campers or travel trailers.
  - (c) Other uses that are temporary in nature and that the Town Board determines is substantially one or more of the other uses allowed within this district.
- (7) Prohibited Uses. The following uses are prohibited in the General Business District (C):
- (a) Final disposal facility for mixed municipal solid waste, hazardous waste, industrial waste, incinerator ash, or infectious waste.
  - (b) Incineration of treatment, disposal, or processing of mixed municipal waste, hazardous waste, industrial waste and infectious waste.
  - (c) Solid waste, hazardous waste, or mixed municipal waste transfer station.
  - (d) Sanitary landfill.
  - (e) Junk yard and the storage of junk or inoperable equipment.
  - (f) Disposal of waste tires.
  - (g) Open dump.
  - (h) Land application of lime, except for natural, unaltered quarry lime.
  - (i) Overnight parking of semi-trailers.
  - (j) Outside storage of any kind in a front or side yard setback.
  - (k) Use of semi-trailers for storage.
  - (l) All uses not listed as being permitted, conditional or interim use shall be considered prohibited.

Notwithstanding anything to the contrary contained in this Ordinance, if any of the prohibited uses listed above lawfully exist in the General Business District upon the effective date of this Ordinance, 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 Special Provisions set forth in this Ordinance.

- (8) Height, Yard, Lot Width, Lot Area, Lot Coverage, Storage of Materials, and Landscaping 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 setback of not less than seventy-five (75) feet from the right-of-way of a state highway and not less than eighty-three (83) feet from the centerline of any county road and one hundred ten (110) feet from a town road, however established.
  - (c) Side Yard Regulations. There shall be a minimum side yard setback of not less than fifteen (15) feet from the lot line.
  - (d) Rear Yard Regulations. There shall be a minimum rear yard setback of not less than thirty (30) feet from the lot line.
  - (e) 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.
  - (f) Lot Width Regulations. Every lot or tract shall have a side yard of not less than one hundred (100) feet abutting a public road and as measured at the front building setback line.
  - (g) Lot Coverage Regulations. No more than fifty percent (50%) of the lot or parcel shall be occupied by buildings or structures.
  - (h) Landscaping Requirements.
    - (i) All required yards shall be either open landscape and green areas or left in a natural state, except as provided in the General Regulations Section of this Ordinance.
    - (ii) If any yards are to be landscaped, they shall be landscaped attractively with lawn, either seeding or sod, trees, shrubs, etc.
    - (iii) Any areas left in a natural state shall be properly maintained in an orderly and well-kept condition, free of noxious weeds.
    - (iv) Yards that directly adjoin any residential use shall be landscaped with vegetative screening.

- (v) Plans for such screening shall be included in the site plan approval submission.
  - (vi) Landscaping shall be installed as part of the initial construction.
  - (i) Storage of Materials. Open storage of materials in any front or side yard is prohibited. Any outside storage shall be located or screened so it is not visible from an adjacent residential use.
- (9) General Regulations. Additional requirements for signs, parking, and other regulations for the General Business District are set forth in the General Regulations, Performance Standards and Special Provisions articles of this Ordinance.

Subdivision 8. Shoreland Overlay District(s).

- (1) Purpose. The Shoreland Overlay District(s) is intended to identify the areas within the Town that are subject to the shoreland regulations adopted and administered by the County. The Town has not adopted shoreland regulations and is not incorporating the County's shoreland regulations into this Ordinance. Lands within the Shoreland Overlay District are subject to the requirements of this Ordinance as well as the County's shoreland regulations. A use allowed in the underlying zoning district by this Ordinance may be prohibited, or subject to greater restrictions, under the County's shoreland regulations.
- (2) Boundaries. The boundaries of the Shoreland Overlay District are the same as those established by the County for the shoreland areas that are subject to the County's shoreland regulations.
- (3) Allowed Uses. The uses allowed in the Shoreland Overlay District are the same as those allowed in the underlying zoning district, except to the extent the use is prohibited or limited by the County's shoreland regulations.
- (4) Standards. The same height, yard, area, and other standards and requirements applicable in the underlying zoning district shall apply in the Shoreland Overlay District to the extent they are at least as restrictive as those contained in the shoreland regulations.

Subdivision 9. Floodplain Overlay District (FP).

- (1) Purpose. The Floodplain Overlay District is intended to identify the areas within the Town that are subject to the floodplain regulations contained within the Greenbush Township Floodplain Ordinance, which is incorporated herein by reference. Lands within the Floodplain Overlay District are subject to the requirements of this Ordinance as well as the Town's floodplain ordinance. A use allowed in the underlying zoning

district by this Ordinance may be prohibited, or subject to greater restrictions, under the floodplain ordinance.

- (2) Boundaries. The boundaries of the Floodplain Overlay District are the same as those established by the most current flood insurance study conducted for the County and encompasses those areas identified as floodway, flood fringe, or the general floodplain district as further explained in the Town's floodplain ordinance.
- (3) Allowed Uses. The uses allowed in the Floodplain Overlay District are the same as those allowed in the underlying zoning district, except to the extent the use is prohibited or limited by the Town's floodplain ordinance.
- (4) Standards. The same height, yard, area, and other standards and requirements applicable in the underlying zoning district shall apply in the Floodplain Overlay District to the extent they are at least as restrictive as those contained in the floodplain regulations.

## **ARTICLE VII**

### **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 as well as any particular standards identified for the use:

#### Subdivision 1. Nuisance Standards.

- (1) 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.
- (2) 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 period of construction.
- (3) 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.
- (4) Smoke and Particulate Matter. Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the MPCA for the emission of smoke and particulate matter.
- (5) 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 MPCA.

#### Subdivision 2. Storage Standards.

- (1) General 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 on the premises; agricultural equipment and materials if used or intended for use on 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 fifteen (15) feet distant from any property line. Existing uses shall comply with this provision within twelve (12) months of the effective date of this Ordinance. Plans for screening shall be reviewed by the Planning Commission and approved by the Town Board before it is erected. In the Rural Residential District (R), wood piles must be neatly stacked, a maximum of eight (8) feet in height and must not take up more than ten percent (10%) of the total open area of a yard.

- (2) 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 regulation 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 Minnesota's State Fire Marshal's Office.

Subdivision 3. Visual and Sight Distance Standards.

- (1) Screening. Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. The screening required herein shall consist of fence, trees, or shrubs. Plans for such screening shall be approved by the Planning Commission before it is erected.
- (2) Residential Fences. Residential fences shall be constructed according to the following standards:
- (a) The maximum height for a residential fence shall be six (6) feet. Any fence in excess of six (6) feet in height shall require the approval of the Town Board, except those fences constructed for agricultural purposes.
  - (b) Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner of the fence. Permanent fences shall be setback at least three (3) feet from the property line unless a written agreement to place the fence closer to the line is entered into with the neighboring owner and is presented to the Town.
  - (c) Posts and framework shall be placed within the property lines of the owner and 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.
  - (d) 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 site distance triangle or that interferes with use of the right-of-way for right-of-way purposes.
  - (e) 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 in any residential or agricultural district.
  - (f) Every fence shall be maintained in a condition of good repair and shall not be allowed to become and remain in a condition which would constitute a public nuisance or a dangerous condition.

- (3) Business and Industrial Fences. Fences may be located on a lot line to a height of six (6) feet. Fences over six (6) feet in height and with a security arm for barbed wire shall be permitted when needed for security reasons as approved by the Town Board. Other fencing over six (6) feet in height shall require a conditional or interim use permit, unless such fencing is described in a permit for another project.
- (4) 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 (30) 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, or 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) Driveway culverts shall be a minimum of thirty (30) feet in length, constructed of steel, and shall include flared ends. The diameter of the culvert shall be a minimum of eighteen (18) inches, unless a smaller diameter is approved, or a larger diameter is required, by the Town Board depending on water flow.
  - (h) Shared driveways are permitted adjacent to a County road and shall be no less than thirty-three (33) feet in width, with 16-½ feet on each side of the abutting property lines.



Subdivision 4. Hazardous Elements Standards.

- (1) Explosives. Any use requiring the storage, utilization or manufacturing of products which 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 purposes.
- (2) Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the MPCA.
- (3) Incinerators. The installation of incinerators, their use and design, shall be in conformity with the regulations and standards adopted by the MPCA.

**ARTICLE VIII**  
**SPECIAL PROVISIONS**

**Subdivision 1. Signs.**

- (1) **Purpose and Intent.** The purpose of this subdivision is to coordinate the type, placement, and scale of signs within the Town, to provide for the safety of the traveling public by limiting distractions, hazards, and obstructions, and to guarantee equal treatment under the law through consistent enforcement. This shall be accomplished by regulation of the display, erection, use, and maintenance of signs. It is further the intent of this subdivision to encourage quality and aesthetics in the size, design, and the materials used for sign construction, to enhance the overall appearance and image of the community, and to assure that the public is not endangered by the unsafe, disorderly, or unnecessary use of signage. It is not, however, the purpose or intent of this subdivision to regulate the message displayed on any sign.
  
- (2) **Message Substitution.** The owner of any sign which is otherwise allowed by this subdivision may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.
  
- (3) **General Provisions.** Signs are a permitted accessory use in all use districts, subject to the following regulations:
  - (a) Signs, with the exception of government signs are prohibited within public rights-of-way.
  
  - (b) Illuminated signs may be permitted, but signs with dynamic displays shall be prohibited with the exception of those signs giving public service information such as time, date, and temperature.
  
  - (c) For the purpose of selling, renting, or leasing a single parcel, a sign not in excess of six (6) square feet for residential properties and twenty-six (26) square feet per surface for commercial or industrial properties shall be placed within the front yard. The maximum height for such signs is six (6) feet. Such signs shall not be less than ten (10) feet from the right-of-way line. All signs permitted by this subdivision must be removed within seven days after the closing date of the sale or lease of the property.
  
  - (d) For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign, not to exceed thirty-two (32) square feet of surface, may be erected upon the project site. The maximum height for such signs is six (6) feet. Such signs shall not be less than ten (10) feet from the right-of-way line

and shall be removed when construction on the site has been completed. No such sign under this subdivision shall remain for more than twenty-four (24) months unless a longer time has been approved by the Town Board.

- (e) No sign shall, by reason of position, shape or color, interfere in any way with proper functioning or purpose of a traffic sign or signal.
  - (f) Signs shall not be painted directly on the outside wall of a building.
  - (g) 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.
  - (h) Signs authorized by Minnesota Statutes Section 211B.045 are permitted and must be removed in accordance with the provisions of this statute.
  - (i) All signs, except billboards, must be placed at least ten (10) feet from any right-of-way or property line. Billboards must be placed in accordance with the requirements set forth in paragraph (3)(c) of this subdivision.
  - (j) Off-premises signs, with the exception of billboards, are not permitted.
  - (k) Signs on state highways will require approval of the Minnesota Department of Transportation.
- (4) Signs Permitted in Agricultural Districts. The following signs are permitted in an agricultural district:
- (a) A property that has a seasonal agricultural use may erect one sign with a commercial message for the purposes of advertising that business. The sign shall be removed during the months when the seasonal business is not in operation. The sign may be a two-sided or v-shaped sign. The total sign and frame area shall not exceed twenty-six (26) square feet. The total portion of the sign that is in contact with the ground shall not exceed ten (10) feet in any direction. The height of the sign shall not exceed six (6) feet. The sign must be set back at least 10 feet from property lines and the right-of-way. The sign must be placed so that it is in compliance with any other applicable town or county set back or placement requirements. A sign permit is required.
- (5) Signs Permitted in Residential Districts. The following signs are permitted in a residential district:
- (a) One nameplate sign for each occupied dwelling 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. The sign shall not exceed six (6) feet in height. The total portion of

the sign that is contact with the ground shall not exceed five (5) feet in any direction.

- (b) One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs 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.
- (6) Signs Permitted in General Business District (C). The following signs are permitted in the General Business District (C):
- (a) Construction or placement of a sign with a commercial message shall require a sign permit. There shall be no more than one sign on a parcel. The total sign area shall not exceed 26 square feet. The total portion of the sign that is in contact with the ground shall not exceed 10 feet in any direction. The height of the sign shall not exceed six feet. The sign must be set back at least 10 feet from property lines and the right-of-way.
  - (b) It shall be unlawful to use a parked vehicle or trailer as a sign in circumvention of this Ordinance.
  - (c) One billboard per parcel is permitted in the General Business District (C), subject to the following regulations:
    - (i) Billboards along State Highways must be placed a minimum of three hundred (300) feet from any at-grade public road intersection with any trunk highway and may not be placed within five hundred (500) feet of an interchange of an Interstate Highway, picnic area, rest area, or park or within one hundred (100) feet of a church or school.
    - (ii) No billboard shall be closer than fifty (50) feet to any property line or right-of-way line.
    - (iii) No billboard shall be erected closer than one thousand (1,000) feet to another billboard on the same side of the road.
    - (iv) Billboards shall not exceed one hundred fifty (150) square feet in area or twenty (20) 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. The existing grade may not be altered for the purpose of increasing sign height.
    - (v) An annual permit is required for the placement of a billboard. The fee for such permits shall be established by the Town Board.

(7) Sign Permits.

- (a) Application. An application for a sign permit must be made on forms provided by the Board and must include the following information:
- (i) The name, address, and telephone number of the applicant;
  - (ii) The name, address and telephone number of the person or entity erecting the sign, if not the applicant, or the name of the person on whose property the sign is to be located, if not the applicant;
  - (iii) A letter from the owner of the property where the sign is to be located giving the owner's written permission to have the sign erected on the owner's property;
  - (iv) A site plan drawn to scale showing the location of all lot lines, all existing and proposed structures, parking areas, existing and proposed signs and any other physical features;
  - (v) A detailed dimensional drawing of the proposed sign including height, description of the sign structure, materials to be used, including colors and method of attachment to the building, if applicable;
  - (vi) Payment in full of the required application fee, as set by the Board's fee schedule;
  - (vii) Copies of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction;
  - (viii) A statement as to whether the sign will be illuminated or if the sign will contain any type of dynamic display;
  - (ix) A statement as to whether the sign will be single-faced, double-faced, or multi-faced; and
  - (x) Such other information as the Board may require in order to show compliance with this subdivision and all other applicable laws, ordinances, and regulations.
- (b) Inspections. A sign requiring a permit shall be subject to an initial inspection by the Board to determine whether the sign conforms to the provisions of this subdivision, the permit application, and other applicable laws, ordinances, and regulations, including, but not limited to, the sign's location, size, footings, structural design, and materials used.

- (c) Permit Issuance. Upon the filing of a complete sign permit application, the Board shall review the application materials submitted. If the proposed sign complies with this subdivision and other applicable laws, ordinance, and regulations, the Board shall issue a permit for the sign. Except as otherwise stated herein, a permit will be valid for the life of the sign.
- (8) Sign Removal.
- (a) The applicant for a sign permit shall be deemed the owner and thus be responsible for removal of the sign within thirty (30) days of the discontinued use as determined, or for the removal of a sign which is structurally unsafe or in disrepair as determined by the Zoning Administrator.
  - (b) Signs not so removed by the owner will be removed by the Town at the owner's expense. The Town shall provide the owner with notice of the violation by hand delivery or U.S. Mail indicating that he or she must correct the violation within 30 days of the date of the notice.

Subdivision 2. Off-Street Parking.

- (1) General Provisions.
- (a) 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 facilities.
  - (b) Required off-street parking space shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable or for sale or for rent.
  - (c) 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.
- (2) Location Requirements. All off-street parking facilities required herein shall be located in respect to the following:
- (a) Spaces accessory to one family, two family and multiple dwellings must be located on the same lot as the principal use served.
  - (b) There shall be no off-street parking space within ten (10) feet of any road right-of-way.
  - (c) No off-street 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.

- (d) Commercial off-street parking shall not be less than ten (10) feet from a property line.
- (3) Design Requirements.
- (a) Each parking space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a length of not less than twenty (20) feet.
  - (b) Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width. Driveway access in a commercial area shall be a minimum of thirty-six (36) feet in width.
  - (c) All of the area intended to be utilized for parking space and driveways shall be surfaced with a material which controls dust and drainage. Parking areas for less than three (3) vehicles shall be exempt. Plans for surfacing and drainage shall be subject to approval of the Engineer.
  - (d) In the General Business District (C), parking and driveways shall be surfaced with bituminous/concrete material.
  - (e) 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.
  - (f) All off-street parking spaces shall have access from driveways and not directly off the public street.
- (4) 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.
- (5) Computing Requirements. In computing the number of such required parking spaces, the following rules shall govern:
- (a) Floor space shall mean the gross floor area of the specific use.
  - (b) Where fractional spaces result, the parking spaces required shall be construed to the nearest whole number.
  - (c) 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 Town Board.

