

DENMARK TOWNSHIP

DEVELOPMENT CODE

- (1) Chapter One Administration
- (2) Chapter Two Zoning Regulations
- (3) Chapter Three Subdivision Regulations
- (4) Chapter Four Subsurface Sewage Treatment System Regulations
- (5) Chapter Five Lower St. Croix River Bluffland and Shoreland Management Regulations
- (6) Chapter Six Shoreland Management Regulations
- (7) Chapter Seven Sand and Gravel Mining Regulations
- (8) Chapter Eight Mississippi River Corridor Critical Area Regulations (reserved for)
- (9) Chapter Nine Flood Plain Regulations

HISTORY

Building Code adopted February 8, 1958 (Ordinance No. 1)

Amended

June 3, 1971 (Ordinance No. 1A)

Zoning Ordinance adopted May 4, 1960 (Ordinance No. 2)

Amended

May 16, 1960 (Ordinance No. __)

October 16, 1969 (Ordinance No. __)

October 5, 1970 (Ordinance No. 2A)

November 1, 1971 (Ordinance No. 2B)

October 4, 1982 (Ordinance No. __)

June 2, 1986 (Ordinance No. __)

February 4, 1991 (Ordinance No. 91-1)

Denmark Township Development Code adopted February 6, 2006 (Ordinance No. 2006-01)

Amended

June 6, 2005 (Ordinance No. 2005-02)

August 6, 2007 (Ordinance No. 2007-01)

May 5, 2008 (Ordinance No. 2008-01)

November 1, 2010 (Ordinance No. 2010-01)

October 3, 2011 (Ordinance No. 2011-01)

May 7, 2012 (Ordinance No. 2012-02)

October 1, 2012 (Ordinance No. 2012-03)

February 3, 2014 (Ordinance No. 2014-01)

December 1, 2014 (Ordinance No. 2014-03)

February 6, 2017 (Ordinance No. 2017-01)

February 6, 2017 (Ordinance No. 2017-02)

March 6, 2017 (Ordinance No. 2017-03)

DENMARK TOWNSHIP DEVELOPMENT CODE

**CHAPTER ONE
ADMINISTRATION**

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DENMARK TOWNSHIP DEVELOPMENT CODE**CHAPTER ONE
ADMINISTRATION*****SECTION 1. TITLE, AUTHORITY, INTENT AND PURPOSE***

- 1.1. Title and Authority. This ordinance may be cited as the Denmark Township Development Code and will be referred to herein as “this Ordinance” or “this Development Code”. This Ordinance is adopted pursuant to the Town Board’s authority under Minn. Stat. §§ 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minn. Stat. §§ 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.
- 1.2. Purpose. This Development Code is adopted for the following purposes:
- (1) To implement the policies established in the Denmark Township Comprehensive Plan.
 - (2) To stage development and redevelopment to coincide with the availability of necessary public services.
 - (3) To divide the land in the geographic boundaries of Denmark Township into zoning districts.
 - (4) To define the allowable uses in zoning districts within Denmark Township.
 - (5) To regulate the location, construction, reconstruction, alteration and use of structures and land within Denmark Township.
 - (6) To provide for the compatibility of different land uses and the most appropriate use of land throughout Denmark Township.
 - (7) To regulate uses or development in Saint Croix River Bluffland, and Shoreland and Floodplain areas by creating overlay districts with additional regulations applicable to land and structures located within those districts.
 - (8) To regulate the placement of sanitary and waste treatment facilities on land.
 - (9) To conserve and protect natural resources and maintain a high standard of environmental quality.
 - (10) To regulate the placement of structures in flood prone areas.
 - (11) To regulate alterations of natural vegetation and topography.
 - (12) To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the Township.
 - (13) To limit congestion on public roads and to foster public safety and convenience in travel and transportation.

- (14) To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety and comfort.
- (15) To prevent environmental pollution and to protect surface and groundwater from contamination.
- (16) To preserve the value of land and value of structures throughout the Township.
- (17) To preserve the right to farm.
- (18) To protect and preserve viable agricultural land.
- (19) To provide for the wise use and conservation of energy resources.
- (20) To provide for the gradual and equitable elimination of those uses of land and structures, which do not conform to the standards for the area in which they are located.
- (21) To provide for the orderly, economic and safe removal and processing of sand, gravel, rock, soil and other material.
- (22) To provide for the orderly development of land through subdivision regulation.
- (23) To provide for the enforcement of this Development Code and to define and limit the powers and duties of the administrative officers and bodies responsible therefore.

1.3. County Regulations. Washington County has adopted its own development code that also applies to properties within Denmark Township, which is administered by the County. It is important for those wishing to undertake activities in the Township to inquire with both the Township and the County before starting any such activities. These inquiries must be made in order to identify the applicable regulations and to make certain that all procedures necessary to obtain all required permits and permissions are undertaken in order to remain in compliance with the applicable regulations of both this Ordinance and the County's development code. The regulations adopted and administered by the County that fall outside of the scope of this Ordinance include, but are not limited to, the following:

- (1) Subsurface Sewage Treatment System Regulations.
- (2) Official Map Designation and Regulation.

1.4. Regulations Adopted by Reference. The Township hereby adopts by reference the following regulations, which are made part of this Ordinance as if fully set out herein:

- (1) Washington County Lower St. Croix River Bluffland & Shoreland Management Ordinance originally adopted on October 18, 1976, as amended.
- (2) Washington County Shoreland Management Regulations originally adopted on November 25, 1998, as amended.
- (3) Washington County Floodplain Regulations originally adopted on January 12, 2010, as amended.
- (4) Washington County Mining Regulations (Chapter 7 of the Washington County Development Code), as amended.

- 1.5. Minimum Standards. The provisions of this Ordinance shall constitute the minimum requirements and standards for the promotion of the public health, safety, morals and welfare. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements must be followed in addition to the requirements imposed by this Ordinance. The issuance of a permit by the Township pursuant to this Ordinance does not relieve a person from having to obtain such other permits or permissions required by federal, state, or local laws, rules, regulations, codes, or ordinances. Similarly, the issuance of a permit by another governmental entity does not relieve a person from having to obtain permission or a permit from the Township if permission or a permit is required pursuant to this Ordinance.
- 1.6. Responsibility. The issuance of a permit or compliance with permit conditions or with the provisions of this Ordinance shall not relieve any person from any responsibility otherwise imposed by law including, but not limited to, damages caused or resulting to persons or property. The issuance of any permit hereunder shall not constitute a guarantee that the land, building, or structure is suitable for any particular purpose and shall not serve to impose any liability on the Township or its officials, employees, or agents for injury or damage to persons or property arising in any way from the occupation or use of a structure or land regardless of whether or not the Township has issued a permit.
- 1.7. Applications and Cost Reimbursement. All applications submitted pursuant to this Ordinance must be on the appropriate Township application form. Notwithstanding anything to the contrary in this Ordinance, all required copies of an application and related documentation, except the copies to be submitted directly to the Zoning Administrator and Town Attorney, shall be submitted to the Township Clerk/Treasurer together with the application fee, escrow payment, and escrow agreement. The Zoning Administrator is authorized to determine if the application is complete, to notify the applicant of what information is needed in order to make an application complete, and to take all other steps as are necessary or deemed advisable to manage the application process. The Zoning Administrator may, on a case-by-case basis, waive certain application requirements in writing or may require an applicant to submit additional information in order to allow the Township to more fully understand the request or the potential impacts. No application for a permit or permission required by this Ordinance shall be considered complete, and no application will be processed, unless there are no delinquent property taxes, special assessment, service charges, penalties, or interest on any property the applicant owns within the Township, and the applicant has no unpaid zoning related application fees, administrative fees, fines, or penalties due to the Township. Applicants required to submit an escrow shall be responsible for fully reimbursing the Township for all professional costs it incurs related to the request. The costs to reimburse the Township in full for the professional costs it incurs related to processing an application constitute a service charge, imposed pursuant to the Township's authority under Minn. Stat. § 462.353, subd. 4., the applicant is required to pay regardless of whether the application is approved, denied, or withdrawn. If the escrowed amount is not sufficient to fully reimburse the Township for its costs, the applicant shall be billed for the additional amounts, which must be paid within 30 days of the billing. Any amount not paid in full within the 30 day period shall be certified to the County Auditor and collected as a service charge on the applicant's property in the same manner as property taxes as provided in Minn. Stat. § 366.012, or collected pursuant to any other authority available to the Township under law.

- 1.8. **Compliance.** No building or structure shall be erected, moved, or altered in the Township unless it conforms with the regulations contained in this Ordinance. No land, building, or structure shall be used or occupied in the Township for any purpose or in any manner that is not in conformity with all the regulations contained in this Ordinance. Compliance with this Ordinance shall be determined on a per parcel basis, regardless of whether adjacent parcels have the same owners. Parcels may be combined as provided in this Ordinance to bring a parcel into conformance.

SECTION 2. DEFINITIONS

Access Corridor: An area where vegetation is cut or removed through the buffer to provide access to a lake, stream or wetland.

Accessory Apartment: A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

Accessory Structure: A single one-story or two-story structure greater than 120 square feet in size, detached from the main single-family residence on the same lot, and used or intended to be used for the storage of personal property or for agricultural purposes. The footprint of the building shall be used to measure the total square footage of an accessory structure. The footprint of an accessory structure, for the purposes of determining total square footage, includes the area under any attached lean-to or similar structure containing a roof.

Accessory Use: A use incidental or subordinate to the principal use of the same land.

Adult Uses: As defined in Denmark Township Adult Uses Ordinance.

Agriculture: Agricultural operations may include the production of farm crops, such as vegetables and fruits, horticultural and nursery stock, fruit trees, grain and other crops and their storage on the area, as well as for the raising thereon of farm poultry, domestic pets and domestic farm animals. Agricultural operations may include necessary accessory uses for treating, storing or producing retail farm market products; provided however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activity.

Agricultural Building: Shall have the meaning given it in Minn. Stat. § 326B.103, subdivision 3 as it may be amended.

Agricultural Business, Seasonal: A seasonal business not exceeding nine (9) months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce or any derivative thereof which is predominantly grown or raised on the property.

Airport: A tract of leveled land where aircraft can take off and land usually equipped with hard surfaced landing strips, a control tower, hangars and accommodations for passengers and cargo.

Airstrip or Heliport: A tract of leveled land where aircraft can take off and land with no accommodations of an airport.

Animal Unit: A unit of measure used to compare differences in the production of animal wastes that has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

Animals, Domestic Farm: Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.

Animals, Domestic Pets: Dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves, ocelots and similar animals should not be considered domestic pets.

Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.

Appraised Valuation: The market value of a structure as determined by the current records of the County Assessor.

Area, Net Developable: Those lands within a development parcel remaining after the deletion of flood plains, wetlands, slopes greater than twenty-five percent (25%), unbuildable easements, private and public roads, and right-of-ways, and required building setbacks.

Area, Undevelopable: Undevelopable area includes existing road easements and other unbuildable easement areas, private and public roads, rights-of-way, floodplain, water, wetlands, unsuitable soils, bluff and shore impact zones, steep slopes (over 25%) and other unbuildable areas associated with the parcel.

Attorney: The Township Attorney.

Auto or Motor Vehicle Reduction Yard: A lot or yard where one (1) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

Automotive Dealership: Any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, automobile car wash, auto body repair, and the rental of vehicles.

Balloon Port, Commercial: An area of land designated for the takeoff, storage and maintenance of hot air balloons on a commercial basis.

Bed and Breakfast: An owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

Board of Adjustment and Appeals: The Denmark Town Board.

Boat Dock: A public or private building, space or structure in the water for the storage of relatively small, usually open crafts.

Boat Trailer, Marine Sales: A building or facility used to sell boats, boat trailers, and other boating or marine related products.

Boulevard: The portion of the street right-of-way between the edge of the street and the property line.

Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land.

Buffer Strip: Undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.

Buffer Width, Minimum: The least buffer distance allowable measured perpendicular to the delineated wetland edge or ordinary high water mark of the lake or stream.

Buildable Land: Land with a slope of 25% or less, and outside of any applicable required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any floodway, drainage way, or drainage easement, wetland, or other unbuildable easement.

Buildable Lot Area, Minimum: Each lot shall contain at least one acre of buildable land which is suitable for construction of a house, driveway, septic area and other features normally associated with residential use. Minimum buildable area shall not include slopes over 25%, road easements and other unbuildable easement areas, floodplain, water, wetlands, unsuitable soils, bluff and shore impact zones, and other unbuildable areas associated with the parcel.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

Building Code: The Minnesota State Building Code.

Building Height: The vertical distance between the lowest grade level at the building line and the uppermost point on the roof, as measured from the street side of the building.

Building Inspector: The designated authority charged with the administration and enforcement of the State Building Code.

Building Permit: A permit required from the township before any site work, construction or alteration to structures can be started.

Building Setback: The minimum horizontal distance between the building and the lot line.

Building Setback Line: A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line or a high water mark or line, behind which buildings or structures must be placed.

Business: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

- **Retail:** Stores and shops selling personal service or goods for final consumption.
- **Seasonal:** Any business that does not operate for more than nine (9) months in any calendar year.
- **Wholesale:** Any Business where a retailer sells goods in large quantities as for resale.

Car Wash: A building or area that provides hand or machine operated facilities for washing and cleaning motor

vehicles.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Compliance: Certificate issued by the Zoning Administrator for a use, which meets the conditions of this Development Code. Said certificate is granted for a particular use and not a particular person or firm. No public hearing is required for issuance of a Certificate of Compliance.

Certificate of Occupancy: A certificate issued by the building official authorizing the use or occupancy of a building or structure.

Church or Place of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Club or Lodge: A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals is provided and that the serving of alcoholic beverages is in compliance with all applicable federal, state and local laws.

Columbarium: A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

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

Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents use or to be sold directly to consumers through membership in the garden.

Community Residence: A facility licensed by the State of Minnesota, which provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.

Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of Denmark Township.

Concept Plan: A sketch plan drawn to scale preparatory to the preparation of the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Township as to the form of the development and the objectives of these regulations.

Conditional Use: A land use or development as defined by Ordinance that may not be appropriate generally, but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, (2) the use or development conforms to the comprehensive land use plan of Denmark Township and (3) is compatible with the existing neighborhood.

Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.

Conservation Use: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, flood plain, native prairie, wildlife corridors, shorelands, steep slopes and their accessory uses such as interpretive centers and management facilities.

Contiguous: Parcels of land, which share a common lot line or boundary. Parcels, which are separated by a road right-of-way, easement, or railroad right-of-way, are considered contiguous for the purposes of this Development Code.

Controlled Access Lots: Lots intended to provide access to a water body for residents of a particular development.

Conveyance: A document affecting a transfer of property. Conveyances shall have the meaning specified in Minn. Stat. § 272.12.

Cost of Renovation, Repair or Replacement: The fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.

Crematorium or Crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

Cul-De-Sac: A street with only one outlet; a dead end street; measured from the point where there is no secondary access.

Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Denmark Township and its people.

Daycare Center: The providing of daytime supervision, training, and/or education for children and/or adults in a non-residential facility or building.

Decibel: The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the "Standards on Sound Level Meters of the USA Standards Institute".

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 six (6) inches above ground.

Density: The number of dwelling units permitted per acre of land.

Density Units: The number of individual dwelling units per acre that can be located on a parcel of land as established through the use of a yield plan.

Development Agreement: An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the

particular parcels are located in, the fact that the use and development and further conveyance of the parcels is subject to the regulations contained in the Development Code. The agreement is a binding contract with the Township in which the owner or developer agrees to take certain specified actions.

Development Code: The official controls adopted by Denmark Township regulating the physical development of land in Denmark Township.

Drainage Course: A watercourse or indenture for the drainage of surface water.

Drainage Way: A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another. A natural drainage way is a depression in the earth's surface, such as ravines, draws and hollows, which has definable beds and banks capable of conducting surface water runoff from adjacent lands.

Dredging: The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

Driveway: A private road, drive, or way constructed for use by motor vehicles to provide access from a public road to a parking structure or parking area on private property. The term includes the entire length of the drive on the property including, but not limited to, the portion of the drive located within the public right-of-way and which is referred to herein as the driveway access.

Driveway Access: The portion of a driveway located within a public right-of-way and which serves to connect the portion of the driveway located on private property to the surface of the public road. A driveway access is sometimes referred to as, and the term includes, a driveway approach or an access drive.

Driveway Access Permit: A permit required from the responsible governmental agency that allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.

Driveway, Approved Private: A private driveway that has been approved by resolution of the Town Board. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance, including snow plowing, of the road.

Dwelling: A building or one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, or boarding houses.

Dwelling Unit: residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. Types of Dwelling Units:

- Apartment: A room or suite of rooms, which may be available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single family unit.
- Duplex: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

- Multiple-family: A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each.
- Seasonal: A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.
- Single-family, attached: A residential building containing two (2) or more dwelling units with one (1) common wall.
- Single-family, detached: A freestanding residence structure designed for or occupied by one (1) family only.
- Townhouse: A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit so oriented as to have all exits open to the outside.

Easement: A grant by an owner of land for a specific use by persons or entities other than the owner.

Engineer: The Town Engineer.

Environmental Impact or Environmental Assessment Worksheet: A document that might be required under Minn. Stat. Chaps. 116C and 116D. See Chapter One, Section 13.

Equestrian Uses: Those uses commonly associated with the raising, maintaining and training of horses for riding, racing or breeding.

Essential Services - Governmental Uses, Buildings and Storage: An area of land or structures used for public purposes, storage or maintenance and which is owned or leased by a governmental unit.

Essential Services - Utility Substation: A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size a long distance transmission lines to small retail quantities in neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps, and lift stations. Business offices associated with these uses are not included as part of this definition.

Explosives Utilization: The removal of bedrock, rocks, or trees by utilizing explosives.

Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Family: An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.

Farm: Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

Farm Equipment Sales: A building or area set aside for the sale of and minor repair of farm equipment such as tractors and other farm related items.

Farmstead: A group of buildings and adjacent service areas that support the functions of a farm. Structures may include, but are not limited to, homes, barns, machinery sheds, granaries, pump houses, chicken coops and garages.

Feedlot: A lot or building or combination of lots and buildings intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained with the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.

Fence: A partition, structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

Fill: Any act, by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting there from. Fill does not include crushed concrete.

Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Floodplain: The beds proper and the areas adjoining a wetland, lake or watercourse that has been or hereafter may be covered by the regional flood.

Floor Area: The gross area of the main floor of a residential building measured in square feet. Does not include an attached garage, breezeway or similar attachment.

Floor Area, Gross: The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.

Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

Floor Plan, General: A graphic representation of the anticipated use of the floor area within a building or structure.

Foot Print: The perimeter of the building foundation.

Frontage: That boundary of a lot that abuts a public street or private road.

Funeral Home: A building or part thereof used for funeral services. Such buildings may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, urns, and other related funeral supplies; and c) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition does not include facilities for cremation.

Garage, Private: A detached one-story accessory building, or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers or farm trucks.

Garage, Storage: Any premises, except those described as a private or public garage used exclusively for personal storage and power-driven vehicles.

Golf Course: An area of land laid out for golf with a minimum series of nine (9) holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.

Governing Body: The Town Board of Denmark Township.

Grade: The slope of the earth, a road, street, or other public way specified in percentage (%) terms.

Gun Range: A facility on a tract of land used for the purpose of discharging firearms either in competition, hobby or training.

Hazardous Buildings or Hazardous Property: Any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Hazardous Material: Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which:

- Is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or
- Is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

High Power Transmission Line: A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

Historic Building and Structure: A structure which has been identified by the Denmark Township Comprehensive Plan or the State Historic Preservation Office as having public value due to its notable architectural or historic features relating to the cultural heritage of the Township.

Historic Site, Significant: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.07. 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 State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites. Significant historic sites in Denmark Township are as defined in Table 10 of the Denmark Township Comprehensive Plan.

Historic Sites	Note
Native American Fishing Ground	Grounds are now buried by Kinniciniik River deposits and dredge.
Basswood School Site	The Basswood School was organized in 1854.
Clothier Store and Post Office	Store was built about 1876; post office was added in the 1880's.
St. Paul Parish Site	The parish was built in 1868 but moved out of the county in 1905.

Historic Sites	Note
Point Douglas School	This is claimed to be the first school in Minnesota.
Military Road	Road laid out in 1849; extended to Fort Snelling and St. Paul.
Point Douglas – Superior, Ground Road	Road laid out in 1848; St Croix Trail closely follows original layout.
Denmark Town Hall	Original Town Hall was constructed in 1905; addition put on in 2002.
Native American Burial Grounds	Burial mounds dating from 100 BC to 1000 AD exist in an area extending along the southern bluffs of St. Croix River and then westerly to the power line tower crossing the Mississippi River.

Source: Denmark Township, State Historic Preservation Office and Washington County HELM.

Home Occupation: Use of a property zoned residential or agricultural for gainful employment which is a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character or appearance of the property; and d) created and operated by the occupant of the dwelling.

- Examples of potentially allowable home occupations include: office, professional service, hairdressing by occupant only, minor repair services excluding automobile or truck repair, photo/art studio, dressmaking or alterations, and teaching/tutoring limited to individual lessons. Home occupations are not limited to this list and occupations on this list do not automatically qualify.
- Examples of uses not allowed under this definition include: auto repair and painting, barber shops and/or beauty salons, kennels for the keeping of any domestic or non-domestic animals, medical offices, private schools with organized classes, tourist homes, restaurants, and retail sales. Prohibited uses are not limited to this list.

Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.

Homesteaded Dwelling: A dwelling that is occupied as a principal residence by its owner pursuant to Minn. Stat. §273.124.

Horse Show: An event where horses not boarded on the subject property are shown to the general public and guests.

Horse Training Facility, Commercial: An accessory building(s) in which horses are kept for commercial use including boarding, breeding, hire, sale, show, and training.

Horse Training Facility, Private: An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

Hotel or Motel: A building having provision for nine (9) or more guests in which lodging is provided with or

without meals, for compensation, and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

Impervious Surface: The percentage of the lot covered with buildings, paving, driveways, sidewalks, gravel, stone and other surfaces that do not allow infiltration of water.

Individual Parcel: A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Development Code.

Individual Sewage Disposal System: A sewage treatment system, or part thereof, serving a dwelling or other establishment, or group thereof, and using sewage tanks or advanced treatment followed by soil treatment and disposal.

Junk Yard: An area where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber products, bottles and used building materials. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area or building shall not be included.

Kenel, Commercial: A kennel where dogs are bred and/or sold for re-sale, individually or in litter lots, whether or not any of these animals are also kept for personal use and where the business may be a primary source of income. Commercial kennels are also places where dogs are boarded, groomed or trained for a fee.

Kenel, Private: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are owned by any member of the household. Private kennels are accessory to the principal use of the property.

Lake, Natural Environment: Generally small, often shallow lakes with limited capacities for assimilating the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.

Lake, Recreational Development: Generally medium-sized lakes of varying depths and shapes with a variety of land form, soil, and groundwater situations on the lakes around them. They often are characterized by moderate levels of recreational use and existing development. Development consists mainly of seasonal and year-round residences and recreational oriented commercial uses.

Land Alteration: The reclaiming of land by depositing or moving material so as to alter the grade or topography.

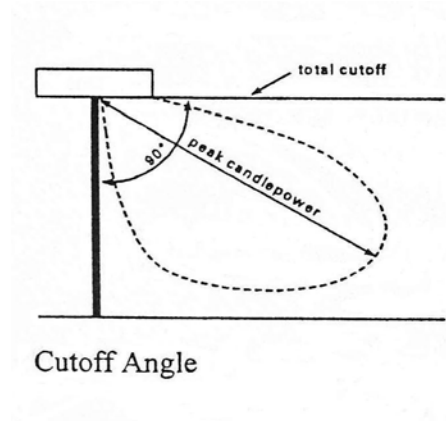
Land Clearing: The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.

Landscaping: Planting trees, shrubs and turf covers such as grasses and forbs.

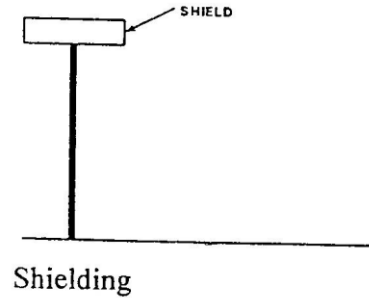
Lighting Definitions:

- Cutoff: The points at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.
- Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a

line perpendicular to the ground from the light source above which no light is emitted.



- **Cutoff Type Luminaire:** A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.
- **Flashing Light:** A light source that is not constant in intensity or color at all times while in use.
- **Foot candle:** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- **Light Fixture, Outdoor:** Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.
- **Light Source:** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- **Lighting, Outdoor:** Any light source or collection of light sources, located outside a building, including but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on freestanding poles.
- **Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- **Security Lighting:** outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.
- **Shielding:** a technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.



- **Spillage:** Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way and is above a defined maximum illumination.

Livestock: Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes.

Livestock Operations: A lot or structure or combination of lots and structures intended for the breeding, raising or holding of eleven (11) or more animal units.

Loading Space: A space, accessible from a street, driveway, parking lot, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms without cooking facilities, each room that provides sleeping accommodations shall be counted as one (1) lodging room.

Lot: A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

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

Lot Area, Minimum Per Dwelling Unit: The minimum number of square feet or acres of lot area required per dwelling unit.

Lot Coverage: That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios and decks.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Line: The property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

Lot Line Adjustment: The division of land made for the purpose of adjusting the boundary lines of parcels which does not create any new lots, tracts, parcels or sites; nor does a boundary adjustment create any lot, tract, parcel or site which contains insufficient area and dimensions to meet minimum requirements for width and area for building as required by the Denmark Township Zoning Ordinance.

Lot Line, Front: That boundary of a lot that abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the owner shall designate the front lot line. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

Lot Line, Rear: That boundary of a lot that is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

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

Lot Split (Administrative): The division of land that creates lots that are 20 acres or more in size and have 500 feet or more of road frontage. Said lots shall meet all other requirements of the underlying zoning district.

Lot Width: The horizontal distance between the side lot lines of a lot measured at the setback line.

Lot, Buildable: A lot that meets or exceeds all requirements of the Denmark Township Development Code without the necessity of variances.

Lot, Corner: A lot bordered on at least two (2) adjacent sides by intersecting streets.

Lot, Interior: A lot other than a corner lot, including through lots.

Lot, Nonconforming: A separate parcel or lot of record on the effective date of this Development Code, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Development Code or amendments thereto.

Lot, Through: Any lot other than a corner lot that abuts more than one (1) street. On a through lot, all property lines abutting the road right-of-way shall be considered the front lines.

Manufactured Home: A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the Minn. Stat. § 327.31, Subd. 3. No manufactured dwelling shall be moved into Denmark Township that does not meet the Manufactured Home Building Code as defined in Minn. Stat. § 327.31, Subdivision 3.

Manufactured Home Park: Any site or tract of land designed, maintained or intended for the placement of two (2) or more occupied mobile homes. Manufactured home park shall include any building, structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.

Manufacturing, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Such uses include, but are not limited to the following, lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, motor vehicle repair, body work and

painting, contractor shops and storage yards, food and nonalcoholic beverages, signs and displays, printing, clothing, textiles and used auto parts.

Mausoleum: A structure for the entombment of the dead in crypts or vaults in a place used, or intended to be used, for cemetery purposes.

Medical Uses: Those uses concerned with the diagnosis, treatment and care of human beings. These include hospitals, dental services, medical services or clinics, nursing or convalescent home, rest home and sanitarium.

Metes and Bounds: A property description in which successive sides are described by direction and distance as one would walk around the area being described.

Mining: The excavation, removal, storage or processing of sand, gravel, concrete, asphalt, rock, soil, clay, or other deposits. For the purposes of this Development Code, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.
- On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
- Landscaping purposes on a lot used or to be used as a building site.
- Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.
- The removal of excess materials in accordance with approved plats or highway construction.

Motor Vehicle Repair: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.

Motor Vehicle Service Station: A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

Moving Permit: A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

Multifamily Residential Developments: A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each.

Natural Resources: The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals and water.

Nature Center: A public or private environmental educational facility open to private or public sectors which provide natural resource education to its participants.

Noise, Ambient: The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

Noxious Matter: Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.

Nursing Home: A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder.

Office: Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. Such activities include, but are not limited to banks, professional offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting and similar uses.

Official Control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps and have been adopted by Denmark Township as the Development Code.

Official Map: A map adopted in accordance with the provisions of Minn. Stat. §§ 462.355 and 462.357.

Open Sales Lot: Lands devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

Open Space: Land used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes, which is functional and permanently protected from future development.

Open Space Design Development: A pattern of subdivision development that places residential dwelling units into compact groupings while providing a network of dedicated open space.

Open Storage: Storage of any material outside of a building.

Outlot: A lot remnant or any parcel of land included in a plat that is not buildable at the time of platting. Such outlot may be a large tract that could be subdivided in the future; or a lot which may be too small to comply with the minimum size requirements of zoning and subdivision ordinances; or a lot otherwise unsuitable for development and therefore not usable as a building site. Building permits will not be issued for outlots.

Overlay District: A zoning district shown as an overlay on the zoning map.

Owner: All persons interested in a property as fee simple owner, life estate holder and/or encumbrancer or contract for deed purchaser.

Parcel, Nominal: A parcel not reduced by more than ten percent (10%) of its lot area due to road right-of-way dedication.

Parking Space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.

Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.

Pedestrian Way: A public or private right-of-way across or within a block or tract, to be used by pedestrians, or non-motorized vehicles.

Performance Standards: The minimum development standards as adopted by the governing body and on file in the office of the zoning administrator.

Perimeter Road: A road lying outside of and abutting the development parcel.

Photovoltaic (PV) Device: A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

Planned Unit Development: A development specifically approved by the Denmark Town Board having two or more principal uses on a single parcel of land; including residential, recreational, industrial, and commercial type developments. Planned developments allow flexibility from the strict application of the Township development code standards in exchange for an improved design and public benefit.

Planning Commission: The Denmark Township Planning Commission.

Plant Nursery: A building or premises used primarily for the growing and retail sales of trees, shrubs, flowers, other plants and accessory products.

Plat Commission: An appointed advisory body that makes recommendations on the platting and subdivision of land.

Platted Land: Lands with legal descriptions described as lot, block, plat name.

Plat, Preliminary: The preliminary drawing(s) as described in these regulations indicating the proposed manner or layout of the subdivision to be submitted to the Plat Commission or Local Township for approval.

Plat, Final: A drawing or map of an approved subdivision, meeting all requirements of Chapter Three, Subdivision Regulations and in such form as required by Denmark Township for purposes of recording.

Practical Difficulties: “Practical Difficulties” as used in connection with the granting of a variance means:

- The property owner proposes to use the property in a reasonable manner not permitted by the official controls; and
- The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
- The variance, if granted, will not alter the essential character of the locality.