- (6) Buffer Fences and Planting Screens. On-site parking areas and loading areas near or abutting the Rural Residential District (R) 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 a part of the initial construction.
- (7) 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 such 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 Dwellings	One and one-half (1 ½) spaces per unit
Churches, Assembly or Exhibition Hall, Auditorium, Theater or Sports Arena	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) space 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
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
Storage, wholesale, or warehouse establishments	One (1) space for each two (2) employees on the major shift or one (1) space for each one thousand (100) square feet of gross floor area within the building, whichever is greater, plus one (1) space for each company motor vehicle when customarily kept on the premises
Other Business/Commercial Uses	One (1) space each employee and each customer anticipated to be on the premises during its peak hours of operation

Subdivision 3. Water Systems. Individual wells shall be constructed and maintained as required by standards and specifications as established by the Minnesota Department of Health.

Subdivision 4. Mining and Extraction.

- (1) Permit Review.



- (a) A conditional use permit shall be required for all mining operations, to the extent such operations are allowed within a zoning district.
  - (b) Persons requesting a mining permit shall submit such fees as established by the Town Board to the Zoning Administrator, together with all information required in this subdivision. The owner shall provide three copies of the required information.
  - (c) If the request is denied, no reapplication shall be made for a period of six (6) months.
- (2) Information Required. The following information shall be provided by the person requesting the permit:
- (a) Name, address and telephone number of the person requesting the mining permit and the name, address, and telephone number of the owner of the property.
  - (b) The exact legal property description and acreage of area to be mined.
  - (c) A soil erosion and sediment control plan.
  - (d) A plan for dust and noise control.
  - (e) A full and adequate description of all phases of the proposed operation, and approximate amount to be mined.
  - (f) Any other information requested by the Zoning Administrator that is reasonably necessary to review the request.
  - (g) A restoration plan.
- (3) Use Restrictions. Mining and extraction operations are subject to the following requirements and restrictions:
- (a) The crushing, washing, refining, or processing, other than the initial removal of material, shall be considered a separate conditional use requiring a separate conditional use permit if the use is not expressly permitted as part of the conditional use permit issued for the mining operation.
  - (b) 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 requiring a separate conditional use permit if the use is not expressly permitted as part of the conditional use permit issued for the mining operation.

- (c) The manufacture 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 which might be related to the mining operation, shall be considered a separate conditional use requiring a separate conditional use permit if the use is not expressly permitted as part of the conditional use permit issued for the mining operation.
- (4) Performance Standards. Mining and extraction operations are subject to the following standards:
- (a) General Provisions.
    - (i) 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.
    - (ii) 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.
  - (b) Water Resources.
    - (i) 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.
    - (ii) 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.
    - (iii) The mining operation shall perform any water treatment necessary to comply with this provision.
  - (c) 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 required to comply with the following standards:
    - (i) 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.

- (ii) 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.
- (d) 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 and sufficient sight distances so that any turns onto the public road can be completed with a margin of safety. Mining access roads require approval by the Town Board.
- (e) Screening Barrier. Existing trees and ground cover along public road frontage shall be preserved, maintained (and supplemented) for the depth of the roadside depth, except where traffic requires cutting and trimming.
- (f) Setbacks.
  - (i) 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.
  - (ii) 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 of record of such adjoining property is first secured in writing and the restoration plan provides sufficient protection.
  - (iii) 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.
- (g) 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 practices as to assure that such buildings, structures and plants will not become dangerously dilapidated.
- (h) 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.

- (i) 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:
- (i) 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.
  - (ii) 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.
  - (iii) 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 shall be 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.

Subdivision 5. Feedlots and Confinement Buildings. Feedlots and confinement buildings must comply with the following requirements and restrictions:

- (1) The feedlot area, confinement building, or manure storage area shall be set back a minimum of 1000 feet from 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 dwellings shall be set back a minimum of 1000 feet from an existing feedlot.
- (4) Setbacks may be increased for this use based upon the proposed location, the surrounding uses, or the size of the facility.
- (5) Animal feedlots and manure storage areas shall be closed upon ceasing operation in accordance with Minnesota Rules, part 7020.2025. Below ground manure storage areas shall be filled in with dirt and otherwise reclaimed within 60 days of the removal of the manure so they do not constitute a public safety hazard.

Subdivision 6. Essential Services. Essential services must comply with the following requirements and restrictions:

- (1) 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, subject only to the provisions of this section.
- (2) Public utility buildings shall be permitted uses in all zoning districts, except that a conditional use permit shall be required before construction in the Rural Residential District.
- (3) Since some essential services, as defined by this Ordinance, may have an effect upon Town recreation and wildlife area, 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.
- (4) Except as otherwise provided herein, essential services not located within highway and street rights-of-way shall follow the following procedure:
  - (a) A site plan approval is required of all essential services.
  - (b) The applicant shall file with the Zoning Administrator maps indicating the location, alignment, and type of service proposed.
  - (c) 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 not encroachment, will indicate as such on the application. If there is encroachment, plans for mitigation of the encroachment must be submitted.
  - (d) 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.
- (5) The person making application, or authorized agent, applying for essential services located within any Town road rights-of-way shall obtain a permit from the Town as

required in the Greenbush Township Right-of-Way Ordinance and otherwise comply with the requirements of that ordinance.

Subdivision 7. Manufactured Home Parks. Manufactured home parks must comply with the following requirements and restrictions:

- (1) Minimum Park Size and Location. The minimum size for a manufactured home park shall be ten (10) acres. Manufactured home parks may be located in the Rural Residential District (R). All manufactured home parks shall be located adjacent to and have access onto an arterial street.
- (2) Storm Shelters. Every new manufactured home park constructed in the Town shall provide for a storm shelter for the protection of the residents of the park. When additions to the capacity for the 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, as 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.
- (3) Minimum Lot Size. The minimum lot size per homesite shall be 6,000 square feet.
- (4) Off-Street Parking. All home sites must have a minimum of two (2) eight and one-half (8-½) foot by eighteen (18) foot off-street parking spaces.
- (5) Streets. All streets shall have a minimum width of thirty (30) feet. Streets and parking areas shall have a bituminous surface.
- (6) 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.
- (7) Temporary Residences. In no event shall a travel or camp trailer be permitted for occupancy in a manufactured home park.
- (8) Procedure for Approval. Before construction of a manufactured home park, the following procedure shall be followed:
  - (a) Pre-Application Meeting. Prior to the preparation of a site plan for the manufactured home park, the owner shall meet with the 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 developed.
  - (b) Submission of Site Plan. After the pre-application meeting, the owner shall file with the Zoning Administrator five (5) or more copies of the proposed site plan,

including drainage plans, utility plans for wastewater and storm water 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. The Town Board may condition its approval on the owner entering into a development agreement with the Town regarding the development of the park.

- (c) Financial Guarantee. The owner/applicant shall make an escrow deposit or, in lieu thereof, furnish a letter of credit as described in this Ordinance to guarantee installation of all improvements, including landscaping.
- (d) Streets. All streets contained in the park must be privately owned and maintained. All private streets shall be paved and must be minimum twenty-two (22) feet in width. Other provisions may also be required.

Subdivision 8. Field Windbreak. 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 cause or any cause, in any zoning district of the Town, without first making an application for and obtaining a conditional use permit.

No such permit shall be issued unless the landowner has entered into a contractual restrictive covenant providing for the implementation of an alternate erosion control plan meeting the standards of the 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 necessary thinning of trees in a field windbreak or pine plantation.

Subdivision 9. Adult Uses.

- (1) 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.
- (2) General Regulations. Adult uses must comply with the following requirements and restrictions:

- (a) 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:
  - (i) A residence.
  - (ii) A licensed daycare center.
  - (iii) A public or private educational facility classified as an elementary, junior high or senior high school.
  - (iv) A public library.
  - (v) A public park.
  - (vi) Another adult use.
  - (vii) An on-sale liquor establishment.
  - (viii) A church.
- (b) Signs. Adult uses shall adhere to the following sign regulations:
  - (i) Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.
  - (ii) Signs shall not contain material classified as advertising; and
  - (iii) Signs shall comply with the requirements of size and number for the district in which they are located.
- (c) Prohibited Adult Use Activities.
  - (i) Activities classified as obscene as defined by Minnesota Statutes, section 617.241 are prohibited.
  - (ii) 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.
  - (iii) Adult uses shall be prohibited from locating in any building that is also utilized for residential purposes.
  - (iv) Adult uses shall be prohibited from locating in any place which is also used to dispense or consume alcoholic beverages.



- (v) Adult uses shall be prohibited if not conducted within an enclosed structure.
- (d) 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:
  - (i) 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.
  - (ii) 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 materials other than the publication title.
  - (iii) 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.

Subdivision 10. Agricultural Standards. 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.

Subdivision 11. Single Family Dwellings.

- (1) Rural Residential and General Business Districts. Single family dwellings in the Rural Residential District (R) and the General Business District (C) must comply with the following requirements and restrictions:
  - (a) Not more than one single family dwelling unit per 2-1/2 acres upon any lot. An existing dwelling upon a lot of record shall satisfy this allowance and preclude the placement of a second dwelling upon such a lot.
  - (b) Each lot upon which such a building is erected shall have a minimum buildable area of one acre, all of which shall be at an elevation of not less than one (1) foot above mottled or saturated soil levels.
  - (c) Each lot shall have frontage of not less than two hundred (200) feet on an existing public road.
  - (d) The building site shall not be located on poorly drained soils; soils that are structurally inadequate, such as peak or muck; areas classified as wetland, or floodplain unless as provided in the Floodplain regulations of this Ordinance.
  - (e) Each lot shall be of sufficient size and shall contain soils to support an on-site sewer system. The wastewater treatment system serving a dwelling unit must

conform to the Minnesota Pollution Control Agency's Rules contained in Minnesota Rules, parts 7080 through 7082 and Article IX of this Ordinance. All new lots shall contain a minimum of two sites that will be suitable as drainfield sites, one site a primary site and the other site a secondary site, in accordance with Article IX of this Ordinance. Suitability shall be demonstrated by submission of a minimum of three (3) soil borings in the primary site and three (3) in the secondary site. A minimum of four (4) additional soil borings are required, detailing buildable area. Additional tests or borings may be required by the Zoning Administrator and/or Building Official to verify the soil suitability for treatment systems. The submission shall include a site plan clearly showing both the primary, secondary, and buildable area sites. No construction shall be permitted on the secondary site nor shall the site be used for an activity that would make it unsuitable for future use as a drainfield.

- (f) Subdivision of a lot of record shall comply with the requirements of the subdivision regulations within this Ordinance.
  - (g) Each single-family dwelling unit shall have a minimum of 840 square feet of livable space in the principal dwelling structure. Carports, overhangs, garages, and such structures shall not qualify in meeting this requirement.
  - (h) All dwellings shall be a minimum of twenty (20) feet in width for two-thirds (2/3) of the length of the structure.
  - (i) Existing manufactured home units that do not comply with the minimum twenty-foot width requirement will be allowed and will not be required to meet the twenty-foot minimum width requirement. Replacement dwelling units will be required to meet the minimum size requirement of 840 square feet.
  - (j) Each single-family dwelling, including the entire perimeter thereof, shall be constructed or erected upon a permanent foundation in compliance with the Minnesota Building Code.
  - (k) Each single-family dwelling shall be located upon a parcel of land having a separate and distinct legal description created in compliance with all provisions of this Ordinance.
  - (l) Single family properties located in platted subdivisions with a majority of individual lots of three (3) acres or less are limited to pleasure animals only.
- (2) General Agriculture District. The following requirements and restrictions shall apply to the placement and construction of single-family residential homes in the General Agriculture District (A-1).
- (a) A density of no more than 2 parcels (40 acres) for single family dwelling units per quarter of a quarter section allowed, including any single-family dwelling on date

- of enactment of this Ordinance, except on property where seventy (70%) or more of the land has been in agricultural use for seven (7) of the last ten (10) years, then no more than one (1) single family dwelling unit per forty (40) acres is permitted;
- (b) Each lot upon which such a dwelling is erected shall have a minimum lot size of five (5) acres, one (1) acre of which must be buildable, with elevations of not less than one (1) feet above mottled soils and must meet the requirements of Article IX;
  - (c) Each lot shall have frontage of not less than 330 feet on an existing public road;
  - (d) The building site shall not be located on poorly drained soils, soils that are structurally inadequate, such as peat or muck, areas classified as wetland, or floodplain unless as provided in the floodplain regulations of this Ordinance;
  - (e) All septic systems must conform to Minnesota Pollution Control Agency's rules for Subsurface Sewage Treatment Systems (SSTS), Chapter 7080 through 7082, as amended, and as regulated by Article IX of this Ordinance. All new lots shall contain a minimum of two sites, one primary site and one alternate site. Exception: Existing sites with a single-family dwelling are allowed to install a new system using other technologies allowed. This site must have a compliance inspection and/or new design submitted. Suitability shall be demonstrated by the submission of a minimum of three (3) soil borings in area of influence and a minimum of four (4) soil borings detailing buildable area. Additional tests or borings may be required by the Zoning Administrator and/or the Building Official to verify the soil suitability for treatment systems. All sites shall be protected and preserved. No construction shall be permitted on the secondary site nor shall the site be used for an activity which would make it unreasonable for future use as a drainfield. An increase in the minimum lot size may be required to accommodate system requirements;
  - (f) Subdivision of any lot of record shall comply with the requirements of the section of this Ordinance that regulates subdivisions;
  - (g) Each single-family dwelling shall have a minimum of 840 square feet of livable space. Carports, overhangs, garages and such structures shall not qualify in meeting these requirements. All dwellings shall be a minimum of twenty (20) feet in width and must be placed on permanent, full perimeter foundation approved systems;
  - (h) All dwellings shall meet the minimum standards of the Minnesota State Building Code, as adopted;
  - (i) Single family properties located in a platted subdivision with a majority of individual lots of three (3) acres or less are limited to pleasure animals only;

- (j) A new residence must be located one thousand (1,000) feet from any existing feedlot, as defined in Article Four of this Ordinance; and
- (k) If the building site is located in a pine plantation, the following fire prevention measures approved by the Department of Natural Resources must be employed:
  - (i) The solid portion of a conifer stand shall be removed for a distance of seventy-five (75) feet around the perimeter of the building. Single, well-spaced trees, may be left in this buffer area;
  - (ii) An alternate and passable ingress/egress drivable route shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire and allow for the entrance and movement of emergency equipment; and
  - (iii) Building construction materials shall conform to reflect the relative fire danger of the area. Roofs and exteriors of buildings should be of approved fire-resistant nature.

Subdivision 12. Home Occupations. Home Occupations must comply with the following requirements and restrictions:

- (1) Home Occupation Allowed as Permitted Uses. Home Occupations allowed as a permitted use are subject to, and must comply with, the following:
  - (a) No more than twenty-five percent (25%) of the dwelling's total floor area, as measured by using the horizontal perimeter of the dwelling (footprint), shall be used for the home occupation. No part of the home occupation shall displace the original purpose of the garage.
  - (b) The exterior residential character of the property shall not be altered by use of the property for a home occupation.
  - (c) No non-resident employees are allowed.
  - (d) Signage shall not exceed eight (8) square feet and shall include only the name and address of the business.
  - (e) All parking shall be contained on the site.
  - (f) No outside storage or open display of merchandise or materials related to the conduct of the home occupation is allowed.
  - (g) No retail sales shall be allowed except those incidentals to the conduct of the home occupation.
- (2) Home Occupation Allowed as Interim Uses. Home Occupations allowed as an interim use are subject to, and must comply with, the following:

- (a) The exterior residential character of the property shall not be altered by the use of a home occupation.
- (b) A single business identification sign not exceeding eight (8) square feet is allowed.
- (c) All parking shall be contained on the site.
- (d) No outside storage or open display of merchandise is allowed.
- (e) The maximum size of the accessory structure in which the home occupation is conducted shall not exceed the size allowed for accessory buildings under this Ordinance.
- (f) One non-resident employee is allowed.
- (g) 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.

**Subdivision 13. Keeping of Wild Animals.** No person shall keep, or permit to be kept, on his or her premises any wild animal for display or exhibition purposes, whether gratuitously or for a fee, or as a pet. This subdivision shall not be construed to apply to zoological parks, performing animal exhibitions, circuses, pet stores or to veterinary clinics which are properly licensed by the federal government or the State of Minnesota.

- (1) **Prohibited Animals.** No person shall keep, maintain or harbor any wild animal.
- (2) **Removal of Wild Animals.** Any person discovered to be keeping or harboring a wild animal in violation of this subdivision shall upon notice of said violation be given five days to remove said animal. Notice shall not be required where the animal has caused physical harm to a person, poses an immediate threat to public safety in the opinion of the Town Board, or has escaped, in which case the Town may cause the animal to be immediately seized and impounded or killed if seizure and impoundment is not possible without risk of serious physical harm to any person.

**Subdivision 14. Assembly Facilities.** Assembly facilities including, but not limited to, religious facilities, designed to accommodate 50 or more people, or at which 50 or more people regularly gather, must comply with the following requirements and restrictions.

- (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 Ordinance.

- (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 uses accessory to the principal use of the property shall be subject to the provisions of this Ordinance.

Subdivision 15. Seasonal Greenhouses. Seasonal greenhouses must comply with the following requirements and restrictions:

- (1) Off-street parking area must be provided in the following amount: One (1) space for every 500 square feet of sales display area.
- (2) The greenhouse structure shall not be used for any other use.
- (3) A maximum of 3,000 square feet of seasonal greenhouse space is allowed per parcel that also contains a residential dwelling.

Subdivision 16. Schools. Public, parochial or private schools must comply with the following requirements and restrictions:

- (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.

Subdivision 17. Golf Courses, Clubhouse, Country Club and Public Swimming Pools. Golf courses, clubhouse, country club and public swimming pools must comply with the following requirements and restrictions:

- (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 the Building Code.

Subdivision 18. Bed and Breakfast Facilities. Bed and breakfast facilities must comply with the following requirements and restrictions.

- (1) The application shall identify the family members residing therein and provide at least (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 dwelling used for a bed and breakfast shall comply with MPCA 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.

Subdivision 19. Retreat Centers. Retreat centers must comply with the following requirements and restrictions:

- (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.

Subdivision 20. Automobile and Vehicular Repair Shops. Automobile or vehicular repair shops must comply with the following requirements and restrictions:

- (1) Any repair shop activities shall be conducted within a building and be totally screened. When adjacent to residential property, there shall be a screening fence six (6) feet in height. Screening shall be completed prior to commencement of conditional use.
- (2) Additional controls may be established to control noise during the operation of the facility, including controls on hours of operation.
- (3) The owner/operator shall also be required to maintain his/her homestead residence on the parcel and shall be restricted from converting the dwelling to a rental property.
- (4) No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicles shall be parked or be waiting service longer than fifteen (15) days.
- (5) Exterior storage, other than vehicles, shall be limited to service equipment.
- (6) All areas utilized for the storage of trash, debris, discarded parts, and similar items shall be screened. All structure and grounds shall be maintained in an orderly, clean, and safe manner.
- (7) The conditional or interim use permit application must be accompanied by the following information:
  - (a) A site plan with which includes the location of buildings and all applicable linear dimensions;
  - (b) Screening plans;
  - (c) Signage plan showing the location and size of on-site signs, which must conform to the sign standards of the Agriculture district;
  - (d) A hazardous waste plan which conforms to the MPCA guidelines and addresses the handling and storage of any or all of the following:
    - (i) Motor oil and/or fuel;
    - (ii) CFC's (Chlorofluorocarbons);
    - (iii) Auto or other motorized vehicle batteries;
    - (iv) Antifreeze; and
    - (v) Any other substance as requested by the Zoning Administrator, Town Planning Commission or Town Board; and
  - (e) Provide a copy of their EPA ID Number Notification and a copy of their Hazardous Waste License.



Subdivision 21. Residential Cluster Developments. Residential cluster developments in the General Agriculture District (A-1) must comply with the following requirements and restrictions:

- (1) The overall density of the cluster shall not exceed a density of two (2) dwellings per forty (40) acres. The farm dwelling and land within the right-of-way of public roads 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 the Town Zoning Ordinance and Subdivision Ordinance.
- (4) All dwellings in a cluster development shall have a minimum separation from an existing feedlot as established in this Ordinance.
- (5) The existing roads to the cluster shall not need to be upgraded by the Town 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 the land within the cluster that has been designated as agricultural or open space and that is outside of the residential lots.
  - (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 one thousand (1,000) feet or more from a residential cluster.
  - (d) Forest and game management areas.
  - (e) Livestock areas.
  - (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 and that is outside of the residential lots:
  - (a) Single family dwellings.

- (b) Essential services for public facilities.
- (c) Home occupations that meet the standards for permitted home occupations in the Agricultural District.

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 underdeveloped property until such time as the zoning ordinance changes to allow further development.

Subdivision 22. Accessory Buildings and Uses. Accessory buildings and uses must comply with the following requirements and restrictions:

- (1) No accessory building or use shall be constructed or developed on a residential lot prior to the time of obtaining a building permit for the principal building to which it is accessory.
- (2) An accessory building shall be considered as an integral part of the principal building if it is located less than six (6) feet from the principal building.
- (3) No accessory building in a residential district shall be located nearer the front lot line than the principal building on that lot unless approved by the Town Board.
- (4) Accessory buildings must comply with the following requirements and restrictions:

- (a) The total square footage of all detached accessory buildings shall be limited as follows:

Within Plats

The majority of the platted lots are 0 to 3.0 acres:	1200 square feet.
The majority the platted lots are 3.01 to 5.0 acres:	2400 square feet
Lots of 5.01 acres or more:	Not limited.

Outside of Plats

Lots of 0 to 3.0 acres:	1200 square feet.
Lots of 3.01 to 5.0 acres:	2400 square feet
Lots of 5.01 acres or more:	Not limited.

- (b) The height of sidewalls for an accessory building shall be no more than fourteen (14) feet in height.
- (c) The height of an accessory building shall not exceed 25 feet.
- (d) Accessory buildings exceeding 2,400 square feet shall require engineered drawings detailing structural components.

- (e) Accessory buildings shall be architecturally similar in style to, and constructed of materials similar to those used in, the principal structure on the same lot.
  - (f) No home occupation shall be conducted in any accessory building except upon issuance of an interim use permit and compliance with all applicable regulations and conditions imposed on such permit.
  - (g) No accessory building shall be used for human habitation.
  - (h) Accessory buildings shall be setback at least the following distances from property lines:
    - Side yard: 15 feet.
    - Rear yard: 30 feet.
- (5) Attached accessory buildings shall comply with the following:
- (a) The total square footage of an attached accessory building shall not exceed eighty percent (80%) of the footprint of the home or 1,000 square feet, whichever is less.
- (6) Detached accessory buildings shall comply with the following:
- (a) Maximum Width: 30 feet
  - (b) Maximum Length: 40 feet
- (7) Notwithstanding the standards contained within this subdivision, the following shall apply to agricultural buildings located on lots containing more than 5 acres:
- (a) Construction of an Agricultural Building for agricultural use does not require a building permit or compliance with the building code, but a site permit shall be obtained from the Town to ensure the building complies with setbacks and other applicable requirements of this Ordinance.
  - (b) The dimensional and sidewall height limitations do not apply.
  - (c) Agricultural buildings exceeding 2,400 square feet shall require engineered drawings detailing structural components.

**Subdivision 23. Agricultural Buildings.** Agricultural buildings shall be subject to the following requirements and restrictions:

- (1) No home occupation shall be conducted in any agricultural building except upon issuance of an interim use permit and compliance with all applicable regulations and conditions imposed on such permit.
- (2) No agricultural building shall be used for human habitation.
- (3) Agricultural buildings shall be setback at least the following distances from property lines:
  - (a) Side yard: 15 feet.
  - (b) Rear yard: 30 feet.
- (4) Agricultural buildings constructed, built, or placed on lots containing five (5) acres or less shall comply with the following requirements and restrictions:
  - (a) The total square footage of all agricultural buildings, including all non-agricultural accessory buildings, shall be limited as follows:
    - (i) Lots of 0 to 3.0 acres: 1200 square feet.
    - (ii) Lots of 3.01 to 5.0 acres: 2400 square feet
  - (b) The height of sidewalls for the agricultural building shall be no more than fourteen (14) feet in height.
  - (c) The height of an accessory building shall not exceed twenty-five (25) feet.
  - (d) Agricultural buildings shall comply with the following:
    - (i) Maximum Width: 30 feet
    - (ii) Maximum Length: 40 feet
  - (e) The agricultural building shall be architecturally similar in style to, and constructed of materials similar to those used in, the principal structure on the same lot.
- (5) Agricultural buildings constructed, built, or placed on lots containing more than five (5) acres shall comply with the following requirements and restrictions:
  - (a) Construction of an agricultural building for agricultural use does not require a building permit or compliance with the building code, but a site permit shall be obtained from the Town to ensure the building complies with setbacks and other applicable requirements of this Ordinance.
  - (b) Agricultural buildings exceeding 2,400 square feet shall require engineered drawings detailing structural components.

- (c) This Ordinance does not place a total square footage or height limit on agricultural buildings located on lots containing five (5) acres or more, provided all other applicable requirements of this Ordinance are met.

**ARTICLE IX**  
**SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS)**

Subdivision 1. Authority, Purpose, Intent and Jurisdiction.

- (1) Statutory Authority. This Article is adopted pursuant to Minnesota Statutes, section 115.55; Minnesota Statutes, sections 145A.01 through 145A.08, and Minnesota Statutes, section 375.51, and Minnesota Rules, chapters 7080, 7081, and 7082, which are hereby incorporated by reference.
- (2) Purpose. The purpose of the regulations contained within the Article are as follows:
  - (a) Establish minimum standards for, and provide for the regulation of, individual Subsurface Sewage Treatment Systems (SSTS) and Mid-Sized Subsurface Sewage Treatment Systems (MSTS) in the Town, incorporating by reference minimum standards established by Minnesota Statutes and Rules;
  - (b) Permit requirements for installation, alteration, repair or expansion of SSTS;
  - (c) Impose requirements for all SSTS permitted under the revised Minnesota Rules, chapters 7080 -7082, to be operated under an approved management plan;
  - (d) Establish standards for upgrade, repair, replacement, or abandonment of SSTS;
  - (e) Provide provisions for enforcement of these requirements;
  - (f) Impose penalties for failure to comply with these provisions; and
  - (g) Establish regulations to promote the health, safety and welfare of the public

pursuant to the Minnesota Statutes, sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82.

- (3) Intent. The intent of this Article is as follows:
- (a) To protect lakes, rivers and streams, wetlands, and groundwater in the Town essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the Town in perpetuity.
  - (b) To regulate proper SSTS construction, reconstruction, repair and maintenance, to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
  - (c) 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.
  - (d) To regulate the appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.
- (4) Jurisdiction. The regulations within this Article shall apply to all areas in the Town, except as provided by law.

Subdivision 2. General Provisions.

- (1) Scope. This Article regulates the siting, design, installation, alteration, operation, maintenance, monitoring, and management of all SSTS within the identified jurisdiction including but not necessarily limited to: individual SSTS, cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage within the Town shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Article and Ordinance, or by a system that has been permitted by the MPCA.
- (2) Administration.
- (a) State of Minnesota. Where a single SSTS or group of SSTS under single ownership within one-half 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 the Minnesota Pollution Control Agency (MPCA). 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.

SSTS serving establishments or facilities licensed or otherwise regulated by the State shall also conform to the requirements of this Ordinance.

- (b) Town. The Town shall administer the SSTS program and all provisions of this Ordinance. The Town shall review, revise and update the provisions of this Article as necessary. The Town shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program. The regulations contained within this Article need to remain as strict or stricter than those imposed by the County.
- (3) Variances.
  - (a) A property owner may request a variance from the standards as provided in this Ordinance.
  - (b) The Town Board shall have the authority only to consider variances to horizontal setbacks from property lines, rights of way, structures, or buildings.
  - (c) 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 the State Agency.
- (4) Liability. The Town, its officers, employees, and agents shall not be liable or responsible for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster treatment system regulated under this Ordinance by reason of standards, requirements, or inspections authorized hereunder.

Subdivision 3. Licensing and Permits.

- (1) License Required. 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 and/or certification issued by the MPCA in accordance with Minnesota Rules, chapter 7082 except as exempt in the same chapter. Any septic professional so certified or licensed must submit annually a copy of their license and certification to the Town.

Homeowners within the Town may install their own system provided it is designed by a MPCA certified and licensed designer and it complies with the remaining provisions of this Ordinance.

- (2) Permit Required. It is unlawful for any person to construct, install, modify, replace, or operate a SSTS without a permit. A permit shall be obtained by the property owner or property owner's agent from the Town prior to the installation, construction, 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 practitioner(s).

- (3) Prohibited Discharges. It is unlawful and a violation of this Ordinance for any person to construct, maintain, or use any SSTS regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollution Discharge Elimination System program administered by the MPCA.
- (4) Separation Distances. SSTS built before April 1, 1996, in areas that are not SWF areas as defined under Minnesota Rules, part 7080.1100, subp. 84, must have at least two (2) feet of vertical separation. SSTS built after March 31, 1996, or located in a SWF area as defined under Minnesota Rules, part 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. Existing SSTS systems, built after March 31, 1996 and not located in SWF areas, that have no more than a 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 section. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil.
- (5) Activities Requiring a Permit. A permit is required for the installation of a new SSTS, for replacement of an existing SSTS, or for any repair or replacement of components. Any modification that would 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, will also require a new design. Repair or replacement of the tank(s) or drainfield, laterals, or manifolds requires a permit.
- (6) Activities Not Requiring a Permit. A 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.
- (7) Management Plans. A management plan is required for all new and replacement SSTSs. The designer shall submit the management plan to the Town before issuance of a SSTS permit. Management plans shall include the information required by Minnesota Rules, part 7082.0600, subp. 1(B) and other requirements as determined by the Town. The management plan is required for all designs submitted, which must be completed by the designer, signed and dated by the "Homeowner" and "Designer".
- (8) Operating Permits. SSTSs specified in Minnesota Rules, parts 7080.2350, 7080.2400, and Minnesota Rules, chapter 7081 require an operating permit. The operating permit shall include the items required in Minnesota Rules, part 7082.0600, subp. 2 and comply with the other requirements as determined by the Town. The operating permit for a new SSTS or MSTs will be issued in tandem with the construction permit for the new system. Operating permits when needed for existing systems or system repair will be issued as



separate permits. The fees for operating permits shall be as set out in the Town's fees schedule.

(9) Permit Requirements.

- (a) Permit Application Requirements. Permit application shall be made on the Town's permit form and signed by the applicant, designer, and when required, the property owner or property owner's agent. Permit applications shall be accompanied by the fee set by the Town an Operating Permit, Management Plan, and Abandonment Certificate where required. In addition, the following requirements must be met:
- (i) The design must be developed using the most current design worksheets that are on the University of Minnesota website or the Septic Resource Website (Minnesota), which must be completed, correct, signed and dated. If these forms are not utilized, designs will be returned to the applicant.
  - (ii) All designs must be accompanied by a coversheet outlining system according to Minnesota Rules, part 7080.1730 items A-J. The cover page shall be signed and dated. A drawing shall also be submitted per Minnesota Rules, chapter 7080 guidelines.
  - (iii) When designing "Other" (Type III) and "Performance" (Type IV) systems, additional forms must be submitted. The management plan is required for all designs submitted, which must be completed by the designer, signed and dated by the "Homeowner" and "Designer". Sizing of systems should per Minnesota Rules, chapter 7080 – 7082.
  - (iv) If there is a change in size due to a change in the home design, the changed design forms must be submitted to and approved by the Town inspector's office prior to installation. A revised set of home plans must also be submitted for the office prior to the issuance of a Certificate of Compliance or Certificate of Inspection.
  - (v) "Other" (Type III) systems designed for sites with less than twelve (12) inches of unsaturated soil are required to be designed with a minimum of three (3) feet of sand.
    - (A) For new construction, a minimum of three (3) borings are required for the primary site, and three (3) for the alternate.
    - (B) For replacement systems, three (3) soil borings are required per treatment area.
    - (C) Percolation tests can be used in addition to soil borings per Minnesota Rules, chapter 7080 when required.
    - (D) Verification of soils submitted with design shall be verified by a pit

method prior to permit issuance or at time of construction when equipment on site. If a designer requests site visit to verify soils prior to design, an additional fee of \$100.00 is required.

- (vi) If the system location changes, soils will have to be verified by the Town inspector for the new location. Verification of soils at the new location will require payment of the re-inspection fee payable before or at the time of verification.
  
- (b) Determining Loading Rates and Sizing. The allowed methods for determining hydraulic loading rates for sizing SSTs shall be those established in either Table IX (“Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Detail Soil Descriptions”) or Table IXa (“Loading Rates for Determining Bottom Absorption Area for Trenches and Seepage Beds for Effluent Treatment Level C and Absorption Ratios for Determining Mound Absorption Areas Using Percolation Tests”) as contained in Minnesota Rules, part 7080.2150, subp. 3(E), which are incorporated herein by reference.
  
- (c) Application Review.
  - (i) The Town shall review a permit application and supporting documents within fifteen (15) business days from the date of receipt of the application to determine completeness. An incomplete application shall be returned in its entirety with a letter indicating why it is incomplete.
  
  - (ii) Upon satisfaction that the proposed work will conform to the provisions of this Ordinance, the Town shall issue a written permit authorizing construction of the SSTs as designed within the timeframe allowed by statute.
  