- Economic conditions alone shall not constitute practical difficulties.
- Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

Principal Structure/Use: The predominant use/structure as contrasted to accessory use or structure.

Protective/Restrictive Covenants: Contracts, agreements, or declarations entered into between private parties that constitute a restriction on the use of private property within a subdivision.

Public Land: Land owned and/or operated by a governmental unit, including school districts.

Public Waters: All lakes, ponds, swamps, streams, drainage ways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within Denmark Township.

Quarter-Quarter Section: A tract of land legally described as a full quarter-quarter section or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.

Radio Controlled Model Airplane, Rocket, Helicopter Landing Field: A field utilized by a group, club, association, or organization for flying, operating or making use of any remote or radio-controlled or fuel powered model rockets, airplanes or helicopters or like powered toys.

Race Track: Any premises designed, intended or used for any competitive event between motor vehicles, horses, dogs, motor cycles, snowmobiles, ATV's, over a predetermined course or predetermined time or duration; or any premises designed, intended or used for a contest of speed, strength, pulling power or similar characteristics.

Recreation Area, Private: A recreation use particularly oriented to utilizing the outdoor character of an area including hiking and riding trails, interpretative areas and other passive forms of recreation and not open to the general public.

Recreation Equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five (25) feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding twenty-five (25) square feet in floor area, or sheds utilized for storage of equipment.

Recreation Facility, Public: An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be softball complex, soccer fields, areas used for picnics, fishing, swimming, trails, etc.

Recreation Use, Active: All uses, such as tennis, racquetball clubs, amusement centers, bowling alleys, golf driving ranges, ski areas, miniature golf, movie theaters, and similar activities that are used as a commercial enterprise.

Recreation Use, Passive: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.

Recreation Vehicle: Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications (a) is not used as the permanent residence of the owner or occupant; (b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; (c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; (d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained self-propelled truck chassis mounted vehicles providing living accommodations.

Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Development Code, these materials are limited to paper, glass, plastics and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this Development Code.

Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Recycling Center: A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.

Refuse: Putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

Regional Flood: A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in the Flood Insurance Study.

Reserve Strips: A narrow strip of land placed between lot lines and streets to control access.

Resort/Conference Center: Any structure or group of structures containing more than two (2) dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structure or structures being recreational in nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment and similar uses normally associated with a resort operation. A self-contained development that provides for visitor oriented accommodation and developed recreational facilities in a setting with natural amenities.

Resource Inventory: A resource inventory is a drawing that clearly shows the undevelopable area by type (steep slope, wetlands, etc.) and the total area of undevelopable and developable land in acres. The inventory shall include, but not be limited to: topography at two foot intervals, 12-18% slopes, 18-25% slopes, 25+% slopes, soil types and unsuitable soils, rock outcroppings, surface water bodies, wetlands, floodplain, drainage ways, vegetation cover type, woodlands and stand-alone trees of more than 18 inch caliper, site and surrounding area land use (buildings, structures, driveways, roads, cover type, etc.), easements, significant views, cultural and historic resources, overlay zones, and shore and bluff impact zones.

Restaurant: A business establishment whose principal business is the preparing and selling of unpackaged food to the customer in a ready-to-consume state.

Right-of-Way: The land covered by a public road or land dedicated for public use or for certain private use such as land over which a utility line passes.

Road, Approved Private: A private road that has been approved by resolution of the Town Board. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance, including snow plowing, of the road.

Road, Private: A road serving as vehicular access to more than two (2) parcels of land which is not dedicated to the public but is owned by one or more private parties.

Road, Public: A road owned and maintained by a government jurisdiction.

Roadside Sales Stand: A structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.

Roadway Functional Classification: Those highways and/or roadways that are classified as principal and minor arterials and collectors within Denmark Township. Other public roads within the Township are considered Township roads.

<i>Name of Roadway</i>	<i>Jurisdiction</i>	<i>Functional Classification</i>
U.S. Highway 61	MN/DOT	Principal Arterial
U.S. Highway 10	MN/DOT	A-Minor Arterial
State Trunk Highway 95 (Manning Avenue)	MN/DOT	A-Minor Arterial
CSAH 20 (70 th Street)	Washington County	A-Minor Arterial
CSAH 21 (St. Croix Trail)	Washington County	A-Minor Arterial
County Road 71 (Neal Ave N. of 70 th St.)	Washington County (Future local road)	Collector
County Road 76 (90 th Street)	Washington County	Collector
County Road 78 (110 th Street)	Washington County	Collector

Scenic Resources: That part of the landscape, which provides a picturesque view and may contain outstanding recreational, natural, historic, scientific and manmade value.

School: A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, kindergartens, elementary, junior high, high schools and technical or college instruction.

Screening: Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.

Self Service Storage Facility (Mini-Storage): A structure or structures containing separate storage spaces of

varying sizes that are leased or rented individually.

Sensitive Resource Management: The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Septic Permit: A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

Setback: The minimum horizontal distance between a structure, parking, septic, driveway and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure or site element.

Shopping Center: Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

Shoreland: Has the meaning given the term in Minn. Stat. § 103F.205, subdivision 4.

Sign: A display, illustration, structure or device that directs attention to an object, product, place, activity, person, institution, organization or business.

- Sign Area: The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.
- Sign, Advertising (Billboard): A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.
- Sign, Business: A sign that directs attention to a business or profession or to the commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
- Sign, Development Identification: A sign that identifies the name of a residential, commercial or industrial development at a street entrance to the development.
- Sign, Flashing: An illuminated sign which has a light source not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.
- Sign, Identification: A sign that identifies the inhabitant of the dwelling.
- Sign, Motion: A sign that has revolving parts or signs that produce moving effects through the use of illumination.
- Sign, Nameplate: A sign that states the name and/or address of the business, industry or occupant of the site and is attached to said building or site.
- Sign, Pedestal: A ground sign usually erected on one (1) central shaft or post that is solidly affixed to the

ground.

- Sign, Real Estate: A sign offering property (land and/or buildings) for sale, lease or rent.
- Sign, Roof: A sign erected upon or above a roof or parapet of a structure.
- Sign, Shopping Center or Industrial Park: A business sign designating a group of shops or offices.
- Sign, Wall: A sign attached to or erected against the wall of a structure with the exposed face of the sign a plan parallel to the plane of said wall.

Solar Energy: Electromagnetic energy transmitted from the sun (solar radiation).

Solar Electric System: A set of photovoltaic devices whose primary purpose is to collect solar energy and convert (and possibly store) it into electric power by means of any combination of collecting, transferring, or converting solar-generated energy.

Solar Electric System, Commercial: A solar electric system established for the primary purpose of generating electricity and selling it directly to a third party (e.g. electric utility company).

Solar Electric System, Accessory: A solar electric system established for the primary purpose of meeting all or part of the electric energy needs of a building or use located on the same site.

Special Events: The celebration or recognition of an occasion or activity that typically occurs no more than two times annually and is no longer than 14 consecutive days.

Stealth Tower Design: A tower designed to look like something else in the built environment. Examples include: silo, tree, utility pole, bell tower, fire tower, flagpoles, and monuments.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than 6 feet above the grade as defined in the Building Code for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in the Building Code any point, such useable or unused under-floor space shall be considered as a story.

Street: A public right-of-way that affords a primary means of access to abutting property.

Street (Service/Frontage Road): A minor street parallel to and adjacent to high volume arterial streets and highways that provide access to abutting properties and protection of through traffic.

Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width: The width of the street pavement or surface measured at right angles to the centerline of the street.

Street, Collector: A street that serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

Street, Intermediate or Minor Arterial: A street which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

Street, Local: A street intended to serve primarily as an access to abutting properties.

Street, Rural Design: A street without curb and gutter having either paved or gravel shoulders.

Street, Urban Design: A street that incorporates either concrete or bituminous curb and gutter.

Structural Alteration: Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure, Nonconforming: Any structure lawfully or legally existing on the effective date of this Development Code, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Development Code or amendments thereto.

Structure: Something built or constructed; used interchangeably with “building” for purposes of this Development Code.

Subdivision: The process or result of the process whereby land is divided into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes including platting, re-platting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred or created.

Subdivision, Major: All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.

Subdivision, Minor: Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations.

Subdivision, Nonresidential: A subdivision whose intended use is other than residential, such as commercial or industrial.

Survey, Land: The process of determining boundaries and areas of tracts of land.

Swimming Pool: Any pool, hot tub, or spa with a water depth capacity of three (3.0) feet or greater and/or has a capacity greater than 5,000 gallons.

Tavern or Bar: A building with facilities for the serving of beer, liquor, wine, set-ups and short order foods.

Temporary Dwelling Unit, Care Facility: A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.

Temporary Dwelling Unit, During Construction: A mobile home that temporarily serves as a residence for the

present or potential occupant that the primary single-family residence is being constructed reconstructed or altered.

Temporary Dwelling Unit, Farm: A mobile home located in an agricultural district which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Development Code.

Tennis Court – Commercial: Tennis court open to the general public for lease or lessons.

Tennis Court – Residential: Tennis court on private residential property.

Theater: A building room or outdoor structure or facility for the presentation of films, plays, or other performances.

Theater-Drive In: An establishment designed to permit customers to remain in their motor vehicles while being accommodated with the presentation of a film, play or other performance.

Tower: Any pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, or to serve as an antenna.

Tower Accessory Structure: A structure located at the base of the tower housing base receiving/transmitting equipment.

Transportation/Motor Freight Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks are parked or stored.

Transportation Terminal: Truck, taxi, air, bus, train and mass transit terminal and storage area, including motor freight (solid and liquid) terminal.

Travel Trailer/RV Campground: An area or premises operated as commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers and tents.

Truck Stop: A motor fuel station devoted principally to the needs of tractor-trailer units and trucks, and which may include eating and/or sleeping facilities.

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

Use, Nonconforming: Any legal or lawful use of land or any legal or lawful use of a structure existing on the effective date of this Development Code, or any amendments thereto, which does not conform with the regulations for the district in which it is located after the effective date of this Development Code or such amendment.

Use, Open Space: The use of land without a structure or including a structure incidental to the open space use.

Use, Primary: That use which is the normal use for property within a district.

Variance: A variance is the modification or variation of the Denmark Township Development Code where it is determined that, by reason of circumstances unique to the property not created by the landowner, the strict enforcement of the Code would cause practical difficulties.

Vegetation, Natural: Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

Veterinary Clinic: Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.

Vicinity Map: A map drawn to comparatively small scale that shows the area proposed to be platted in relation to known geographical features, e.g. town centers, lakes, roads.

Warehousing & Distribution: The storage, packing and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Waterfront Uses, Residential: Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore residence, provided such uses are for the exclusive use of the occupants and nonpaying guests.

Wetland: Lands 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 the Development Code, wetlands must a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater 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, supports a prevalence of hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wholesaling: The selling of goods, equipment and materials by bulk to another person who in turn sells the same to customers.

Wind Energy Conversion System (WECS): One (1) tower with rotators and motors with one (1) conversion generator.

Yard: The open space on an occupied lot that is not covered by any structure.

- Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest building line.
- Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.
- Yard, Required: A yard area, which may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.
- Yard, Side: A yard between the side line of the lot and the nearest building line.

Yard Waste Facility: Any site used for the composting of garden waste, leaves lawn cuttings, weeds, shrub and tree waste and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.

Yield Plan: A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the Denmark Township Development Code.

Zoning Administrator: The Denmark Town Board or its designee.

Zoning District: An area or areas within the Township in which the regulations and requirements of this Development Code are applied.

SECTION 3. RULES OF INTERPRETATION

3.1. Rules. In the event of conflicting provisions within the Chapters of the Denmark Township Development Code, statute, resolution or regulation of any kind, the more restrictive provision shall apply.

In the application of this Development Code, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Development Code.

Properties, which lie in an overlay district, are subject to regulations for that overlay district and the underlying district as well as the regulations in the other Chapters of this Development Code.

The words and phrases used in this Development Code shall be construed in their plain, ordinary and usual sense except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.

Unless the context clearly requires otherwise, the use of either past, present or future tense shall include the other tenses.

Whenever this Development Code requires an act to be done and when such act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

The rules of statutory construction established for the State of Minnesota by statute or case law shall apply in the construction of this Development Code.

Nothing contained in this Development Code shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure, or to carry on any trade, industry, occupation or activity.

Except as provided herein, the provisions of this Development Code are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Development Code.

SECTION 4. COMPLIANCE

4.1. Compliance Required. Except as this chapter specifically provides:

- (1) No structure shall be erected, moved, or altered unless in conformity with the regulations specified in this Development Code.
- (2) No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with all the regulations contained in this Development Code.

SECTION 5. ADMINISTRATOR

- 5.1 Zoning Administrator. The Denmark Town Board or its designees shall be designated as the Zoning Administrator, unless otherwise changed by the Town Board.
- 5.2 Duties. The Town Board or its designee shall enforce this Development Code and be responsible to:
- (1) Issue permits required by this Development Code.
 - (2) Review all matters pertaining to applications and enforcement of this Development Code.
 - (3) Review all building permits issued for structures in Denmark Township to ensure compliance with the regulations contained in this Development Code.
 - (4) Conduct inspections of structures and use of land to determine compliance with the terms of this Development Code.
 - (5) Maintain permanent and current records as required by this chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications there of.
 - (6) Receive, file, forward and approve all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
 - (7) Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
 - (8) Institute, with the advice and consent of the Township Attorney, in the name of the Township, any appropriate legal actions or proceedings against a violator as provided for in this Development Code.
 - (9) Recommend appropriate fees for applications, permits or other matters processed under this Development Code.
 - (10) Collect fees, as set by ordinance of the Town Board, for all applications, permits or other matters covered under the provisions of this Development Code.
 - (11) Issue stop work orders for violations of this Development Code.
 - (12) The Zoning Administrator is expressly delegated the authority to carry out the duties assigned to that position in this Ordinance including, but not limited to, each of the following: determine if applications are complete; to notify an applicant of what information is needed to make an

application complete; communicate with applicants as needed to process applications; prepare, revise, and submit zoning reports; provide recommendations regarding zoning requests; and to take such other actions as are reasonably necessary in order to perform the duties and functions of the position.

SECTION 6. APPEALS AND VARIANCES

- 6.1 **Board of Adjustments & Appeals.** The Denmark Town Board is hereby designated the Board of Adjustment and Appeals (“Board”), which shall have the following powers with respect to the Denmark Township Development Code.
- (1) **Administrative appeals:** The Board shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator with respect to the administration of the Denmark Township Development Code. Decisions of the Planning Commission and the Town Board are not subject to appeal to the Board.
 - (2) **Variances:** The Board shall have the exclusive power to grant variances from the terms of any Official Control, including restrictions placed upon nonconformities.
 - (3) **Official Map:** Where an official Map has been adopted by the Township, the Board shall hear and decide an appeal by the owner of land who has been denied a permit to build within the limits of land delineated on the Official Map.
- 6.2 **Administrative Appeals.**
- (1) **Notice of Appeal:** Any aggrieved party may take an appeal from any decision by the Zoning Administrator within thirty (30) days from the date of such decision by filing with the Zoning Administrator a written notice of appeal. The notice of appeal shall state:
 - (A) The particular order, requirement, decision or determination from which the appeal is taken;
 - (B) The name and address of the appellant;
 - (C) The grounds for appeal; and
 - (D) The relief requested by the appellant.
 - (2) **Hearing:** Upon receipt of a complete and timely notice of appeal, the Board shall hold a hearing on the matter after providing at least 10 days’ published notice and mailed notice to the appellant.
 - (3) **Decision:** The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct a remedy.
 - (4) **Findings:** The Township shall make written findings in any case of an appeal and shall state therein the reasons for its decision; the order issued by the Township shall include the legal description of the land involved. Any such order shall be filed with the Township Clerk/Treasurer

who shall immediately mail a copy thereof, bearing the notation of the filing date, to the appellant or applicant.

- 6.3. Judicial Appeals. All decisions by the Town Board and the Board of Adjustments and Appeals shall be final, except that anyone aggrieved by decision shall have the right to appeal as provided in Minn. Stat. § 462.361 or as may otherwise be provided in law.

SECTION 7. PLATTING

- 7.1. Compliance Required. All applicants are required to comply with the subdivision and/or planned unit development processes of the Township. All applicants must also seek Washington County Plat approval.

SECTION 8. PLANNING COMMISSION

- 8.1. Denmark Township Planning Commission. The Denmark Township Planning Commission shall have the following duties and responsibilities:
- (1) To study, report and make recommendations on all zoning applications, variance requests, rezoning requests, Subdivisions, and amendments to the Development Code and the Comprehensive Plan prior to approval or adoption of the amendment by the Township Board.
 - (2) Conduct the public hearings required or provided for under this Ordinance.
 - (3) Develop findings of fact and make recommendations to the Town Board on matters coming before it for consideration.
 - (4) To recommend the issuance of and amendments to Planned Unit Development Permits, Interim Use Permits, and Conditional Use Permits for one (1) or more categories of conditional uses authorized by the Denmark Township Development Code.
 - (5) Such other duties as the Denmark Township Board may prescribe.

The Planning Commission does not have the authority to hire professionals, contract, or to otherwise bind the Township to an obligation.

- 8.2. Planning Commission Membership and Meetings.

- (1) Planning Commission: The Planning Commission shall be composed of six (6) members, five (5) of whom shall be voting members. All voting members shall be registered voters who reside within the geographic boundaries of Denmark Township. One (1) member shall be a Township Board Supervisor, who shall be a non-voting, ex-officio member.
- (2) Member Terms: Each citizen member serves for a period of three years with the terms being staggered such that no more than two (2) members' terms expire in any one (1) year. No member shall serve more than two (2) consecutive terms or the period of six consecutive years, whichever is greater, unless that member repeats the application and interview process. The Township Supervisor serving on the Planning Commission shall serve for a period of one (1) year, but may

succeed him or herself on the Commission. The members serve at the pleasure of the Town Board and it may replace any member who is absent from three (3) consecutive meetings without a reasonable excuse. The Town Board may also, by a majority, vote to terminate a Planning Commission Member from serving on the Commission. A member's term will automatically terminate upon his or her ceasing to reside within the Township or upon their resignation. To the extent practicable, the make up of the Planning Commission shall be diverse in order to ensure that all geographic as well as other interests are represented on the Commission. Vacancies on the Planning Commission shall be filled as soon as practical after the vacancy occurs. A Planning Commission vacancy shall be posted and advertised in the designated legal publication of the Township for a minimum of two weeks. The Town Board shall interview the potential applicants and appoint them by a majority vote of the Town Board.

- (3) Election of Officers and Meeting Proceedings: The Planning Commission shall elect a chair and vice-chair from among its voting members at the first regular Planning Commission meeting after the Township Annual Meeting. The Township Clerk/Treasurer shall serve as secretary to the Planning Commission, shall not have a vote, and shall take minutes of all Planning Commission meetings and Public Hearings. Minutes of each meeting of the Planning Commission shall be maintained in the Office of the Township Clerk/Treasurer. The Planning Commission chair along with the secretary shall communicate all recommendations to the Town Board through the Township Clerk/Treasurer.
- (4) Meetings and Quorum: A majority of the members shall constitute a quorum and a majority of the quorum is sufficient to conduct business and take action. The chairperson has full voting privileges at all times, may vote on any issue and need not confine his/her voting to break ties. The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings. The Planning Commission shall meet at such time and place as designated on an as-needed basis for the purpose of conducting its business. Said meetings shall be noticed in accordance with the open meeting law and applicable statutes and ordinances. The Planning Commission shall conduct the public hearings for all zoning applications that are required to be conducted by the Township. After input from the public and deliberation by the Planning Commission, the Planning Commission shall make a recommendation regarding the application to the Town Board. Said recommendation shall include appropriate findings of fact or conditions as may be necessary to process the application. The recommendation of the Planning Commission shall be forwarded to the Town Board to be acted upon at the next regularly scheduled meeting or at such time as the Town Board shall designate.

SECTION 9. VARIANCES and NOTICE and HEARING PROCEDURE

9.1. Variance. A variance is the modification or variation of the Denmark Township Development Code where it is determined that, by reason of circumstances unique to the property not created by the landowner, the strict enforcement of the official controls would cause practical difficulties. A variance, once granted, runs with the land.

- (1) Use Variances: No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.
- (2) Application: An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as may be

required by the Township's policies and procedures for purposes of this Development Code. If the application does not contain all required information, the Zoning Administrator shall send written notice within fifteen (15) business days of receipt of the request, telling the applicant what information is missing.

- (3) Standards: Variances shall only be permitted when they are in harmony with the general purpose and intent of the Official Controls, in cases when there are practical difficulties in the way of carrying out the strict letter of any official control, and when the terms of the variance are consistent with the Comprehensive Plan.
- (4) Practical Difficulties: "Practical Difficulties" as used in connection with the granting of a variance means:
 - (A) The property owner proposes to use the property in a reasonable manner not permitted by the official controls; and
 - (B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
 - (C) The variance, if granted, will not alter the essential character of the locality.
 - (D) Economic conditions alone shall not constitute practical difficulties.
 - (E) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- (5) Earth Shelters: Variances shall be granted for earth sheltered construction as defined in Minn. Stat. §216C.06, Subd. 14 when in harmony with the Official Controls.
- (6) Environmental Impacts: Where, in the opinion of the Planning Commission, a variance may result in a material adverse effect on the environment, the Planning Commission may recommend to the Town Board that the applicant demonstrate the nature and extent of that effect.
- (7) Recommendation: The Planning Commission may recommend to the Town Board that conditions be imposed in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. Conditions imposed on a variance must be directly related to and must bear a rough proportionality to the impact created by the variance.
- (8) Limit on Applications: No application for the same variance as acted upon by the Planning Commission shall be resubmitted for a period of six (6) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.
- (9) Findings:
 - (A) The Planning Commission shall make written findings of fact on all applications for variances and shall state therein the reasons for such decision.
 - (B) Copies of the findings shall be mailed to the applicant.

- (C) The Planning Commission shall make a recommendation on its findings to the Town Board for action at the next regularly scheduled Board meeting.
- (10) Final Decision: The Town Board is the Board of Appeals and Adjustment and shall decide whether to grant a variance and the conditions to be placed on the variances it issues. The decision of the Town Board regarding a variance is final, subject to judicial review.

9.2. Notice and Hearing Procedure.

- (1) Upon receipt of a variance application that contains all required information, the Zoning Administrator shall refer the matter to the Denmark Township Planning Commission and establish a time for hearing thereon by the Planning Commission. From the date the Zoning Administrator determines that the application containing all required information is complete, the Township has sixty (60) days to take action on the request or the request shall be deemed approved. The Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minn. Stat. § 15.99 Subd. 3.
- (2) Notice of time, place, and purpose of the public hearing shall be given by publication in a newspaper of general circulation in any town, municipality or other area concerned and in the official newspaper of the township at least ten (10) days before the date of the hearing.
- (3) Defects in the notice shall not invalidate any proceedings provided a bona fide attempt to comply with this section has been made.

SECTION 10. CONDITIONAL USES

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a Conditional Use Permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for one or more particular uses, and, once granted, shall continue in effect provided no conditions of the permit are violated.

10.1. Application.

- (1) Whenever this Development Code requires a Conditional Use Permit, an application shall be filed with the Zoning Administrator.
- (2) The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Denmark Township Board.
- (A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by Township procedure. All maps shall be reduced and included in the applicable reports.

- (B) Certificate of Survey
- (C) Site plan drawn to scale showing the following information:
 - 1. Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.
 - 2. Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements.
- (D) Landscape Plan with the following information:
 - 1. Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover.
- (E) Grading, Drainage and Erosion Control Plan
- (F) Soil Conditions
- (G) Building Floor Plan
- (H) Building Elevations, noting exterior materials.
- (I) General Location Map
- (J) Principal land uses within 200 feet of the property.
- (K) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.
- (L) Type of business or activity and proposed number of employees.
- (M) Primary and secondary septic systems and well locations.
- (N) Aerial photograph of site area.
- (O) An analysis or evaluation of the impact of the proposed use on the health, safety, and general welfare on the occupants of the surrounding lands.
- (P) A proposed plan for mitigation of any impacts on the health, safety, and general welfare on the occupants of the surrounding lands and the Township.
- (Q) Such other materials as may be required by the policies and procedures adopted by the Township.

The zoning administrator on a case-by-case basis may waive certain items in writing.

10.2. Notice and Hearing Procedure.

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for hearing on the application. From the date the Township Clerk/Treasurer receives the application containing all required information, the Township has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minn. Stat. §15.99 Subd. 3.
- (2) Notice of the time, place and purpose of all public hearing shall be given by publication in the official legal newspaper of the Township at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.
- (3) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made.

10.3. Criteria for Granting Conditional Use Permits.

- (1) The Planning Commission may recommend to the Town Board to grant a Conditional Use Permit in any district, provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Development Code will be satisfied and that the use is in harmony with the general purposes and intent of this Development Code and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Development Code and the Comprehensive Plan, the Planning Commission shall consider:
 - (A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
 - (B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
 - (C) The effect of the proposed use on utility and school capacities.
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
 - (E) The effect of the proposed use on the Comprehensive Plan.
 - (F) The ability of the proposed use to meet the standards of the Development Code.
 - (G) The affects of the proposed use on groundwater, surface water and air quality.
 - (H) That the proposed use is allowed with a Conditional Use Permit in the designated zoning district in which it is proposed.

- (2) In connection with the issuance of Conditional Use Permits to nonconforming situations, the Town Board may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.
- (3) The Town Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

10.4. Compliance. The use shall conform to the applicable sections of this Development Code.

10.5. Length of Conditional Use. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the Township Board or the Planning Commission from acting or amending Official Controls to change the status of conditional uses. The Township shall be notified in writing within ten (10) days of the transfer of the land which is subject to a Conditional Use Permit. Said notice shall be provided by the seller of said land and shall include notification of the buyers, name, address, telephone number, and certification that the seller has provided the buyer with a copy of the Conditional Use Permit and the notice to the Township. A Conditional Use Permit, once granted, runs with the land.

10.6. Expiration of Conditional Use Permit. A Conditional Use Permit shall expire and be considered null and void one (1) year after it has been issued if, in the Town Board's determination, construction has not substantially begun or if use has not been substantially established. Taking preliminary steps, such as the clearing of land, are not alone sufficient to constitute a substantial start of construction.

10.7. Revocation.

- (1) A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Development Code, and failure to correct said violation within the time period established by the Township Board or no later than thirty (30) days of written notice from the Zoning Administrator may result in the revocation of the permit.
- (2) Prior to revoking a Conditional Use Permit, the Town Board shall provide the permittee at least ten (10) days' written notice of a hearing to be held by the Town Board regarding the revocation of the Conditional Use Permit.
- (3) If, at the conclusion of the hearing, the Town Board determines the violation or violations have not been corrected, it may revoke the Conditional Use Permit and record notice of the revocation against the affected property. As an alternative to immediately revoking the Conditional Use Permit, the Town Board may issue a corrective order that, if not fully complied with by the date or dates set out in the order, shall cause the Conditional Use Permit to be revoked without further action by the Town Board. The Township shall provide the permittee written notice of a revocation or a copy of a corrective order if one is issued. Once revoked, all uses allowed by the Conditional Use Permit shall immediately cease.

10.8. Records of Conditional Uses.

- (1) A certified copy of any conditional use permit shall be filed with the County Recorder or Registrar of Titles.
 - (2) The Township Clerk/Treasurer shall maintain a record of all Conditional Use Permits issued including information on the use, location, conditions imposed by the Township, time limits, review dates and such other information as may be appropriate.
 - (3) A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.
 - (4) Two copies of as built plans must be submitted to Township upon completion.
- 10.9. Amended Conditional Use Permits. Amended Conditional Use Permits shall be requests for changes in conditions of the existing permit. An amended Conditional Use Permit application shall be administered in a manner similar to that required for a new Conditional Use Permit.
- 10.10. Reapplication. No application for a Conditional Use Permit for a particular use on a particular parcel of land shall be resubmitted for a period of six (6) months from the date of the denial of the previous application.
- 10.11. Planning Commission Decision and Appeal Process. A decision of the Planning Commission as it relates to a Conditional Use Permit is a recommendation to the Denmark Town Board. The matter will be placed on the next Denmark Town Board Regular Agenda and a final decision will be made by the Denmark Town Board, at which time the decision will take effect and shall be considered final. An applicant may appeal such decision by filing an appeal as provided in Minn. Stat. § 462.361 or as may otherwise be provided in law.
- 10.12. Phased Developments. In order to preserve an appropriate flexibility in the development plans for a large project that is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the Conditional Use Permit when it was granted approving the preliminary plan. Enlargement, intensification of use or similar changes not specifically permitted by the Conditional Use Permit issued, shall be considered substantial changes.
- 10.13. Existing Uses. All uses existing at the time of adoption of this Development Code that now require a Conditional Use Permit may continue in the same manner of operation as the use did upon the effective date of this Development Code. Any enlargement, structural alteration or intensification of use shall require a Conditional Use Permit as provided for above. Additional reasonable conditions may be imposed for the continuation of such use in accordance with the hearing provisions as set forth in Section 9 of this chapter, Variances and Notice and Hearing Procedure.

SECTION 11. INTERIM USES

Certain uses are classified in this Development Code as interim uses. Interim uses are allowed temporarily by an interim use permit which is subject to certain conditions and expiration on a particular date, until the occurrence of a particular event, or until this Ordinance no longer allows the use. A use allowed by an interim use permit must be consistent with the Township's comprehensive plan and be compatible with surrounding uses. Conditions may be

applied to issuance of the permit and a periodic review of the permit may be required. Upon the expiration of a permit, all activities associated with the use allowed by the permit must cease until a new permit is applied for and granted by the Township.

11.1. Application.

- (1) Whenever this Development Code requires an interim use permit, an application shall be filed with the Zoning Administrator.
- (2) The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Denmark Township Board.
 - (A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by Township procedure. All maps shall be reduced and included in the applicable reports.
 - (B) Certificate of Survey.
 - (C) Site Plan drawn to scale showing the following information:
 1. Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of buildings, curb cuts, driveways, access roads, parking, off-street loading areas, septic systems, and wells.
 2. Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements.
 - (D) Landscaping Plan with the following information:
 1. Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover.
 - (E) Grading, Drainage and Erosion Control Plan.
 - (F) Soil Conditions.
 - (G) Building Floor Plans.
 - (H) Building Elevations, noting exterior materials.
 - (I) General Location Map.
 - (J) Principal land uses within 200 feet of the property.
 - (K) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.