  - (iii) If the permit application does not meet the requirements of this Ordinance the Town shall deny the application. A notice of denial shall be provided to the applicant, which shall state the reason for the denial.
  
  - (iv) In the event that for any reason the applicant makes a significant change to the approved application, the applicant must file an amended application detailing the changed conditions for approval prior to initiating or continuing construction, modification, or operation for review. The amended application shall be processed in the same manner as a new application.
  
  - (v) Approved permits, operating permits, management plans, and Certificates of Compliance or Inspections, shall be recorded against the property at the County Recorder’s Office once the Certificate of Compliance or

Inspection has been issued. The applicant or the owner of record are responsible for recording documents in the County Recorder's Office and for paying the related recording fees.

- (d) Disagreements. If a documented discrepancy arises regarding the depth of periodically saturated soil, the parties shall resolve the disagreement in accordance with the procedures set out in Minnesota Rules, part 7082.0700, subp. 5.
- (e) Permitting. The permit is valid for six (6) months from the date of issuance. Completion of construction shall be determined by issuance of a Certificate of Inspection that the construction of the system was completed in conformance to the approved design documents submitted to the Town. Certificate of Inspection for new systems and/or new system components is valid for five (5) years.

Permits issued prior to the effective date of this Ordinance are still valid until they expire. Installation of a system permitted under prior standards may commence provided commencement occurs prior to the expiration of the permit.

- (f) Extensions. The Town may grant a six (6) month extension of the permit if the construction has commenced prior to the original expiration date of the permit and significant progress has been made.
  - (g) Suspension or Revocation. The Town may suspend or revoke a permit issued under this section for any false statements, misrepresentations of facts on which the permit was issued, or unauthorized changes to the original system's design, layout, or function. A notice of, and the reasons for, 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 permit is obtained.
- (10) Maintenance. The owner of a SSTS, or the owner's agent, must have the treatment tanks assessed at least once every three (3) years. Solids must be removed when their accumulations exceed the limits described in Minnesota Rules, part 7080.2450.
  - (11) Compliance Inspection. No person containing a tract of land on which is located a dwelling or other structure required to have an SSTS shall subdivide, split, sell, or transfer said tract of land unless the person submits an inspection report, a design for a new system, and an agreement to upgrade to the Town prior to the split or transfer.

#### Subdivision 4. Failing and Noncompliant Systems.

- (1) Failing Systems. Town shall identify, and order to be upgraded, all on-site sewage treatment systems found to be "failing."

- (a) An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rules, part 7080.1500, subp. (4)(B) shall be changed, repaired or replaced by the owner in accordance with the provisions of this Ordinance within ten (10) months of receipt of a Notice of Noncompliance.
- (b) The owner of a SSTS that is determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, part 7080.1500, subp. (4)(A) shall, within ten (10) days of receipt of a Notice of Noncompliance, disconnect the system, and if the septic tank is watertight, utilize it as a holding tank. If the septic tank cannot be utilized as a holding tank, it must be replaced within ten (10) days and the new tank utilized as a holding tank until the failing components are changed, repaired, or replaced. The Town may grant an extension of up to thirty days in the event that inclement weather or site conditions prohibit access by trucks and equipment to install the replacement tank.

Further, the owner shall then change, repair, or replace the failing system components within the same construction season, or if the receipt of the Notice of Noncompliance occurs within the time period of November 1 to April 15, then such change, repair, or replacement must be completed by June 1 of the calendar year immediately following.

- (2) Noncompliant Systems. Town shall require reconstruction of existing noncompliant sewage systems whenever a property is sold or transferred.

Programs to upgrade noncompliant systems implemented by the Town include the following:

- (a) A systematic review of existing records to determine which systems in the jurisdiction are noncompliant and requiring reconstruction when necessary.
- (b) A systematic on-site inspection program including all properties where adequate record of compliance does not exist, identifying noncompliant or illegal systems and requiring reconstruction when appropriate.
- (c) A notification or education program that is oriented toward convincing substantial numbers of property owners to evaluate their sewage systems and voluntarily upgrade the sewage treatment systems, if noncompliant.
- (d) Other programs found to be acceptable to the Commissioner of the Minnesota Department of Natural Resources, when impacting shoreland districts.
- (e) A notification or education program for new landowners informing them of the system type, operating permit and management plan requirements, and/or applicable requirements on file at the Town.

Subdivision 5. SSTS Requirements.

- (1) In General. Any structure used for human occupancy must have an adequate method of sewage treatment. Unless otherwise exempted, “adequate method” shall be defined as including both a sewage tank and drainfield. Exemptions to this requirement include:
  - (a) Lots less than 15,000 square feet in area.
    - (i) A minimum of two (2) 1,000 gallon holding tanks shall be required if it is determined by a MPCA certified and licensed professional that the lot will not support any type of adequate method including downsizing or other pre-treatment system.
  - (b) Detached accessory structures with water using fixtures must connect to an approved septic system. A design shall be submitted for approval.
  - (c) Privies.
    - (i) A minimum of one (1) 500 gallon holding tank is required under a structure used for bathroom facilities.
  - (d) Remote or low-water usage structure.
    - (i) A minimum of one (1) 1,000 gallon holding tank is required for structures where electricity and water are not available or where water usage is limited to less than 250 gallons per time of usage.

Any use of a holding tank will require the property owner to enter into and comply with the standards of a holding tank agreement required by Ordinance. Tanks must comply with the standards established in Minnesota Rules.

- (2) Municipal/Public Sewer System. When available, structures used for human occupancy shall be connected to a municipal/public sewer system and may not utilize an SSTS for the treatment and dispersal of sewage. Connection to an available municipal/public system must occur within three (3) years that the system is made available for connection. The SSTS must then be abandoned consistent with Minnesota Rules.
- (3) SSTS in Floodplain. An 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 Minnesota Rules, part 7080.2270, this Ordinance, and the Town’s floodplain ordinance are met.
- (4) 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 as described in CFR40 Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.
- (5) Prohibited Systems. Systems prohibited by Minnesota Rules, chapter 7080 as now

constituted and from time to time amended are prohibited by the adoption of these provisions.

(6) New Construction.

(a) Standards Adopted by Reference. The Town hereby adopts by reference Minnesota Rules, chapters 7080 to 7082 in their entirety as now constituted and from time to time amended. This adoption does not supersede the Town's right or ability to adopt additional or more restrictive local standards that are in compliance with Minnesota Statutes, section 115.55.

(b) Local Amendments to Adopted Standards. The following provisions are local amendments to those standards found in Minnesota Rules:

(i) All new and upgraded subsurface sewage treatment systems for individual dwelling shall be sized for a Classification I dwelling.

(ii) 2" Clean outs shall be provided on each lateral end with only one sweep in the pipe, and placed within an insulated waterproof container flush with the finished ground surface.

(iii) With exception of holding tanks, no designs will be accepted during the period between November 1 and April 15 unless the Town determines that weather and site conditions are considered appropriate for accurate soil verifications.

(iv) Newly created lots after January 23, 1996 shall have a minimum of two (2) soil treatment and dispersal areas that support systems as described in Minnesota rules parts 7080.2200 to 7080.2230 or site conditions described in 7081.0270, subparts 3 to 7 as applicable or successor rules.

(v) Newly created lots, after January 1, 2021 that do not have the required one foot of unsaturated soil will be required to install a Type III system with a minimum of three feet of clean sand with the following options, conditions, and requirements.

1. In no case will the use of a contour loading rate of twelve (12) be allowed and a minimum of 6" of unsaturated soil is required. The design sizing of mounds shall be according to the worksheet titled "Effluent Absorption and Contour Loading Rates for Determining Absorption Area Size and Configuration Using Detailed Soil Descriptions" (see Appendix C), or,

2. Holding tanks with two (2) times the minimum storage capacity with annual reporting of pumping records submitted to the township.

3. The township will allow additional spacing of 3.5' to 5' for the distribution system per 7080.2050 Subp. 4e Table VI or successor rules.
  4. Designs submitted with deviations or variations from options listed in (v) 1, 2 are subject to township variance process.
  5. All newly created lots shall be deed restricted to limit the system design as noted in (v) and (v) 1 listed above. Such deed restriction shall be prepared by the County and filed against the property in the Mille Lacs County Recorder's office. All costs or fees associated are at the owner's expense.
- (c) Setbacks. On-site sewage treatment systems must be setback from the ordinary high-water level in accordance with the following:

CLASS OF WATER BODY SETBACK FROM OHWL

Natural Environment	150 feet (Amended February 16, 1993)
Recreational Development	75 feet
General Development & Rivers	50 feet (except Rum River)
Transition River Segments	100 feet
Tributary River Segments	75 feet

(7) Upgrade, Repair and Replacement.

- (a) SSTS Capacity Expansions. Expansion of an existing SSTS shall include any system changes that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.
- (b) Bedroom Additions. The applicant of a bedroom addition permit has ten (10) months from the date of the building permit issuance to expand, change, repair, or replace an existing system if the following conditions apply:
  - (i) The SSTS does not comply with Minnesota Rules, part 7080.1500, subp. (4)(B); or,
  - (ii) The SSTS is not determined to be an imminent threat to public health or safety in accordance with Minnesota Rules, part 7080.1500, subp. (4)(A).

A basement is considered a bedroom if considered an occupiable space.

(8) Inspections.

(a) Professionally Installed Systems. For systems installed by a MPCA certified and licensed professional, the following inspection standards apply:

- (i) Per Minnesota Rules, the Town will verify soils prior to issuance of a permit or at time of first inspection. Soil boring/pit locations must be identified on the design and located on site with flags, stakes, or similar.
- (ii) 24-hour notice required for all inspections.
- (iii) Inspections must be scheduled by the installer or an employee of such or the homeowner if they are installing the system.
- (iv) The licensed installer must be present at the time of inspection. For homeowner installed systems, the homeowner must be present. If the installer or homeowner is not present, no inspection will be done, and a re-inspection fee will be required to be paid prior to any future inspections being completed.
- (v) All sites must be staked and roped off so as not to be disturbed. If sites are not staked at time of inspection, no inspection will be completed, and the installer will be charged a re-inspection fee to be paid prior to any future inspections being completed.
- (vi) All system inspections will be performed in accordance with Minnesota Rules, chapters 7080 to 7082.
- (vii) Tank and rockbed inspection can be done at the same time. The tank is to be uncovered; the laterals are to be on the rockbed, but no final cover.
- (viii) All inspections must be completed prior to issuance of a Certificate of Inspection or Certificate of Compliance. Requests to verify soils before the submission of a design shall be subject to an additional site inspection fee.
- (ix) Inspections should be a minimum of 24 hours before scheduled time. A re-inspection fee may be charged for inspections not cancelled.

(b) Homeowner Installed Systems. Homeowners are subject to the same required inspections as licensed installers, as required by Minnesota Rules, chapters 7080 to 7082.

(9) As-Built.



- (a) System “As-Built” form(s) are required. The University of Minnesota Onsite Sewage Treatment Program’s (“OSTP”) As-Built Forms or As-Built forms with required information may be used. The forms must be submitted within two (2) weeks after a system is finished. The Town reserves the right to refuse future inspections and the issuance of a certificate of inspection should the “As-Built” not be submitted.
  - (b) If doing repair work on a system that does not require a permit, an As-Built form is required to be submitted to the Town office stating what work was done.
- (10) Operating Permits. An operating permit shall be required for all Type IV, V, and MSTTS systems where required. Upon issuance of the operating permit, the owner shall:
- (a) submit thirty (30) consecutive days of accurate monitoring; and
  - (b) submit two (2) months of weekly monitoring.
- When a property is sold or transferred the Town shall issue a new operating permit in the new owner’s name and the new property owner shall complete items (1) and (2).
- (11) Abandonment. Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rules, chapter 7080.

Subdivision 6. Compliance Inspections.

- (1) Compliance Criteria, Existing SSTS. SSTS built after March 31, 1996 or located in a Shoreland area, Wellhead Protection area, or serving a food, beverage, or lodging establishment as defined under Minnesota Rules, part 7080.1100, subp. 84 shall have a three-foot vertical separation to the periodically saturated soil and/or bedrock. Existing SSTS systems built after March 31, 1996, and not located in SWF areas, that have greater than or equal to 30.6” vertical separation to the bottom of the drainfield may be considered compliant under this Ordinance. Additionally, Type IV systems that were permitted with reduced vertical separation shall be deemed compliant provided they meet the permitted reduction. The vertical separation measurement shall be made outside the area of system influence but in an area of similar soil. Additional borings within the area of influence are allowed to determine vertical separation.

All other system compliance criteria shall be as defined in Minnesota Rules, part 7080.1500 subp.1-subp. 6. The most current MPCA compliance forms are required for submittal.

- (2) Compliance Inspection Required.
- (a) In all areas within the Town’s jurisdiction, a Compliance Inspection is required:

- i) Prior to the issuance of a permit or variance to add a bedroom to a structure,
  - ii) Prior to receipt of subdivision approval, including exemption certificates,
  - iii) For all new construction in the shoreland and wild and scenic river districts, or
  - iv) Prior to the sale or transfer of property.
- (b) For the purposes of this Ordinance, “sale or transfer of property” shall mean:
- i) Sale of property which requires the filing of a Certificate of Real Estate Value (CRV), including resale of property after foreclosure or the execution of a contract for deed for purchase of real property; or
  - ii) Gifting of property to heirs or assigns.

It does not include the following:

- i) Typographical corrections on deeds to names or legal descriptions;
- ii) Affidavit of Survivorship;
- iii) Divorce decrees;
- iv) Tax forfeitures; or
- v) Establishment of a trust.

(3) Conduction of Compliance Inspections.

- (a) Compliance inspections shall be conducted by a MPCA certified and licensed professional using the most current MPCA compliance inspection forms.
- (b) Compliance inspection forms are required to be submitted by the MPCA licensed inspector within 15 days of the inspection on the new forms. The compliance inspection needs to include a site sketch with all setbacks noted, size of tanks and drainfield, and soil borings unless two have already been done by different inspectors. Inspections lacking this information will not be accepted and the inspector will be turned into the MPCA for failing to comply with the requirements. Inspectors who turn in inspections after the 15-day time frame may be subject to enforcement action if information not received within 30 days.
- (c) Compliance inspections may be conducted from November 1 to April 15.

Alternatively, sellers of property may sign an agreement to subject the property to a compliance inspection if the sale or transfer is to occur during this period. This agreement must be signed by all affected parties and notarized and submitted to the Town and the Recorder's office.

Subdivision 7. Enforcement.

(1) Violations. Violations of the SSTS Regulations are subject to the following enforcement actions:

(a) Cause to Issue a Notice of Violation. Any person, firm, agent, or corporation who violates any of the provisions of this Ordinance, or who fails, neglects, or refuses to comply with the provisions of this Ordinance, including violations of conditions and safeguards, or who knowingly makes any materially false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as defined by Minnesota statutes. Each day that a violation exists shall constitute a separate offense.

(b) Notice of Violation. Town shall serve, in person or by mail, a notice of violation to any person determined to be violating provisions of this Ordinance. The notice of violation shall contain:

(i) A statement documenting the findings of fact determined through observations, inspections, or investigations;

(ii) A list of specific violation(s) of this Ordinance;

(iii) Specific requirements for correction or removal of the specified violation(s); and

(iv) A mandatory time schedule for correction, removal and compliance with this Ordinance.

(c) Prosecution. In the event of a violation or threatened violation of this Ordinance, the Town may, in addition to other remedies, initiate appropriate civil action or proceedings to prevent, prosecute, restrain, correct or abate such violations or threatened violations and the Town Attorney shall be authorized to commence such civil action. The Town Inspector and Town Attorney are authorized to perform such duties as may be necessary to enforce the provisions of this Ordinance.

State Notification of Violation. In accordance with state law, Town 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 Ordinance.

**ARTICLE X**  
**WIRELESS TELECOMMUNICATION FACILITIES**

Subdivision 1. 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:

- (1) Facilitate the provision of wireless telecommunication services to the residents and businesses of the Town;
- (2) Minimize adverse visual effects of wireless telecommunication towers through careful design and siting standards;
- (3) Avoid potential damage to adjacent properties from wireless telecommunication tower failure through structural standards and setback requirements; and
- (4) 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.

Subdivision 2. 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.

Subdivision 3. Permitted and Conditionally Permitted Towers.

- (1) Permitted. The following towers are permitted in all zoning districts if in compliance with the performance standards in this Article:
  - (a) Towers located in the following locations:
    - (i) Church sites, when camouflaged as steeples or bell towers; and
    - (ii) Government, school, utility and institutional sites.
  - (b) Wall or roof-mounted towers.
- (2) Conditional Use Permit. All other towers are permitted in all zoning districts upon issuance of a conditional use permit.
- (3) Conditional Use Permit Standards. The following standards apply to a conditional use permit for a tower:
  - (a) The site must comply with the performance standards set forth in Subdivision 5 of this Article.

- (b) 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.
- (c) If the proposed tower is located in a residential district, documentation must be included in the application that demonstrates that the tower cannot reasonably be located in a commercial or industrial district.
- (d) Existing on-site vegetation shall be preserved to the maximum amount practicable.
- (e) No outdoor storage shall be permitted on the tower site.

Subdivision 4. Performance Standards. All towers erected within the Town must conform to the applicable performance standards contained in this Section:

- (1) Co-Location Requirements. All towers erected, constructed or located within the Town shall comply with the following requirements:
  - (a) A proposal for a new tower shall not be approved unless the Town Board finds that the wireless telecommunications 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:
    - (i) 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.
    - (ii) 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.
    - (iii) 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.
    - (iv) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
- (2) Construction and Maintenance of Towers.
  - (a) Tower and Antenna Design Requirements. Proposed or modified towers and antennae shall meet the following design requirements:

- (i) 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 the Federal or State authorities such as the Federal Aviation Administration (FAA).
  - (ii) Towers shall be of a monopole design unless the Town Board determines that an alternative design would better blend in to the surrounding environment. Lattice designs may be allowed to facilitate co-location.
  - (iii) The use of guyed towers is prohibited. Towers must be self-supporting without the use of wires, cables, beams or other designs.
  - (iv) 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.
- (b) Tower Construction Requirements. All antennae and towers erected, constructed, or located within the Town, and all wiring therefore, shall comply with the following requirements:
- (i) All applicable provisions of this Article must be met.
  - (ii) Towers shall be certified by a Minnesota licensed professional engineer to conform to current structural standards and wind loading requirements of the Minnesota State Building Code and the Electronics Industry Association.
  - (iii) With the exception of necessary electric and telephone service and connection lines approved by the Town, 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.
  - (iv) 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 Electric Code.
  - (v) 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.
  - (vi) Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.

- (vii) All towers shall be constructed to conform with the applicable 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 the 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 Town 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 Ordinance.
- (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 of characteristics of antennae and towers created by application of this Article shall not in any manner limit the legal use of the property, not 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 Ordinance.
- (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 (FAA) 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 Town Board. 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 Town 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 the 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 Ordinance; 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 roof top, must be enclosed.
- (11) Interference with Public Safety Telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. The Town may require that all applications for new service be accompanied by an intermodulation study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service or changes in existing service, telecommunication providers shall notify



the Town at least ten (10) calendar days in advance of such changes and allow the Town 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 hereto, 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.

Subdivision 5. Application, Building Permits, Fees and Inspections.

- (1) Application. Applications for approval to construct towers shall include information as required in this Ordinance. In addition to the information required elsewhere in this Article, applications for towers shall include the following supplemental information:
- (a) A report from a professional engineer which:
- (i) Describes the tower height and design including a cross section and elevation.
  - (ii) Documents the height above grade for all potential mounting positions for co-located antennae and the minimum separation distances between antennae.
  - (iii) Describes the tower's capacity, including the number and type of antennae it can accommodate.
  - (iv) Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
  - (v) Includes an engineer's stamp and registration number; and
  - (vi) Includes other information necessary to evaluate the application.
- (2) Building Permits.
- (a) 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.

- (b) 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.
  - (c) Building permits are not required for:
    - (i) 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.
    - (ii) 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.
  - (d) Before issuance of a building permit, the following information shall be submitted by the applicant:
    - (i) Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration; and
    - (ii) A report from a Minnesota licensed professional engineer that demonstrates the tower's compliance with the aforementioned structural and electrical standards.
  - (e) Any Town cost of testing or verification of compliance shall be borne by the applicant.
- (3) Fee. The fee to be paid shall be set by action of the Town Board.
- (4) Inspections. Towers may be inspected by the Town Building Inspector 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 notification is issued to make repairs. Upon completion of the repairs, the owner shall notify the Building Inspector that the repairs have been made.

Subdivision 6. Interpretation. It is not the intent of this Article to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this Article 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 Article shall govern.

Subdivision 7. Effect on Existing Towers and Antennae. Antennae and towers in existence as of the effective date of adoption of this Ordinance, which do not conform or comply with this Article, are subject to the following provisions:

- (1) 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.
- (2) 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 therefore, but without otherwise complying with this Article; however, if the cost of repairing the tower to its former use, physical dimensions and location would be fifty percent (50%) 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.

**ARTICLE XI**  
**SUBDIVISION REGULATIONS**

**Subdivision 1. General Provisions.**

- (1) **Authority.** This Article contains the subdivision regulations applicable within Greenbush Township adopted pursuant to the Town Board's authority under Minnesota Statutes, section 462.358, chapter 505, and such other law as may apply.
- (2) **Purpose and Intent.** All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth herein. 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 lands 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 lands and buildings;
  - (d) Promote the development of economically sound and stable community by preventing the subdivision or development of land that results in scatter or premature subdivision of land as would involve danger or 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, ensure the adequacy of drainage facilities, protect underground water resources and encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the Town;
  - (i) Preserve the natural beauty and topography of the Town and ensure appropriate development with regard to these natural features;
  - (j) Provide for open spaces through the most efficient design and layout of the land while preserving the density of land use as established in the Zoning Ordinance; and

- (k) Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.
- (3) Application of the Ordinance. All subdivisions of land resulting in lots of less than forty (40) acres within the jurisdiction of Greenbush Township shall be regulated by this Article and shall only be platted in accordance with the provisions contained herein.
- (4) Compliance. No plat of any subdivision shall be recorded in the Mille Lacs County Recorder's Office or have any validity until the plat thereof has been prepared, approved and acknowledged in the manner prescribed by this Article.
- (5) Building Permits. No building permits shall be issued to allow construction of any building, structure, or improvement to the land or any lot in a subdivision until all requirements of this Article have been complied with.
- (6) Septic Compliance. The subdivision of land containing an SSTS requires an inspection of the system and the bringing of the system into compliance in accordance with the SSTS provisions of this Ordinance, found in Article IX.
- (7) Design Standards. All provisions in this Article 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, with the Town Board's interpretation being final.
- (8) Consistency with Other Controls.
  - (a) Subdivisions must conform to all official controls, regulations and policies of the Town. A subdivision will not be approved where a later variance from one or more standards in official controls will be needed to use the lots for their intended purpose.
  - (b) In the shoreland areas not served by publicly owned sewer and water systems or a community water and sewer system, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with applicable regulations can be provided for every lot.
  - (c) Subdivisions that would create lots that require the use of holding tanks will not be approved unless otherwise permitted under Article IX of this Ordinance.

Subdivision 2. Procedure. Before subdividing any tract of land within the Town, the following procedures shall be followed:

- (1) Pre-Application Meeting. Prior to the preparation of a preliminary plat, the subdivider or owner may meet with the 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 Article. At the 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 must include the following information:

- (a) Name and address of 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 changes.
- (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 its Zoning Administrator or Engineer.

The subdivider is urged to avail himself or herself of the assistance of the Planning Commission and Town 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 Article and other applicable

official controls. If the owner or subdivider decides to proceed with the subdivision as proposed or revised, he or she may proceed with the preparation of the preliminary plat as provided herein. Submission of a sketch plan and associated information shall not be considered adequate for application for preliminary plat approval.

(2) Build-Out Plan (Ghost Plat).

(a) Application. A build-out plan (ghost plat) consistent with requirements related to a sketch plan of this Article shall be required for the following subdivision applications:

(i) Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots that may be eventually re-subdivided into smaller lots.

(ii) 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:

(i) Lot design consistent with the long range planning for the area (Comprehensive Plan).

(ii) The layout of future roads. Local roads shall be planned to provide connections to adjoining parcels, neighborhoods, or future development open spaces to the extent practicable.

(iii) Easement locations for utilities and storm water drainage.

(iv) Location of buildings or structures on the lots to accommodate future subdivision.

(c) Right-of-Way Dedication. 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 plat).

(3) Condition Establishing Premature Subdivision. 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 conditions which follow exist:

- (a) Lack of Adequate Drainage. A condition of inadequate drainage shall be deemed to exist if:
- (i) 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; or
  - (ii) The proposed site grading and development will cause damage from erosion, sedimentation, or slope instability.

Factors to be considered in making these determinations may include, but are not limited to the following: average rainfall for the area; area drainage patterns; the relationship of the land to floodplain; 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:
- (i) County or local roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site 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; or
  - (ii) 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 not available or proposed, there is inadequate on-site sewer capacity potential to support the subdivision if developed to the maximum permissible density indicated in this Article and Article IX.



- (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 reasonably be provided for within the next two (2) years.
  - (f) Environmental and Historic Impacts. The proposed subdivision could adversely impact 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 or state historic preservation laws related to such properties.
  - (g) 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 twenty (20) 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 constituting a premature subdivision exist. Failure to provide such information shall be considered a basis for denial of the proposed plat.
- (4) Complete Subdivision of Large Tracts. The Town Board finds that the premature development of large tracts of land in the agricultural districts 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 period places an unacceptable burden upon the financial resources of Town residents who must support that system and will have 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 enabling legislation, municipalities may, by ordinance, regulate the density and distribution of population. As such, the Town Board finds that complete subdivision of large tracts within a relatively short period of time constitutes premature subdivision of land and is prohibited. For purposes of this Article, a large tract is any property of more than one hundred sixty (160) acres; a short period of time shall be defined as two (2) years; and complete subdivision of large tracts is defined as subdivision of a parcel of land of more than one hundred sixty (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.
- (5) Preliminary Plat.
- (a) Filing. After the pre-application meeting, the subdivider or owner shall file with the Zoning Administrator five (5) or more copies of the preliminary plat and

applicable fees. These fees will be used for the administrative expenses of the Town in connection with the review of said plat. In addition, the applicant shall escrow funds to reimburse the Town for any expenses incurred in the review and processing of the plat, including fees for planning, legal and engineering consultants.

- (b) Required Information. The preliminary plat must contain all of the data required by this Article. 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 Article. 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) Public Hearing. After the plat application is filed, the 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. The owner or subdivider, or a representative, shall appear at the hearing before the Planning Commission in order to answer questions concerning the proposed plat. The Planning Commission shall recommend approval or denial of the preliminary plat to the Town Board and may recommend conditions related to the approval.
- (d) Findings of Fact. Upon conclusion of the public hearing, the Planning Commission shall make and enter findings from the record and conclusions thereof as to whether or not:
  - (i) 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.
  - (ii) The proposed subdivision contributes to the orderly development and land use patterns in the area.
  - (iii) The public use and interest will be served by permitting the proposed subdivision.
  - (iv) The proposed subdivision conforms to the general comprehensive plan and zoning requirements.
  - (v) The proposed subdivision conforms to the general purposes of any applicable policies or plans which have been adopted by the Town Board.
  - (vi) The proposed subdivision conforms to the general purposes of this Article.

- (e) Town Board Approval. The Town Board shall act to approve or disapprove the preliminary plat. The Town Board may include conditions related to the 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 Town. The Town may obtain conditional approval on the owner and subdivider entering into a development agreement with the Town in a form acceptable to the Town Board. If the Board disapproves the preliminary plat, the reasons for any such disapproval shall be set forth in the minutes of the Town Board meeting and a copy of those reasons shall be given to the owner or subdivider. The Town Board shall take action on the application with a resolution of approval or denial which 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. The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates the subdivider may proceed toward final plat in accordance with the terms of approval and provisions of this Ordinance. 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. 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.
- (6) Final Plat.
- (a) Preparation and Filing. The final plat shall have incorporated all changes recommended by the Zoning Administrator, the Town Engineer regarding Town roads, the Planning Commission and the Town Board as conditions to approval 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 to all requirements of this Article, this Ordinance, and any applicable state law. The final plat shall be filed with the Zoning Administrator.
- (b) The Zoning Administrator shall refer two copies of the final plat to the Planning Commission for its review and report. The Planning Commission shall hold a public hearing on the final 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. The report of the Planning Commission and any other agencies 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 Town 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 by

that office, within sixty (60) days after the approval. Otherwise the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days or recording, furnish the Town with three black line prints and a reproducible print of the final plat showing evidence of the recording.

Subdivision 3. Data for Preliminary Plat. The following information is required for review of the preliminary plat:

(1) Identification and Description.

- (a) Proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Mille Lacs County.
- (b) Location by section, township, range and by metes and bounds description.
- (c) Names and addresses of the owner of record and any agent having control of the land, subdivider, surveyor, engineer, and designer of the plat.
- (d) 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.
- (e) Indication of north direction.
- (f) Key map including areas within one (1) mile radius of the plat.
- (g) Date of preparation.
- (h) A current policy of title insurance running to the Town.

(2) Existing Conditions. The plat shall also include the following existing conditions:

- (a) The boundary lines of the proposed subdivision.
- (b) Existing zoning classification for land within the plat and land abutting the subdivision.
- (c) A general statement on the approximate acreage and dimensions of the lots.
- (d) 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.

- (e) Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous landowners or controlled by the subdivider.
  - (f) Topographic data, including contours at vertical intervals of ten (10) feet, water courses, marshes, rocks, outcrops, power transmission poles and lines, wetlands, streams, rivers and lakes, all existing structures, if any, and other significant features, shall be shown.
  - (g) A central water and sewer system feasibility study shall be completed by a registered civil engineer if a central water and sewer system is being proposed. Where a central water system is not proposed, a soil scientist or an SSTS Designer who is also a licensed soil scientist shall report on the feasibility of individual home sewer systems per Minnesota Rules 7080 to 7081. If collector systems are proposed, an advanced designer shall be also utilized per Minnesota Rules 7081.
  - (h) A survey shall be prepared by a qualified person, identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing.
- (3) Subdivision Design Features. The following design features shall be shown on the preliminary 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 Town 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. Two (2) copies of profiles of each proposed street and road, showing existing and/or proposed grades and gradients on the centerline; the location and size of proposed culvers; and the location of bridges shall be submitted.
  - (b) Location 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 tests and soil borings, if applicable, and two (2) suitable sites for individual septic treatment systems with the method outlined for protecting the alternate individual sewage treatment system site for future areas. See Article IX, subdivision 5, clause (6)(b)(iv).

- (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 overlying the existing contours. Locations for stockpiling of soils, the proposed one-hundred (100) year flood elevation, and a vegetation restoration plan for all areas disturbed by grading shall be submitted on the plan.
  - (h) Plans for the installation of electricity, street lights, telephone, gas and drainage and stormwater facilities.
  - (i) Proposed easements for drainage, slope protection, and protection of wetlands and waterbodies, including stormwater retention areas and easements for the installation of utilities.
  - (j) Park dedication areas, including the size in acres.
- (4) Other Information. The following information is also required:
- (a) A statement of the proposed use of lots stating the type of residential buildings with the 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 populations.
  - (b) 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.
  - (c) Soil absorption, percolation testing, and any other subsoil information requested by the Town Engineer.
  - (d) If any zoning changes are contemplated, the proposed zoning for the areas shall be indicated. Such proposed zoning plan shall be for information purposes only and shall not vest any rights in the application.
  - (e) A build-out (ghost plat), where 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. Potential resubdivision and use of excessively deep lots shall be indicated in a satisfactory manner.
  - (f) 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.

- (g) 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.
- (h) A water feasibility study shall also be required to determine if water is readily available. Water wells shall have casings per Minnesota Well rules.
- (i) Also included shall be such other information as may be requested by the Zoning Administrator. The Zoning Administrator may request the owner or subdivider to provide documentation that describes the proposed subdivision's potential effect or impacts on public facilities, utilities and services, including, but not limited to, the following: streets, law enforcement, ambulance/emergency services, fire protection, schools and utilities.

Subdivision 4. Data for Final Plat. The following information applies to preparation of the final plat:

- (1) 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 Ordinance. Surveying requirements of the final plat shall be under the regulations of the Town Engineer.
- (2) Information to be Submitted. The following information is required for the final plat:
  - (a) Four (4) mylar copies of the final plat.
  - (b) One (1) reproducible copy reduced to 11" x 17" of the final plat.
  - (c) Twelve (12) blue-line copies of the final plat and supporting documents, plus any additional documents 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.
  - (d) One (1) up-to-date (within three (3) months) title insurance policy.
  - (e) Two (2) copies of the development agreement, as drafted by the Town, including signatures for the subdivider/owner and the Town.
  - (f) One (1) copy of any title declaration, deed restriction, restrictive covenants, or homeowner's association documents in recordable form.
  - (g) One (1) copy of the final plat shall be submitted to the County Surveyor.

- (h) 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 Town of sufficient easements to accommodate utility services in such form as shall be approved by the Town attorney.
- (i) Other information as may be required by the Town.

Subdivision 5. Subdivision Design Standards.

(1) General Requirements.

- (a) Community Needs. 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 this Ordinance or the Town's plans.
- (b) Inadequate Infrastructure. No preliminary plat will be approved for a subdivision which 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.
- (c) Street Arrangement. 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. Wherever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. 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.