- (L) Type of business or activity and proposed number of employees.
- (M) Primary and secondary septic systems and well locations.
- (N) Aerial photograph of site area.
- (O) An analysis or evaluation of the impact of the proposed use on the health, safety, and general welfare on the occupants of the surrounding lands.
- (P) A proposed plan for mitigation of any impacts on the health, safety, and general welfare on the occupants of the surrounding lands and the Township.
- (Q) Such other materials as may be required by the policies and procedures adopted by the Township.

The Zoning Administrator on a case-by-case basis may waive certain items in writing.

11.2. Notice and Hearing Procedure.

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for hearing on the application. From the date the Township Clerk/Treasurer receives the application containing all required information, the Township has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minn. Stat. § 15.99 subdivision 3.
- (2) Notice of the time, place and purpose of all public hearing shall be given by publication in the official legal newspaper of the Township at least ten (10) days before the hearing. The notice shall state the purpose, time and place of the public hearing.
- (3) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made.

11.3. Criteria for Granting Interim Use Permits.

- (1) The Planning Commission may recommend to the Town Board to grant an interim use permit in any district, provided proposed use is listed as an interim use for the district and upon a showing of all of the following:
 - (A) The use conforms to the regulations continued herein and is in harmony with the general purposes and intent of this Development Code and the Comprehensive Plan.
 - (B) The date or event that will terminate the use can be identified with certainty.
 - (C) Permission of the use will not impose costs on the public if it is necessary for the public to take the property in the future.

- (D) The user agrees to all conditions placed on the permit.
- (2) In determining whether the proposed use is in harmony with the general purpose and intent of this Development Code and the Comprehensive Plan, the Planning Commission shall consider:
- (A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.
 - (B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
 - (C) The effect of the proposed use on utility and school capacities.
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area.
 - (E) The effect of the proposed use on the Comprehensive Plan.
 - (F) The ability of the proposed use to meet the standards of the Development Code.
 - (G) The effects of the proposed use on groundwater, surface water and air quality.
 - (H) That the proposed use is allowed with an interim use permit in the designated zoning district in which it is proposed.
- (3) In connection with the issuance of interim use permits to nonconforming situations, the Town Board may require nonconformities to conform to the regulations contained in the zoning regulations and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.
- (4) The Town Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the interim use permit.
- 11.4. Acceptance and Compliance. An applicant undertaking the use allowed by an interim use permit issued by the Township shall be deemed acceptance by the applicant of the conditions imposed on the permit. The use allowed by an interim use permit shall conform to the applicable sections of this Development Code.
- 11.5. Length of Interim Use. Any use permitted under the terms of any interim use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Interim use permits shall remain in effect until they expire on the date or occurrence of the event identified in the permit, or until this Development Code no longer allows the use within the district. The Township shall be notified in writing within ten (10) days of the transfer of the land which is subject to an interim use permit. Said notice shall be provided by the seller of said land and shall include notification of the buyer's, name, address, telephone number, and certification that the seller has provided the buyer with a copy of the interim use permit and the notice to the Township.
- 11.6. Revocation.

- (1) A violation of any condition set forth in an interim use permit shall be a violation of this Development Code, and failure to correct said violation within the time period established by the Township Board or no later than thirty (30) days of written notice from the Zoning Administrator may result in the revocation of the permit.
- (2) Prior to revoking an Interim Use Permit, the Town Board shall provide the permittee at least ten (10) days written notice of a hearing to be held by the Town Board regarding the revocation of the Conditional Use Permit.
- (3) If, at the conclusion of the hearing, the Town Board determines the violation or violations have not been corrected, it may revoke the Interim Use Permit. As an alternative to immediately revoking the Interim Use Permit, the Town Board may issue a corrective order that, if not fully complied with by the date or dates set out in the order, shall cause the Interim Use Permit to be revoked without further action by the Town Board. The Township shall provide the permittee written notice of a revocation or a copy of a corrective order if one is issued. Once revoked, all uses allowed by the Interim Use Permit shall immediately cease.

11.7. Records of Interim Uses.

- (1) The Township will not file a copy of an interim use permit with the County Recorder or Registrar of Titles.
- (2) The Township Clerk/Treasurer shall maintain a record of all interim use permits issued including information on the use, location, conditions imposed by the Township, time limits, review dates, expiration date or event, and such other information as may be appropriate.
- (3) Two copies of as built plans must be submitted to Township upon completion.

11.8. Amended Interim Use Permits. Amended interim use permits shall be requests for changes in conditions of the existing permit. An amended interim use permit application shall be administered in a manner similar to that required for a new interim use permit.

11.9. Expiration of Interim Use Permits. An application for a new interim use permit for a property for which an interim use permit was issued may be submitted before, and in anticipation of, the expiration of the then current interim use permit.

11.10. Reapplication. No application for an interim use permit for a particular use on a particular parcel of land shall be resubmitted for a period of six (6) months from the date of the denial of the previous application.

11.11. Planning Commission Decision and Appeal Process. A decision of the Planning Commission as it relates to an interim use permit is a recommendation to the Denmark Town Board. The matter will be placed on the next Denmark Town Board Regular Agenda and a final decision will be made by the Denmark Town Board, at which time the decision will take effect and shall be considered final. An applicant may appeal such decision by filing an appeal as provided in Minn. Stat. § 462.361 or as may otherwise be provided in law.

11.12. Existing Uses. All uses existing at the time of adoption of this Development Code that now require an interim use permit may continue in the same manner of operation as the use did upon the effective date of this Ordinance. Any enlargement, structural alteration or intensification of use shall require an interim use

permit as provided for above. Additional reasonable conditions may be imposed for the continuation of such use in accordance with the hearing provisions as set forth in Section 9 of this chapter, Variances and Notice and Hearing Procedure.

SECTION 12. CERTIFICATES OF COMPLIANCE

The Zoning Administrator shall issue a Certificate of Compliance in any district for a proposed use listed as an allowed use with a certificate of compliance (CC) in Chapter Two, Part 1, if the proposed use will not be contrary to the provisions of this Development Code. The certificate shall be granted for a particular use and specific location, and not for a particular person or firm.

- 12.1. Application. Whenever this Development Code requires a Certificate of Compliance, a written application shall be filed with the Township. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the Township, as established by Township ordinance or resolution. These plans shall contain adequate information from which the Township can determine if the proposed development will meet all development standards if the project proceeds in accordance with such plans. This may include, but is not limited to site plans, building plans, grading plan, etc.
- 12.2. Compliance. The use shall conform to the regulations specified in this Development Code.
- 12.3. Issuance and Conditions. If the Zoning Administrator determines that the use is in compliance with the conditions contained in this Development Code the Zoning Administrator shall notify the Town Board in writing of the intent to issue the certificate. If no objections are received within a five (5) day time period, the Zoning Administrator shall issue the certificate. Conditions required by this Development Code shall be applied to the issuance of the Certificate of Compliance and a periodic review of the certificate and proposed use may be required.
- 12.4. Record of Certificates of Compliance. The Township shall maintain a record of all certificates of compliance issued including information on the use, location and conditions imposed as part of the permit such as time limits; review dates and such other information as may be appropriate.
- 12.5. Appeals to Denial of Certificates of Compliance. If the request for a Certificate of Compliance is denied, if conditions with which the applicant disagrees are imposed, or if revoked, the applicant may appeal the decision to the Town Board. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the Zoning Administrator. No re-application for the same Certificate of Compliance shall be resubmitted for a period of six (6) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.
- 12.6. Expiration of Certificates of Compliance. A Certificate of Compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.
- 12.7. Revocation. A violation of any condition set forth in a Certificate of Compliance shall be a violation of this Development Code and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the Certificate of Compliance. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 9 of this chapter.

- 12.8. Existing Uses. All uses existing at the time of adoption of this Development Code that now require a Certificate of Compliance may continue in the same manner of operation as the use did upon the effective date of this Development Code. Any enlargement, structural alteration or intensification of use shall require a Certificate of Compliance as provided for above. Additional and reasonable conditions may be imposed for the continuation of such use in accordance with the regulations as set forth in the Development Code.

SECTION 13. OTHER PERMITS

13.1. Building Permits.

- (1) All structures erected, moved or altered in the Township shall comply with the Minnesota State Building Code (currently the International Building Code) unless exempted by state or federal statute.
- (2) No structure shall be erected, moved in or structurally altered until a building permit has been issued by the Township building official and a written determination has been made that the existing or proposed structure and the use of the land comply with this Development Code.
- (3) The Township building official shall review the building permit application for compliance with standards contained in the Development Code and the Minnesota State Building Code and shall notify the Town Board in writing of the intent to issue the Permit. If no objections are received within a five (5) day time period, the Building Official shall issue the Permit.
- (4) No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other physical changes to the site shall occur prior to the issuance of a building permit, grading permit (if required), and the issuance of any other zoning permits.
- (5) An applicant for a building permit to place a dwelling on a platted lot within a major subdivision must submit a Certificate of Survey for the lot prepared by a surveyor licensed in the State of Minnesota. The survey shall, at a minimum, contain: (a) the location of the structure on the property; (b) setback distances from property lines and from any easements and wetlands located on the lot; (c) elevations of the structure; (d) proposed grading and drainage patterns; and (e) proposed erosion control measures.
- (6) A person issued a building permit to construct a dwelling on a platted lot within a major subdivision, or a commercial building within a plat, must submit to the Township an “as built” survey prepared by a surveyor licensed in the State of Minnesota. The survey shall, at a minimum, contain: (a) the location of the structure on the property; (b) setback distances from property lines and from any easements and wetlands located on the lot; (c) elevations of the structure; and (d) final drainage patterns.

13.2. Electrical Permits and Inspections.

- (1) No electrical equipment shall be installed within or on any building, structure, premises, or lot, nor shall any alteration or addition be made in any such existing electrical equipment, without first

obtaining an electrical permit from the Township electrical inspector. Electrical installations and electrical work requiring issuance of an electrical permit from, and an electrical inspection by, the Township shall be to the same extent as required by Minn. Stat. § 326B.36 if the Commissioner of the Department of Labor and Industry was responsible for issuing electrical permits and conducting electrical inspections in the Township. Work exempt from having to obtain an electrical permit under Minn. Stat. § 326B.36, Minn. Stat. § 326B.38, or other applicable law is also exempt from having to obtain an electrical permit under this Ordinance.

- (2) An inspection by the Township electrical inspector shall be required of electrical equipment installed pursuant to an electrical permit. All such inspections shall be conducted in accordance with state law and shall be done to determine compliance with accepted standards of construction for safety to life and property.
- (3) The installation of electrical equipment shall be in accordance with the electrical code adopted by the State of Minnesota in Minn. R., part 1315.0200 and incorporated into the Minnesota State Building Code by reference, and only upon issuance of an electrical permit by the Township unless the work is exempt. The person making the installation shall notify the Township electrical inspector when the installation is complete and ready for inspection. The Township electrical inspector shall then, within a reasonable period of time, conduct an inspection of the installation. If the Township electrical inspector determines the installation is in conformance with the applicable standards, he or she shall issue a certificate of approval to the installer. If a certificate of approval authorizes the connection and use of a temporary installation, such certificate shall expire on the date and at the time indicated on the certificate and shall be revocable earlier by the Township electrical inspector for cause.
- (4) If the electrical equipment being installed is to be hidden from view by the permanent placement of parts of the building, the person installing the equipment shall notify the Township electrical inspector and no portion of the electrical equipment shall be covered until inspected and approved by the Township electrical inspector. The Township electrical inspector may require the removal of any materials covering any portion of electrical equipment that was not inspected and found conforming before it was covered.
- (5) The Township electrical inspector shall be responsible for conducting electrical inspections and issuing certificates of approval, shall be a licensed master or journeyman electrician as required by state law, and shall not otherwise engage or be employed in the sale, installing, altering, or repairing of electrical wiring, apparatus, or equipment for light, heat power, and other purposes and shall not have a financial interest in any concern engaged in any such business. The Township may obtain the services of a licensed electrical inspector by contract directly with the inspector or obtain inspection services by contract with another local unit of government that employs or contracts with a licensed electrical inspector.
- (6) The Township shall issue electrical permits. Such permits will be issued either directly by the Township or by another local unit of government pursuant to a contract on the Township's behalf.
- (7) The Township electrical inspector shall have a right during reasonable hours to enter any building or premises in the discharge of his or her official duties including, but not limited to, to inspect, re-inspect, or test electrical equipment or its installation. If the Township electrical inspector determines that any electrical equipment is dangerous to persons or property because it is defective or defectively installed, the person responsible for the electrical equipment shall be notified in

writing and shall make any changes or repairs required in the judgment of the Township electrical inspector to place such equipment in a safe condition. If such corrective work is not completed within 15 days of the notice, or any longer period specified by the Township electrical inspector in the notice, the Township electrical inspector shall have the authority to disconnect or order the discontinuance of electric service to such electrical equipment. The Township electrical inspector shall have the authority to immediately disconnect any electrical equipment in cases of emergency, when necessary to protect the safety of persons or property, or when the electrical equipment interferes with the work of the fire department.

- (8) For the purposes of this section, the term “electrical equipment” shall mean electrical conductors, fittings, devices, and fixtures.

13.3. On-Site Waste Disposal Permits.

- (1) No building permit for any use requiring on-site waste treatment and disposal shall be issued until an on-site waste disposal permit has been issued by the Washington County Department of Health or the entity designated by the Township to oversee on-site septic systems.
- (2) An on-site waste disposal permit shall be issued only after the applicant furnishes proof that a suitable on-site waste treatment and disposal system can be installed on the site. Such system shall conform to all of the requirements of Washington County Subsurface Sewage Treatment System Regulations, including percolation tests and borings or the Township’s on-site septic system treatment and disposal regulations.

13.4. Driveway Access Permits. The construction or reconstruction of a driveway access onto County roads shall require a driveway access permit from the Washington County Department of Public Works, which must be obtained prior to the issuance of any building permits by the Township. The County Engineer shall determine the appropriate location, size and design of such driveway accesses and may limit the number of driveway accesses in the interest of public safety and efficient traffic flow. The construction or reconstruction of a driveway access onto a town road shall require a driveway access permit from the Township, which must be obtained prior to the issuance of a building permit from the Township. All driveway accesses constructed or reconstructed within a town road right-of-way shall comply with the standards and requirements in this Section and comply with all other applicable laws, rules, regulations and ordinances:

- (1) Authority and Scope: Pursuant to Minnesota Statutes, sections 160.18 and 160.2715, a permit is required from the road authority before constructing an approach to a public right-of-way and constructing a driveway headwall. The Township requires an owner to apply for and obtain a driveway access permit from the Township before constructing a new driveway access, or reconstructing an existing driveway access, that provides access to or from a town road. A driveway access permit is required regardless of the intended use of the driveway including, but not limited to, driveway accesses used for agricultural purposes. The owner shall pay the applicable application fee, reimburse the Township for costs of an engineering review if required, and is responsible for all costs associated with constructing the driveway access and obtaining and installing a culvert, or other drainage structures, as may be required. For the purposes of this Section, the reconstruction of a

driveway access requiring a driveway access permit includes any alteration that increases or decreases the vertical profile or width of the driveway access, any alteration to drainage by raising, lowering, changing the diameter, removing, or blocking an existing culvert, or a change in the use of the land that results in a significant change in the use of the driveway access such as if the land is converted from a residential to commercial use. The restrictions contained in this Section that may occur within a town road right-of-way are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715; 609.74; and such other law as may apply.

- (2) Application Procedures: A request for a driveway access permit to access a town road must be on the application form approved by the Township and submitted with the required permit fee in accordance with the following:
- (a) The applicant shall provide all information required in the application form including, but not limited to, whether the driveway access is intended for primarily a residential, commercial, or industrial use, a sketch of the driveway access showing its proposed location, width, and describing any proposed culverts or other drainage structures. The application shall be submitted to the entity designated by the Township to process such applications and issue driveway access permits on its behalf.
 - (b) The applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
 - (c) An inspection will be conducted of the proposed driveway access. If the inspector determines that review by the Township's engineer is required, the applicant shall be required to reimburse the Township the actual costs it incurs related to the engineer's review. The requirement to reimburse the Township for its costs for the engineer's review is a condition of issuing the permit and failure to fully reimburse the Township is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the engineer during the review shall be incorporated in and made part of the driveway access permit.
 - (d) No work on the driveway access shall occur until the driveway access permit has been issued. The driveway access and associated drainage structures must be constructed in accordance with the standards contained within this Section and any specific requirements, conditions, or restrictions set out in the permit and in the engineer's report (if issued). The engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Township.
 - (e) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Township. The permit may require reconstruction of the driveway access in order to adequately accommodate the

increased use. If the proposed change in use of the property requires an interim use permit or a conditional use permit from the Township, a separate driveway access permit is not required if the permit issued by the Township for the use addresses any required reconstruction of the driveway access and indicates a separate driveway access permit is not required.

(3) **Standards:** The construction or modification of a driveway access shall comply with the following standards as well as any specific requirements imposed on the permit issued for the driveway access. For the purposes of these standards, “urban” refers to situations in which the driveway access is connecting to a section of town road constructed with a curb and gutter, and “rural” refers to all other town road sections. Rural road sections typically have a ditch and require installation of a culvert, while urban road sections typically do not.

(a) **Width Requirements.** The driveway access shall comply with the following minimum and maximum widths based on whether the property being served is used primarily for residential or commercial (including industrial) purposes. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the particular driveway access based on the primary use of the property. The entire portion of the driveway access within the right-of-way shall comply with the width standards, except that the driveway access may be flared as it approaches the surface of the road. The total width of the flared portion shall not exceed the permitted width of the driveway access by more than five feet and the flare shall be limited to the area within five feet from the edge of the surface of the road.

	Residential	Commercial
Minimum Width	12 feet	24 feet
Recommended Width	20 feet	32 feet
Maximum Width	24 feet	50 feet

(b) **Vertical Clearance.** The area above the driveway access shall be clear of tree branches and other obstructions in order to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.

(c) **Setbacks.** No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Township based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

Setback From:	Rural Residential	Urban Residential	Rural Commercial	Urban Commercial
Another Driveway access	30 feet	20 feet	30 feet	20 feet
Right-of-Way Intersection	60 feet	30 feet	30 feet	60 feet
Side Lot Line*	20 feet	20 feet	20 feet	20 feet

* Common or shared driveway accesses are exempt from this setback requirement.

- (d) Driveway access Angle. All driveway accesses shall enter the right-of-way and connect to the surface of the road at 90 degree angles. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the road.
- (e) Driveway Access Profile. The constructed profile of the driveway access shall be such that it facilitates drainage and shall not exceed an 8% gradient for a driveway accesses used primarily for commercial purposes and a 10% gradient for all other driveway accesses.
- (f) Driveway Headwalls. The sides of a driveway access used to support its surface, which are also referred to as headwalls, must be constructed in a manner so as not to create an unreasonable hazard for recreational vehicles and vehicles that may leave the travelled surface of the road. Furthermore, placing rocks, fences, pillars, posts, and other materials or structures that extend above the level of the driveway access can also pose a safety hazard and interfere with maintenance of the right-of-way. In order to avoid or reduce such hazards and interferences, a driveway headwall erected or reconstructed within the right-of-way of a town road shall have a slope of no greater than 4 to 1 (horizontal to vertical). No materials or structures shall be placed on or along a driveway access that interfere with the maintenance of the right-of-way or that extend more than one foot above the surface of the access drive. This prohibition does not apply to mailboxes and newspaper boxes provided, however, that any mailbox placed or replaced within a town road right-of-way shall comply with the standards in Minnesota Rules, Chapter 8818 regardless of the speed limit on the road.
- (g) Drainage. Drainage along the road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch or along a curb and gutter. A culvert shall be required for a driveway approach constructed to a rural section of road unless the

permit issued for the particular driveway approach indicates a culvert is not required. A culvert shall not be required for a driveway approach constructed to an urban section of road unless the permit issued for the particular driveway approach indicates a culvert is required. A permit issued for a driveway access may impose specific requirements for the installation of a culvert or other drainage structure to properly accommodate drainage. A culvert installed within a driveway access shall, at a minimum, have a size of 15 inches in diameter, be a corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), be at least 20 feet in length, and shall extend at least 2 feet beyond the edges of the driveway. Culvert aprons made of the same or similar material as the culvert shall be installed on each end of the culvert.

- (h) Maintenance of Drainage Structures. The owner or occupant of land is responsible for maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to not interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Township may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Township for its costs.
- (4) Multiple Driveway Accesses: No more than two driveway accesses to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board's satisfaction, a specific need for an additional driveway access and that additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.
- (5) Unsafe Driveway Accesses: Any driveway access within a Township road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the road, is hereby declared a public nuisance and is prohibited. The Township may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Township determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Township may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Township for all costs it incurs to correct the condition.
- (6) Surfacing: Driveway accesses constructed or reconstructed to provide access from a town road with a bituminous surface to property used primarily for a commercial purpose shall be hard surfaced with bituminous or concrete. Farming is not considered a commercial use for the purposes of this requirement. A driveway approach with a slope of 10% or greater shall be hard surfaced to prevent erosion of materials onto the road surface and to ensure

proper maintenance of the right-of-way. The hard surfacing shall extend from the driveway approach within the right-of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way.

- (7) Construction: The construction or reconstruction of a driveway access must not interfere with the maintenance or safe use of the town road. No materials shall be dumped or stockpiled on the surface of the road, on the shoulder, or within the right-of-way outside of the permitted location for the driveway access. Upon the completion of construction, the right-of-way must be cleared of any excess materials and any dirt or other materials shall be removed from the surface of the road.
 - (8) Restoration: Any part of the right-of-way disturbed during construction of an driveway access, or the installation of drainage facilities, shall be restored by the permittee to its pre-construction or pre-installation condition. Such restoration shall include, but not be limited to, grading, seeding, and landscaping as needed to fully restore the right-of-way and prevent erosion.
 - (9) Waivers: An applicant for a driveway access permit may request the Town Board grant a waiver of one or more of the standards or requirements of this Section. No waiver will be granted unless the applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.
 - (10) Recovering Costs. If the owner fails to fully reimburse the Township for any of the Township's costs required to be reimbursed in this Section, the unreimbursed amount, together with collection costs, may be collected as a service charge on the taxes of the property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Township.
- 13.5. Moving Permits. No building or structure that has been wholly or partially erected shall be moved into or to any other location within Denmark Township unless a permit to move said building or structure has been obtained as provided herein. All buildings so moved shall comply with all requirements of the Minnesota State Building Code applicable to a new building or structure prior to occupancy. Financial security in the form of a bond, letter of credit or cash escrow in the amount of the valuation of the completed project shall be provided to the township prior to the issuance of the moving permit.
- 13.6. Utility Permits. Prior to utility installation within the town road right-of-way, a utility company shall first obtain a Utility Permit from the Township.
- a. Permit application: Application for the Utility Permit shall be made by completing the Township Utility Maintenance and Construction Permit Application form, and submitting:
 - Required fees and performance bonds.
 - Proof of liability insurance.

- A description of the utility work to be completed and a site map showing the location of the work.
 - A description of restoration work and any trimming proposed.
- (2) **Restoration:** Township Road Right of Ways shall be restored to the same or better condition as they were prior to the placement of the utility. Whenever possible utilities should be collocated in an underground trench and a single supplier of gas and electric shall be used in any minor lot split, major subdivision, or development.

13.7. **Burning Permits.** Burning permits are required within Denmark Township, and shall be issued by the Township designated Fire Warden. Burning in Denmark Township shall be done in compliance with Minn. Stat. § 88, and all applicable rules and regulations of the MPCA and the DNR.

SECTION 14. ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS

14.1. **Environmental Review.** No use shall be approved prior to review by the Zoning Administrator to determine compliance with Minn. Stat. § 116C and D. and the regulation promulgated there under. The following are common projects that would require preparation of a mandatory a mandatory Environmental Assessment Worksheet (EAW). This list is intended as informational only and is not all inclusive:

- (1) Development of facility for the extraction or mining of sand, gravel, stone or other non-metallic minerals which will excavate more than 40 acres of land to a mean depth of 10 feet or more during its excavation;
- (2) Residential development consisting of 50 or more unattached units.
- (3) Construction of a new or expansion of an existing industrial, commercial or institutional facility of 100,000 square feet.
- (4) Conversion of 80 or more acres of agricultural or natural land to another use.

SECTION 15. RIGHT TO FARM

15.1. **Right to Farm Laws.** Right to Farm laws are designed to discourage persons from suing farmers on the basis that a farm operation, even when conducted according to generally accepted agricultural standards, is a nuisance. These laws are designed to assist established farmers who use good management practices to prevail in private nuisance lawsuits. Protections for agricultural operations from nuisance related suits are contained in Minn. Stat. § 561.19.

SECTION 16. NONCONFORMITIES

Within the districts established by this Development Code or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Development Code, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations contained in this Development Code.

16.1. Nonconforming Use.

- (1) It is the intent of this Development Code to regulate such nonconforming situations in such a way that they can continue but will be prohibited from enlargement, expansion or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction, except in the case of a residence which may be allowed to be rebuilt in the same footprint as the non-conforming structure with approval of the Town Board. Any use existing on the effective date of this Development Code which is not in conformity with the regulations contained in this Development Code shall be allowed to continue, subject to the following conditions:
 - (A) No such use shall be expanded, enlarged or altered, including any increase in the volume, intensity, frequency or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.
 - (B) A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards contained in the Denmark Township Mining Regulations.
 - (C) A nonconforming use, which has been discontinued for a period of twelve (12) consecutive months, shall not be re-established and any further use shall be in conformity with the regulations of this Development Code.
 - (D) If a structure used for a nonconforming use is damaged to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Development Code.
- (2) All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.
- (3) The Town Board may require that a Conditional Use Permit be issued for the nonconforming use.

16.2. Nonconforming Structure.

- (1) Any structure existing on the effective date of this Development Code which is not in conformity with the regulations contained in this Development Code shall be allowed to continue, subject to the following conditions:
 - (A) No such structure shall be expanded, enlarged or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the district in which the structure is located:

1. This enlargement, alteration or expansion itself does not violate any other provisions of this Development Code, other than the provision that made the structure nonconforming in the first place.
 2. Long-term sewage disposal needs can be met.
- (B) A nonconforming structure which is destroyed or damaged by any means to the extent of greater than fifty percent (50%) of its estimated market value, as indicated in the records of the County Assessor at the time of damage, and for which no building permit has been applied for within 180 days of when the property is damaged, shall not be restored, repaired or replaced, except in conformity with this Development Code, except in the case of a residence, which may be allowed to be rebuilt in the same footprint as the nonconforming structure with approval of the Town Board. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed.
- (C) Nothing in this Development Code shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.
- (D) All construction projects for which a valid building permit was granted before the effective date of this Development Code may be completed although the structure would not meet newly established standards of this Development Code.

16.3. Nonconforming Shoreland Lots of Record.

- (1) Lots of record in the office of the County Recorder as of the date shoreland regulations were adopted for the Township that are located within a shoreland and do not satisfy the requirements of this Development Code for lot size or lot width are subject to the following;
- (A) A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
1. all structure and septic system setback distance requirements can be met;
 2. a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 3. the impervious surface coverage does not exceed 25 percent of the lot.
- (B) In a group of two or more contiguous lots of record under a common ownership, an individual lot shall be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
1. the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 2. the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;
 3. impervious surface coverage must not exceed 25 percent of each lot; and
 4. development of the lot must be consistent with the Township's Comprehensive Plan.

- (C) A lot subject to paragraph (B) not meeting the requirements of paragraph (B) must be combined with the one or more contiguous lots so they equal one or more conforming lots as much as possible.
- (D) Notwithstanding paragraph (B), contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Minn. Stat. § 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- (E) In evaluating all variances, zoning and building permit applications, or conditional use requests, the Township shall require the property owner to address, when appropriate, storm water runoff management, reducing impervious surfaces, increasing setbacks, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- (F) A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

***SECTION 17. AMENDMENTS TO THE DENMARK TOWNSHIP
DEVELOPMENT CODE AND COMPREHENSIVE PLAN***

17.1. **Process.** An amendment to this Development Code may be initiated by the Township Board, the Planning Commission, or by petition of the affected property owners. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for its study, report and recommendation, and may not be acted upon by the Town Board until it has received the recommendation of the Planning Commission or sixty (60) days have elapsed from the date of reference of the amendment without a report by the Planning Commission. No amendment to this Development Code may be adopted until notice is given and a public hearing held as provided in Minn. Stat. § 462.357.

An amendment to the Comprehensive Plan may be initiated by the Planning Commission or by resolution of the Town Board submitted to the Planning Commission. The Town Board may not act upon an amendment to the Comprehensive Plan until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date the Town Board submitted the amendment to the Planning Commission for its recommendation. At least one public hearing, preceded by at least ten days' published notice, shall be held on the proposed amendment.

No amendment to this Development Code or the Comprehensive Plan shall be adopted until the Planning Commission conducts a public hearing on the proposed amendment after at least ten (10) days' published notice. The Town Board may elect to conduct the public hearing if the Planning Commission fails to do so within sixty (60) days of when it received the proposed amendment. If an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the Town Clerk/Treasurer may use any

appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the Town Clerk/Treasurer and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

No application for an amendment to the Township Comprehensive Plan or this Development Code shall be resubmitted for a period of (6) six months from the date of denial of a previous application, unless conditions have substantially changed.

SECTION 18. ENFORCEMENT

- 18.1. Violations. The violation of any provision of this Development Code or the violation of the conditions or provisions of any permit issued pursuant to this Development Code shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment or both; plus the cost of prosecution. A violation of this Development Code may be enforced by the Township as a civil proceeding.
- 18.2. Penalties. Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.
- 18.3. Application to Township Personnel. The failures of any officer or employee of the Township to perform any official duty imposed by this Development Code shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.
- 18.4. Equitable Relief. In the event of a violation or the threatened violation of any provision of this Development Code or any provision or condition of a permit issued pursuant to this Development Code, the Township, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

SECTION 19. SEPARABILITY

- 19.1. Provisions Separable. It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:
 - If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
 - If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

DENMARK TOWNSHIP DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

PART 1
ZONING MAPS, DISTRICTS AND USES

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DENMARK TOWNSHIP DEVELOPMENT CODE

CHAPTER TWO
ZONING REGULATIONS

PART 1
ZONING MAPS, DISTRICTS AND USES

For the purpose of this Development Code, the regulations contained in this chapter shall become effective from and after February 6, 2006, after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

The geographic boundaries of Denmark Township are divided into districts. Each district has: a) primary uses; b) uses allowed with a Certificate of Compliance; c) uses allowed with a Conditional Use Permit as herein defined; and d) uses allowed with an Interim Use Permit as herein defined. Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance, a Conditional Use Permit, or an Interim Use Permit, it is a prohibited use.

SECTION 1. ZONING MAPS

1.1. **Official Maps.** The boundaries of the districts are as shown on the maps published and made part hereof. These maps are designated as the Official Zoning Maps of Denmark Township, and shall be maintained by the Zoning Administrator. The district boundary lines on these maps are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary is indicated otherwise on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this Part by reference and incorporated herein fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street or way should not be affected by such vacation.

When uses in a district are listed as both primary, permitted with a Certificate of Compliance or Conditional Use Permit, or when any other conflict appears in the Development Code with respect to uses within a district, the more restrictive provisions shall be applied.

The Zoning Map is attached at the end of the hardcopy of this Ordinance and is accessible as a separate electronic document on the on-line version of this Ordinance.

SECTION 2. AGRICULTURAL DISTRICTS AND USES (AP, A-2)2.1. Purpose and Scope.

- (1) AP, Agricultural Preserves District: The AP District includes those specific parcels of land created and restricted according to Minn. Stat. § 473H, as amended, to remain in agricultural use. Maximum density in the Agricultural Preserves District is 1 dwelling unit per 40 acres.
- (2) A-2 District: The A-2 District, as shown on the zoning district maps, has been established to preserve agriculture as a viable long-term land use and significant economic activity within the Township. Land within this district may be eligible for inclusion in the Metropolitan Agricultural Preserves Program. Maximum density in the A-2 District is one dwelling unit per 20 acres.

2.2. Land Uses in AP and A-2 Districts.

- (1) Primary Uses: The following are primary uses in the AP and A-2 districts:
 - (A) Agriculture
 - (B) Single Family Residential
 - (C) Agricultural Business-Seasonal
- (2) Uses with a Certificate of Compliance: The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the CC designation are allowed by issuance of a Certificate of Compliance in the Agricultural Districts.
- (3) Uses with a Conditional Use Permit: The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the CUP designation are allowed by issuance of a Conditional Use Permit in the Agricultural Districts.
- (4) Uses with an Interim Use Permit (IUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the IUP designation are allowed by issuance of an interim use permit in the Agricultural Districts.

SECTION 3. RURAL RESIDENTIAL DISTRICT AND USES (RR)

3.1. Purpose and Scope. The Rural Residential District is established to provide areas for rural low-density housing in agricultural/rural areas on lands not capable of supporting long-term agricultural activities. The purpose of this district is to retain the rural character of the Township.

3.2. Land Uses in Rural Residential Districts.

- (1) Primary Uses: The following are primary uses in the RR District.
 - (A) Agriculture
 - (B) Single Family Residential

- (2) Uses with a Certificate of Compliance (CC): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with a CC designation are permitted in the RR District after the issuance of a Certificate of Compliance.
- (3) Uses with a Conditional Use Permit (CUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with a CUP designation are permitted in the RR district after the issuance of a Conditional Use Permit.
- (4) Uses with an Interim Use Permit (IUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the IUP designation are permitted in the RR district after the issuance of an interim use permit.

SECTION 4. SINGLE FAMILY ESTATE DISTRICT AND USES (SFE)

- 4.1. Purpose and Scope. The Single Family Estate District provides for residential areas. The purpose of this district is to provide lots large enough to maintain a semi-rural setting, but lots not large enough to support long-term agricultural activities.
- 4.2. Land Uses in Single Family Estate Districts.
 - (1) Primary Uses: The following are primary uses in the SFE District:
 - (A) Agriculture
 - (B) Single Family Residential
 - (2) Uses with a Certificate of Compliance (CC): The uses, which are set forth in Section 7, Zoning Use Index, of this chapter and designated with a CC, are permitted in the SFE District after the issuance of a Certificate of Compliance.
 - (3) Uses with a Conditional Use Permit (CUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with a CUP designation are permitted in the SFE district after the issuance of a Conditional Use Permit.
 - (4) Uses with an Interim Use Permit (IUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the IUP designation are permitted in the SFE district after the issuance of an interim use permit.

SECTION 5. CONSERVANCY DISTRICT AND USES (C)

- 5.1. Purpose and Scope. The Conservancy District is established to provide special regulatory protection for those areas that either contains a valuable natural resource or other similar resource, and to foster, preserve and promote sensitive development in these areas. Land within this district may be unsuitable for agricultural production or development due to wetlands, woodlands, steep slopes, scenic views, bedrock formations, and/or other physical features of unique natural and biological characteristics. Land in a

Conservancy District contains either a valuable natural resource or other similar resource. The intent is to foster, preserve and promote sensitive development of the land.

5.2. Land Uses in the Conservancy District.

- (1) Primary Uses: Parks and nature centers are primary uses in the Conservancy District.
- (2) Uses with a Certificate of Compliance (CC): The uses set forth in Section 7, Zoning Use Index, of this chapter with the designation CC are permitted in the Conservancy District after the issuance of a Certificate of Compliance.
- (3) Uses with a Conditional Use Permit (CUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with a CP designation are permitted in the Conservancy district after the issuance of a Conditional Use Permit.
- (4) Uses with an Interim Use Permit (IUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the IUP designation are permitted in the Conservancy District after the issuance of an interim use permit.

5.3 Performance Standards.

- (1) Land alteration and development shall not encroach on rare plant communities or endangered species identified in the Minnesota Department of Natural Resources County Biological Survey for Natural Communities and rare species.
- (2) The impacts of land alteration and development on the existing wildlife and plant habitats shall be minimized through site design, restoration and by maintaining continuity with those habitats on adjacent sites.
- (3) Land alteration and development shall minimize the impacts on the hydrological regime and water quality of surface water by using best management practices.

SECTION 6. COMMERCIAL INDUSTRIAL DISTRICT AND USES (CI)

6.1 Purpose and Scope. The purpose of this district is to provide an area for a general mix of commercial and light industrial businesses that are non-threatening to the environment. Public sanitary sewer is not available in this district.

6.2 Land Uses in Commercial Industrial District.

- (1) Primary Uses: There are no primary uses in Commercial Industrial.
- (2) Uses with a Conditional Use Permit (CP): The uses set forth in Section 7, Zoning Use Index, of this chapter with the designation CUP are permitted in the CI District after the issuance of a Conditional Use Permit.

- (3) Uses with an Interim Use Permit (IUP): The uses which are set forth in Section 7, Zoning Use Index, of this chapter with the IUP designation are permitted in the CI District after the issuance of an interim use permit.

SECTION 7. ZONING USE INDEX

7.1 Land Uses. The following Zoning Use index determines the uses allowed in a particular zoning district in the Township. If a use cannot be found on the index it is not allowed under this Development Code. An applicant may make an application to the Town Board as provided in section 7.2 for a determination on whether a particular use that is not found on the index may be allowed as a use which is substantially similar to an allowed use.

ZONING DISTRICTS		USE	
C	Conservancy (1:20)	CUP	Conditional Use Permit
AP	Agricultural Preserves (1:40)	IUP	Interim Use Permit
A2	Agriculture (2:40)	CC	Certificate of Compliance
RR	Rural Residential (8:40)	P	Permitted Use
SFE	Single Family Estate (3 acre minimum)	N	Not Permitted
CI	Commercial Industrial (n/a)		

USE	ZONING DISTRICT					
	C	AP	A2	RR	SFE	CI
Accessory Apartments	CC	N	CC	CC	CC	CUP
Accessory Solar Electric System	P	P	P	P	P	P
Adult Uses	N	N	N	N	N	CUP
Agriculture	P	P	P	P	P	P
Agricultural Business-Seasonal	CC	CC	CC	CC	CC	CC
Airstrip or Heliports	N	CUP	CUP	N	N	N
Auto or Motor Vehicle Reduction Yard	N	N	N	N	N	N
Automotive Dealership	N	N	N	N	N	CUP
Balloon Port	N	N	CUP	CUP	N	N
Bed and Breakfast	CUP	CUP	CUP	CUP	CUP	N
Boat, Trailer, Marine Sales	N	N	N	N	N	CUP
Business, Retail	N	N	N	N	N	CUP
Business, Seasonal	N	CUP	CUP	CUP	CUP	CUP
Car Wash (as accessory use)	N	N	N	N	N	CUP
Cemetery	N	N	CUP	CUP	CUP	N
Church or Place of Worship	N	N	CUP	CUP	CUP	N
Club or Lodge	N	N	N	N	N	CUP
Commercial Solar Electric System	N	N	N	N	N	N
Community Residence	N	CUP	CUP	CUP	CUP	N
Crematorium/Mausoleum	N	N	N	N	N	CUP
Daycare Centers (12 or less people)	N	CC	CC	CC	CC	CUP

USE	C	AP	A2	RR	SFE	CI
Daycare Centers (more than 12 people)	N	N	N	N	N	CUP
Essential Services-Gov't Uses-Buildings & Storage	N	N	CUP	CUP	CUP	CUP
Essential Services-Utility Substation	N	CUP	CUP	CUP	CUP	CUP
Explosives-Utilization	CC	CC	CC	CC	CC	CC
Farm Equipment Sales	N	N	N	N	N	CUP
Feedlots-Commercial	N	CUP	CUP	N	N	N
Funeral Home	N	N	N	N	N	CUP
Golf Course	N	N	CUP	CUP	CUP	N
Gun Ranges: Indoor Facility	N	N	CUP	N	N	CUP
Gun Ranges: Outdoor Facility	N	N	N	N	N	N
Home Occupations	CC	CC	CC	CC	CC	N
Horses	See Chapter 2 Part 3 Section 2.24					N
Hotel/Motel	N	N	N	N	N	CUP
Junk Yard	N	N	N	N	N	N
Kennels-Commercial	N	IUP	IUP	IUP	IUP	IUP
Land Clearing	See Chapter 2 Part 3 Section 1.7					
Livestock & Livestock Operations (under 11 animal units)	P	P	P	P	P	N
Livestock & Livestock Operations (more than 11 animal units)	CC	CC	CC	CC	CC	N
Lodging Room	P	P	P	P	P	P
Manufactured Home Park	N	N	N	N	N	N
Manufacturing, Light	N	N	N	N	N	CUP
Mining	N	IUP	IUP	IUP	N	N
Motor Vehicle Repair	N	N	N	N	N	CUP
Motor Vehicle Service Stations	N	N	N	N	N	CUP
Multifamily Residential Developments	N	N	N	N	N	N
Nursing Home	N	N	N	N	N	N
Offices	N	N	N	N	N	CUP
Open Sales Lot	N	N	N	N	N	CUP
Planned Unit Development	N	N	CUP	CUP	CUP	CUP
Plant Nursery	CUP	CUP	CUP	CUP	CUP	CUP
Public Recreation Facility	CUP	N	CUP	CUP	CUP	CUP
Race Track	N	N	N	N	N	N
Radio Controlled Model Airplane Landing Field	N	N	N	N	N	N
Recreation Use, Active	N	N	N	N	N	CUP
Recreation Use, Passive	CUP	CUP	CUP	CUP	CUP	N
Recycling Center	N	N	N	N	N	N
Resorts/Conference Centers	CUP	N	CUP	CUP	CUP	CUP
Restaurants	N	N	N	N	N	CUP
Schools	N	N	CUP	CUP	CUP	N
Self Service Storage Facility (mini-storage)	N	N	N	N	N	CUP
Shopping Center	N	N	N	N	N	CUP
Signs	See Chapter 2 Part 3 Section 1.11					
Single Family Residence	P	P	P	P	P	N
Tavern or Bar	N	N	N	N	N	CUP

USE	C	AP	A2	RR	SFE	CI
Temporary Dwelling Unit-Care Facility	CC	CC	CC	CC	CC	N
Temporary Dwelling Unit-During Construction	CC	CC	CC	CC	CC	N
Temporary Farm Dwelling	CC	CC	CC	CC	CC	N
Tennis Court, Commercial	N	N	CUP	CUP	CUP	CUP
Theaters	N	N	N	N	N	CUP
Transportation/Motor Freight Terminal	N	N	N	N	N	CUP
Travel Trailer/RV Campground	CUP	N	CUP	CUP	CUP	N
Veterinary Clinic	CUP	CUP	CUP	CUP	CUP	CUP
Warehousing and Distribution	N	N	N	N	N	CUP
Wind Energy Conversion Systems (WECS)	CUP	CUP	CUP	CUP	CUP	CUP
Wireless Communication Antennas & Towers	CUP	CUP	CUP	CUP	CUP	CUP
Yard Waste Facility	N	N	N	N	N	N

7.2 Substantially Similar Uses. An applicant who believes a use that is not included in the Zoning Use index contained in section 7.1 is substantially similar to a use listed in the index as an allowed use, may make written application to the Township requesting a determination that the use should be allowed. The application must fully explain the proposed use and how it is similar to a use allowed under this Development Code. The Town Board shall determine whether the use is substantially similar and, if so, whether the use shall be deemed a permitted use or a use requiring a certificate of compliance, interim use permit, or a conditional use permit for the purpose of this Development Code. If the Town Board determines a use is allowed as being substantially similar to a listed use, the applicant must apply for any required permits or permissions as required herein and otherwise comply with the provisions of this Development Code. The Township shall keep a record of all uses its allows as being substantially similar and will, as part of the next general amendment to the Development Code, include the use in the Zoning Use index as the Town Board determines is appropriate. If a use is found not to be substantially similar, the owner may submit an application as provided herein seeking an amendment to the text of this Development Code to include the use in the Zoning Use index as an allowed use. Unless the Town Board determines to grant the amendment, the use remains prohibited.

DENMARK TOWNSHIP DEVELOPMENT CODE

**CHAPTER TWO
ZONING REGULATIONS**

**PART 2
DENSITY, SETBACK, AND LOT REQUIREMENTS**

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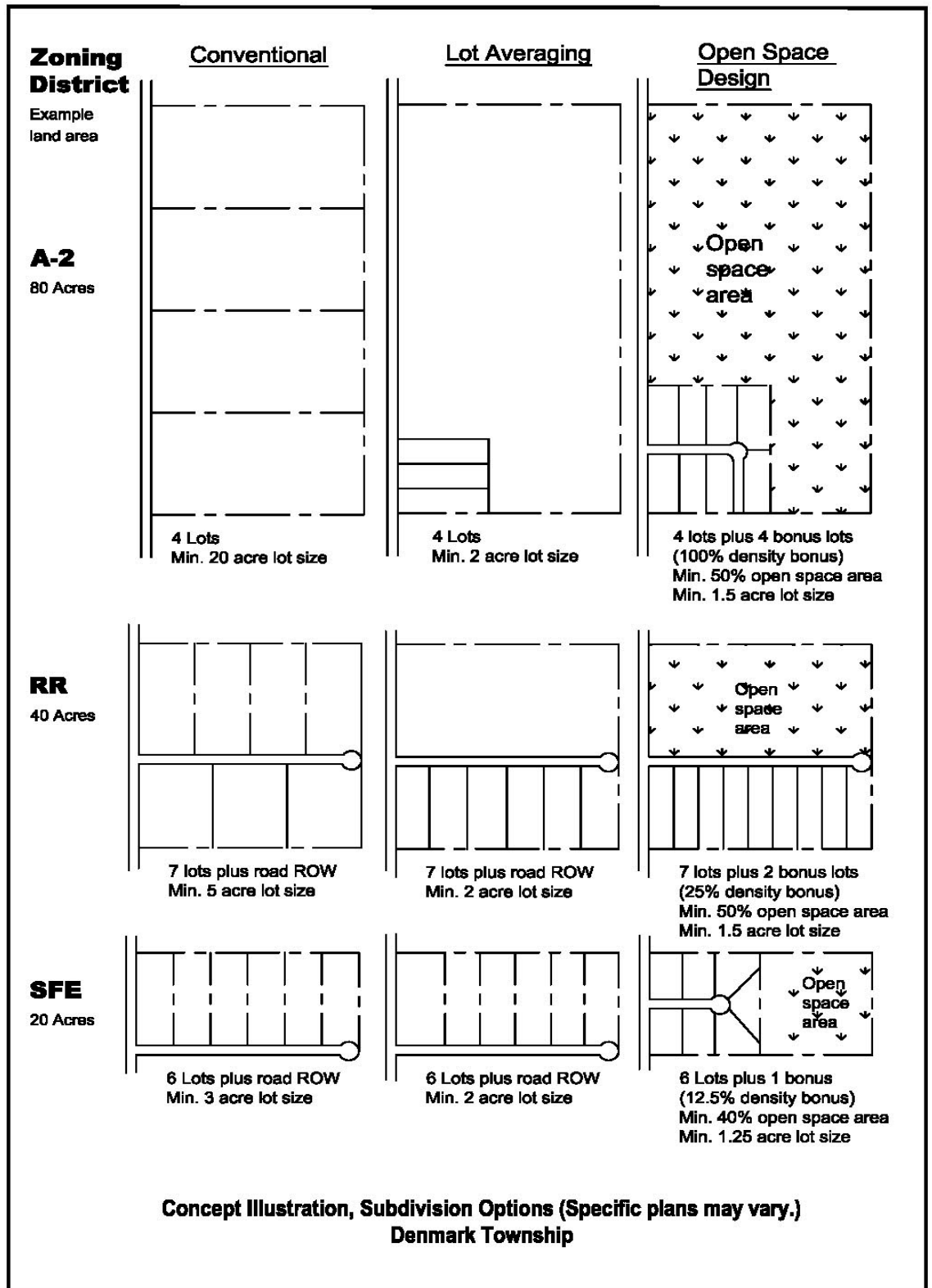
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DENMARK TOWNSHIP DEVELOPMENT CODE**CHAPTER TWO
ZONING REGULATIONS****PART 2
DENSITY, SETBACK AND LOT REQUIREMENTS**

This Part regulates the development of land located in the Agricultural Preserves, Agriculture, Rural Residential, Single Family Estate, Commercial-Industrial, and Conservancy Districts.

This Part regulates the development of residential land through the use of both density and minimum lot size and width zoning as found in traditional zoning ordinances. This approach provides flexibility to property owners by permitting four types of subdivision design: conventional, Lot Averaging, Open Space Development, and Planned Unit Development (PUD).

- (1) Conventional Subdivision - divides property into lots according to the minimum lot size and width requirements for the zoning district.
- (2) Lot Averaging - allows the property owner to create parcels smaller than those of a conventional subdivision plan provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.
- (3) Open Space Design - allows the property owner to subdivide parcels into lots smaller than conventional subdivisions; however, the development must comply with certain design standards and at least half of the property must remain as open space. Additional density units may be allowed if certain criteria are met. See density standards in Section 1 of this chapter.
- (4) Planned Unit Development (PUD) - allows the property owner to have two or more principal uses on a single parcel of land and allows some flexibility from the strict application of zoning standards in exchange for an improved design benefiting the public. When the performance standards of the zoning ordinance are modified, a specific development plan must be approved.



(5)

This chapter does not apply to land located in the Shoreland Overlay District, the Lower St. Croix River Bluffland and Shoreland Management District, and the Mississippi National River Recreation Area. The development of land within these districts shall be determined in accordance with Chapter 6, Shoreland Management Regulations, Chapter 5, Lower St. Croix River Bluffland and Shoreland Management Regulations and Chapter 8, Mississippi River Critical Area Regulations, and these regulations shall supersede those in this chapter.

SECTION 1. DENSITY

1.1. Density in Districts.

- (1) In the Agricultural Preserves District (AP), the density of residential dwelling units shall not exceed one (1) dwelling unit per 40 acres.
- (2) In the Agriculture District (A-2), the density of residential dwelling units shall not exceed two (2) dwelling units per 40 acres.
- (3) In the Rural Residential District (RR), the density of residential dwelling units shall not exceed eight (8) dwelling units per 40 acres.
- (4) In the Single Family Estate District (SFE), the density of residential dwelling units shall not exceed 1 dwelling unit per 3 acres.
- (5) In the Conservancy District (C), the density of residential dwelling units shall not exceed two (2) dwelling units per forty (40) acres.

1.2. Determination of Density Units.

For the purposes of developing land for residential development, the maximum number of density units for any individual parcel shall be determined by applying the following steps:

- (1) The maximum number of density units for an individual parcel shall be calculated by multiplying the size of the parcel in acres by the maximum density per 40 acres for the district in which the parcel is located as set forth in Section 1.1 above then dividing this number by 40 to achieve the result.
- (2) In order to determine the allowable number of density units per parcel, a yield plan drawn to scale shall be submitted. The yield plan shall show the maximum number of lots that would be permitted given the minimum lot size, lot width, road rights of way and other performance standards for lots in a conventional subdivision. The yield plan shall be approved by the Town Board prior to the applicant submitting a concept or preliminary plan for review. In preparing the yield plan, the proposed yield plan lots in the pre-development condition must meet the Development Code and Subdivision regulations. Each yield plan lot must have a minimum of one acre of buildable area and no portion of the buildable area may consist of slopes which exceed 25%, flood plain, or wetlands. The Town Board must approve any modifications on grading and

design standards. The applicant will provide the proposed yield plan to the Washington County Plat Commission for review and comment, so that the Township receives any input at least ten days prior to the Town Board reviewing the yield plan. The yield plan shall be drawn to scale and it shall identify all the major physical features and regulatory boundaries (floodplain, wetland, shoreland, etc.) on the proposed site. If, after determining the maximum number of lots in a conventional subdivision, a lot could be created that meets 80 percent of the minimum lot size and otherwise meets all other lot requirements for the zoning district, then that lot shall be considered as one lot for density computation purposes. The number of density units so determined shall constitute the parcel's maximum development potential. The Town Board reserves the right to allow a lot within a yield plan to be irregular in shape or have irregular lot lines when the topography (ravines, slopes, wetlands, creeks and streams, etc.) of the property would otherwise prevent the lot from being considered as an allowable lot within the yield plan.

(3) A yield plan is not required for a conventional subdivision, minor subdivision or lot split.

1.3. Development Agreement. From and after the effective date of this Development Code, parcels subdivided shall be restricted by a development agreement specifying the number of density units allocated amongst the lots or parcels being created, and the fact that the use and development and further subdivision of the parcels being created is subject to the regulations contained in the Denmark Township Development Code. The development agreement must be executed by the Denmark Township Board and may not be amended without the approval of the Denmark Township Board.

1.4. Transfer of Density Units. After the effective date of this Chapter, property owners may, with approval of the Denmark Township Board and upon execution of a development agreement by the Board, transfer density units between contiguous parcels if the contiguous parcels are: 1) located in the same zoning district; 2) within the same Section; and 3) the reallocation of density units meets the criteria contained in this Chapter. If a property owner owns contiguous property within two Sections in the same zoning district, the Board will review and determine the allowed number of transfer density units.

1.5. Conveyance of Land. Conveyances shall have the meaning specified in Minn. Stat. § 272.12, as amended.

- (1) Prior to recording a conveyance of land, which is less than the whole as charged on the tax lists maintained by the Washington County Auditor/Treasurer, the conveyance must first be approved by the Denmark Township Attorney for compliance with this Section.
- (2) Any conveyance of land which is less than the whole parcel of land as charged on the tax lists and found to be in violation of this section by the Denmark Township Attorney will be returned to the draftsman and notice by mail of the potential violation will be given to the County Attorney to review pursuant to Minn. Stat. § 394.37, as amended.
- (3) Refer to Chapter 3, Section 5 of this Development Code for Administrative Minor Lot Split process.

SECTION 2. DENSITY, SETBACK, AND LOT REQUIREMENTS

	C Conservancy	AP Agricultural Preserves	A-2 Agriculture	RR Rural Residential	SFE Single Family Estate	CI Commercial Industrial
CONVENTIONAL DESIGN:						
Maximum Density (Lots/Acre)	2/40	1/40	1/20	1/5	1/3	NA
Minimum Lot Size	20 acres	40 acres	20 acres	5 acres	3 acres	2.5 acres
Minimum Buildable Area	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Minimum Public Road Frontage	300 feet	300 feet	300 feet	300 feet	160 feet	160 feet
Maximum Lot Coverage	25%	25%	25%	25%	25%	65%
Minimum Building Setback: Front	40 feet	40 feet	40 feet	40 feet	40 feet	40 feet
Minimum Building Setback: Side	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Minimum Building Setback: Rear	50 feet	50 feet	50 feet	50 feet	50 feet	30 feet
Maximum Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	45 feet
LOT AVERAGING DESIGN:						
Minimum Lot Size	NA	NA	2 acres	2 acres	2 acres	NA
Minimum Buildable Area	NA	NA	1 acre	1 acre	1 acre	NA
Min. Public Road Frontage: 2-4 acre parcel	NA	NA	160 feet	160 feet	160 feet	NA
Public Road Frontage: over 4 acre parcel	NA	NA	300 feet	300 feet	300 feet	NA
Maximum Lot Coverage	NA	NA	25%	25%	25%	NA
Minimum Building Setback: Front	NA	NA	40 feet	40 feet	40 feet	NA
Minimum Building Setback: Side	NA	NA	20 feet	20 feet	20 feet	NA
Minimum Building Setback: Rear	NA	NA	50 feet	50 feet	50 feet	NA
Maximum Building Height	NA	NA	35 feet	35 feet	35 feet	NA
OPEN SPACE DESIGN:						
Minimum Lot Size	NA	NA	1.5 acre	1.5 acre	1.5 acre	NA
Minimum Buildable Area	NA	NA	1 acre	1 acre	1 acre	NA
Minimum Public Road Frontage	NA	NA	60 feet	60 feet	60 feet	NA
Maximum Lot Coverage	NA	NA	25%	25%	25%	NA
Minimum Building Setback: Front	NA	NA	40 feet	40 feet	40 feet	NA
Minimum Building Setback: Side	NA	NA	20 feet	20 feet	20 feet	NA
Minimum Building Setback: Rear	NA	NA	30 feet	30 feet	30 feet	NA
Maximum Building Height	NA	NA	35 feet	35 feet	35 feet	NA

Arterial Road Right of Way Setback: Is ALWAYS the greater of 150 feet from the centerline or 75 feet from the right of way.

DENMARK TOWNSHIP DEVELOPMENT CODE

**CHAPTER TWO
ZONING REGULATIONS**

**PART 3
PERFORMANCE STANDARDS**

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DENMARK TOWNSHIP DEVELOPMENT CODE

**CHAPTER TWO
ZONING REGULATIONS**

**PART 3
PERFORMANCE STANDARDS**

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

SECTION 1. DEVELOPMENT STANDARDS

1.1. General Standards.

- (1) Applicability: All lots or uses will be subject to these general standards as well as other specific regulations that apply to the lot or the proposed use.
- (2) Agricultural Uses: All agricultural and livestock operations being conducted in compliance with the terms of this Development Code shall not be deemed a violation of this Development Code notwithstanding the fact that there may have been changes in the surrounding character of the area.
- (3) Watershed District: All applicants may be required to submit plans to the South Washington Watershed District (“Watershed District”) at the request of the Town Board or its designees.
- (4) Business District: All applicants for a Certificate of Compliance or Conditional Use Permit in the commercial zones must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.
- (5) Septic Compliance: All applicants for a Certificate of Compliance or Conditional Use Permit in the Commercial Industrial (CI) District must demonstrate that a sewage treatment system can be installed in accordance with Chapter Four, Individual Sewage Treatment System Regulations. Water usage of any proposed use must conform to the long term sewage treatment capacities of each individual lot. The system, or systems, shall be designed to receive all sewage from the dwelling, building or other establishment served. Footing or roof drainage shall not enter any part of the system. Products containing hazardous materials must not be discharged to the system other than a normal amount of household products and cleaners designed for household use. Substances not used for household cleaning, including but not limited to, solvents, pesticides, flammables, photo finishing chemicals, or dry cleaning chemicals, must not be discharged to the system.

- (6) Sloping or Erodible Building Sites: No structure shall be constructed on sites with slopes of greater than twenty-five percent (25%) or on highly erodible soils as defined on the community soils maps and compiled by the Watershed District.
- (7) Permitted Encroachments into Required Setbacks: The following shall be permitted encroachments into setback requirements:
 - (A) flues, eaves and awnings up to three (3) feet in width;
 - (B) steps, chimneys, sidewalks, and stoops up to three (3) feet in width;
 - (C) exposed wheelchair ramps, bay windows and doors up to three (3) feet in width.
- (8) Corner Lots: Nothing shall be placed or allowed to grow, in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.
- (9) Minimum Width and Foundations: In all districts where single family dwellings are permitted, the following standards shall apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Part 3, Sections 2.40, 2.41, and 2.42, Temporary Dwelling Units, of this Development Code:
 - (A) The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion.
 - (B) All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding in compliance with the Minnesota State Building Code.
- (10) Code Compliance: All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Individual Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.
- (11) Buildable Land: See Chapter 1, Section 2.
- (12) Number of Structures: There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Development Code.
- (13) Certain Dwelling Units Prohibited: No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit.
- (14) Occupancy of a Single Family Residential Dwelling: No more than six (6) non-related persons can reside in a single family residential dwelling. Related is defined by blood, marriage or adoption.

-
- (15) Traffic Control: The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas in all cases shall be forward moving with no backing into streets.
- (16) Vacated Streets: Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.
- (17) Access Drives, Access and Service Roads: Access drives onto Township roads shall require an access permit from the Township. Access drives onto County roads shall require an access permit from the County Public Works Department. Access permits shall be issued prior to the issuance of any building permits. The Town Engineer and/or Building Inspector shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow. Commercial and industrial developments shall not be allowed access through any residentially or agriculturally zoned areas on residential or local Township streets, unless otherwise approved by the Town Board. In deciding whether to approve this type of access, the Town Board shall consider the following factors:
- (A) The intended use(s) of the property requesting access;
 - (B) The use(s) of the surrounding properties;
 - (C) The impact of the proposed access on surrounding properties and traffic in the area;
 - (D) Whether the proposed access being requested is the sole access to the property; and
 - (E) Any traffic hazards or public safety issues that may be caused by the proposed access.
- (18) Private Roads: Private roads are not allowed in any new subdivisions created after the effective date of this Development Code, unless specifically approved by the Town Board.
- (19) Height Limits: No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, grain elevators, silos and flagpoles up to 45 feet in height, and wind generators. Wireless Communication Facilities are regulated in accordance to Chapter Two, Part 3, Section 2.49, Wireless Communication Antennas and Towers, of this Development Code.
- (20) Pipeline Easement Setback: Structures must be setback a minimum of 50' from an underground pipeline easement.
- (21) Unclassified water bodies: All lots having frontage on or containing an unclassified water body as defined in Chapter Six, Shoreland Management Regulations shall be subject to the setback regulations for unclassified water bodies as established in Chapter Six, Shoreland Management Regulations.