(2) Street Standards.

- (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



Major Arterial (County)	66 feet	150 feet
Collector (Township)	66 feet	100 feet
Frontage Road	66 feet	100 feet

- (b) Street Intersections. Insofar as practical, streets shall intersect at right angles. In no case shall the angle formed by the intersection of two (2) streets be less than ninety degrees (90°). Intersections having more than four (4) corners shall be prohibited. Adequate land for future intersection 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 degrees (10°), 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) for collectors, and one hundred (100) feet for all other streets.
- (e) Street Jogs. Street jogs with centerline offsets of less than 150 feet shall be avoided for local streets. The minimum angle of such jogs shall be eighty degrees (80°).
- (f) Local Streets. Minor streets shall be laid out so that their use by through traffic is discouraged.
- (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. Permanent cul-de-sacs will only be allowed in cases where proper 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 is 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 percent (5%); minor streets and marginal access streets – seven percent (7%).

- (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 a through existing and established cross roads where possible.
- (k) Hardship to Owners of Adjoining Properties. 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. No structure shall be placed within the sight distance triangle. At no street intersection in any district shall dirt or soil berms, trees, shrubs, or bushes obscure vision exceeding two and one-half feet (2-½') 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:
  - (i) 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. An inspection schedule will be determined at the pre-construction conference.
  - (ii) Staking. Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and side staked at one hundred (100) foot intervals. Side stakes shall be set back off the right-of-way at right angles from the center lines 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. Cuts and fills shall be computed to finish grade of the roadway and said cuts or fills shall be marked on side stakes.

- (iii) 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.
- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) Driveway and Road Construction. All driveway entrances, including the installation of culverts, must be constructed during road construction. All roads and driveways must be constructed prior to issuance of any building permits.

(3) Block Standards.

- (a) The length, width and acreage of a block shall be sufficient to provide for convenient access, circulation, control and safety of street designs. Blocks may be longer than 1300 feet or shorter than three hundred feet (300') only if the Town Board agrees that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles.

- (b) 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.
- (4) Lot Standards.
- (a) Size. The lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Ordinance.
  - (b) 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 (a through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts) 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 feet (10') in order to allow for screen planting along the back lot line.
- (5) 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 Chapter 7080 to 7082 of Minnesota Rules, as amended, and Article IX of this Ordinance. In addition, the following requirement shall apply:
- (a) On each lot, there shall be an area preserved for the construction of an additional drain field system should the original drain field fail. The area set aside from 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 and Minnesota Pollution Control Agency.
- (6) Tree Removal and Conservation of Vegetation. All subdivisions shall be planned, designed, constructed and maintained so that:

- (a) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
  - (b) 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.
- (7) Erosion and Sediment Control. The following guidelines shall be applied in the subdivision and construction of land areas:
- (a) The development shall conform to the natural limitations presented by the topography and soil so as to create the least potential for soil erosion.
  - (b) Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures as specified by the Town Engineer shall be installed prior to development when necessary to control erosion.
  - (c) 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.
  - (d) When soil is exposed, the exposure shall be for the shortest reasonable period of time.
  - (e) 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.
- (8) Drainage. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. The following requirements shall also apply:
- (a) 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.
  - (b) 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.
  - (c) 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 trail use.

- (d) The drainage system shall be constructed and operational as quickly as possible during construction.
- (9) 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:
- (a) Easements for Utilities. Easements for utilities at least twenty feet (20') wide, centered on rear and other lot lines, shall be provided for drainage and utilities where necessary. Easements provided shall have continuity of alignment from block to block.
  - (b) 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 feet (20') in width.

Subdivision 6. 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 Town 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 Town. Except in areas where lot widths exceed one hundred feet (100') or topography or tree cover dictates otherwise, grading shall provide for each installation of sidewalks at some future date.
- (3) Paving. All streets, driveways and alleys shall be improved with bituminous or concrete surface unless granted a waiver from the Town Board. Streets shall be constructed for nine (9) 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 Greenbush 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 shall be required for all paved streets.
- (5) Water Supply. In all subdivisions, the subdivider shall either:
  - (a) Install a system providing each lot with an adequate supply of potable water; or
  - (b) State on the final plat that purchasers of individual lots will be required to install their own approved wells.
- (6) 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 up to ten percent (10%) 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 a floodplain, shoreland or other areas unsuitable for park development unless such action is determined to be consistent with approved park plans.
  - (a) 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 streets, alleys, easements or other public use. Dedication requirements shall be established from time to time by the Town Board.
  - (b) 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 are regulated by this Ordinance. Park dedication requirements shall not apply to lot combinations/redivisions that do not increase the number of single family residential lots or dwelling units, conversion of apartments to condominiums, or internal leasehold improvements.
  - (c) 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 uses 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 additional land dedication is perceived, the subdivider shall pay a fee in lieu of

dedicating land. The amount of the fee shall not exceed the market value of the amount of land required to be dedicated. Such fees shall be payable to the Town prior to execution of signatures by Town 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.

- (7) 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.
- (8) Sewage Disposal. As specified in Article IX of this Ordinance, 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 become 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, percolation tests, and/or data, in order to determine proper sewage system design per Minnesota Rules 7080-7082.
- (9) 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.
- (10) Street Signs. Street signs of standard design approved by the Town shall be installed at each street intersection. The cost of posting of all street signs or markings shall be the responsibility of the subdivider/owner and shall be installed prior to release of the escrow or bank letter of credit. Such signs will be installed by the Town.
- (11) Driveways.
  - (a) In essence, driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage course exists, driveways must be scaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, the driveways must have sufficiently sized culverts installed and maintained by the homeowner or subdivider.
  - (b) 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 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.



- (c) Upon appeal, the Town Board will take action to approve or deny driveway permit requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
  - (d) In no case shall the culvert pipe under a driveway be less than eighteen inches (18") in diameter with grates, and angled on the opening.
  - (e) The cost of culverts shall be borne by the subdivider/owner.
  - (f) Driveways shall intersect the roadway at a preferred angle of ninety degrees (90°) but in no case shall the intersecting angle be less than sixty degrees (60°).
  - (g) An all season safe distance of two hundred feet (200') in each direction must be present for a building permit to be issued.
  - (h) No driveway will be permitted to be constructed within fifty feet (50') of an intersecting street. One hundred feet (100') is preferable.
  - (i) The maximum driveway width shall be twenty feet (20') with six to one slopes, a 32-foot culvert, plus ditches.
  - (j) One driveway per parcel is permitted. Installation of a second driveway requires approval by the Town Board.
  - (k) A driveway permit must be approved by the Zoning Administrator prior to installation where required by ordinance. Additional approval must be obtained if affecting State or County roads.
- (12) Landscaping of the 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.
- (13) 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 line and in no case in the ditch line and always well back from the curb.
- (14) 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.

- (15) Obstructions in the Right-of-Way. No structures, such as retaining walls, etc., are permitted in the right-of-way.

Subdivision 7. 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 improvement that would, by general policy of the governing board, be assessed only in part to the improvement that would, by general policy of the governing body, be assessed only in part to the improved property and the remaining cost paid out of general tax policy, 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 Town.

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.

Subdivision 8. 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 development agreement with the Town Board requiring the subdivider to furnish and construct said improvements at the subdivider's sole cost, in accordance with the plans and specifications and usual contract conditions and to comply with such other requirements as the Town may set forth in the agreement. The Town shall draft the agreement. 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. The agreement shall include provisions for supervision of details of construction by the Zoning Administrator, and shall grant to the Zoning Administrator the authority to coordinate 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 Town in the vicinity. The agreement shall require the subdivider to make a cash escrow deposit or, in lieu thereof, to furnish bank letter of credit as determined by the Town.

The bank letter of credit or cash escrow shall be equal to one hundred fifty percent (150%) of the estimated cost of the required improvements.

If the required improvements are not completed within the one-year period, the Town may use all amounts held under the escrow agreements or the bank letter of credit to apply to the cost of the improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider.

Subdivision 9. Financial Guarantee. The agreement shall require the subdivider to make an escrow deposit, or, in lieu thereof, furnish the bank letter of credit as provided herein.

- (1) Escrow Deposit. An escrow deposit of cash shall be made with the Town in an amount determined by the Town Board to reimburse the Town for all of its costs to process the subdivision and to oversee its development, including all professional fees and costs, and to secure the completion of the required improvements. Upon completion of the work and termination of any liabilities to the Town or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.
- (2) Letter of Credit. In lieu of, or in addition to, making an escrow deposit above described, and if the Town Board so agrees, the subdivider may furnish the Town with a bank letter of credit, in the form approved by the Town Board, with corporate surety in a penal sum equal to one and one-half (1.5) time the total cost as estimated by the Town Engineer, including 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 Town Attorney and filed with the Town Clerk.

Subdivision 10. Construction Plans. Construction plans for the required improvements, conforming in all respects to the standards of the Town and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota and said plans shall contain the surveyor's and engineer's seal. Such plans, together with the quantity of construction items, shall be submitted to the Zoning Administrator for approval and for the Town 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 Town, plus four prints, one of which shall be filed with the Mille Lacs County, shall be required.

Subdivision 11. 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.

- (1) The Town Board, acting as the Board of Appeals and Adjustments, 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 ordinance 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 properties.
  - (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 the Ordinance is carried out. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- (2) Procedure.
- (a) 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:
    - (i) A written and/or graphic description of the variance request including an explanation why the variance is required, the hardship involved, why it is unique to the property, potential impact on development and surrounding property, and how the request complies with the Comprehensive Plan and Zoning Ordinance.
    - (ii) Supporting information.
    - (iii) Submission of a fee as established by the Town Board.
  - (b) The Zoning Administrator, upon receipt of a complete application, shall notify the applicant within fifteen (15) business days if the application is found to be incomplete.
  - (c) Upon receipt of a complete application, the Zoning Administrator shall prepare a report and refer the application to the Planning Commission and the Town Board for consideration.
  - (d) 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.
  - (e) The applicant or their representative shall appear before the Planning Commission and Town Board in order to answer questions concerning the proposed application.

- (f) 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.
- (g) Once the Planning Commission has held the public hearing, it shall forward the application with its recommendation to the Town Board for a final decision in its capacity as the Board of Appeals and Adjustments. The Planning Commission shall forward its findings of fact and any recommended conditions with its recommendations.
- (h) Any variance or modification granted or denied shall be recorded in the minutes of the Town Board, acting as the Board of Appeals and Adjustments, 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. Those variances approved by the Town Board shall be recorded in the office of the County Recorder at the applicant's expense.
- (i) In approving variances, the Town Board, acting as the Board of Appeals and Adjustments, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance. All such conditions must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (j) All decisions of the Town Board, acting as the Board of Appeals and Adjustments, 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 Mille Lacs County.
- (k) 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.
- (l) An extension of a variance may 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 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 Appeals and Adjustments, 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 will automatically expire.

Subdivision 12. Modifications; Exceptions.

- (1) State and Special District Considerations. It shall be the responsibility of the Town to refer any preliminary plat to other governmental entities when required by law.
- (2) Easements. All easements required for public purposes shall be provided at locations approved by the governing body. 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.
- (3) Utilities. 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.
- (4) Land Division. In any case where the division of a parcel of land into two (2) 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 Ordinance, a description of such land division shall be filed with the Zoning Administrator.

Subdivision 13. Compliance with State Wetland Conservation Act. The subdivider shall provide proof of compliance with the State Wetland Conservation Act.

Subdivision 14. Enlargement of Pre-Existing Parcels. The Zoning Administrator may approve a conveyance of a part of a parcel, to the owner of an adjacent parcel, where the reduced parcel remains in compliance with the provisions of this ordinance. 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 Greenbush Township Zoning Ordinance.”

To ensure compliance with the ordinance, 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.

Subdivision 15. Lot Splits, Boundary Line Adjustments.

- (1) Administrative Approval. The Zoning Administrator may administratively approve applications for lot splits that do not require variances. An application form, along with three (3) or more 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 Ordinance 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 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 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 and legal descriptions also emailed by surveyor to zoning administrator;
  - (g) Location, purpose and dimensions of all buildings. Location shall note 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 of any bluffs present. When applicable, the ordinary high water level and 100-year flood elevations shall be shown;
  - (i) Location of a primary and an alternate site for individual septic treatment systems with a copy of percolation tests and soil borings, per Article IX of this Ordinance; and
  - (j) Location of all existing and proposed public or private easements.
- (2) Compliance. The Zoning Administrator may require such revisions as are necessary to meet all applicable requirements.
  - (3) The Zoning Administrator shall make a decision to approve or disapprove a requested lot split or may refer the application to the Town Board for review and comment. The Zoning Administrator shall provide written notice of his or her final 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 Board of Appeals and Adjustments following transmission of a written notice of appeal which 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 Board of Appeals and Adjustments.
- (6) Upon appeal, the Board of Appeals and Adjustments will take action to approve or deny lot split requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Board of Appeals and Adjustments' decision.
- (7) All approved lot splits or boundary line adjustments shall be recorded within sixty (60) days per Mille Lacs County guidelines.

Subdivision 16. Conveyance to the Public. The subdivision regulations 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 public buildings will be erected.

Subdivision 17. Transfer of Development Rights. Under current policies, the transfer of development rights is used to promote cluster developments. The following standards apply to the transfer of development rights:

- (1) The property from which the transfers are 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 this Ordinance. The property from which the transfer is made cannot contain solely non-buildable area or already have the maximum allowable densities.
- (3) Up to a maximum of eight (8) buildable parcels may be created within a quarter-quarter section in the agricultural district, 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 the Zoning Ordinance are amended. Any new density increases shall also consider the transfers which have previously occurred in calculating the remaining allowable dwellings.
- (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 Ordinance.





**ARTICLE XII**  
**WIND ELECTRICAL CONVERSION SYSTEMS**

Subdivision 1. Purpose. In order to accommodate the energy 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:

- (1) Facilitate the provisions of Wind Energy Conversion Systems (WECS) to the residents and businesses of the Town;
- (2) Minimize adverse visual effects of WECS through careful design and siting standards;
- (3) Avoid potential damage to adjacent properties from WECS failure through structural standards and setback requirements; and
- (4) Maximize the use of existing and approved WECS, buildings and structures to accommodate new WECS and reduce the number of WECS needed to serve the community.

Subdivision 2. Intent. This Article is established to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the Town. All WECS with a nameplate capacity of 5,000 kilowatts or more are preempted from local regulation by state law.

Subdivision 3. Application, Process, Building Permits, Fees and Inspections.

- (1) Application. Applications for approval to construct all WECS shall include the following information:
  - (a) The name(s) and address(s) of the project applicant, contractor, subcontractor.
  - (b) The name(s) of the property owner or authorized agent (documented).
  - (c) The legal description, address of the project, parcel number(s).
  - (d) A description of the project including the number, type, name plate, generating capacity, tower, height, rotor diameter, and total height of all wind turbines and means of interconnection with the electrical grid.
  - (e) The proposed site layout, including the location of property lines, roads, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances, elevations, and shall be drawn to scale.

- (f) An engineer's certification.
  - (g) Documentation of land ownership or legal control of the property and current land use on the site and surrounding area.
  - (h) A signed copy of the Power Purchase Agreement or documentation that the power will be used on site.
  - (i) The latitude and longitude of individual wind turbines.
  - (j) A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the proposed WECS.
  - (k) The location of wetlands, scenic and natural areas within 1,320 feet of the proposed WECS.
  - (l) An acoustical analysis.
  - (m) A Federal Aviation Administration (FAA) Permit Application.
  - (n) The location of all known Communication Towers within two (2) miles of the proposed WECS.
  - (o) A decommissioning plan.
  - (p) A description of potential impacts on nearby WECS and wind resources on adjacent properties.
  - (q) Certification by an Engineer(s) as to compliance with all codes relating to tower, foundation, soils, etc.
  - (r) All wind energy conversion systems must have a manual and automatic braking system device capable of halting operation in high winds per the manufacturers design.
- (2) Process. WECS applications require an Interim Use Permit from the Town and will be processed under the procedures for such approval contained within this Ordinance.

- (3) Location of WECS. Location of WECS shall be limited to parcels containing a minimum of 5 acres or more, not in subdivisions, and subject to terms and processes for interim use permits.
- (4) Building Permits.
  - (a) It shall be unlawful for any person to erect, construction place, place or re-erect, replace, or repair any tower or WECS without first making application to the Zoning Administrator and securing a building permit.
  - (b) The applicant shall provide, at the time of application, sufficient information to indicate that construction, installation and maintenance of the WECS will not create a safety hazard or damage to the property of other persons.
  - (c) Only one tower shall exist at any one time on any one parcel of property.
  - (d) Before issuance of a building permit, the following information shall be submitted by the applicant:
    - (i) Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration (FAA); and
    - (ii) A report from a State-licensed professional engineer that demonstrates the WECS compliance with structural and electrical standards.
  - (e) All Town costs for professional fees, testing, or verification of compliance shall be borne by the applicant.
- (5) Fees. The fee(s) to be paid shall be based on the valuation of material and labor of all associated costs for the project.
- (6) Inspections. WECS may be inspected by the Building Official to determine compliance with original construction standards. Deviation from the original construction for which a permit is obtained constitutes a violation of this section. Notice of violations will be sent by registered mail to the owner of the WECS, the property owner, and/or subsequent authorized agents, upon which the WECS is located who will have thirty (30) days from the date of notification is issued to make repairs. Upon completion of the repairs, the owner/applicant shall notify the building official that the repairs have been made.

Subdivision 4. Permitted, Interim Use Permitted, and Prohibited WECS.

- (1) Permitted WECS. Non-commercial WECS shall be allowed in the A-1, R and C districts as a permit use.

- (2) Interim Use permitted WECS. Commercial WECS are permitted in designated zoning districts, except as noted in the Prohibited WECS section below, upon issuance of an interim use permit and are subject to the provisions of this Ordinance.
- (3) Prohibited WECS. All WECS are prohibited in floodplain and shoreland overlay districts.

Subdivision 5. Performance Standards.

- (1) Safety Design Standards.
  - (a) Engineering Certification. For all WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
  - (b) Clearance.
    - (i) Non-commercial WECS: Rotor blades must maintain at least twelve (12) feet of clearance between their lowest point and the ground.
    - (ii) Commercial WECS: Rotor blades must maintain at least fifteen (15) feet of clearance between their lowest point and the ground.
    - (iii) Rotor Safety. Each commercial WECS shall be equipped with both a manual and an automatic braking device capable of stopping the WECS operation in high winds (40 miles or greater).
    - (iv) Lightning Protection. All WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code.
    - (v) Warnings. For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage, stating the manufacturer's name and listing an emergency phone number.
- (2) Standards.
  - (a) Total Height.
    - (i) Non-commercial WECS shall have a total height of no more than 40 feet.
    - (ii) Commercial WECS total height is subject to the approval of Town Board, Engineered Design criteria, and per applicable ordinance standards.

(iii) WECS shall not be roof-mounted.

(b) Tower Configuration.

(i) All towers that are part of a WECS, except meteorological towers, shall be installed with a tubular, monopole type tower.

(ii) Meteorological towers may be guyed.

(3) Setbacks.

	<b>Non-Commercial WECS</b>	<b>COMMERCIAL WECS</b>	<b>Meteorological Towers</b>
Property Lines	1.1 times the total height plus ten feet	1.1 times the total height plus 10 feet	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height
Neighboring Dwellings	1.1 times the total height plus ten feet	1.25 times the total height	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height
Road Rights-of-Way	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height	The fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height
Other Rights-of-Ways	The lesser of 1.1 times the total height plus ten feet or the distance of the fall zone, as certified by a professional engineer plus ten feet	The lesser of 1.1 times the total height plus ten feet or the distance of the fall zone, as certified by a professional engineer plus ten feet	The fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height
Other Structures	The fall zone, as certified by a professional engineering plus ten feet or 1.1 times the total height	The fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height	The fall zone, as certified by a professional engineer plus ten feet or 1.1 times the total height
Other Existing WECS	N/A	To be determined through the IUP review based on relative size of existing and proposed and proposed WECS, alignment of WECS relative to predominant winds, topography, extent of wake interference on existing WECS, and other setbacks required; may be waived for multiple turbine projects.	

C-Beds, micro-WECS, hobby, residential, and any other wind generation systems not specifically listed are subject to the same consideration as all other WECS.

(4) Color and Finish.

(a) All wind turbines and towers that are part of a WECS shall be white, grey or another non-reflective, non-obtrusive color.

(b) Blades may be black in order to facilitate de-icing.

(c) Finishes shall be matte or non-reflective.

(5) Lighting. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration (FAA) permits and regulations. No additional lighting, other than building security lighting, is permitted.

(6) WECS Sites. The design of the buildings and related structures shall, to the extent reasonable possible, use materials, colors, textures, screening and landscaping that will blend the WECS to the natural setting and then existing environment.

(7) Signs. The manufacturers or owner's company name and/or logo may be placed on the nacelle of the WECS. No other signage, other than as required, shall be permitted.

(8) Feeder Lines. All communications and feeder lines, equal or less than 34.5 kilovolts in capacity, installed as part of a WECS shall be buried where reasonable feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.

(9) Waste Disposal. All solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly, out of the town, with proof of disposal offsite and in accordance with all applicable local, state and federal regulations.

(10) Maximum Vibration and Shadow Flicker.

(a) Any WECS shall not produce vibrations through the ground that are humanly perceptible beyond the property on which it is located.

(b) Commercial WECS shall include a shadow flicker analysis study with the application submission.

- (c) Non-commercial WECS shall not be placed in a manner that causes shadow flicker onto neighboring property.
- (11) Discontinuation and Decommissioning. A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Town outlining the steps and schedule for returning the WECS to service.
- (a) All WECS and accessory buildings shall be removed in their entirety including all footings and foundations within ninety (90) days of the discontinuation of use. Proof of offsite disposal shall be submitted.
  - (b) Each commercial WECS shall submit a Decommissioning Plan outlining the anticipated means and cost of removing the WECS at the end of its serviceable life or upon becoming a discontinued use. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. The Decommissioning Plan shall be submitted as part of the interim use permit application.
  - (c) The Town may require financial surety in the form of a cash escrow, irrevocable letter of credit or performance bond to ensure that decommissioning of the Commercial WECS is completed.

Subdivision 6. Other Applicable Standards.

- (1) Noise. All WECS shall comply with the MPCA and Town standards for noise.
- (2) Electrical Codes and Standards. All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- (3) Federal Aviation Administration (FAA). All WECS shall comply with FAA standards and permit requirements.
- (4) Building Code. All WECS shall comply with the Minnesota Building Code as adopted by the State of Minnesota and the Town.
- (5) Interference.
  - (a) The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by WECS.



- (b) The applicant shall notify all communication tower operators within two (2) Miles of the proposed WECS location upon application to the Town for a permit to operate a WECS.
- (c) No WECS shall be constructed so as to interfere with public safety telecommunications.

**ARTICLE XIII**  
**ADMINISTRATION AND ENFORCEMENT**

Subdivision 1. Purpose. The provisions within this Article outline the zoning procedures for implementing, administering, and seeking approvals pursuant to this Zoning Ordinance.

Subdivision 2. 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 the person appointed to the office shall serve at the pleasure of the Town Board.

- (1) Duties. The Zoning Administrator is authorized to, and shall perform, all of the following duties:
- (a) Enforce and administer the provisions of this Ordinance, including working with the Town Attorney and issuing violation notices, cease and desist orders, stop work orders, or corrective orders as determined appropriate;
  - (b) Determine if an application is complete and provide notice of what additional information is needed to make an application complete;
  - (c) Issue permits and maintain records thereof;
  - (d) Receive and forward to the Planning Commission, applications for conditional use permits, interim use permits, variances, subdivision plats, and petitions for ordinance amendments, including rezoning;
  - (e) Receive and forward applications and petitions for matters to come before the Board of Appeals and Adjustments;
  - (f) Maintain the Zoning Map as amended from time to time by the Town Board;
  - (g) Conduct inspections to determine compliance with the provisions of this Ordinance;
  - (h) Serve as an ex-officio member of the Planning Commission;
  - (i) Such other matters and responsibilities as the Town Board may assign from time to time;
  - (j) Collect all fees required by this Ordinance; and
  - (k) File for record with the county recorder or registrar of titles all documents required to be filed by law.

Subdivision 3. Building Permits.

- (1) Scope. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement or enlargement of any building or structure without first obtaining a building permit from the Town. Agricultural Buildings are exempt from the building permit requirement, except that the construction, placement, or enlargement of an Agricultural Building exceeding 1,000 square feet shall require a site permit instead of a building permit.
- (2) 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 Ordinance and any other applicable building codes.
- (3) Issuance of Permit. The Building Official shall direct the Zoning Administrator to issue the building permit only when the plans comply with this Ordinance and other applicable laws, regulations and ordinances. The Zoning Administrator may deny a permit for the construction of any building upon grounds which, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.
- (4) Normal Maintenance. No building permit shall be required for normal maintenance.
- (5) 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.

Subdivision 4. Site Permits.

- (1) Scope. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement or enlargement of an Agricultural Building, or any other building or structure requiring a site permit under this Ordinance, without first obtaining a site permit from the Town.
- (2) Application. Requests for a site 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 Ordinance.
- (3) Issuance of Permit. The Zoning Administrator shall issue the site permit upon a determination that the proposed building or structure complies with this Ordinance. The

Zoning Administrator may deny a permit for the construction of any building upon grounds which, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.

- (4) Completion of Work. The work for which a site 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.

#### Subdivision 5. Fees.

- (1) Application Fee. To defray administrative costs of processing requests for site permits, conditional uses, interim uses, amendments, variances, subdivisions, or appeals, an application fee shall be paid by all applicants in accordance with a fee schedule adopted by the Town Board.
- (2) Escrow. In order to defray the cost of any professional fees and printing costs, incurred related to processing applications, an applicant may be required to agree to reimburse the Town for such costs. Applicant may be required to deposit funds with the Town in an amount the Town determines necessary to reimburse it for all additional costs it may incur to process and act on the application. If the deposited funds are not sufficient to fully reimburse the Town's actual costs, the applicant shall be required to deposit additional funds as needed to fully reimburse the Town. Any deposited amount in excess of the Town's actual costs shall be returned to the applicant without interest. Any amount not fully reimbursed shall constitute an unpaid service charge the Town may collect by certifying the amount to the County Auditor pursuant to Minnesota Statutes, section 366.012, or by any other method available to it under law.
- (3) Payment. Application fees shall be payable at the time the application is filed with the Zoning Administrator and are not refundable. 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.

#### Subdivision 6. Planning Commission.

- (1) Establishment of the Planning Commission. The Greenbush Township Planning Commission, as currently established, is hereby reaffirmed.
- (2) Powers and Duties. The Planning Commission shall have all of the powers and duties set out in Minnesota Statutes, sections 462.351-462.364, of this Ordinance, and such other duties as assigned by the Town Board.
- (3) 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.

- (4) Removal. Planning Commission members serve at the pleasure of the Town Board and may be removed at any time for any reason.

Subdivision 7. Board of Appeals and Adjustments.

- (1) Establishment of Board of Appeals and Adjustments. The Town Board shall act as the Board of Appeals and Adjustments.

- (2) Powers and Duties. The Board of Appeals and Adjustments shall have the following powers and duties.

- (a) Appeals. 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 Ordinance.

(i) Actions of the Planning Commission and the Town Board shall not be appealable to the Appeals and Adjustments.

(ii) 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.

(iii) The notice of appeal shall be in writing and shall specify the grounds thereof, cite the provisions of this Ordinance or law in support of the appeal, and set out the specific relief being requested.

(iv) 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.

- (b) Other Appeals. Appeals to the Board of Appeals and Adjustments are limited to reviewing decisions of the Town's Zoning Administrator. Appeals from a final decision of the Town Board or of the Board of Appeals and Adjustments need to be made to the District Court in Mille Lacs County and such appeal must be served on the Town and filed with the District Court within 30 days of the date of the decision being appealed.

- (c) Variances. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration.

- (3) Other Powers. The Board of Appeals and Adjustments shall have such other powers and duties as are assigned to it by law.
- (4) Findings of Fact. Separate written findings of fact shall be made by the Board of Appeals and Adjustments at the time of the decision for each variance granted or denied and for each appellate decision made.

Subdivision 8. Variances. Requests for variances shall be submitted and processed in accordance with the following:

- (1) Application. Application for a variance shall be made to the Board of Appeals and Adjustments 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.
- (2) Criteria for Granting Variances. The following criteria shall be used when considering the issuance of a variance:
  - (a) The proposed use is not prohibited in the zoning district in which the subject property is located.
  - (b) The variance must be in harmony with the general purpose and intent of this Ordinance.
  - (c) The terms of the variance must be consistent with the comprehensive plan.
  - (d) The landowner must show the variance is necessary to alleviate practical difficulties resulting from strict application of the ordinance. “Practical Difficulties” as used in connection with the granting of variance means:
    - (i) The owner proposes to use the property in question in a reasonable manner not permitted by this Ordinance.
    - (ii) The plight of the landowner is due to circumstances unique to the property, not created by the landowner or a previous landowner.
    - (iii) The variance, if granted, will not alter the essential character of the locality.
- (d) If the variance request meets all of the conditions cited above, the variance may be granted. Economic considerations alone shall not constitute practical difficulties if a reasonable use for the property exists under the terms of this Ordinance. Access to direct sunlight in the case of solar energy systems shall constitute grounds for granting a variance.

(3) Procedure.

- (a) The person applying for a variance shall fill out and submit to the Zoning Administrator a variance application which shall include, along with the application fee, a statement of the practical difficulties claimed, and the particular provision(s) of this Ordinance from which a variance is being sought.
- (b) 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 and Adjustments.
- (c) The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place and purpose of the public hearing shall be published at least ten (10) days before the date of the public hearing.
- (d) The applicant or the applicant's representative shall appear before the Planning Commission at the public hearing in order to present evidence concerning the proposed variance.
- (e) The Planning Commission may recommend the imposing of conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest. The Board of Appeals and Adjustments makes the final decision regarding the conditions placed upon the issuance of a variance. Conditions placed on a variance must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (f) The Planning Commission shall make a finding of facts and recommend to the Town Board (acting as the Board of Appeals and Adjustments) 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 Appeals and Adjustments meeting.
- (g) Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Appeals and Adjustments, shall place the report on the agenda for the next regular meeting.
- (h) Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Appeals and Adjustments, shall make the final decision on the application by:
  - (i) Approving or disapproving the request as recommended by the Planning Commission; or
  - (ii) Approving or disapproving 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

- (iii) Referring 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.
- (i) The Zoning Administrator or Town Clerk shall notify the applicant of the Town Board's action. Written findings of fact shall be made at the time of the decision by the Town Board.
- (j) Decisions of the Planning Commission shall be advisory to the Town Board. The decisions of the Town Board acting as the Board of Appeals and Adjustments shall be subject to judicial review, provided such appeal is filed within twenty (20) days of the date of the decision.
- (k) No resubmission of a variance application will be allowed for six (6) months without new evidence related to the variance.
- (l) Granted variances become void if the applicant does not proceed substantially on the work 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 Appeals and Adjustments for good cause.
- (m) Applications for variances will not be accepted from anyone who is not an owner of land for which the application is made.
- (n) All variances which are granted by the Town Board must be recorded at the office of the Mille Lacs County Recorder.

Subdivision 9. Conditional Use Permits.

- (1) Criteria for Granting Conditional Use Permits. In determining whether to grant 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 Town Board shall consider the following criteria in determining whether to approve a requested conditional use permit:
  - (a) 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;
  - (b) 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;

- (c) The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;
  - (d) The use, in the opinion of the Planning Commission and Town Board, is reasonably related to the existing land use;
  - (e) 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;
  - (f) The use is not in conflict with the Land Use Plan of the Town; and
  - (g) The use will not cause traffic hazards or congestion.
- (2) Conditions of Approval. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may recommend, and the Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions considered necessary to protect the best interest of the surrounding area or the community as a whole. These conditions include, but are not limited to, the following:
- (a) Increasing the required lot size or yard dimension;
  - (b) Limiting the height, size or location of buildings;
  - (c) Controlling the location and number of vehicle access points;
  - (d) Increasing the street width;
  - (e) Increasing the number, size, location or lighting of signs;
  - (f) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
  - (g) Designation of open space;
  - (h) Annual review if deemed appropriate by the Town Board; and
  - (i) Such other conditions as deemed necessary to eliminate or reduce the negative impacts of the use.
- (3) Procedure.

- (a) Applications for conditional use permits will not be accepted from anyone who is not an owner of land for which the application is made.
- (b) The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use permit application form and application fee.
- (c) The Zoning Administrator shall refer the application to the Planning Commission for review.
- (d) The Planning Commission shall hold a public hearing on the application. At least ten (10) days' published notice shall be provided of the public hearing. The Planning Commission shall forward its recommendation to either deny or approve the conditional use permit to the Town Board together with any recommended conditions. The Town Board will take final action on the request. A written record of conditions of approval shall be made at the time of the decision by the Town Board.
- (e) The applicant or his representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use.
- (f) 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.
- (g) An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
- (h) No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of denial.
- (i) Granted conditional use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, where 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.
- (j) If the land use 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 of the Town Board to that effect.
- (k) All conditional use permits that are granted by the Town Board must be recorded at the office of the Mille Lacs County recorder at the applicant's expense.