- 1.2. Accessory Structures. A one-story or two-story structure greater than 120 square feet in size, detached from the main single-family residence on the same lot, and used or intended to be used for the storage of personal property or for agricultural purposes. Except as expressly allowed by this Ordinance, no accessory structure may be used for sleeping or contain living space.
- (1) Required Permits: A building permit is required for all accessory structures except agricultural buildings on a farm. A building permit is required for all temporary accessory structures used for commercial purposes that are held open to, or intended for, occupancy by the public. A Certificate of Compliance is required for all agricultural buildings over 1,000 square feet in size. The Town Board may direct the Building Inspector to issue Certificates of Compliance for agricultural buildings.
 - (2) Performance Standards: The following standards apply in all districts.
 - (A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more and meeting the definition of agricultural land in Minn. Stat. § 273.13, subdivision 23(c) as it may be amended.
 - (B) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot unless the Town Board approves the location and all setbacks are met.
 - (C) A detached temporary accessory structure, portable unit, or pod will be allowed for a period of no longer than 30 days. An extension of said time will require approval of the Town Board.
 - (D) All accessory structures within the Shoreland Management and St. Croix Riverway District as designated in the Washington County Development Code shall be limited to one story in height, except a loft is allowed provided the ceiling height is less than 7 feet 6 inches.
 - (E) A single-story shed of 120 square feet or less is permitted in addition to the permitted accessory structures listed in 1.2 (3) below.
 - (3) Agricultural Preserve (AP), Agricultural (A-2), Residential (RR) and Single Family Estate (SFE) Districts: The following additional standards apply to all land within these districts:
 - (A) On parcels less than 2 acres, one accessory structure is allowed. On parcels greater than 2 acres and less than 20 acres, a maximum of two accessory structures are allowed. On parcels greater than 20 acres: (1) there is no limit on the number of accessory structures, provided they are an agricultural building; and (2) a maximum of three accessory structures that are not agricultural buildings are allowed. One single-story shed of 120 square feet or less is permitted in addition to the allowed accessory structures.
 - (B) The permitted size and number of accessory structures are as follows:

Lot Area	Total Accessory Structure Square Footage Allowed*	Number of Accessory Structures Allowed	Maximum Sidewall Height**
Less than one acre	1,000 square feet	1	12 feet
1 acre – 1.99 acres	1,600 square feet	1	12 feet
2 acres – 4.99 acres	2,000 square feet	2	14 feet
5 acres – 7.99 acres	2,600 square feet	2	16 feet
8 acres – 9.99 acres	3,200 square feet	2	16 feet
10 acres – 19.99 acres	4,000 square feet	2	16 feet
20 + acres	Agricultural Buildings: Unlimited Non-Agricultural Buildings: 5,000 square feet	Agricultural Buildings: Unlimited Non-Agricultural Buildings: 3	16 feet

* The footprint of the building, including any attached lean-tos, is used to determine total square footage

** Maximum sidewall heights do not apply to agricultural buildings

- (C) On parcels with no garage attached to the primary residential structure, a detached garage of up to a total of 864 square feet will be allowed in addition to the maximum total square footage and number of accessory structures provided for in paragraph (B).
- (D) The maximum height of an accessory structure shall not exceed 35 feet.
- (E) All detached accessory structures are to be used for personal or agricultural use only. No commercial use or commercial related storage is allowed in these structures except by Conditional Use Permit.
- (F) Land with existing farmstead accessory buildings that is subdivided with a minor or major subdivision may retain the existing number and square footage of accessory structures on the site if they remain on parcels of five acres or greater and were part of the farmstead as existed on January 1, 2001, subject to the following conditions:
 - 1. There shall be no additional accessory buildings constructed on the property, except if destroyed by a natural disaster or storm, in which case the structure may be rebuilt in its original footprint.
 - 2. If any existing accessory buildings become "Hazardous Buildings", they shall be repaired or removed by the owner.
- (G) Domestic Farm Animals. Accessory structures used to shelter domestic farm animals must meet the following requirements:
 - 1. All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

Natural/ Man-Made Features	Horizontal Setbacks
(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet
(d) Any body of seasonal or year-round surface water	200 feet

2. Said structure, feedlot or manure storage shall not be placed on slopes which exceed thirteen (13) percent.
3. Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.
4. No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.
5. Accessory structures used to house domestic farm animals are subject to additional regulations.

- (4) Commercial Industrial (CI) District: The following additional standards shall apply in this district:
- (A) One accessory structure is allowed on a parcel in this district provided it is used for storage related to the principal use of the property. No separate business is allowed in the accessory structure unless approved by Conditional Use Permit.
 - (B) The accessory structure must be placed to the rear of the principal building and conform to applicable setback requirements and lot coverage standards.

1.3. Environmental Regulations.

- (1) Hazardous Materials: A chemical or substance, or a mixture of chemicals or substances, which:
- Is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or

- Is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.
- (A) All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a Conditional Use Permit.
- (B) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a Conditional Use Permit within twelve (12) months following enactment of this Development Code, unless the tank(s) is located on agricultural property. A Certificate of Compliance is required for all above ground storage tanks having a capacity of 2,000 gallons that are located on agricultural properties.
- (C) Secondary containment shall be provided for hazardous materials that are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks must have secondary containment, suitably sealed to hold a leakage capacity equal to one hundred ten percent (110%) of the tank's capacity.
- (D) Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall:
 1. Connect the floor drain to a closed holding tank, or;
 2. Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.
- (E) The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well.
- (F) Hazardous materials stored in an above ground storage tank with containment must be setback a minimum of 100' from a water supply well.
- (G) Dry commercial fertilizers must not be located in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer or other surface or ground water.
- (H) Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.
- (I) Closed holding tanks shall be used for the collection of washwater from vehicle maintenance and other related operations.

- (J) Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County and local agencies.
 - (K) The Minnesota Pollution Control Agency and Federal agency requirements for storage leak detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.
 - (L) Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.
- (2) Explosives: Uses involving the commercial storage, use or manufacture of materials or products that could detonate by decomposition are not permitted.
- (3) Radiation and Electrical Interference: No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such emissions are hereby declared to be a nuisance.
- (4) Nuisances: No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare dust or other such adverse influences shall be permitted in any district that will have an objectionable effect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:
- (A) Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.
 - (B) Vibration. The following vibrations are prohibited:
 - 1. Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.
 - 2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.
 - (C) Public Health. The following are declared to be nuisances endangering public health and are prohibited:
 - 1. Causing or allowing the effluent from any cesspool, septic tank, drainfield or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.
 - 2. Causing or allowing the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

- 3. Failing to dispose of carcasses of animals within twenty-four (24) hours after death.
- 4. Any use which causes to be discharged a toxic or noxious matter across the boundaries of a lot, including through the process of evaporation into the atmosphere or the subsoil, such that the concentration of the toxic or noxious matter is detrimental to or endangers the public health, safety or welfare, or causes injury or damage to the surrounding environment including life, animals, property, or business.
- 5. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

(D) Refuse. In all districts, (with the exception of agricultural uses and crop residue) all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

In the Commercial Industrial District all waste materials, refuse, garbage, recycling and containers shall be stored in an enclosed building or screened on all sides by a minimum six-foot high fence or wall which is capable of containing the odor of the materials.

(E) Inoperable or Un-licensed Vehicles. Passenger vehicles, trucks or unlicensed vehicles in an inoperable state shall not be parked in any district, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.

(F) Hazardous Waste. Any use that generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the County's Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency and any other federal, state and local agencies.

1.4. Exterior Storage. The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

(1) Applicability: These standards are applicable in the Shoreland Overlay District, the St. Croix River Overlay District, the Mississippi River Critical Area, and in all districts.

(2) Performance Standards:

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

- (B) In the Commercial Industrial District, exterior storage of useable personal or business property along roads may be permitted as part of a Conditional Use Permit issued for the principal use of the property, or as an amendment to an existing Conditional Use Permit, provided any such property is so stored for purposes relating to the principal use of the property allowed by this Ordinance and such storage will not be contrary to the intent and purpose of this Ordinance. Any such property must be suitably screened from public view.

1.5. Fences. A partition, structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

These Standards shall apply to all districts within Denmark Township.

(1) General Performance Standards:

- (A) Fences are permitted in accordance with the following regulations:
 1. Barbed wire fencing in residential zoning areas is prohibited.
 2. That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.
 3. No fence shall be constructed on public rights-of-way.
 4. Fences shall not impede the vision of the roadway from a driveway providing access to the road or impede site distances of intersections.
 5. Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line.
 6. Non-agricultural fences that exceed six (6) feet in height are permitted provided a building permit is received.
 7. Fences may be placed along a property line provided no physical damage of any kind results to abutting property.
- (B) Fences are permitted along but not in the road right-of-way as long as they don't impede site distances or create safety related issues.

1.6. Land Alteration and Grading. Earthwork such as excavating, grading, filling, or other change in the earth's topography resulting in the movement of material.

(1) Applicability and Required Permits:

- (A) Grading Permit Required. No person shall undertake, authorize, or permit any of the following actions without first having obtained a grading permit from the Township:
 1. Any earthwork such as excavating, grading, filling, stockpiling or other change in the earth's topography resulting in the movement of more than fifty (50) cubic

- yards of material, but less than one thousand (1,000) cubic yards of material per 1.0 acre of site area.
- 2. Any earthwork such as excavation, grading, or filling in a wetland, designated flood plain, or shoreland district.
- 3. Any changing of a natural drainageway or drainage pattern that increases or intensifies the flow of surface water upon an adjacent property.
- (B) Major Grading Permit Required. A major grading permit shall be required for any earthwork such as excavating, grading, filling, stockpiling or other change in the earth's topography resulting in the movement of one thousand (1,000) cubic yards or more of material per 1.0 acre of site area.
- (C) Review of the Permit Application. An application for a grading permit shall be administratively reviewed and the permit issued by the Building Official or Township Engineer, unless Town Board approval is otherwise required by law. An application for a major grading permit shall be reviewed by the Township Engineer and approved by the Town Board.
- (D) Exceptions. A permit is not required for any of the following: installation and maintenance of home gardens; minor landscaping where the total volume of earth disturbed does not exceed fifty (50) cubic yards; agricultural activities; cemetery graves; grading activities associated with a construction project, provided a building permit is issued and there is a minimal amount of land disturbance; subdivisions that have received final plat approval; driveways permitted in conjunction with a building permit; aggregate mining activity complying with a Town Board-approved mining permit; and emergency work necessary to protect life, limb, or property.
- (E) Other Permits. The issuance of a Township permit does not exempt the applicant from the requirements and permitting authority of other agencies having jurisdiction over the work performed, which may include the United States Army Corps of Engineers, the Minnesota Department of Natural Resources, Washington County, or Watershed District.
- (F) SWPPP Plan. If the proposed earthwork requires the issuance of a General Stormwater Permit for Construction Activity from the Minnesota Pollution Control Agency, no such work shall begin until such permit has been issued and the property owner has submitted to the Township an approved copy of the stormwater pollution prevention plan (SWPPP) and other materials required to by the permit.
- (G) Security. The Town Board may require an applicant for a major grading permit to post a bond or other financial guarantee to ensure compliance with the permit and suitable restoration of the site with permanent vegetation.
- (2) Permit Application: Applications shall, at a minimum, contain the following information based on the type of grading permit required. In addition to the following information, the Township may require, regardless of the type of permit, additional erosion and sediment control measures for sites draining to Outstanding Resource Value Waters (ORVW) identified by the State of Minnesota, or

for slopes leading to a sensitive, impaired or special water body to assure retention of sediment on site.

- (A) Grading Permit. An application for a grading permit shall include an existing and a finished grade plan. The finished grade plan shall show no adverse affects on adjacent land.
 - (B) Major Grading Permit. An application for a major grading permit shall include the information required for a grading permit, with the plans drawn to a scale of not less than 1:100 feet showing site topography and including contour intervals of not more than two (2) feet. A major grading permit application shall also include an erosion and sediment control plan prepared by a qualified professional acceptable to the Township. The plan shall include at a minimum the lot boundaries, name, address and phone number of the party responsible for maintenance of the sediment control measures, easement areas, building locations, drainage directions indicated by arrows, location of construction site access, stockpiles, trash containers, concrete washout area, and all proposed temporary and permanent erosion and sediment control measures. The application shall document that the applicant has applied for an NPDES permit from the MPCA, if applicable.
- (3) General Standards for Erosion Control and Storm Water Management:
- (A) The grading, erosion and sediment control measures shall conform to those required by the Township as well as to the requirements of any permit issued by the United States Army Corps of Engineers, the Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Washington County, or Watershed District.
 - (B) At a minimum, the grading, erosion and sediment control measures shall conform to those for Erosion Prevention and Sediment Control included in the current version of the Minnesota Pollution Control Agency’s Manual “Protecting Water Quality in Urban Areas.”
 - (C) New development and redevelopment activities shall meet the adopted water management rules, standards, and plan requirements of the local watershed district for volume control, rate control, and water quality.
 - (D) The design of ponds and other stormwater BMP’s shall conform to the requirements of the Township’s Subdivision Ordinance--Engineering Standards, and to the standards and design recommendations in the Minnesota Pollution Control Agency’s Minnesota Stormwater Manual (2006 and subsequent revisions) and Minnesota Stormwater Best Management Practices Manual.
 - (E) Plans shall maximize the preservation of trees and existing vegetation on the property and follow the land clearing requirements of Chapter 2, Part 3, Section 1.7 of this Ordinance. Removal of vegetation within the Shoreland Management Overlay District, Lower St. Croix River Management Overlay District, and Mississippi River Critical Area is subject to additional standards.
 - (F) Slopes over twenty five percent (25%) (4:1) shall not be altered, unless in conjunction with an approved retaining wall.

- (G) Development on slopes with a grade between twelve (12%) (8:1) and twenty five (25%) (4:1) percent shall be carefully reviewed to ensure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative, and structural damage.
 - (H) Erosion and siltation measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 - (I) Land shall be developed in increments of workable size such that 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.
 - (J) The drainage system shall be constructed and operational as quickly as possible during construction.
 - (K) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a depth of six (6) inches and shall be of quality at least equal to the soil quality prior to development.
 - (L) Erosion and sediment control measures shall be maintained until final vegetation cover is established to a density of seventy percent (70%).
 - (M) All temporary erosion and sediment control BMP's will be removed after the permanent erosion and sediment control BMP's have been implemented and the site has been permanently stabilized.
- (4) Enforcement:
- (A) Right of Entry and Inspection. The permittee and property owner shall allow the Township and its authorized representatives:
 - 1. To enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
 - 2. To inspect the erosion and sediment control measures required by the permit.
 - 3. To sample and monitor any items or activities pertaining to permits issued by the Town.
 - 4. To enter upon the permitted site for the purpose of correcting any grading condition that presents an imminent hazard to persons or property.
 - (B) Revise Permit. The Township shall have the authority to revise a grading permit if on-site conditions or changing conditions make the original permit ineffective.

- (C) Required Notification. The applicant shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work and site restoration has been completed.
- (D) Stop Work Order. The Town Board, or its designee, may issue a written stop work order if the requirements of the permit of this section are violated. All work under the permit, except corrective work, must cease until the deficiencies identified in the order are corrected to the satisfaction of the Township. If the violations are not corrected within the period designated in the order, the Township may take action to correct the deficiencies at the applicant’s expense. All such costs constitute a service charge, imposed pursuant to Minn. Stat. § 462.353, subd. 4, which the Township may collect pursuant to Minn. Stat. § 366.012 if the applicant fails to promptly reimburse the Township in full for all such costs it incurs.

1.7. Land Clearing. The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.

- (1) Required Permits: Land clearing on an area of 20,000 square feet or more is permitted in all districts, except the Conservancy (C) District, provided a Certificate of Compliance is issued. A permit is not required for clearing trees and other woody plants in an area less than 20,000 square feet, clearing activities associated with a construction project provided a building permit is issued and there is minimal amount of clearing, and subdivisions that have received final plat approval.
- (2) Other Requirements: Land Clearing must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: Land clearing shall comply with the following:
 - (A) There shall be no removal of trees located on slopes greater than 25%, or in wooded floodplains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland Overlay District and the St. Croix River District are subject to the requirements as stated in Chapter 6, Shoreland Overlay District, Chapter 5, St. Croix River Overlay District, and Chapter 8, Mississippi River Critical Area Regulations in addition to the regulations of this Chapter.
 - (B) Construction fences or barricades may be required to be placed at the perimeter of the area to be cleared.
 - (C) Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.
 - (D) Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.
 - (E) Restoration. All permits shall contain a restoration plan providing for the use of the land after project completion. The following are minimum standards for restoration:

1. All disturbed areas shall be restored at the completion of the project.
 2. All restoration shall include the application of a minimum of four (4) inches of mineral soil or similar material that will support plant growth.
 3. All restored areas shall be seeded with a mixture approved by Denmark Township unless such restored areas are put into forest or row crop production.
 4. Final grades shall be in conformity with the permit and topography of the surrounding land.
 5. The standards above may be raised or modified to accommodate a specific restoration plan.
- (F) The Town Board may require the applicant to post a bond or other financial guarantee to ensure compliance with the Certificate of Compliance.

1.8. Lighting.

- (1) Exemptions: The standards of this section shall not apply to the following:
 - (A) Temporary holiday lighting. This Development Code does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - (B) Civic Event Lighting. This Development Code does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - (C) Emergency Lighting by police, fire and rescue authorities.
- (2) Nonconforming Uses:
 - (A) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this Section are exempt from the regulations contained in this Section.
 - (B) Whenever a new outdoor light fixture replaces an outdoor light fixture that existed on the effective date of this Development Code, the new fixture must meet the standards of this Development Code.
- (3) Method of Measuring Light Intensity: The footcandle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
- (4) Performance Standards:
 - (A) Residential/Agricultural District Standards. In all residential/agricultural districts, any lighting used to illuminate an off-street parking area or other structure or area shall be

arranged so as to deflect light away from any adjoining residential property or from the public street.

1. Shielding. The light source shall be downcast, hooded or controlled so as not to light adjacent property in excess of the maximum intensity as defined below. Bare light bulbs shall not be permitted in view of adjacent property or public right of way.
 2. Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot candles as measured at the property line.
- (B) Commercial Industrial Districts. Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged so as to deflect light away from any adjoining property or from the public street.
1. Shielding. The luminaire shall contain a cutoff that directs and cuts off the light at an angle of 90 degrees or less.
 2. Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot candles as measured at the property line.
 3. Height. The maximum height above the ground grade permitted for light sources mounted on a pole is 25' except by Conditional Use Permit. A light source mounted on a building shall not exceed the height of the building and no light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator.
 4. Location. The light source of an outdoor light fixture shall be setback a minimum of 10' from a street right of way and 5' from an interior side or rear lot line.
 5. Hours. The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following. Outdoor lighting, which serves businesses that do not operate after dark must be turned off one (1) hour after closing except for, approved security lighting. For those businesses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the business is open for service. Once the business closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.
- (C) Outdoor Recreation. Outdoor recreational uses such as, but not limited to baseball fields, football fields, tennis courts and snow skiing areas have special requirements for night time

lighting. Due to these unique circumstances, a Conditional Use Permit shall be required for all new outdoor lighting fixtures that do not meet the regulations stated above.

1. No outdoor recreation facility whether public or private shall be illuminated after 11:00 PM.
 2. Off street parking areas for outdoor recreation uses, which are illuminated, shall meet the requirements stated in Chapter 2, Part 3, Section 1.8, Lighting of this Development Code.
- (5) Prohibitions: The following outdoor light fixtures are prohibited within Denmark Township:
- (A) Search Lights.
 - (B) Flashing Lights
 - (C) Lights that may cause a hazard by impairing driver's vision.
- (6) Submission of Plans: The applicant for any permit requiring outdoor lighting must submit evidence the proposed outdoor lighting will comply with this Development Code. The submission shall contain the following in addition to other required data for the specific permit:
- (A) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.
 - (B) Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required, the angle of the cutoff or light emissions, etc.).
 - (C) Photometric data, such as that furnished by manufacturers, or similar showing the photo candles on a horizontal surface.

1.9. Parking.

- (1) Surfacing and Drainage: Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar treatment for parking accessory to residential structures up to and including four (4) units. All other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the Township engineer. The Town Board has the discretion to waive the requirement to utilize asphalt, concrete or a reasonable substitute for all or a portion of a parking area if it determines that, under the particular circumstances, requiring paving is unnecessary, would not further the Township's goals or policies, or would create an undue hardship for the owner. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with Denmark Township. Loading and storage areas in the Commercial Industrial District may be a durable and dustless surface such as crushed rock when the storage needs of the business prohibit

use of a bituminous or concrete surface, the storage area is enclosed and screed and the surface material is approved as part of a Conditional Use Permit for the business storage use.

Loading and storage areas in the Commercial Industrial District may be a durable and dustless surface such as crushed rock when the storage needs of the business prohibit use of a bituminous or concrete surface, the storage area is enclosed and screed and the surface material is approved as part of a Conditional Use Permit for the business storage use.

- (2) Location: All accessory off-street parking facilities required herein shall be located as follows:
- (A) Spaces accessory to one and two family dwellings shall be on the same lot as the principal use served.
 - (B) Spaces accessory to uses located in the Commercial Industrial District shall be on the same lot as the principal building. Parking as required by the Americans with Disabilities Act (ADA) for the handicapped shall be provided.
 - (C) Spaces accessory to commercial industrial use shall be setback ten (10) feet from any street right-of-way or any property line.
- (3) General Provisions:
- (A) Existing off-street parking spaces and loading spaces upon the effective date of this Development Code shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
 - (B) No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored outdoors on residential properties or agricultural properties (with the exception of trucks/tractors directly associated with the agricultural use) except when loading, unloading or rendering service or approved with a Conditional Use Permit or Certificate of Compliance.
 - (C) A parking space shall not be less than nine (9) feet wide and eighteen (18) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and eighteen (18) feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans With Disabilities Act (ADA).
 - (D) Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed twelve thousand pounds (12,000) gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of

commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby businesses or manufacturing establishments.

- (E) Off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any "district" (except residential districts) in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.
- (F) When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Denmark Township requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- (G) Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
- (H) Minimum number of off-street parking spaces required shall be as follows for:

USE

MINIMUM PARKING SUPPLY

Church or place of worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet of pew length. Based upon maximum design capacity.
Offices	One (1) space for each two hundred (200) square feet of gross floor space.
Hotel, Motel	One (1) space per unit, plus one (1) space per employee.
Schools, Elementary & Junior High	Three (3) spaces for each classroom.
Schools, High School through College	One (1) space for each four (4) students based on design capacity plus three (3) additional spaces for each classroom.
Community Residence	One (1) space for each bed plus one (1) space for each three (3) employees other than doctors.
Health Club	One (1) space for each 200 feet of floor area.
Bowling Alley	Six (6) spaces for each alley, plus additional spaces as may be required for related uses such as a restaurant.
Motor Vehicle Service Station	Two (2) spaces plus three (3) spaces for each service stall.
Retail Store	Four (4) spaces for each one thousand (1,000) square feet of gross floor area.

Medical or Dental Clinic	Six (6) spaces per doctor or dentist.
Restaurants, Cafes, Bars, Taverns or Night Clubs	One (1) space for each two and one-half (2½) seats, based on capacity design.
Funeral Homes	Eight (8) spaces for each chapel or parlor, plus one (1) space for each funeral vehicle maintained on the premises. Aisle space shall also be provided off the street for making up a funeral procession.
Furniture Store, Wholesale, Auto Sales, Repair Shops	Three (3) spaces for each one thousand (1,000) square feet of gross floor area. Open sales lots shall provide two (2) spaces for each five thousand (5,000) square feet of lot area, but not less than three (3) spaces.
Industrial, Warehouse, Storage, Handling of Bulk Goods	One (1) space for each two (2) employees on employees on maximum shift or one (1) for each two thousand (2,000) square feet of gross floor area, whichever is the larger.
Marinas	One and one-half (1½) spaces per slip plus one (1) space per employee and a minimum of twenty (20), twelve by twenty-five (12' X 25') foot trailer stalls.
Uses Not Specifically Noted	As determined by the Zoning Administrator.

1. The construction of parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Town Board and proof of available parking spaces are reserved for future needs.

(4) Design and Maintenance of Off-Street Parking Areas in the Commercial Industrial District:

- (A) Parking areas shall be designed so as to provide adequate means of access to a public street. Such driveway access widths shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width or less than 24 feet in width. Driveway access shall be so located as to cause the least interference with traffic movement.
- (B) When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.
- (C) Any lighting used to illuminate an off-street parking area shall be in accordance with Chapter Two, Part 3, Section 1.8, Lighting, of this Development Code.
- (D) All open off-street parking areas designed to have head-in parking along the property line shall provide a bumper curb not less than ten (10) feet from the side property line.
- (E) When a required off-street parking space for six (6) or more cars is located adjacent to a residential district, a fence or screening not less than four (4) feet in height shall be erected along the residential district property line.

- (F) It shall be the joint responsibility of the operator and owner of the principal use or building to maintain the parking space, accessways, landscaping and required fencing.
- (G) All off-street parking spaces shall have access from driveways and not directly from the public street.
- (H) No parking space shall be closer than ten (10) feet to any building.
- (I) Fire access lanes shall be provided as required by the building or fire code.

1.10. Screening.

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

1.11. Signs.

- (1) Nonapplicability: The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
- (2) Required Permits: Except as otherwise provided in this Development Code, no sign shall be erected, constructed, altered, rebuilt or relocated until a sign permit, Certificate of Compliance, or Conditional Use Permit for the sign has been issued. The established fee shall accompany

application for a sign permit. No permit will be required under this Development Code for the following signs:

- (A) All signs less than ten (9) square feet in area, except those that require a Conditional Use Permit, or are specifically allowed within this Development Code.

If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

(3) General Standards – All Districts:

- (A) No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- (B) All signs, other than public informational, safety, and utility warning signs, are prohibited within the public right-of-way of any major highway, Township Road, or County road. Warning signs should not exceed nine (9) square feet.
- (C) Political signs are allowed in any district, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
- (D) Illuminated signs shall be diffused or indirect so as not to direct rays of lighting onto any major highway. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a major highway or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this section.
- (E) Flashing signs shall be prohibited. Signs giving off intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling is also prohibited.
- (F) Real estate sales signs may be placed in any yard providing such signs are not closer than 10 feet to any property line. Such signs shall be removed from property within thirty (30) days of closing.
- (G) Temporary real estate development project sales signs may be erected for the purpose of selling or promoting a single family residential project. The plat of the development must be recorded with the Washington County Recorder prior to the erection of a sign. Signs are subject to the following standards.
 - 1. Such signs shall not exceed one hundred (100) square feet in area.
 - 2. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
 - 3. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.

4. Signs over thirty-two (32) square feet shall only be permitted by a sign permit.
 5. Such sign must be located on the property that is for sale. Off-site development project signs are prohibited.
- (H) One permanent development identification sign shall be allowed for each street entrance to a development. The sign shall not exceed thirty-two (32) square feet per surface and no sign shall have more than two surfaces. The sign shall not exceed eight (8) feet in height as measured from the ground.
- (I) Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone or other similar objects in any district.
- (J) Roof signs are prohibited in all districts.
- (K) All signs and displays using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. Electrically illuminated signs shall be permitted by Conditional Use Permit or Certificate of Compliance.
- (L) Advertising signs are allowed only in the Commercial Industrial District and shall not be located closer than three thousand (3,000) feet to any other sign on the same side of a road. The maximum size of an advertising sign shall not exceed 200 square feet. All advertising signs shall require a Conditional Use Permit. The area of advertising signs must be within the total allowed sign area of the commercial-industrial parcel.
- (M) Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
- (N) Except for more restrictive parts of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:
1. Which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of five hundred (500) feet.
 2. Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state or local park, or historic site.
 3. Which would partly or totally obstruct the view of a lake, river, rocks, wooded, area, stream or other point of natural and scenic beauty.
- (O) Any sign for which no permit has been issued shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within thirty (30) days after written notice from the Building Inspector/Code Enforcement Officer.

- (P) Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Building Inspector/Code Enforcement Officer.
 - (Q) All signs must be placed in a manner not to impede the clear views necessary at intersections of roadways.
- (4) Signs in Agricultural Districts and Residential Districts: The above General Standards apply to the Agricultural and Residential Districts with the following changes:
- (A) No sign shall be so constructed as to have more than two (2) surfaces.
 - (B) No sign shall exceed thirty-two (32) square feet in size.
 - (C) The top of the display shall not exceed ten (10) feet above grade.
 - (D) Any sign over two (2) square feet shall be setback at least ten (10) feet from any property line. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.
- (5) Signs in the Commercial Industrial District: The above General Standards apply to the Industrial District with the following changes:
- (A) Advertising signs (billboards) are allowed by issuance of a separate Conditional Use Permit only. Lot must be one hundred fifty (150) feet or more of frontage.
 - (B) No more than one (1) free standing business sign (either pedestal or ground sign per lot.
 - (C) No more than one (1) business sign attached to the building per lot.
 - (D) Except as provided herein, the total square footage of sign area for each lot shall not exceed two (2) square feet of sign area for each lineal foot of lot frontage.
 - (E) No sign shall exceed two hundred (200) square feet in area.
 - (F) Each real estate sales sign or political sign shall not exceed thirty-five (35) square feet in area.
 - (G) The top of the sign shall not exceed twenty-five (25) feet above the average grade.
 - (H) Any sign over six (6) square feet shall be setback at least ten (10) feet from any property line.
 - (I) In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line.

- (6) Signs in Planned Unit Development Districts: The type, number, size, height and setback of signs shall be as specifically authorized by terms of the Planned Unit Development Conditional Use Permit. To the extent feasible and practicable, signs shall be regulated in a manner similar to that in the use district most appropriate to the principal use involved.
- (7) Shopping Center Signs:
 - (A) Shopping Centers or buildings containing more than one (1) tenant are allowed one (1) freestanding ground or pedestal sign that may contain the names of all businesses in the project. Individual businesses may be identified by way of signs attached to the building. The total square footage of sign area may not exceed the limits set forth in 5(D) above.
 - (B) Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant material.
- (8) Home Occupation: Any home occupation along a county or township road and permitted under Chapter Two, Part 3, Section 2.23 of this Development Code shall be allowed a sign no greater than nine (9) square feet in size.

1.12 Driveways.

- (1) Driveway Standards: The construction or reconstruction of a driveway on private property shall comply with the following standards and requirements:
 - (A) No portion of the driveway shall be located within the side yard setback area applicable to the property, except upon approval of the Town Board.
 - (B) The surface area of the driveway and any related parking areas shall not cause the property to exceed the impervious surface limitations applicable to the property.
- (2) Driveway Access: A driveway access permit shall be obtained from the Township in accordance with Chapter One, Section 13.4 of this Ordinance before any driveway access is constructed or reconstructed within the right-of-way of a town road.

SECTION 2. STANDARDS FOR USES

- 2.1. Accessory Apartments. A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

- (1) Required Permits: Accessory apartments are allowed in all Districts except the Ag Preserve District with a Certificate of Compliance. Caretaker apartments are allowed in the Commercial Industrial District with a Conditional Use Permit.
- (2) Other Requirements: The accessory apartment must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: An accessory apartment must comply with all of the following standards.
 - (A) There shall be no more than one accessory apartment within the single-family dwelling unit.
 - (B) The septic system on the property must be adequate to accommodate the accessory apartment.
 - (C) The structure in which an accessory apartment is located shall be owner occupied.
 - (D) No separate curb cut shall be permitted for the accessory apartment unit.
 - (E) The Certificate of Compliance may be reviewed annually. The owner shall obtain a Certificate of Compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the Certificate of Compliance was issued have not changed.

2.2. Adult Uses. The Town Board of the Township of Denmark deems it necessary to provide for the special and express regulation of businesses or commercial enterprises which operate as adult body painting studios, adult bookstores, adult cabarets, adult companionship establishments, adult hotels or motels, adult massage parlors or health clubs, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades or theaters, adult novelty businesses, adult saunas and similar adult oriented services operating under different names in order to protect the public health, safety and welfare, and to guard against the inception and transmission of disease. The Town Board further finds that the commercial enterprises such as the types described above and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting or endangering the morals of the community by being the site of acts of prostitution, illicit sex and occasions of violent crimes, and thus requiring close inspection, licensing and regulation.

The Town Board also finds that control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the Sheriff's Department and other departments of the Town. As a consequence, the concentrated use of Town services in such control detracts from and reduces the level of service available to the rest of the community and thereby diminishes the ability of the Town to promote the general health, welfare, morals and safety of the community. In consideration for the necessity on the part of the Town to provide numerous services to all segments of the community without a concentration of public services in one area working to the detriment of the members of the general public, it is hereby decided that the above described uses should be limited to the Commercial Industrial zoning district by the issuance of a Conditional Use Permit and license and as a permitted accessory use by the issuance of a Conditional Use Permit and a license in the Commercial Industrial zoning district.

- (1) License required: No person, firm, or corporation shall operate an adult use in the Township of Denmark without having first secured a license as hereinafter provided. Licenses shall be one (1) of two (2) types:
 - (A) Adult use, principal;
 - (B) Adult use, accessory.
- (2) Application: The application for an adult use license shall include:
 - (A) The name, residence, phone number and birth date of the applicant, if an individual; and if a corporation, the names, residences, phone numbers and birthdates of those owners holding more than five (5) percent of the outstanding stock of the corporation;
 - (B) The name, address, phone number and birthdate of the manager of such operation, if different from the owners;
 - (C) The premises wherein the adult use is to be located;
 - (D) A statement detailing each gross misdemeanor or felony relating to a sex offense add/or the operation of adult uses and related activities of which the applicant or, in the case of a corporation, the owners of more than five (5) percent of the outstanding stock of the corporation, have been convicted, and whether or not the applicant has ever applied for or held a license to operate a similar type of business in other communities;
 - (E) The activities and types of business to be conducted;
 - (F) The hours of operation;
 - (G) The provisions made to restrict access by minors;
 - (H) A building plan of the premises detailing all internal operations and activities.
- (3) License fees:
 - (A) A receipt shall accompany each application for a license from the Town Treasurer or Clerk for payment in full of the required fee for the license as established by Town Board ordinance from time to time. All fees shall be paid into the general fund of the Town. Upon rejection of any application for a license, the Town Clerk or Treasurer shall refund the amount paid.
 - (B) All licenses shall expire on the last day of June in each year. Each license shall be issued for a period of one (1) year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one (1) month.

- (C) The annual fee for an adult use license shall be as established by Town Board ordinance from time to time.
 - (D) No part of the fee paid for any license issued under this article shall be refunded except in the following instances upon application to the Town administrator within thirty (30) days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one (1) month before expiration of the license because of:
 - 1. Destruction or damage of the licensed premises by fire or other catastrophe;
 - 2. The licensee’s illness;
 - 3. The licensee’s death;
 - 4. A change in the legal status making it unlawful for the licensed business to continue.
- (4) Granting of license:
- (A) The Town shall investigate all facts set out in the application including conducting a background check on the licensee and all shareholders of the licensee. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and a public hearing, the Town Board shall grant or refuse the application.
 - (B) Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the Town Board.
- (5) Persons ineligible for license: No license shall be granted or held by any person:
- (A) Under twenty-one (21) years of age;
 - (B) Who has been convicted of a felony or of violating any law of this state or local ordinance relating to sex offenses and/or adult uses;
 - (C) Who is not the proprietor of the establishment for which the license is issued;
- (6) Places ineligible for license:
- (A) No license shall be granted for adult uses on any premises where a licensee has been convicted of a violation of this Ordinance, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
 - (B) Except for uses lawfully existing at the time of adoption of this article, no license shall be granted for any adult use that is not in compliance with the Town’s zoning regulations.

- (7) Nonconforming uses: Any adult use existing on the effective date of the adoption of this article may be continued subject to the following provisions:
- (A) No such adult use shall be expanded or enlarged except in conformity with the provisions of this article;
 - (B) A nonconforming adult use shall be required to apply for and receive an adult use license. No public hearing shall be required prior to the issuance of the license for the nonconforming adult use.
- (8) Conditions of license, general:
- (A) Every license shall be granted subject to the conditions in the following subsections and all other provisions of this Ordinance, and of any applicable sections of other Ordinances of the Town or state law.
 - (B) All licensed premises shall have the license posted in a conspicuous place at all times.
 - (C) In the case of an adult use-principal, no minor shall be permitted on the licensed premises unless accompanied by his parent or legal guardian.
 - (D) Any designated inspection officer or law enforcement officer of the Town shall have the unqualified right to enter, inspect, and search the premises of a licensee during business hours within a search and seizure warrant.
 - (E) Every licensee shall be responsible for the conduct of his or her place of business and shall maintain conditions of this order.
- (9) Conditions of license, adult use-principal: Adult use-principal businesses shall be permitted in the Commercial-Industrial zoning district subject to the issuance of a special use permit and subject to the following requirements:
- (A) An adult use-principal business shall not be allowed within one thousand (1,000) feet of another existing adult use measured in a straight line from the buildings.
 - (B) An adult use-principal business shall not be located within one thousand (1,000) feet measured in a straight line from any building located in any Commercial Industrial zoning district in the Township of Denmark.
 - (C) An adult use-principal business shall not be located within one thousand (1,000) feet measured in a straight line from existing school, school bus stop, daycare center or place of worship.
 - (D) An adult use-principal business shall not sell or dispense non-intoxicating or intoxicating liquors nor shall it be located in a building which contains a business that sells or dispenses non-intoxicating or intoxicating liquors.

- (E) No adult use-principal business entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment which is prohibited by any ordinance of the Town of Denmark, the laws of the State of Minnesota, or the United States of America. Nothing in this article shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
- (F) No adult use-principal business shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to “specified sexual activities” or “specified anatomical areas” by any visual or auditory media, including display, declaration, sign, show window, sound transmission or other means.
- (G) All adult use-principal businesses shall prominently display a sign at the entrance and located within two (2) feet of the door-opening device of the adult use establishment or section of the establishment devoted to adult books or materials which states:
- “This business sells or displays material containing adult themes. Persons under age 18 years of age shall not enter.”
- Said sign shall have letters at least three-eighths-inch in height and no more than two (2) inches in height.
- (H) No person under the age of eighteen (18) shall be permitted on the premises of an adult entertainment establishment.
- (I) No person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by an adult use principal business establishment.
- (J) Adult use-principal businesses shall not be open between the hours of 1:00 a.m. and 10:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00 noon on Sunday.
- (10) Conditions of license, adult use-accessory: Adult use-accessory licenses may be issued to businesses located in the Commercial-Industrial zoning districts subject to the following requirements:
- (A) The adult use-accessory shall comprise no more than ten (10) percent of the floor area of the establishment in which it is located.
- (B) Display areas for movie rentals or other similar products 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 person responsible for the operation.

- (C) Magazines and publications or other similar products classified or qualified 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.
 - (D) Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.
- (11) Revocation, suspension or nonrenewal of license: The license may be revoked, suspended, or not renewed by the Town Board upon recommendation of the Town Attorney by showing that the licensee, its owners, managers, employees, agents or any other interested parties have engaged in any of the following conduct:
- (A) Fraud, deception or misrepresentation in connection with the securing of the license.
 - (B) Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in Minn. Stat. § 152.01, subd 10, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine or other sedatives, depressants, stimulants or tranquilizers.
 - (C) Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
 - (D) Failure to fully comply with any requirements of the ordinances of the Town of Denmark regarding sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to comply fully with any requirements of this article.
 - (E) Conviction of an offense involving moral turpitude.
- (12) Appeal: The certificate holder may appeal such suspension, revocation or nonrenewal to the Town Board. The board shall consider the appeal at a regularly scheduled public hearing on or after ten (10) days from service of the notice of appeal to the Town Clerk. At the conclusion of the hearing, the board may order:
- (A) That the revocation, suspension or nonrenewal be affirmed.
 - (B) That the revocation, suspension or nonrenewal be lifted and that the certificate be returned to the certificate holder.
 - (C) The Town Board may base either suspension or issuance of the certificate upon any additional terms, conditions, and stipulations which they may, in their sole discretion, impose.
- (13) Definitions: As used in this Ordinance, the following words and terms shall have the meaning ascribed thereto:

- (A) **Adult Uses.** Adult uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bath-house/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sports clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses, or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as obscene as defined by Minn. Stat. § 617.241 are not lawful and are not included in the definition of adult uses.
- (B) **Adult uses-accessory.** The offering of goods and/or services which are classified as adult uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
- (C) **Adult uses-principal.** The offering of goods and/or services which are classified as adult uses as a primary or sole activity of a business or establishment, and include but are not limited to the following:
1. **Adult body painting studio.** An establishment or business which provides the service of applying paint or other substance whether transparent or nontransparent to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas”.
 2. **Adult bookstore.** A business engaging in the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audiotapes, videotapes, motion picture film, or any other similar materials, if such shop is not open to the public generally but only to one (1) or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”.
 3. **Adult cabaret.** An establishment which provides dancing or other live entertainment if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction, or description of “specified sexual activities” or “specified anatomical areas”.
 4. **Adult companionship establishment.** A companionship establishment if such establishment excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
 5. **Entertainment, adult.** Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty

- businesses, adult motion picture arcades, adult modeling studios, adult hotels or motels, adult body painting studios, and other adult establishments.
6. Adult establishment. A business engaging in any of the following activities or which utilizes any of the following business procedures or practices; either:
 - (a) Any business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage thereat either by law or by the operators of such business; or
 - (b) Any other business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
 7. Adult hotel or motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
 8. Adult massage parlor, health club. A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
 9. Adult mini-motion picture theater. A business premises within an enclosed building with a capacity for less than fifty (50) persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
 10. Adult modeling studio. An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
 11. Adult motion picture arcade. Any place to which the public is permitted or invited wherein coin or operated slug or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at

any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specific anatomical areas”.

12. Adult Motion Picture Theaters. A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons.
13. Adult Novelty Business. A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
14. Adult Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
15. Special Use Permit. A permit granted pursuant to this ordinance which is for a specific length of time and is required to be renewed on an annual basis.

(D) Specified anatomical areas. Anatomical areas consisting of:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(E) Specified sexual activities. Activities consisting of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquierism, sapphism, zoerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
 5. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint or any such persons; or
 6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal.
- 2.3. Agricultural Business – Seasonal. A seasonal business not exceeding nine (9) months in any calendar year operated on a rural farm offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.
- (1) Required Permits: Agricultural Business-Seasonal is a permitted use in all Districts with a Certificate of Compliance.
 - (2) Other Requirements: The business must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: Seasonal agricultural businesses must comply with all of the following standards:
 - (A) The majority of product sold on the property shall be grown or raised on the property or directly associated with the seasonal business located on the property. No sale of product shall take place on any road right-of-way.
 - (B) Any temporary structure placed on the property for such sales must be removed at the end of the selling season. The size of the temporary structure shall not exceed 100 square feet.
 - (C) An off-street pull off and/or parking area is required.
 - (D) All structures, including temporary structures shall meet the minimum setback requirements of the zone in which they are located.
 - (E) The Certificate of Compliance may be reviewed annually.
- 2.4. Airstrips or Heliports. A tract of leveled land where aircraft can take off and land with no accommodations of an airport.
- (1) Required Permits: Allowed in the Agricultural Preserves and Agriculture Districts with a Conditional Use Permit. Agricultural need must be demonstrated to allow in Agricultural Preserves District.

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- (2) Other Requirements: All airstrips and/or heliports must comply with all rules and regulations of Federal, State, County and local agencies.
- 2.5. Automotive Dealership. Any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, automobile car wash, auto body repair, and the rental of vehicles.
- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
- (2) Other Requirements: Automotive dealerships must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: Automotive dealerships, including used car dealerships, must comply with all of the following standards:
- (A) A minimum lot area of two and one-half (2½) acres is required.
 - (B) A minimum lot width of 150 feet is required.
 - (C) Automobile sales shall be on one (1) lot or contiguous lots not separated by a public street, alley or other use.
 - (D) The parking area for the outside sales and storage area shall be a paved surface before the operation of business begins and maintained. The Town Board has the discretion to waive the paving requirement for all or a portion of a sales or storage area if it determines that, under the particular circumstances, requiring paving is unnecessary, would not further the Township's goals or policies, or would create an undue hardship for the owner.
 - (E) The maximum area permitted for outside storage of automobiles, new and used, shall not exceed five (5) square feet of outside storage area to each one (1) square foot of enclosed ground floor area. Each space used for the parking of a "for sale" automobile shall be a minimum of nine (9) feet wide and eighteen (18) feet in length.
 - (F) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be a nominal six (6) inches in height.
 - (G) All areas of the property not devoted to building or parking areas shall be landscaped.
 - (H) A car wash may be included as an accessory use with Township approval of water treatment plan.
- (4) Grading and Drainage Plan: A grading and drainage plan identifying the collection; retention and drainage of storm water shall be submitted to the Zoning Administrator at the time of application.
- (5) Transportation Management Plan: A transportation management plan shall be submitted to the Zoning Administrator, if required, at the time of application. This plan shall address the interior
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street system, parking management, traffic control, including the mitigation of overflow parking and traffic movement onto the public street system.

- 2.6. Balloon Port, Commercial. An area of land designated for the takeoff, storage and maintenance of hot air balloons on a commercial basis.
- (1) Required Permits: A commercial hot air balloon port is allowed in the Agricultural and Rural Residential Districts with a Conditional Use Permit.
 - (2) Other Requirements: The commercial balloon port must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: A commercial hot air balloon port must meet all of the following:
 - (A) The take-off area must be at least 20' from any property line.
 - (B) Minimum lot size requirement is ten acres.
 - (C) The minimum lot width required is 300'.
 - (D) Uses accessory to commercial hot air balloon ports which include but are not limited to office, storage of equipment and vehicles are permitted. Accessory structures are limited to a maximum of 2,500 square feet.
- 2.7. Bed and Breakfast. An owner-occupied private home where accommodations are offered for one or more nights to transients: in addition, a breakfast meal is served on the premises to no more than ten (10) persons.
- (1) Required Permits: Allowed in all Districts except Commercial Industrial with a Conditional Use Permit.
 - (2) Other Requirements: The Bed and Breakfast must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: Bed and Breakfast facilities must comply with all of the following requirements:
 - (A) It is intended that Bed and Breakfast facilities may be a newly constructed single family home or a converted or a renovated single-family residence. Any structure that is enlarged or expanded for the purpose of providing additional rooms for guests must meet appropriate health and safety guidelines for septic purposes. The exterior appearance of the structure shall not be altered from its single-family character.
 - (B) Guests are limited to a length of stay of no more than thirty consecutive days.
 - (C) No food preparation or cooking shall be conducted within any of the guest rooms. Meals shall be provided only to guests taking lodging in the facility.

- (D) Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are not allowed at a bed and breakfast facility without approval of, the number and frequency of said events, and the issuance of a Conditional Use Permit for said special event.
- (E) On-site parking, sufficient to handle all guest and owner vehicles, shall be provided.

2.8. Boat, Trailer, Marine Sales. A building or facility used to sell boats, boat trailers, and other boating or marine related products.

- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
- (2) Other Requirements: Boat, Trailer, Marine Sales must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: Boat, Trailer, Marine Sales, must comply with all of the following standards:
 - (A) A minimum lot area of two and one-half (2½) acres is required.
 - (B) A minimum lot width of 150 feet is required.
 - (C) Boat, Trailer, Marine Sales shall be on one (1) lot or contiguous lots not separated by a public street, alley or other use.
 - (D) The parking area for the outside sales and storage area shall be a paved surface. The Town Board has the discretion to waive the paving requirement for all or a portion of a sales or storage area if it determines that, under the particular circumstances, requiring paving is unnecessary, would not further the Township’s goals or policies, or would create an undue hardship for the owner.
 - (E) The maximum area permitted for outside storage of boats, etc. will be defined in the Conditional Use Permit.
 - (F) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be a nominal six (6) inches in height.
 - (G) All areas of the property not devoted to building or parking areas shall be landscaped.
 - (H) A grading and drainage plan identifying the collection, retention and drainage of storm water shall be submitted to the Zoning Administrator at the time of application.
 - (I) A transportation management plan shall be submitted to the Zoning Administrator, if required, at the time of application. This plan shall address the interior street system,

parking management, traffic control, including the mitigation of overflow parking and traffic movement onto the public street system.

- 2.9. Car Wash. A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.
- (1) Required Permits: Allowed as an accessory use in the Commercial Industrial District with a Conditional Use Permit.
 - (2) Other Requirements: The car wash must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: A car wash must comply with all of the following requirements:
 - (A) The site shall be designed to provide additional parking or car stacking space to accommodate that number of vehicles that can be washed during a 15 minute period.
 - (B) A car wash will be subject to County and Township approval of water treatment plan.
- 2.10. Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbarium's, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.
- (1) Required Permits: Allowed in the Agriculture, Rural Residential and Single Family Estates with a Conditional Use Permit.
 - (2) Other Requirements: Cemeteries must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: Cemeteries must comply with all of the following standards.
 - (A) The minimum area of a cemetery shall be five (5) acres unless associated with a house of worship.
 - (B) The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.
 - (C) Burial plots, grave markers, monuments and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.
 - (D) Graves and structures used for interment shall be setback 50 feet from wells.
 - (E) Cemeteries are prohibited below the regulatory flood protection elevation as defined in Chapter Nine, Flood Plain Regulations, of this Development Code.

- 2.11. Church or Place of Worship. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (1) Required Permits: Allowed in all Districts except Conservancy, Agricultural Preserves, and Commercial Industrial with a Conditional Use Permit. The Conditional Use Permit application must include a site plan of all structures and a detailed listing of all uses to be conducted at the property.
 - (2) Other Requirements: Must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: Places of worship must comply with all of the following standards in addition to other performance standards of this Development Code.
 - (A) The minimum lot area required is five acres.
 - (B) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the zoning administrator at the time of application for a Certificate of Compliance.
 - (C) A traffic management plan shall be submitted to the zoning administrator at the time of application. This plan shall address interior parking management, traffic control, including mitigation of overflow parking and traffic management to the public street system.
 - (D) All accessory residential or school uses upon the premises shall be subject to all requirements of this Development Code.
- 2.12. Club or Lodge. A non-profit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals and providing further that such serving of alcoholic beverages in compliance with the applicable federal, state and local laws.
- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
 - (2) Performance Standards: It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals and providing further that serving of alcoholic beverages in compliance with the applicable federal, state, and local laws.
- 2.13. Community Residence. A facility licensed by the State of Minnesota that provides residential and habilitative services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.
- (1) Required Permits: Allowed in all Districts except Conservancy and Commercial-Industrial with a Conditional Use Permit.

- (2) General Requirements:
 - (A) All appropriate licenses must be obtained from State and County agencies.
 - (B) The outward appearance of any dwelling unit used for a community residence in the Agricultural and Residential districts shall be maintained.
 - (C) No community residence shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.
- (3) Performance Standards: In order to obtain a Conditional Use Permit the following standards must be met.
 - (A) Off-street parking standards of this Development Code must be met.
 - (B) Adequate utilities including sewage disposal must be available.
 - (C) All building and fire codes must be met.
 - (D) Community residences shall not be closer than 1,000' to each other.
 - (E) The Township may impose additional conditions related to landscaping, access, security, sanitary sewer, and admission policies if deemed necessary.
 - (F) The Township may require periodic review of the Conditional Use Permit.

2.14. Daycare Center. The providing of daytime supervision, training, and/or education for children and/or adults in a non-residential facility or building.

- (1) Required Permits: Daycare centers (12 or less) are allowed in the Agricultural Preserves, Agriculture, Rural Residential, and Single Family Estates Districts with a Certificate of Compliance. Daycare Centers (12 or less and more than 12) are allowed in the Commercial Industrial District with a CUP.
- (2) Other Requirements: Must comply with all rules and regulations of Federal, State, County and local agencies.

2.15. Essential Services - Government Uses, Buildings and Storage. An area of land or structures used for public purposes, storage or maintenance and which is owned or leased by a governmental unit.

- (1) Required Permits: Allowed in all Districts except Conservancy and Agricultural Preserves with a Conditional Use Permit.
- (2) Other Requirements: Must comply with all rules and regulations of Federal, State, County and local agencies.

- (3) Performance Standards: The essential service must comply with all of the following standards:
 - (A) The parcel on which the essential service will be located must have a minimum lot area of two (2) acres.
 - (B) Structures must be setback in accordance with the required setbacks of the zoning district.
 - (C) The site shall be landscaped to screen the facility from view from property lines and road.

2.16. Essential Services - Utility Substation. A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size a long distance transmission lines to small retail quantities in neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.

- (1) Required Permits: Allowed in all Districts except Conservancy with a Conditional Use Permit.
- (2) Other Requirements: The essential service must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: The essential service must comply with all of the following standards.
 - (A) Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.
 - (B) The approved lot, if no longer needed or used by the utility, the applicant shall return the property to its original state. The zoning administrator may require a bond to ensure compliance with this standard.
 - (C) A Certificate of Compliance shall be recorded with the office of the County Recorder.
 - (D) The site shall be landscaped to screen the facility from view from property lines and road.
 - (E) Utility Substations or any other essential service as defined above containing antennas and towers greater than 45' in height must comply with Chapter Two, Part 3, Section 2.49, Wireless Communication Antennas and Towers, of this Development Code.

2.17. Explosives Utilization. The removal of bedrock, rocks, or trees by utilizing explosives.

- (1) Required Permits: Allowed use in all Districts with a Certificate of Compliance.
- (2) Performance Standards: Explosives to be operated only by someone licensed to handle explosives. Explosives not to be stored on premises. Twenty-four hour notice to adjoining property owners within ¼ miles.

- 2.18. Farm Equipment Sales. A building or area set aside for the sale of and minor repair of farm equipment such as tractors and other farm related items.
- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
 - (2) Other Requirements: Must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: Farm Equipment Sales, must comply with all of the following standards:
 - (A) A minimum lot area of two and one-half (2½) acres is required.
 - (B) A minimum lot width of 150 feet is required.
 - (C) Farm Equipment sales shall be on one (1) lot or contiguous lots not separated by a public street, alley or other use.
 - (D) The parking area for the outside sales and storage area shall be an impervious surface before the operation of business begins and maintained.
 - (E) The maximum area permitted for outside storage to be determined during Conditional Use Permit process.
 - (F) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be a nominal six (6) inches in height.
 - (G) All areas of the property not devoted to building or parking areas shall be landscaped.
 - (H) A car wash may be included subject to County and Township approval of water treatment plan.
 - (4) Grading and Drainage Plan: A grading and drainage plan identifying the collection, retention and drainage of storm water shall be submitted to the Zoning Administrator at the time of application.
 - (5) Transportation Management Plan: A transportation management plan shall be submitted to the Zoning Administrator, if required, at the time of application. This plan shall address the interior street system, parking management, traffic control, including the mitigation of overflow parking and traffic movement onto the public street system.
- 2.19. Feedlot. A lot or building or combination of lots and buildings intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained with the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.
- (1) Required Permit: Allowed in Agricultural Preserves and Agriculture Districts with a Conditional Use Permit. Only allowed in Agricultural Preserves when underlying zoning is Agriculture.

- (2) Performance Standards: Feedlots must meet the performance standards and setbacks as set forth in Chapter 2, Part 3, Section 2.26, Livestock and Livestock Operations, and any County and State regulations including but not limited to Minnesota Pollution Control Agency rules and regulations.

2.20. Funeral Home. A building or part thereof used for funeral services. Such buildings may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the storage of caskets, urns, and other related funeral supplies; and c) the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition does not include facilities for cremation.

- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit
- (2) Other Requirements: All rules and regulations of federal, state, county and local authorities must be met.
- (3) Accessory Use: In Commercial Industrial District, cemeteries are accessory uses to funeral homes
- (4) Performance Standards: Funeral homes shall meet all the required performance standards established for the underlying zoning district. Requirements included but not limited to the following: appropriate disposal of all hazardous materials, appropriate septic system, appropriate bio-medical disposal, appropriate licensing, and appropriate storage and licensing of chemicals.

2.21. Golf Course. An area of land laid out for golf with a minimum series of nine (9) holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.

- (1) Required Permits: Allowed in all Districts except Conservancy, Commercial Industrial, and Agricultural Preserves with a Conditional Use Permit.
- (2) Other Requirements: All rules and regulations of federal, state, county and local agencies must be met. All Golf courses will be held to environmental standards.
- (3) Accessory Uses: Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a clubhouse, locker rooms, a restaurant and bar and maintenance buildings. Regulated by terms of the Conditional Use Permit.
- (4) Performance Standards: The golf course must meet all of the following standards:
 - (A) Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a Conditional Use Permit.
 - (B) Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility. A pesticide, herbicide and water management plan shall be submitted for approval by the Township and the Minnesota Department of Natural Resources (water plan). Said plans shall be designed to minimize effects on ground water and surface water and to conserve water use.

- (5) Mandatory EAW: A mandatory environmental assessment worksheet shall be required for the development of a golf course facility. Denmark Township will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.
- 2.22. Gun Range. A facility on a tract of land used for the purpose of discharging firearms either in competition, hobby or training.
- (1) Required Permits: Indoor gun ranges are allowed in the Agriculture and Commercial Industrial Districts with a Conditional Use Permit. Outdoor gun ranges are not allowed in any District.
- (2) Other Requirements: All rules and regulations of Federal, State, County and local agencies must be met.
- (3) Performance Standards: In granting a Conditional Use Permit, an indoor gun range must demonstrate and provide for the safe discharge of weapons (including noise protection for the users), the appropriate storage and disposal of ammunition, and must be operated in a manner that ensures that it is not a nuisance to its neighbor (adequate parking, dust and noise control, etc.). In determining the appropriate conditions for a Conditional Use Permit additional requirements shall be established which are consistent with the provisions of the National Rifle Association safety rules and regulations.
- 2.23. Home Occupation. Use of a property zoned residential or agricultural for gainful employment which is a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character or appearance of the property; and d) created and operated by the occupant of the dwelling.
- (1) Examples of potentially allowable home occupations include: office, professional service, hairdressing by occupant only, minor repair services excluding automobile or truck repair, photo/art studio, dressmaking or alterations, and teaching/tutoring limited individual lessons. Home occupations are not limited to this list and occupations on this list do not automatically qualify.
- (2) Examples of uses not allowed under this definition include: auto repair and painting, barber shops and/or beauty salons, kennels for the keeping of any domestic or non-domestic animals, medical offices, private schools with organized classes, tourist homes, restaurants, and retail sales. Prohibited uses are not limited to this list.
- (A) Required Permits. Allowed in all Districts except Commercial Industrial with a Certificate of Compliance.
- (B) Other Requirements. The home occupation must comply with all rules and regulations of Federal, State, County and local agencies. Any required State or County license should be obtained prior to authorization of the Certificate of Compliance. In the event the license cannot be obtained without zoning approval, the applicant shall provide documentation that the license has been applied for and provide the name of the licensing agency contact person.

- (C) Performance Standards. A home occupation must comply with all of the following standards:
1. No person, other than the residents of the premises, shall be engaged in such home occupation.
 2. No traffic shall be generated by any home occupation in significantly greater volume than would normally be expected from a single-family residence.
 3. Any sign associated with the home occupation shall be in compliance with Chapter Two, Part 3, Section 1.11 of this Development Code.
 4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 5. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 6. The home occupation shall not constitute, create or increase a nuisance to the criteria and standards established in Chapter Two, Part 3, Section 1.3, Environmental Regulations.
 7. There shall be no outdoor display or storage of goods, equipment or materials for the home occupation.
 8. Parking needs generated by the home occupation shall be provided on-site.

2.24. Horses.

- (1) Permitted: Horses are allowed without any permits, unless a building permit is necessary for the shelter of the animal, as long as all of the following conditions are met:
- (A) Horses are kept in zoning districts in which residential or agricultural uses are allowed. Property where the animals shall be located shall be a minimum size of 3.0 acres. One acre of the site shall be reserved for the building site as required by the zoning ordinance.
 - (B) For each animal unit there must be two (2) grazeable acres on the property.
 - (C) Manure is properly disposed of either on or off site.
 - (D) The property owner provides for run-off and erosion control measures.
 - (E) All lighting on any animal shelters is downward cast and meets the Township zoning ordinance.

- (F) Upon request the owner shall specify the number of animal units usually present on the property.
 - (G) Comply with any and rules and regulations of Federal, State, County and local agencies.
 - (H) Any animal shows on the property will require the issuance of a Conditional Use Permit.
- (2) Certificate of Compliance: Horses on property where residential or agricultural uses are allowed, in units which exceed the number of horses allowed per grazeable acre, may be permitted by issuance of a certificate of compliance under the following conditions:
- (A) All conditions above are met, except as hereinafter modified.
 - (B) Owner shall specify the number of animal units to be sheltered on the property and shall provide the Township with a manure management plan that details the method, frequency and destination or location of the manure from the property.
 - (C) Owner shall provide the Township with an estimate of the parking necessary to carry out the intended use of the property and a plan to accommodate this anticipated parking need.
 - (D) The use of the property shall be restricted to the residents of the property or any income derived from the use shall be incidental to the property.
 - (E) Comply with any Minnesota Pollution Control Agency regulations that may be applicable.
 - (F) Any horse shows on the property will require the issuance of a Conditional Use Permit.
- (3) Conditional Use Permit: Horses on property in which residential or agricultural uses are allowed, in units which exceed the number allowed per grazeable acre and from which more than incidental income is received from the operation from third parties (i.e. commercial use) shall require the issuance of a Conditional Use Permit.
- (4) CUP Standards: The following performance standards must be met in the issuance of any Conditional Use Permit under this provision:
- (A) All conditions as set forth above, except as hereinafter modified.
 - (B) Submission of a detailed site plan that shows the number of horses, location of barns and storage/feeding sheds, number of stalls in the barns, identification of riding areas and manure collection areas.
 - (C) Submission and approval of management plan for the property.
 - (D) Submission and approval of parking plan.