- (1) 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 Town Board, time limits, review dates, and such other information as may be appropriate.
- (4) Amended Conditional Use Permit. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

Subdivision 10. Interim Use Permits.

- (1) Criteria for Granting Interim Use Permits. In determining whether to grant 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 occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall consider the following criteria in determining whether to approve a requested interim use permit:
  - (a) The proposed use meets the applicable standards set forth for conditional use permits;
  - (b) The proposed use will terminate upon a date or event that can be identified with certainty;
  - (c) 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; and
  - (d) The interim use may be subject to review by the Town upon change of ownership.
- (2) Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:
  - (a) The date or event stated in the permit;
  - (b) A violation of the conditions under which the permit was issued; or
  - (c) The use has been discontinued for a minimum of one (1) year.

If the Town determines an interim use has terminated as a result of (b) or (c) above, the Town Board shall take action to revoke the permit, including notification to the property owner of the Town's intent to revoke the permit and of a public hearing to consider the revocation.

- (3) Conditions of Approval. In permitting a new interim use, or the alteration of an existing interim use, the Town Board may impose, in addition to these standards and requirements

expressly specified by this Ordinance, additional conditions which the Town Board consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- (a) Increasing the required lot size or yard dimension;
  - (b) Limiting the height, size or location of buildings;
  - (c) Controlling the location and number of vehicle access points;
  - (d) Increasing the street width;
  - (e) Increasing the number of required off-street parking spaces;
  - (f) Limiting the number, size, location or lighting of signs;
  - (g) Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property;
  - (h) Designation of open space; and
  - (i) Annual review if deemed appropriate by the Town board.
- (4) Amended Interim Use Permit. 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.
- (5) Procedure.
- (a) Applications for interim use permits will not be accepted from anyone who is not an owner of land for which the application is made.
  - (b) The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use permit application form and fee.
  - (c) The Zoning Administrator shall refer the application to the Planning Commission.
  - (d) The Planning Commission shall hold a public hearing on the proposal. At least ten (10) days' published notice shall be provided of the public hearing. The Planning Commission shall forward its recommendation to either deny or approve the interim use permit to the Town Board. The Town Board will take final action on the request. A written record of conditions of approval shall be made at the time of the decision by the Town Board.

- (e) The applicant or his representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
- (f) 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.
- (g) An amended interim use permit application shall be administered in a manner similar to that required for a new interim use permit. Amended interim use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
- (h) No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of denial.
- (i) 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 improvements 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.
- (j) 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.
- (k) 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. An owner may seek the issuance of a new interim use permit in anticipation of the occurrence of a terminating event under the terms of an existing permit.

Subdivision 11. Zoning Amendments.

(1) Procedure.

- (a) An amendment to this Ordinance, 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 recommendation or as allowed by Minnesota Statutes. Individuals wishing to initiate an amendment to this Ordinance, including a request to rezone property, shall fill out a zoning amendment application form and submit it to the Zoning Administrator with the application fee.

- (b) A public hearing on the 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. If a proposed amendment changes in district boundaries affecting five acres or less, notice of the public hearing shall be mailed to each owner of affected property and of property situated wholly or partly within 350 feet of the property to which the amendment relates. 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. The Town Board shall make the final decision on the wording and whether to approve an amendment.
- (c) The person making the application shall be notified of the action taken.
- (d) No application of a property owner for an amendment to the text of the Ordinance 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 it.
- (e) Applications for rezoning will not be accepted from anyone who is not an owner of the land for which the application is made.

Subdivision 12. Site Plan Review.

- (1) Site Plan Review Required. Before building permits are issued for the development of commercial, institutional or industrial structures, a site plan shall be reviewed by the Planning Commission and approved by the Town Board.
- (2) Information Required. A site plan shall be submitted that contains the following information:
  - (a) A site survey drawing by a registered engineer or land surveyor showing property boundaries and dimensions.
  - (b) Building locations and dimensions, both existing and proposed, on and within fifty (50) feet of the subject property.
  - (c) Identification of adjacent land uses.
  - (d) Adjacent roadways and proposed entrances and exits.
  - (e) A grading plan.

- (f) 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.
  - (g) A utility plan.
  - (h) The location of all easements and building and parking setbacks.
  - (i) A development summary including lot area, building square footage, lot coverage, building height, number and size of dwelling units (if applicable) and parking spaces provided.
  - (j) Additional information required by the Zoning Administrator, the Planning Commission or the Town Board as is reasonably required to evaluate the site plan.
- (3) Fees and Approval. Site plans shall be accompanied by such review fees, including legal, engineering, and planning consulting fees, as are established by resolution of the Town Board. In reviewing and acting on site plans, the Planning Commission and the Town Board shall consider the development standards in this Ordinance and the Town Board may disapprove plans which will violate one or more of these standards.

Subdivision 13. Penalties. Any person, firm or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. A violation of this Ordinance shall include, but is not limited to, any of the following: failing, neglecting, or refusing to comply with the provisions of this Ordinance; violating any condition placed on a permit or variance issued by the Town; or knowingly making any false statements in any document required to be submitted under the provisions of this Ordinance. Each day that a violation continues shall constitute a separate offense. The Town Board may establish an increased permit fee applicable when construction or use requiring a permit is initiated before obtaining such permit.

Subdivision 14. Enforcement. In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate criminal and/or civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations. Criminal prosecution of a violation shall not bar the Town from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar the criminal prosecution of a violation. The Town may seek injunctive relief for on any violation, including to require the restoration of a premises to its condition existing prior to the violation or to a condition that complies with this Ordinance. The Town Board, Zoning Administrator, and Town Attorney have the authority to enforce this Ordinance by issuing notices of violation, cease and desist orders, stop work orders, corrective orders, citations, and to take or institute such other lawful actions as may be needed to enforce this Ordinance and to bring a property into compliance. A violation of this Ordinance can occur regardless of whether a permit is required for a regulated activity. If a cease and desist order or stop work order is issued to stop an activity, the activity may not be resumed until the reason for the work stoppage has been

completely satisfied and the order lifted. The cost of prosecution may be added to any fines or other penalties imposed as provided in Minnesota Statutes, section 366.01, subdivision 10. The Town may collect such other reasonable costs it incurs to enforce this Ordinance by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity subject to the enforcement action owns in the state. The Town will provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

This Ordinance shall be effective on the first day of publication after its adoption.

Adopted this 26<sup>th</sup> day of January 2021.

**BY THE TOWN BOARD**

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Town Chairperson

ATTEST:

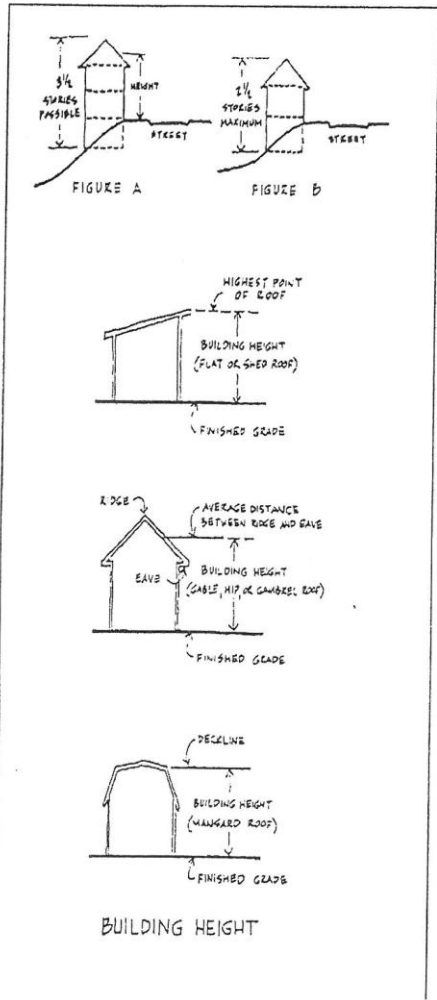
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Town Clerk

*Signed copy on file with the Town Clerk.*



APPENDIX A  
BUILDING HEIGHT DIAGRAM



APPENDIX B  
BUILDING SETBACK REQUIREMENTS

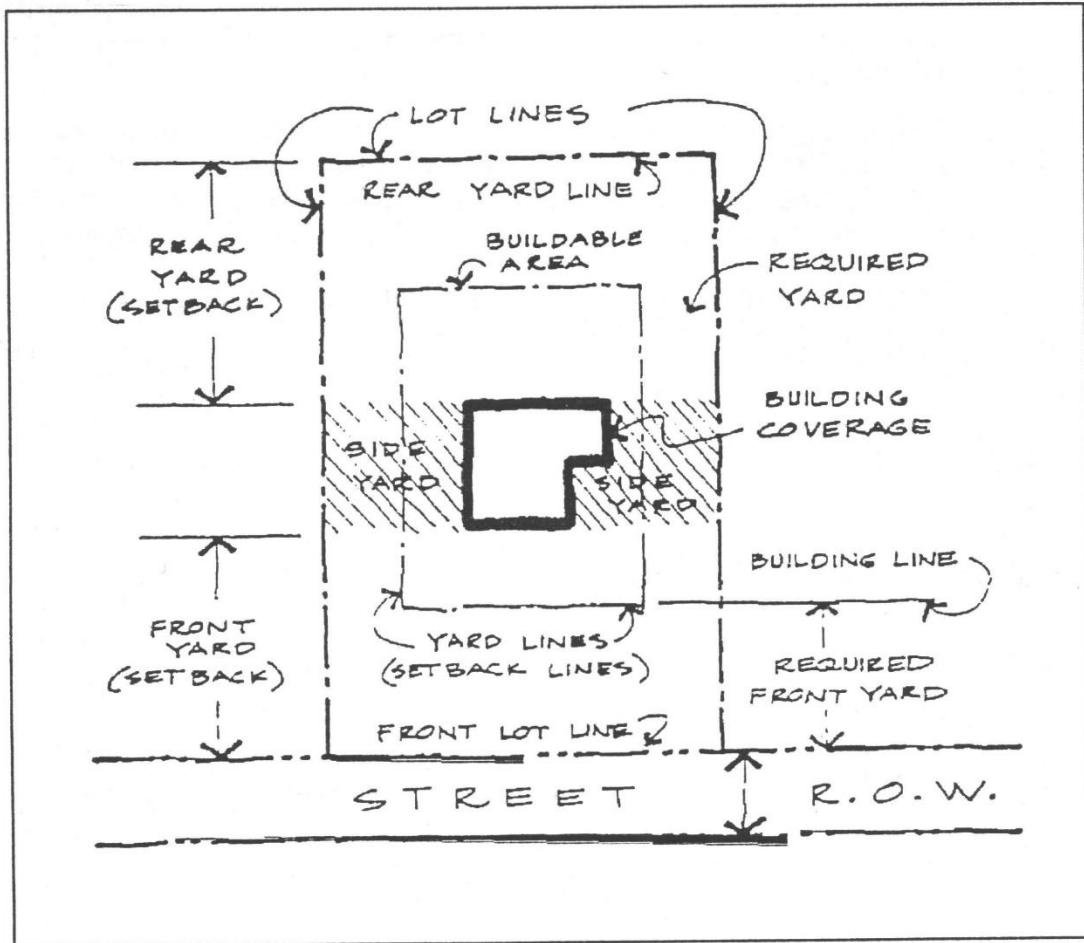
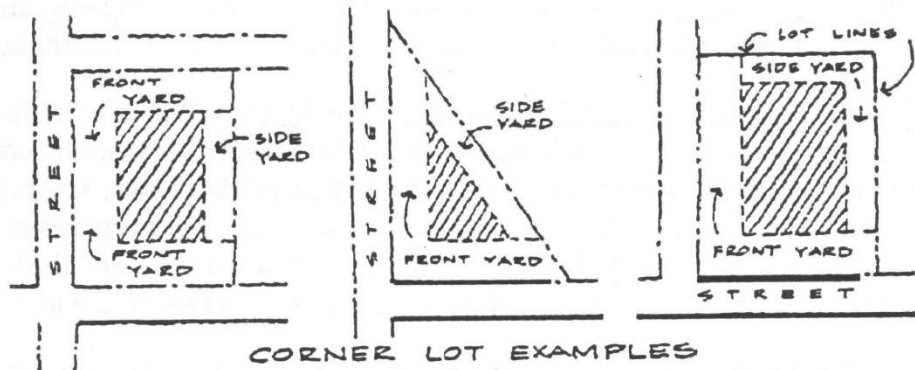
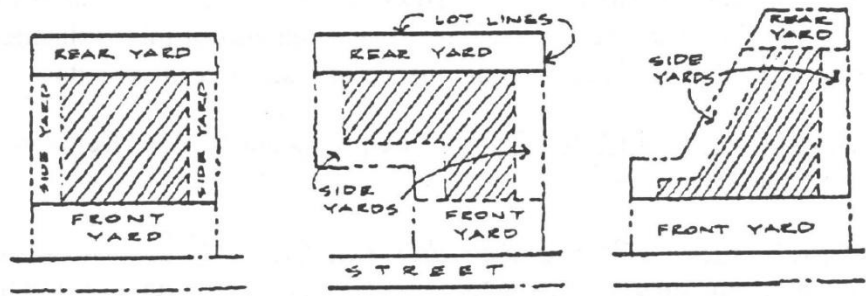


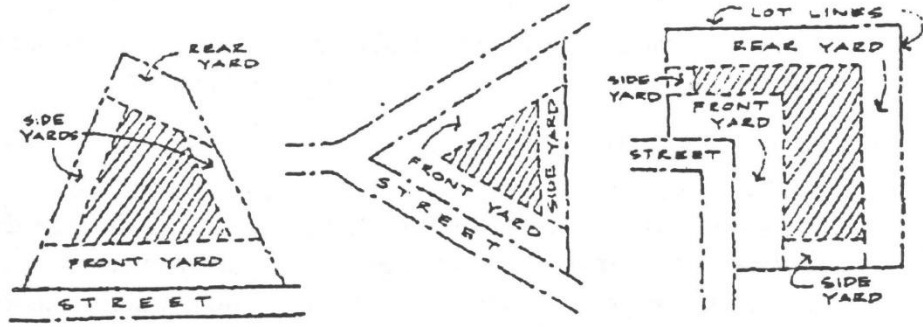
Figure 2: Setbacks



CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD-SHAPED LOT EXAMPLES

REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE  
(TWO DIMENSIONAL)

Figure 3

Table IX. Effluent absorption and contour loading rates for determining absorption area size and configuration using detailed soil descriptions.\*

USDA Soil Classification		Structure and Grade	Absorption Loading Rate (gpd/ft <sup>2</sup> )		Contour Loading Rate (gpd/ft) <sup>††</sup>											
			C <sup>  </sup>	A, A-2, B, B-2 <sup>††</sup>	0-3% Slope			4-7% Slope			8-10% Slope			>10% Slope		
					Effluent Treatment Level			Horizon Depth (in.) <sup>§</sup>			Horizon Depth (in.)			Horizon Depth (in.)		
Texture				≥6-12	>12-24	>24-36	≥6-12	>12-24	>24-36	≥6-12	>12-24	>24-36	≥6-12	>12-24	>24-36	
very coarse sand, coarse sand, loamy very coarse sand, or loamy coarse sand	≥ 35% coarse fragments	single grain <sup>#</sup>	LR <sup>**</sup>	1.0	6			8			8			8		
	< 35% coarse fragments	single grain <sup>#</sup>	LR	2.0												
sand, loamy sand	≥ 35% coarse fragments	single grain <sup>#</sup>	0.5 <sup>‡</sup>	1.0	5			6			7			8		
	< 35% coarse fragments	single grain or weak <sup>††</sup>	0.8	1.6												
fine sand, loamy fine sand, very fine sand, loamy very fine sand	weak to strong non-platy <sup>††</sup>		0.6	1.0	3.5				4.5				4.5			5
	massive <sup>††</sup>		0.4	0.8	3				3.5				3.5			4
coarse sandy loam, sandy loam	moderate to strong non-platy <sup>††</sup>		0.6	1.0	4.5				5				5.5			6
	massive or weak <sup>††</sup>		0.5	0.8	4				4.5				4.5			5
fine sandy loam, very fine sandy loam, loam	moderate to strong non-platy <sup>††</sup>		0.6	0.8	3.5				4				5			5.5
	massive or weak <sup>††</sup>		0.4	0.6	3				3.5				3.5			4
silt loam	moderate to strong non-platy <sup>††</sup>		0.5	0.8	3.5				3.5				4			4.5
	massive or weak <sup>††</sup>		0.4	0.6	3				3				3			3.5
sandy clay loam, clay loam, silty clay loam <sup>Ⓜ</sup>	moderate to strong non-platy <sup>††</sup>		0.4	0.6	3				3				3			3.5
silt, sandy clay, silty clay, clay <sup>Ⓜ</sup>	moderate to strong non-platy <sup>††</sup>		0.2	0.3	3				3				3			3.5