(5) General Standards:

- (A) Horses facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in Chapter Two, Part 3, Section 1.2, Accessory Structures, of this Development Code.
- (B) All accessory buildings must meet the requirements for size as indicated in Chapter Two, Part 3, Section 1.2, Accessory Structures, of this Development Code.
- (C) Horse training facilities are considered accessory to residential or farm dwellings.

2.25. Kennel-Commercial. A kennel where dogs are bred and/or sold for re-sale, individually or in litter lots, whether or not any of these animals are also kept for personal use and where the business may be a primary source of income. Commercial kennels are also places where dogs are boarded, groomed or trained for a fee.

- (1) Required Permits: Allowed in all Districts except Conservancy with an Interim Use Permit.
- (2) Other Requirements: Commercial kennels must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: Commercial kennels must comply with all of the following standards.
 - (A) The minimum lot area required for commercials kennel is five (5) acres.
 - (B) Any outdoor structures used for the confinement, care or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.
 - (C) An individual sewage treatment system shall be installed with the capacity to handle waste and hosing from the kennel and kennel runs.

2.26. Livestock and Livestock Operations.

- Animal Unit: A unit of measure used to compare differences in the production of animal wastes that has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.
- Feedlot: A lot or building or combination of lots and buildings intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained with the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.
- Livestock: Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes.

- Livestock Operations: A lot or structure or combination of lots and structures intended for the breeding, raising or holding of eleven (11) or more animal units.
- Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.

(1) Required Permits:

- (A) In all Districts except Commercial Industrial, livestock may be raised or bred without a permit provided there are less than eleven (11) animal units on the property.
- (B) Any person owning or conducting a livestock operation containing over eleven (11) animal units in the Agricultural Preserves, Agriculture, Rural Residential, and Single Family Estates Districts shall obtain a Certificate of Compliance.

(2) Other Requirements: Livestock and livestock operations must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards: Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:

- (A) No buffalo, cattle, hogs, sheep, goats, or llamas shall be placed on any site of less than three (3) acres. No bees, chickens, or geese shall be placed on any site of less than 1 ½ acres.
- (B) Required Setbacks.

1. The following shall be the minimum setback requirements for feedlots.

- (a) County Parks 300 feet
- (b) DNR protected water
course or lake..... 300 feet
- (c) Wetlands 75 feet
- (d) Private Well 100 feet

(C) The following equivalents shall apply when determining animal units:

	Animal Units
1. one mature dairy cow	1.4
2. one slaughter steer or heifer	1.0
3. one horse	1.0
4. one swine over 55 pounds	0.4
5. one goose or duck	0.2
6. one goat or sheep	0.1
7. one swine under 55 pounds	0.05
8. one turkey	0.018
9. one chicken	0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

(D) A minimum of two (2) grazeable acres shall be provided for each animal unit or its equivalent. Grazeable acres shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

The keeping of livestock in greater density than allowed as stated above shall require a Conditional Use Permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

(E) The construction of an earthen waste storage basin is permitted provided a Certificate of Compliance is issued.

1. The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.
2. The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from the Washington County Soil and Water Conservation District qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.

- (F) Pastures. Livestock may graze within shoreland and bluff impact zones provided permanent vegetation is maintained or a conservation plan has been submitted to the Township Zoning Administrator that is consistent with the technical guides of the Watershed District.
- 2.27. Manufacturing, Light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products. Such uses include, but are not limited to, the following lumber yard, machine shops, products assembly, sheet metal shops, plastics, electronics, motor vehicle repair, body work and painting, contractor shops and storage yards, food and nonalcoholic beverages, signs and displays, printing, clothing, textiles and used auto parts.
- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
 - (2) Other Requirements: Light manufacturing facilities must comply with all rules and regulations of Federal, State, County and Local agencies.
 - (3) Exterior Storage: Exterior Storage is permitted pursuant to the terms of the Conditional Use Permit.
 - (4) Retail Sales Room: The light manufacturing facility may contain a retail sales room subject to the conditions set forth in the Conditional Use Permit.
 - (5) Loading Areas: All loading and unloading areas to the facility shall be located on the side or rear of the building. These areas shall be screened as defined in the Conditional Use Permit.
- 2.28. Mining. Denmark Township allows aggregate mining in the AP, A2, and RR districts with the issuance of an interim use permit. Mining operations are subject to and shall comply with the regulations and standards contained in Chapter 7 of the Washington County Development Code (also known as the Washington County Mining Regulations), which is hereby adopted by reference. In addition to the requirements of Chapter 7, the following standards apply to the source of the aggregate, concrete, asphalt and other mining materials. Imported aggregate, concrete, asphalt and other mining materials shall not exceed 25 percent of the total volume of materials processed or stockpiled on the site, on an annual basis.
- 2.29. Motor Vehicle Repair. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.
- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
 - (2) Other Requirements: Motor vehicle repair establishments must comply with all rules and regulations of Federal, State, County and local agencies.
 - (3) Performance Standards: Motor vehicle repair establishments must comply with all of the following standards. All retail on said locations will require a Conditional Use Permit.

- (A) Lots and structures utilized for motor vehicle repair must meet the minimum standards of the zoning district in which the use is located.
- (B) A drainage system for collection of any hazardous material run-off must be installed. Such system shall be subject to approval by the zoning administrator.
- (C) The entire site, other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion and drainage.
- (D) The county engineer shall approve location and number of access driveways if such establishment is located along a county road and by the local Town engineer if located along a township road.
- (E) No vehicles shall be parked on the premises other than those utilized by employees, customers waiting for service or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
- (F) All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- (G) Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the zoning administrator at the time of application for a Conditional Use Permit.

2.30. Motor Vehicle Service Station. A place for the dispensing, sale or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

- (1) Required Permits: Allowed in Commercial Industrial District with a Conditional Use Permit.
- (2) Other Requirements: Motor vehicle service stations must comply with all rules and regulations of Federal, State, County and local agencies. All retail on said locations will require a Conditional Use Permit.
- (3) Performance Standards: Service stations must comply with all of the following standards.
 - (A) A minimum of lot width of 150 feet is required.
 - (B) The setbacks of all buildings, canopies and pump islands shall be in compliance with the standards of the zoning district in which the use is located.
 - (C) A drainage system for collection of hazardous materials must be installed. Such installation is subject to approval by the zoning administrator.
 - (D) The entire site other than that devoted to structures and landscaped areas shall be an impervious surface and maintained for control of dust, erosion and drainage.

- (E) Wherever fuel pumps are installed, pump islands shall be installed. Pump islands shall not be placed in the required yards.
- (F) Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs shall be six inches in height, except at approved entrances and exits.
- (G) The County Engineer must approve access drives onto a county road. The Town Engineer must approve access drives onto a township road.
- (H) No vehicles shall be parked on the premises other than those utilized by employees, customers waiting for service or as allowed through a Conditional Use Permit. Storage of salvage vehicles shall be prohibited.
- (I) Exterior storage shall be limited to vehicles, service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise or as indicated by the Conditional Use Permit.
- (J) All areas utilized for the storage and disposal of trash, debris, discarded parts and similar items shall be fully screened. All structures and ground shall be maintained in an orderly, clean and safe manner.
- (K) Landscaping shall be planted to buffer the use from adjacent residential land uses. A landscape plan shall be submitted to the zoning administrator at the time of application for a Conditional Use Permit.

2.31. Multifamily Residential Developments. A residence designed for or occupied by three (3) or more families, either wholly (attached) or partially a part of a large structure (detached), with separate housekeeping and cooking facilities for each.

- (1) Prohibited: Not allowed in any District.

2.32. Plant Nursery. A building or premises used primarily for the growing and retail sales of trees, shrubs, flowers, other plants and accessory products.

- (1) Required Permits: Allowed in all Districts with a Conditional Use Permit.
- (2) Other Requirements: All rules and regulations of Federal, State, County and Local authorities must be met.
- (3) Performance Standards: Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Development Code.
 - (A) The minimum lot area shall be ten (10) acres.
 - (B) The majority of product sold on the property shall be grown or raised on the property.

- (C) The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State, County or Township roadways and property lines.
- (D) Except to the extent allowed by this paragraph, the composting of materials not generated on the same site as the plant nursery is prohibited. Composting of materials generated off of the site, and the sale of such composted materials, is permitted as an accessory use to a plant nursery in the AP District and the A2 District provided it meets the following standards and is expressly approved by the Conditional Use Permit issued for the plant nursery:
 - 1. The materials composted are limited to garden waste, leaves, lawn cuttings, weeds, shrub and tree waste, prunings, and similar vegetative materials.
 - 2. Composting, storage, transfer, loading and processing activities must be setback as follows:
 - a. Property lines 100'
 - b. Existing Residential uses not on the property . . . 500'
 - c. DNR protected watercourse 200'
 - d. Wetland 75'
 - 3. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
 - 4. A plan for collection, retention and drainage of storm water shall be provided for review and approval. On-site drainage shall be directed to a constructed stormwater holding pond prior to any drainage leaving site. The stormwater holding pond shall be located a minimum of 75' from the composting storage area. The runoff directed towards this pond shall be filtered through a 75' wide vegetated buffer.
 - 5. The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.
 - 6. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors. The yard waste must be decomposed through a process which encompasses turning of the yard waste on a periodic basis to aerate the yard waste, maintain temperatures, and reduce pathogens. The composted yard waste must contain no sharp objects greater than one inch in diameter.

- 7. The operator shall provide information specifying the types and volume of materials brought onto the property for composting.
- 8. The facility shall operate only between the hours of 7:00 am and 7:00 PM, Monday through Friday, unless other hours or days of operation are specifically authorized by the Conditional Use Permit.

(4) Additional Regulations: Commercial Plant Nurseries shall meet the requirements of the zoning district in which they are located.

2.33. Public Recreational Facility. An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.

(1) Required Permits: Allowed in all Districts except Agricultural Preserves with a Conditional Use Permit.

(2) Other Requirements: Public recreational facilities must comply with all rules and regulations of federal, state, county and local agencies.

(A) No alcohol sale or consumption permitted, except under a special temporary permit issued from the Township.

(3) Performance Standards:

(A) A minimum lot area of three (3) acres shall be provided.

(B) All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the district in which it is located.

(C) There shall be no overnight accommodations provided for the guests or visitors of the recreation area.

(D) A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.

(E) Information shall be provided regarding the recreational activities provided, number of members and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting and hours of operation.

(F) Screening may be required to buffer the use from adjacent residential land use.

(G) A transportation management plan shall be submitted to the zoning administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact on the surrounding roadways.

- (H) A grading and drainage plan shall be submitted. The standards of the Watershed District must be met.

2.34. Recreation Uses-Active & Passive. Active: All uses, such as tennis, racquetball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters, and similar activities that are used as a commercial enterprise. Passive: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.

(1) Required Permits:

- (A) Recreation Uses-Active is permitted in the Commercial Industrial District with a Conditional Use Permit.
- (B) Recreation Uses-Passive is permitted in all Districts except Commercial Industrial District with a Conditional Use Permit.

(2) Other Requirements: All rules and regulations of federal, state, county and local agencies must be met.

(3) Performance Standards:

- (A) Recreation Uses-Active shall meet all the performance standards of the zoning district in which they are located.
 - 1. A restaurant may be permitted on the property provided it only serves guests and visitors of the facility.
- (B) Recreation Uses-Passive shall meet all of the following standards:
 - 1. There shall be no overnight accommodations provided for guests or visitors of the passive recreation area.
 - 2. A restaurant may be permitted on the property provided it only serves guests and visitors of the facility.
- (C) A one-caretaker residence is permitted. The residence is to be used strictly for the caretaker and their family members. No separate driveway or curb cut shall be permitted for the residence from a Federal, State, Township or County roadway.

2.35. Recycling Center. A facility where recyclable materials are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products.

(1) Prohibited: Not allowed in any District.

2.36. Resort/Conference Center. Any structure or group of structures containing more than two (2) dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structure or structures being recreational in

nature. Uses may include a grocery for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment and similar uses normally associated with a resort operation. A self-contained development that provides for visitor oriented accommodation and developed recreational facilities in a setting with natural amenities.

- (1) Required Permits: Allowed in all Districts except Agricultural Preserves with a Conditional Use Permit.
- (2) Other Regulations: All Minnesota Department of Health and Minnesota Pollution Control Agency requirements must be met.
- (3) Permitted Uses:
 - (A) Recreational facilities including but not limited to golf course, racquet sports facilities, nature trails, bike paths, ski areas.
 - (B) Meeting rooms.
 - (C) Restaurant and lounge available only to persons utilizing Resort or Conference Facility not open to general public.
- (4) Performance Standards: Resorts/conference facilities must comply with all of the following standards.
 - (A) The resort/conference center shall be located on a site that will accommodate the proposed use or facility.
 - (B) At least 50% of the site shall be dedicated to permanent open space excluding streets and parking areas.
 - (C) The number of units of overnight lodging shall be determined by Conditional Use Permit.
 - (D) Setbacks and height shall be in accordance with the underlying zoning district.
 - (E) Meeting/conference facilities shall be limited to daily attendance capacity of 100 persons.
 - (F) All uses in the resort shall be harmonious with each other through the use of special design, placement or screening. Architecturally, the structures shall blend in with the natural environment.

2.37. School. A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction including, but not limited to, kindergartens, elementary, junior high, high schools and technical or college instruction.

- (1) Required Permits: Allowed in all Districts except Conservancy, Commercial Industrial, and Agricultural Preserves with a Conditional Use Permit.

- (2) Other Requirements: Schools must comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: Schools must comply with all of the following standards.
 - (A) The minimum lot area required for schools is five (5) acres.
 - (B) Landscaping may be required to be installed to buffer the use from adjacent land uses and to provide screening. A landscape plan shall be submitted at the time of application for a Conditional Use Permit, if requested by the Zoning Administrator.
 - (C) Transportation Management Plan shall also be required.

2.38. Self Service Storage Facility (Mini-Storage). A structure or structures containing separate storage spaces of varying sizes that is leased or rented individually.

- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
- (2) Performance Standards:
 - (A) Units are to be used for dead storage only. Units are not to be used for retailing, auto repair, human habitation, or any commercial activity. Storage of any flammable or hazardous material is prohibited.
 - (B) One off-street parking space is required for each 100 storage units and two spaces are required for the live-in manager if one is provided for. Interior drives must be wide enough to accommodate a parked car and traffic that must pass.
 - (C) Outside storage that is screened may be allowed pursuant to the terms of the Conditional Use Permit.
 - (D) An on-site manager and residence may be allowed provided adequate sanitary facilities are provided.
 - (E) Either the walls of the structure and/or fencing shall secure the facility. All doors on the units shall face inward and away from the street and property lines.
 - (F) Only one entrance and exit to the facility are allowed except for an additional emergency exit.

2.39. Shopping Center. Any grouping of two (2) or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
- (2) Other Requirements: Shopping Centers must comply with all rules and regulations of Federal, State, County and local government agencies.

- (3) Performance Standards: Shopping Centers must comply with all of the following requirements:
 - (A) The development plan for the shopping center shall include a minimum of three (3) acres. There is no minimum lot size for individual structures located on lots within a shopping center.
 - (B) Exterior storage and display will be determined by a Conditional Use Permit.
 - (C) Shopping Centers shall have direct access to an arterial or collector street as designated in the Comprehensive Plan.
 - (D) The Shopping Center must comply with the use requirements and dimensional standards of the underlying zoning district.

2.395. Solar Electric Systems. Commercial solar electric systems are prohibited within the Town. Accessory solar electrical systems are permitted in all zoning districts as an accessory use to the principal use of the property. All accessory solar electrical systems shall comply with the following standards.

- (1) Required Permits: The placement or expansion of an accessory solar electric system requires the issuance of a building permit.
- (2) Other Requirements: The placement of an accessory solar electric system shall require compliance with the electrical code and all other applicable codes and requirements.
- (3) Performance Standards: Accessory solar electric systems must comply with the following requirements:
 - (A) An accessory solar electric system placed on a roof shall comply with all of the following:
 - 1. The panels shall be mounted parallel to the plane of the roof.
 - 2. Except for agricultural buildings and commercial buildings in the AP, A-2, and CI Districts, the panels shall not extend more than two (2) feet above the plane of the roof and shall not be located any closer than three (3) feet from any side, top, or bottom edge of the roof;
 - 3. In the AP, A-2, and CI Districts, the panels placed on agricultural buildings or commercial buildings shall not extend more than four (4) foot above the plane of the roof and shall not be located any closer than six (6) feet from any side, top, or bottom edge of the roof;
 - 4. The entire accessory solar electric system shall not occupy more than seventy-five percent (75%) of the area of the roof plane to which it is affixed; and
 - 5. No portion of the accessory solar electric system shall extend above the maximum building height established for the zoning district in which it is located.

- (B) An accessory solar electric system placed on the ground shall comply with all of the following:
 - 1. No portion of the accessory solar electric system shall exceed fifteen (15) feet in height;
 - 2. No portion of the accessory solar electric system shall be placed within any setback area;
 - 3. All electric power lines associated with the accessory solar electric system shall be buried underground;
 - 4. The total area covered by the accessory electric system shall not exceed one-thousand (1,000) square feet unless the Town Board approves a larger coverage area; and
 - 5. Vegetation under and immediately around the accessory electric system shall be cut as needed so as not to exceed eight (8) inches and all noxious weeds eliminated.

- (C) An accessory solar energy electric system shall only be allowed on a parcel of land that contains a principal building associated with the principal use of the land.

- (D) No accessory solar energy electric systems shall create or cause unreasonable glare on other property or public roadways. Unreasonable glare shall mean a degree of glare that creates a nuisance for other property owners or that creates a public safety hazard for those traveling on public roadways as determined by the Town Board or the appropriate roadway authority.

- (E) No accessory solar electric system shall be allowed to create interference with television, cable, radio, telephone, internet, computers, or other electronic devices and services on neighboring properties, or be allowed to otherwise constitute a public nuisance.

- (F) All accessory solar electric systems shall be consistent with the Building Code, electrical code, plumbing code, and all other applicable federal, state, and local laws, rules, regulations, and ordinances.

- (G) All equipment used for the accessory solar electric system shall be certified by either the Underwriters Laboratories (UL) or Canadian Electrical Code (CSA 22.1), or the Solar Rating and Certification Corporation (SRCC) for thermal systems.

- (H) All accessory solar electric systems unused, abandoned, or inoperable for more than twelve (12) months shall be removed by the owner of the system or the property owner.

- (4) Incidental Sales. The sale of excess electricity generated from an accessory solar electric system to a third party (e.g. electric utility company) is allowed, and does not cause the system to be classified as a prohibited commercial solar electric system, if the total amount of electricity sold

does not exceed ten percent (10%) of the electricity generated from the solar electric system and consumed on the site.

- 2.40. Swimming Pool. Any pool, hot tub, or spa with a water depth of three (3.0) feet or greater and/or has a capacity greater than 5,000 gallons.
- (1) Required Permits: Allowed in all Districts where single-family dwelling units are permitted uses. The following standards apply:
 - (A) A building permit shall be required for any swimming pool with a capacity of over five thousand (5,000) gallons or with a depth of over three (3) feet.
 - (B) An application for a building permit shall include a site plan showing:
 - 1. The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and writing indicating the type of such units, location of back-flushing and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc) around the pool, location of existing overhead and underground wiring, utility easements, trees and similar features, and location of any water heating unit.
 - (C) Pools shall not be located within twenty (20) feet of any septic tank/drainfield not within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks.
 - (D) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
 - (E) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
 - (F) In the case of underground pools, the necessary precautions shall be taken during the construction, to:
 - 1. Avoid damage, hazards or inconvenience to adjacent or nearby property.
 - 2. Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.
 - (G) All access for construction shall be over the owner’s land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
 - (H) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner’s property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.

- (I) The filter unity, pump, heating unit and any other noise-making mechanical equipment shall be located at least fifty (50) feet from any adjacent or nearby residential structure and not closer than ten (10) feet to any lot line.
- (J) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (K) A structure or safety fence of a non-climbable type at least five (5) feet in height shall completely enclose the pool, but shall not be located within any setback areas.
- (L) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local health officer.
- (M) All wiring, installation of heating unit, grading, installation of pipes and all other installations and construction shall be subject to inspection.
- (N) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

(2) In All Zoning Districts:

- (A) Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool.
- (B) Drainage of pools into public streets or other public drainage ways shall require written permission issued by an official of the appropriate governing body.

2.41. Temporary Dwelling Unit-Care Facility. A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.

- (1) Required Permits: Allowed in all Districts except Commercial Industrial with a Certificate of Compliance.
- (2) Other Requirements: Temporary dwelling units/care facilities must comply with all rules and regulations of federal, state, county and local government agencies.
- (3) Performance Standards: Temporary dwelling units/care facilities must comply with the following requirements:
 - (A) The property is limited to one (1) temporary care facility.
 - (B) The temporary care facility will be an accessory dwelling unit to be occupied by persons who are:
 1. infirm to the extent that they require extraordinary care or;
 2. a caretaker to the infirm that resides in the primary residence and;

- 3. that such care can only be provided by family members residing in the principal dwelling house or Temporary Dwelling Unit-Care Facility on the premises; and
- 4. the infirmity and the need for care required by (a) and (b) above shall be verified by written statement of a physician.

- (C) Unless screened the temporary care facility shall use the existing road access drive of the principal dwelling unit.
- (D) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be closer to the road right-of-way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right-of-way.
- (E) The unit must be connected to an approved on-site waste disposal system.

- (4) Financial Guarantee: The property owner shall submit a financial guarantee to the Zoning Administrator to ensure the structure will be removed upon termination of the Certificate of Compliance. The Zoning Administrator shall determine the amount of guarantee.
- (5) Expiration: The Certificate of Compliance is so conditioned that will expire and terminate at such time as the care facility is no longer the residence of the person or persons suffering from the infirmity which requires such care, or at such time as such care is no longer required. At the time of termination of the Certificate of Compliance, the temporary care facility shall be removed from the premises within thirty (30) days.
- (6) Annual Review: The Zoning Administrator shall review the Certificate of Compliance permit annually.

2.42. Temporary Dwelling Unit-During Construction. A mobile home that temporarily serves as a residence for the present or potential occupant that the primary single-family residence is being constructed, reconstructed, or altered.

- (1) Required Permits: Allowed in all Districts except Commercial Industrial with a Certificate of Compliance.
- (2) Other Requirements: Temporary dwellings units shall comply with all rules regulations of Federal, State, County and local government agencies.
- (3) Performance Standards: Temporary dwelling units must comply with all of the following requirements.
 - (A) The property is limited to one temporary dwelling unit during construction.
 - (B) The dwelling can only be occupied by persons who are the present or potential occupants of the single-family residence being constructed, reconstructed or altered.

- (C) The Certificate of Compliance is issued only after the building permit has been obtained for the proposed construction.
- (D) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.
- (E) The unit must be connected to an approved on-site waste disposal system.
- (F) The property owner shall submit a financial guarantee in an amount determined by the building inspector to ensure that the structure will be removed upon termination of the Certificate of Compliance.
- (G) The Certificate of Compliance shall expire when construction is completed or within one hundred and eighty days from the date of issuance or whichever is less. The Building Inspector may approve renewal of such permit. At the termination of the Certificate of Compliance, the temporary dwelling shall be removed from the premises within thirty (30) days.

2.43. Temporary Dwelling Unit-Farm. A mobile home located in an agricultural district which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Development Code.

- (1) Required Permits: Allowed in all Districts except Commercial Industrial with a Certificate of Compliance.
- (2) Other Requirements: Temporary farm dwellings shall comply with all rules and regulations of Federal, State, County and local agencies.
- (3) Performance Standards: Temporary farm dwellings must comply with all of the following standards.
 - (A) The temporary farm dwelling is an accessory use to the principal dwelling and may only be located on a farm of at least 75 acres in size.
 - (B) The property is limited to one temporary farm dwelling unit.
 - (C) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be located closer to the road right of way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right of way.
 - (D) The dwelling can only be occupied by up to six persons who are engaged in the occupation of farming on the premises.
 - (E) The temporary farm dwelling unit shall use the existing road access drive of the principal dwelling unit.
 - (F) The unit must be connected to an approved on-site waste disposal system.

- (4) Annual Review: The Certificate of Compliance may be reviewed annually. The owner shall obtain a Certificate of Compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the Certificate of Compliance was issued have not changed.
- (5) Financial Guarantee: The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the Certificate of Compliance. The Zoning Administrator shall determine the amount of the guarantee.
- (6) Termination of Permit:
 - (A) The Certificate of Compliance is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises.
 - (B) The Certificate of Compliance will expire and terminate when the farm becomes less than 75 acres in size.
 - (C) At the termination of the Certificate of Compliance, the temporary farm dwelling shall be removed from the premises within thirty (30) days.

2.44. Tennis Court. A Commercial Tennis Court is open to the general public for lease or lessons. A Residential Tennis Court is on private residential property.

- (1) Required Permits:
 - (A) Residential Tennis Courts require a building permit.
 - (B) Commercial Tennis Courts require a Conditional Use Permit and a building permit.
- (2) Performance Standards:
 - (A) Residential Tennis Courts are allowed in all Districts except Commercial Industrial.
 - (B) Commercial Tennis Courts are allowed in all Districts except Conservancy and Agricultural Preserves.
 1. A Conditional Use Permit application requires a site plan including the size, shape and pavement and sub-pavement materials, the location of the court, the location of the house, garage, fencing, septic systems and any other structural improvements on the lot, the location of structures on all adjacent lots, a grading plan showing all revised drainage patterns and finished elevations at the four corners of the court, landscaping and turf protection around the court, location of existing and proposed wiring and lighting facilities.
 - (C) Tennis courts shall not be located closer than ten (10) feet to any side or rear lot line. Tennis courts shall not be located within any required front yard.

- (D) Tennis courts shall not be located over underground utility lines of any type, septic systems, nor shall any court be located within any private or public utility, walkway, drainage, or other easement.
 - (E) Solid tennis court practice walls shall not exceed ten (10) feet in height. A building permit shall be required for said walls. Said walls shall be setback a minimum of thirty (30) feet from any lot line.
 - (F) Chain link fencing surrounding the tennis court may extend up to twelve (12) feet in height above the tennis court surface elevation.
- 2.45. Transportation/Motor Freight Terminal. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other trucks are parked or stored.
- (1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.
 - (2) Performance Standards:
 - (A) The facility shall be used for office purposes and storing and transferring of goods to and from vehicles only. On-site maintenance of vehicles and fueling of vehicles may be approved as part of the Conditional Use Permit.
 - (B) All outside storage of vehicles/trailers shall be screened from view from the road by berms, trees, fencing or combination thereof.
 - (C) All structures and outside storage of vehicles/trailers shall meet required setbacks.
- 2.46. Travel Trailer/RV Campground. An area or premises operated as a commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers and tents.
- (1) Required Permits: Allowed in all Districts except Agricultural Preserve and Commercial Industrial Districts with a Conditional Use Permit.
 - (2) Other Regulations: All Minnesota Department of Health and Minnesota Pollution Control Agency regulations must be met.
 - (3) Performance Standards: A travel trailer/RV campground must meet the following standards:
 - (A) The minimum area for a travel trailer/RV park is 50 acres.
 - (B) All sanitary facilities must conform to the Washington County and Denmark Township Individual Sewage Treatment System Regulations.

- (C) No camp space shall be rented to the same person for a period greater than one hundred twenty (120) days. No recreational vehicle or travel trailer is allowed to be stored permanently on the property.
- (D) The sale, storage, use or occupancy of any manufactured home is prohibited.
- (E) The density of unit spaces shall not exceed five (5) spaces per acre site and no more than a total of 75 unit spaces.
- (F) All travel trailer/recreational vehicle parks shall be sufficiently wooded to buffer the use from public view.
- (G) Individual lots are prohibited from being sold.
- (H) One entrance is allowed into the campground. All campsites must have direct access only to an internal circulation street. All roads shall be blacktopped.
- (I) Access to the campground shall be from an arterial or collector street. Access shall be approved by the County Engineer (if a county road) and Township Engineer.
- (J) Travel Trailer/RV Campgrounds shall have at least twenty percent (20%) of the land area (exclusive of internal streets) developed for recreational uses (i.e., tennis courts, children's play equipment, trails, picnic area, swimming pools, golf greens, etc.) which shall be developed and maintained by the owner or operator at his own expense. All parks must have an area or areas set aside for dead storage and "over-load" parking.
- (K) All utilities, such as sewer, water, fuel, electric, telephone, and television antenna lead-ins shall be buried and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
- (L) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. All centralized refuse collection containers and equipment, and park maintenance equipment shall be stored in a screened and fenced service yard within the park.
- (M) All permanent structures shall require a building permit issued by the responsible jurisdiction. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.
- (N) A properly landscaped area shall be adequately maintained around each trailer park. No trailer or building shall be located within fifty (50) feet of the exterior boundary of any park or within forty (40) feet of any exterior existing public right-of-way.
- (O) Business identification signs shall be in accordance with Chapter Two, Part 3, Section 1.11, Signs, of this Development Code if the business is located along a county road. If the business is located along a township road, local town regulations regarding signs shall apply.

- (P) Each trailer park must have one (1) or more central community building with central heating that must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, in addition to public toilets and lavatory. Each trailer park shall have a building for the use of the operator distinctly marked "office" and such marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.
- (Q) An adult caretaker must be on duty at all times in the trailer park. The operator of every park shall maintain a register in the office of the park indicating the name and address of the owner and occupants of each trailer, the license number of each trailer and automobile of each occupant, and the date of arrival and departure of each trailer. The corners of each trailer lot shall be clearly marked and each lot shall be numbered. The grounds of the park shall be adequately lighted from sunset to sunrise.
- (R) Each lot shall abut or face a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which shall have unobstructed access to the internal park road system.
- (S) Lots shall be designed to allow an open space of at least fifty (50) feet between each vehicle or tent and at least thirty (30) feet between the vehicle or tent and the front lot line abutting the interior park road system.
- (T) Each lot shall have two hundred (200) square feet of off-street parking space, or as approved by the Zoning Administrator, for two (2) automobiles. No parking spaces shall be closer than ten (10) feet to any side yard lot line.
- (U) Each lot, or pair of lots, shall contain adequate containers to store, collect and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have such an insect proof, water tight, rodent proof refuse contained on the lot(s).
- (V) Each lot shall be no further than four hundred (400) feet from the nearest, readily available drinking water supply.
- (W) All recreation vehicle and trailer park projects shall be equipped with at least one (1) central toilet, bathing and laundry building, which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.
- (X) Outdoor cooking or burning shall be confined to fireplaces, pits, grills or stoves which shall be permanently affixed to a designated location on each lot as per the site plan. Each permanent cooking or burning facility shall be placed on the lot so as to minimize fire hazards and smoke nuisance.
- (Y) No dogs or other animals shall be permitted to run at large.
- (Z) No public address or loud speaker system shall be permitted

2.47. Veterinary Clinic. Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.

(1) Required Permits: Allowed in all Districts with a Conditional Use Permit.

2.48. Warehousing & Distribution. The storage, packing and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

(1) Required Permits: Allowed in the Commercial Industrial District with a Conditional Use Permit.

(2) Other Requirements: Warehousing and distribution facilities must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards: Warehousing and distribution facilities must comply with the following standards:

(A) Exterior Storage is permitted as an accessory use to the permitted use provided it meets the following standards and is approved by a Conditional Use Permit:

1. When approved as part of a Conditional Use Permit the exterior storage area must be located to the rear of the building.
2. When approved as part of a Conditional Use Permit the exterior storage area must be fenced and screened from view of Federal, State, County and Township Roadways and all property lines.

(B) The warehousing and distribution facility may contain a retail sales room provided it meets the following standards:

1. The retail sales are limited to those products which are stored and distributed by the warehousing and distribution use.
2. The retail sales use shall not occupy more than twenty (20) percent of the warehousing and distribution facility and are only allowed by a Conditional Use Permit.

(C) All loading and unloading areas to the facility shall be screened from view of Federal, State, and County highways and Township roads.

(D) No loading, unloading or vehicle maneuvering (i. e. backing up) areas shall occur on public roadways.

2.49. Wireless Communication Antennas and Towers.

(1) Required Permits: The construction of a new tower in excess of 35 feet , the vertical expansion of an existing tower by more than 10 feet, or the replacement of an existing tower

exceeding 35 feet, may be allowed in any District following the issuance of a Conditional Use Permit if conditions contained in this Development Code are met. The addition of a new antenna on an existing tower or building, or the addition of ground structures associated with an existing tower, shall require a Certificate of Compliance, provided the addition is consistent with the Conditional Use Permit issued for the tower or building. If the proposed additional antenna or ground structure is not allowed by the Conditional Use Permit, an amendment to the Conditional Use Permit shall be required. The replacement of existing equipment on a tower or building does not require a Certificate of Compliance unless the replacement equipment substantially changes the physical dimensions of the tower. For the purposes of this provision, a “substantial change” shall mean the physical dimensions of the replacement equipment are more than 10% larger than the equipment being replaced.

- (2) Nonconformities: Any existing tower that becomes non-conforming as a result of this Development Code may continue its use and additional antennas may be attached to the tower structure. If the tower needs to be replaced, it may be permitted with a Certificate of Compliance so long as it is of the same type (guyed, self-support or monopole), same height, same marking (lighting and painting) and it will be located within ten (10) feet of the tower to be replaced. The only permitted reasons for replacement of an existing, nonconforming tower will be to increase the number of antennas or to preserve the structural integrity of the structure. If a tower requires replacement for any other reasons, such replacement tower would need to meet all of the standards of this Development Code.

- (3) Exception: In any district, a proposed tower 200 feet high or less located within the easement of overhead high voltage transmission lines with towers 75 feet in height or higher or within 50 feet of such transmission line easement on the same side of the road will not be required to meet the standards of Part (8) (B) through (G) of this Section, but will be required to meet all other standards.

This exception does not apply in the St. Croix River, Mississippi River Critical Area and Shoreland Overlay Districts.

- (4) Modification:
 - (A) A modification to any requirement of this Development Code may be sought by the applicant and heard by the Town Board in accordance with the procedures, but not the standards, set forth in Chapter One, Section 6, Appeals and Vairances, of the Denmark Township Development Code.
 - (B) The criteria for granting a modification under this section of the Development Code shall be: presentation of engineering data demonstrates that personal wireless services cannot be provided by the applicant to a specific area of Denmark Township without the modification.

- (5) Term of Permit and Revocation:

- (A) Towers are permitted with a Conditional Use Permit. The Conditional Use Permit shall remain in effect so long as the conditions contained in the permit are met.
 - (B) The grounds for revocation of a Conditional Use Permit shall be based on a finding that:
 - 1. The permittee has failed to comply with conditions of approval imposed; or
 - 2. The facility has not been properly maintained; or
 - 3. The facility is no longer in use and has not been in use for the previous 12 months.
- (6) Other Requirements:
- (A) All rules and regulations of the FCC and FAA must be met and complied with.
 - (B) In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 120 days. A financial guarantee shall be posted with the Township to assure removal of the tower and restoration of the site. If after order by the Township Zoning Administrator, the owner fails to remove the tower, Denmark Township will complete the removal of the tower and restore the site and use the financial guarantee for costs incurred by the Township in removing the Tower and site restoration.
- (7) Districts: Antennas and towers are regulated differently depending on the zoning district in which the property is located. The following are the standards in each district:
- (A) Agricultural Preserve and Agricultural Districts.
 - 1. The following are permitted with a Conditional Use Permit:
 - (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
 - (b) A tower within the easement of a high power overhead transmission line or within 50 feet of the easement on the same side of a road to a maximum height of 200 feet.
 - (c) A freestanding communication tower not exceeding 300 feet in height.
 - (d) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a maximum height of 300 feet.
 - (B) Single Family Estate and Rural Residential Districts.
 - 1. The following are permitted with a Conditional Use Permit:

- (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
- (b) A tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line easement on the same side of a road to a maximum height of 200 feet.
- (c) A freestanding communication tower not exceeding 150 feet in height.
- (d) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to 150 feet.

(C) Commercial Industrial District.

1. The following are permitted with a Conditional Use Permit:

- (a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
- (b) A freestanding tower up to 300 feet in height.
- (c) A tower within the easement of a high power overhead transmission line or within 50 feet of the transmission line easement on the same side of a road up to a maximum height of 200 feet.

(8) Prohibitions:

- (A) No tower shall be over 300 feet in height or within one mile of another tower regardless of municipal boundaries.
- (B) A proposal for a new wireless service tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated:
 - 1. on an existing tower; or
 - 2. on a tower that has been permitted by Denmark Township (even though it may not yet be constructed); or
 - 3. on a tower whose application for a Conditional Use Permit is currently pending before Denmark Township.
- (C) No tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.

- (D) No tower over 35 feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed county park identified in the Washington County Park Master Plan or a boundary of a state park.
 - (E) No tower over 35 feet shall be erected within one-quarter (1/4) mile from the centerline of State Highways 95 and County Road 21, unless it can be demonstrated through visual impact demonstration that the tower will be visually inconspicuous as viewed from the road on a year-round basis.
 - (F) No tower over 35 feet shall be erected within one-quarter (1/4) mile of the St. Croix River or within one-quarter (1/4) mile of a DNR protected lake or river.
 - (G) No tower over 35 feet shall be erected on any property platted for residential purposes.
 - (H) No temporary mobile cell sites are permitted except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. The Zoning Administrator can extend these limits.
 - (I) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance are prohibited.
 - (J) No antenna or tower shall have lights, reflectors, flashers, daytime strobes, steady night time red lights or other illuminating devices affixed or attached to it unless required by the FAA or FCC.
 - (K) No advertising or identification signs shall be placed on towers or antennas.
 - (L) All towers must provide co-location opportunities to other tenants at reasonable market rates in order to minimize the number of towers in the Township.
- (9) Performance Standards:
- (A) On a vacant parcel of land zoned for agricultural or residential purposes, the minimum lot size for construction of a tower over 35 feet in height shall be five acres. On a vacant parcel of land zoned for commercial/industrial purposes, the minimum lot size is two and one-half acres. On a parcel of land on which a principal use exists, a tower shall be considered an accessory use and a smaller parcel of land may be leased provided all standards contained in this Development Code can be met.
 - (B) Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. The application for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirement of the zone in which it is located.

- (C) A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.
- (D) The tower location shall provide the maximum amount of screening for off-site views of the facility. The Zoning Administrator reserves the right to require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses or to require the tower to be of a stealth type design. Existing on-site vegetation shall be preserved to the maximum extent practicable. Stealth type design may be required when the Township finds such a design would increase the compatibility in a certain area; protect the scenic value of a particular area and/or is a furtherance of a goal or policy contained in the Denmark Township Development Comprehensive Plan.
- (E) The height of a tower shall allow for the co-location of additional antennas as follows:
1. Structures from 100 to 125 feet - a total of two tenants
 2. Structures from 125 to 200 feet - a total of three tenants
 3. Structures above 200 feet but less than 300 feet - a minimum of four (4) tenants
- A registered professional engineer shall approve the plan.
- (F) Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturers specifications. The plans shall be approved and certified by a registered professional engineer.
- (G) In general, self-supporting towers (i.e. those without the use of wires, cables, beams or other means) are preferred. The use of a guyed tower is permitted for new tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements.
- (H) Associated base equipment must be located within a structure. The base of the tower and any accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.
- (I) The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.
- (J) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (K) If space is available on a tower, the tower owners shall, in good faith, lease space to other users so long as there is no disruption in the existing service provided by the tower's existing users or no negative structural impact upon the tower. If a dispute arises, and as a condition to any Conditional Use Permit, Denmark Township, at its discretion, reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.

- (L) Generally, only one communication tower is permitted on a parcel of land. If in the opinion of the township, a particular parcel is well suited for more than one communication tower, and the tower is proposed within 100 feet of the other tower, the additional tower may be allowed following the issuance of a Conditional Use Permit. All other standards contained in this Development Code must be met.
- (M) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing or shall be enclosed by a six (6) feet high chain link fence with a locked gate.
- (N) Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Development Code. A copy of the annual inspection report shall be provided to the Township.
- (O) Denmark Township shall be notified, in writing, of any change in ownership of a wireless communication facility. All conditions imposed as part of the original permit approval shall not be affected by a change in ownership.
- (P) Height.
 - 1. Structures between forty-five (45) feet and one hundred fifty (150) feet in height are permitted only after issuance of a Conditional Use Permit. The following requirements and limitations shall be satisfied prior to issuance of a Conditional Use Permit. Additionally, no Conditional Use Permit shall be issued for any structure that would violate other applicable laws or regulations.
 - (a) The parcel on which the structure would be located must meet minimum lot size requirements for the underlying zoning district.
 - (b) The structure, any accessory building, and any guy wires must meet setback requirements of the underlying zoning district.
 - (c) A landscaping plan must be submitted to and approved by the Zoning Administrator.
 - (d) Construction of broadcasting studios, business offices, vehicular storage or other facilities not required for the structures operation are prohibited unless located in the Commercial-Industrial District.
 - 2. Structures exceeding one hundred fifty (150) feet in height are not permitted in the A-2, Conservancy or Single Family Estates Districts. Structures exceeding one hundred fifty (150) feet in height are permitted in Commercial-Industrial District only after issuance of a Conditional Use Permit. The following requirements and limitations shall be satisfied prior to issuance of a Conditional Use Permit. Additionally, no Conditional Use Permit shall be issued for any structure that would violate other applicable laws or regulations.

- (a) All requirements and limitations set out in 1.1(9) of this chapter must be satisfied.
 - (b) All structures must be located a minimum of two (2) miles from the St. Croix River, Mississippi River or any principal or intermediate arterial highway as shown in the Washington County Comprehensive Plan.
 - (c) For structures exceeding two hundred (200) feet in height, the minimum lot size shall be forty (40) acres. Additionally, the lot shall be large enough to contain within its boundaries any debris that might result from the tower falling or otherwise failing and/or from falling ice.
 - (d) The distance from the base of the structure to the property line of the lot on which it is located must equal a minimum of twenty (20) percent of the structure's height. Anchors shall not be located closer to the boundary line of the lot than the setback requirements of the underlying zoning district.
 - (e) A fence adequate to prevent vandalism and unauthorized entry must be built around the structure.
 - (f) Strobes are not permitted to be used at night.
 - (g) Construction of broadcast studio, business office, vehicular storage, and other facilities not needed for the facility's operation are prohibited unless in the Commercial-Industrial District.
 - (h) If the site abuts both a collector and a local street, access shall be from the collector street.
 - (i) The applicant shall submit, among other things, a report from a professional engineer describing the tower and the technical, economical, and other reasons for the tower design; demonstrating that the tower complies with the applicable structural standard; describing the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity; and demonstrate planned equipment cannot be accommodated on an existing tower.
- (10) Application - New Tower:
- (A) In addition to the submittal requirements required elsewhere in this Development Code, applications for Conditional Use Permits for new towers and antennas shall be accompanied by the following information:
 - 1. A report from a qualified and licensed professional engineer which:

- (a) describes the tower height and design including a cross section and elevation;
 - (b) certifies the tower's compliance with structural and electrical standards;
 - (c) describes the tower's capacity, including the potential number and type of antennas and co-locations that it can accommodate;
 - (d) describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA;
 - (e) describes that the applicant will avoid causing destructive interference to co-located, previously established public safety communications;
 - (f) specifies the distance to any DNR protected lake or river, the St. Croix River, the Mississippi River, and any boundary of a state or county park.
 - (g) The name, address, and telephone number of the owner(s) of the nearest tower(s) shall be submitted along with written documentation showing the applicant has contacted these other tower owners to determine if the new antennas proposed can be added to the existing tower(s) in the area.
2. Each application shall include a five-year facility plan. The Township will maintain an inventory of all existing and proposed cell site installations and all carriers shall provide the following information in each five-year plan. The plan must be updated with each submittal as necessary:
- (a) Written description of type of consumer services each company/carrier will provide to its customers over the next five years (Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio or other anticipated communications technology).
 - (b) Provide a list of all existing sites, existing sites to be upgraded or replaced and proposed cell sites within the Township for these services by the company.
 - (c) Provide a presentation size map of the Township which shows the five-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.
- Information provided as part of the five-year facility plan that is a trade secret pursuant to Minn. Stat. § 13.37 shall be classified as non-public data.
3. Written acknowledgment by the landowner that he/she will abide by all applicable Conditional Use Permit conditions.
4. The Zoning Administrator may, at its discretion, require visual impact demonstrations including mock-ups and/or photo montages; screening and painting

plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.

5. The zoning administrator is explicitly authorized to employ on behalf of the Township, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of said review and/or independent analysis. Any proprietary information disclosed to the township expert hired shall remain non-public and subject to the terms and conditions of a properly executed non-disclosure agreement.

- (11) Application - Existing Tower/New Antenna: In the event that an application is only to add a new antenna to an existing tower or structure, the requirements as delineated under Chapter 2, Part 3, Section 10(1)(f) and 10(2), Application-New Tower, shall not apply.

2.50. Yard Waste Facility. Any site used for the composting of garden waste, leaves lawn cuttings, weeds, shrub and tree waste and prunings generated off site. Yard wastes generated on site and used on the same site are not included in this definition.

- (1) Prohibited: Not allowed in any District.

2.51 Temporary Family Health Care Dwellings. Pursuant to authority granted by Minnesota Statutes, section 462.3593, subdivision 9, the Town opts-out of the requirements of Minnesota Statutes, section 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 3. OVERLAY DISTRICTS

- 3.1. St. Croix River Overlay District. Chapter 5 of this Development Code is reserved for St. Croix River Overlay District.
- 3.2. Shoreland Overlay District. Chapter 6 of this Development Code is reserved for Shoreland Overlay District.
- 3.3. Mississippi River Critical Area Overlay District. The Township has promulgated regulations for the Mississippi Critical River Area which are applicable to those portions of the Mississippi River Critical Area Corridor located within the boundaries or jurisdiction of Denmark Township and hereby reserves this space to set forth those regulations upon formal adoption of those regulations.

SECTION 4. OPEN SPACE DESIGN

- 4.1. Purpose and Scope. Open Space Design is a subdivision method to preserve open space and rural character while creating compact neighborhoods that have a strong visual and physical access to the open space. This method of development uses the size and shape of the open space as the central organizing element, rearranging the density on each parcel so that less land is cleared, graded, and turned into driveways,

streets, lawns and houses. Open Space Design is established to encourage development of rural housing clusters that meet the majority of the following purposes:

- (1) Provide efficient use of the land while maintaining contiguous blocks of economically viable agricultural land, mature woodlands, and open space, and preserving historical features, scenic views, natural drainage systems and other desirable features of the natural environment.
- (2) Allow housing to be concentrated on sites that have low agricultural potential and/or high natural housing appeal.
- (3) Create neighborhoods with direct access to open space, distinct identities and sense of community.
- (4) Encourage innovation and promote flexibility, economy and creativity in residential development.
- (5) To provide the opportunity for commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (6) To preserve scenic views and elements of the Township's rural character.

4.2. Definitions.

- (1) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents' use or to be sold directly to consumers through membership in the garden.
- (2) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.
- (3) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Denmark Township and its people.
- (4) Historic Building and Structure: A structure which has been identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.
- (5) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities.
- (6) Neighborhood: An area containing a contiguous group of residential lots where people live in close proximity to one another.
- (7) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes that is functional and permanently protected from future development.

- (8) Open Space Design: A grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as open space.
- (9) Perimeter Road: A road lying outside of and abutting the development parcel.
- (10) Plant Community: A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.
- (11) Protective or Restrictive Covenant: A contract entered into between private parties which constitute a restriction of the use of a particular parcel of property.
- (12) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and view sheds, and physical characteristics.

4.3. Applicability. The Open Space Design Development standards are an alternative set of standards for residential development within the Agricultural, Rural Residential, and Single Family Estate Districts. OSD Developments shall be permitted with a Development Agreement. Standards of the overlay districts shall be met in an Open Space Design.

4.4. Application.

- (1) Application: An Open Space Design application shall be filed with the Zoning Administrator.
- (2) Criteria: In reviewing Open Space Design Development the Planning Commission shall consider the following:
 - (A) The Open Space Design is designed to preserve open space and the rural character while creating compact residential neighborhoods.
 - (B) The Open Space Design is designed in accordance with the standards of this Development Code.
 - (C) The Open Space Design supports the goals and policies of the Township's Comprehensive Plan.
- (3) Required Submittals: In addition to the requirements set forth in Chapter 3, Section 7.2, Major Subdivision/Preliminary Plat Review, the following items shall be submitted as part of the Open Space Design Development application:
 - (A) Resource Inventory.

The plan for an Open Space Design Development shall include a resource inventory, to include the following, mapped at a scale of no less than one inch: 100 feet.

 1. Topographic contours at 2-foot intervals, showing rock outcrops and slopes of more than 12-18, 18-25, and 25% + percent.

2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, suitability for wastewater disposal systems, location of sinkholes and karst topography.
 3. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales and drainage ways.
 4. Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper of more than 18 inches. Vegetative types shall be classified as generally deciduous, coniferous or mixed and described by plant community, relative age and condition.
 5. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.
 6. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
 7. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features.
 8. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 500 feet.
 9. Location of Shoreland and other overlay districts.
- (B) Yield Plan. In order to determine the allowable number of density units per parcel, a yield plan drawn to scale shall be submitted. The yield plan shall show the maximum number of lots that would be permitted given the minimum lot size, lot width, road rights of way and other performance standards for lots in a conventional subdivision. If required, the yield plan, including modifications on grading and design standards, shall be approved by the Town Board. In preparing the yield plan, the proposed yield plan lots in the pre-development condition must meet the Development Code and Subdivision regulations. Each yield plan lot must have a minimum of one acre of buildable area and no portion of the buildable area may consist of slopes which exceed 25%, flood plain, or wetlands. The yield plan shall be drawn to scale and it shall identify all the major physical features and regulatory boundaries (floodplain, wetland, shoreland, etc.) on the proposed site. If, after determining the maximum number of lots in a conventional subdivision, a lot could be created that meets 80 percent of the minimum lot size and otherwise meets all other lot requirements for the zoning district, then that lot shall be considered as one lot for density computation purposes. The number of density units so determined shall constitute the parcel's maximum development potential prior to any Open Space Design density bonuses. The Township may allow a lot within a yield plan to be irregular in shape or have irregular lot lines when the topography (ravines, slopes, wetlands, creeks and streams, etc.) of the property would otherwise prevent the lot from being considered as an allowable lot

within the yield plan as long as the lot meets all standard zoning and subdivision regulations.

The yield plan minimum lot areas and width for each zoning district are the following:

<u>Zoning District</u>	<u>Minimum Lot Size (Acres)</u>	<u>Minimum Lot Width (Feet)</u>
A-2	20	300
RR	5	300
SFE	3	160
C	20	300

(C) Concept Open Space Design Plan. A sketch plan of the proposed Open Space Design development may be prepared for Board and/or staff review prior to preparation of the preliminary plat. See Chapter 3, Section 3.13, Concept Plan Review, for further information. The sketch plan shall be drawn to scale and include at least the following information:

1. Lots, streets, and conservation areas.
2. Open space areas indicating which natural resource areas are to be protected, relation to existing open spaces, and management strategy for open space areas.
3. Identify use of individual or common wells and septic systems.
4. Storm water management concept.

(D) Phasing Plan. Open Space Design development may be phased in accordance with a unified development plan for the entire tract meeting the following requirements:

1. A phasing plan shall be submitted identifying the sequence of development showing approximate areas, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each phase.
2. The phasing plan shall be made a part of the Development Agreement and is effective for five (5) years from the date of preliminary plat approval. If final plat approval is not received within five (5) years, the preliminary plat shall become null and void.
3. Any common facilities, trails, or arrangements, shall be clearly marked on a site map which shall be an attachment to all sales agreements for individual lots.
4. As part of the development agreement, a financial guarantee to ensure completion of common facilities, trails and landscaping shall be provided.

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5. Restrictive covenants shall be reviewed and approved for compliance with Township imposed conditions by the Township and recorded at the same time the plat is recorded.
- (E) Map. General Location Map showing the location of the property, lot lines and land uses within 500 feet of the property.
- (4) Application Procedure: Upon submittal of a complete application, the application shall be processed according to the following:
- (A) Planning Commission. After concept subdivision review by the Town Board, if any, the application will be forwarded to the Planning Commission. The Planning Commission will review the application in accordance with the requirements of this Development Code.
- (B) Town Board. Upon recommendation from the Planning Commission, the application shall be submitted to the Town Board for review and approval.
- (C) The application shall be submitted to Washington County.
- 4.5. Uses. The following uses are permitted within Open Space Design Developments. The following uses must meet the standards and criteria specified for those uses, as set forth in and regulated by the Denmark Township Development Code.
- (1) Residential: The following uses are allowed uses in the residential portion of the Open Space Design.
- (A) Single-family Detached
- (B) Bed and Breakfast
- (C) Community residence
- (2) Open Space:
- (A) The following uses may be allowed uses in the designated open space as part of the Development Agreement:
1. Conservation (i.e., woodland, meadow, prairie)
 2. Agricultural, including demonstration farm
 3. Equestrian
 4. Recreational uses and associated parking.
 - (a) trails (walking, skiing, bicycling, horseback riding and snowmobiling access to a designated trail).

- (b) picnic areas
 - (c) community gardens
 - (d) composting (for waste generated by residents of the development)
 - (e) turf areas for informal play
 - (f) common areas such as greens or squares
 - (g) ball fields
 - (h) playgrounds
 - (i) courts (tennis, basketball, etc.)
 - (j) swimming pools or beaches
 - (k) common buildings
 - (l) equestrian training facilities such as Cross Country Course
 - (m) Golf Course - A Golf Course, either public or private shall be allowed so long as it is specifically designed to be built and managed in an ecologically sustainable manner.
 - (n) ATV use is not allowed.
5. Storm water Management Facilities
 6. Community Water Systems, as approved in Subdivision Plans.
 7. Essential Services - Utility Substation

The Town Board must approve any changes in the open space.

4.6. Ownership & Management of Open Space.

- (1) The designated open space and common facilities may be owned and managed by one or a combination of the following:
 - (A) Homeowners' Association
 - (B) Non-profit Organization
 - (C) The Township or another governmental body empowered to hold interest in real property (in accordance with Minn. Stat. § 84C.01-.05)

(D) An alternative ownership and management plan may be proposed by the owner to the Township. The Township shall determine whether that alternative plan is acceptable and meets the intent of the Development Code, considering such factors as the underlying zoning, size, dimension, allowable use, development, agricultural and natural features of the open space. The Township shall have the discretion to reject any proposed alternative plan.

- (2) The Township reserves the right to alter the open space to protect the health, safety, and welfare of the development residents and the residents of the township.
- (3) Any common facilities, trails, or arrangements, shall be clearly marked on a site map that shall be an attachment to all sales agreements for individual lots.
- (4) Restrictive covenants shall be reviewed and approved by the Township for compliance with Township imposed conditions and recorded at the same time the plat is recorded.

4.7. Open Space Design.

- (1) The minimum open space required shall be subject to a permanent conservation easement and used for the purposes as defined by this Development Code. The conservation easement shall be dedicated to an acceptable land trustee or other similar organization, or the Township, as approved by the Township.
- (2) Uses within the Open Space shall be approved by the Denmark Town Board and in accordance with the Zoning Ordinance and the Development Agreement.
- (3) A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Township, if required.

4.8. Homeowners' Associations. If the Homeowners' Association is to own the open space, a Homeowners' Association shall be established. Membership in the Association is mandatory for all purchasers of properties in the development and their successors.

A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the Township as part of the data required for the Open Space Design Development Agreement. The Homeowners' Association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

- (1) the legal description of the common lands or facilities;
- (2) the restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions;
- (3) a mechanism for resolving disputes among the owners or association members;
- (4) a mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.

- (5) the conditions and timing of the transfer of ownership and control of land or facilities to the Association or to common ownership;
- (6) any other matter the developer deems appropriate.
- (7) the management of community septic and or water systems.

4.9. Density Standards. To encourage Open Space Design, this section provides a density bonus that allows developers to increase the density over what would be allowed in a conventional or lot averaging designed subdivision.

(1) Yield Plan Density: The base number of density units for the property shall be determined by preparation of an approved yield plan meeting the standards of a conventional subdivision, Chapter Two, Part 2, Section 1.

(2) Base Density Increase:

(A) The number of density units determined in (1) above may be increased for an Open Space Design development by using the percentage for the zoning district in which the property is located:

1.	A-2	100%
2.	RR	25%
3.	SFE	12.5%
4.	C	0%

(B) Apply any additional bonus density, as specified in Section 4.9(3).

(3) Density Bonus Points: The base density may be increased if the development complies with one or more of the following standards. Bonuses are calculated on the base density. The maximum additional bonus density permitted is 20%.

(A) Increasing open space to 60% = bonus 5%.

(B) Reusing historical buildings and structures, including those sites inventoried by the Washington County Historical Society and the State Historic Preservation Office. The Secretary of Interior's Standards for Rehabilitation shall apply = bonus 5%.

(C) Providing open space land for agricultural use = bonus 5%.

(D) Common septic and well = bonus 5%.

(E) Creating open space that is contiguous to existing designated open space = bonus 5%.

4.10. Performance Standards.

(1) General considerations:

- (A) At least 50% of the subdivision area shall be preserved as open space.
- (B) Each residential lot shall be large enough to accommodate a house and two-car garage.
- (C) All structures shall be setback a minimum of 75 feet from unclassified water bodies.

(2) Residential Lot Requirements:

(A) Minimum Lot Size:

- 1. Septic on-site: 43,560 sq. ft. (1.0 acres)
- 2. Septic off-site: minimum lot size to be determined by the Town Board

(B) Principal Building Setbacks:

- 1. Front lot line40 feet
- 2. Side lot line20 feet
- 3. Rear lot line30 feet

(C) Accessory Building Setbacks:

- 1. Side lot line20 feet
- 2. Rear lot line20 feet

(D) Maximum Impervious Surface Lot Coverage.. 35%

(E) Maximum Building Height....35 feet

(F) The majority of lots shall take access from interior local streets.

(3) Neighborhood Siting Standards:

- (A) Neighborhoods shall be located to minimize their impacts on the natural, scenic and cultural resources of the site.
- (B) Neighborhoods shall avoid encroaching on rare plant communities or endangered species identified in the Department of Natural Resources' County Biological Survey for Natural Communities and Rare Species.
- (C) Fragmentation of open space shall be minimized.
- (D) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels.
- (E) Neighborhoods should be sited to achieve the following goals, to the extent practicable. In cases where impact on one or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features.

1. Avoid prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices;
2. Minimize disturbance to woodlands, hedgerows, mature trees or other significant vegetation;
3. Protect scenic views of open land from adjacent roads.
4. Protect existing historic buildings or incorporate them through adaptive reuse.

(4) Open Space Design:

- (A) Open Space Design shall be designated as part of the development. The minimum required open space is based on a percentage of the gross acreage. A minimum of 50% of the gross acreage of the project shall be designated as open space in all districts.
- (B) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 1. Parking areas for access to and use of the open space.
 2. Privately held buildings or structures when they are accessory to the use of the open space.
- (C) Road rights-of-way may not be located within the required open space area, and shall not be counted towards the required minimum open space.
- (D) At least 25% of the Open Space shall be physically accessible (land area not including water, wetlands, steep slopes in excess of 25%, and other non-accessible areas).
 1. If there is a pathway system connecting all parts of those open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels they shall be identified in the plan.

(5) Street Standards:

- (A) If determined necessary by the Town Board, shade trees shall be planted on both sides of the street at 50-foot intervals or placed in clusters at the same ratio
- (B) Streets shall be designed in accordance with the Denmark Township Standards for New Roadway Construction with the following exception: All streets shall be 28-feet wide with concrete curb and gutter unless otherwise approved by the Town Board.

(6) Sewage and Water Supply Facilities:

- (A) Water Supply for an Open Space Design Development shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the Minnesota Department of Health. If a community system is to be used, the following is a list of additional minimum requirements for the system:
1. All community water systems must be reviewed and approved by the Township Engineer.
 2. A redundant system will be required for all systems with 15 or more service connections.
 3. Construction of piping for the distribution system shall meet the requirements of the latest revision of the City Engineers Association of Minnesota (CEAM) Standard Utilities Specification for Water main and Service Line Installation.
 4. All water lines shall be located in easements outside of paved areas, except crossing as needed.
 5. Metering shall be required at the source and at individual properties.
 6. A Homeowners' Association shall be established to own and maintain the community water system. The Homeowners' Association shall be responsible for all operation, maintenance, and replacement of the water system components.
 7. The Homeowners' Association must require and enforce appropriate conservation measures.
- (B) Sewage treatment facilities for an Open Space Design Development shall be provided by individual on-site septic systems or one or more community systems meeting the permit requirements of the County Individual Sewage Treatment Standard Regulations and the Minnesota Pollution Control Agency. If a community sewer system is to be used, the following is a list of additional minimum requirements for the system:
1. All community water systems must be reviewed and approved by the Township Engineer.
 2. Construction for conveyance piping must meet the requirements of the latest revision of the City Engineers Association of Minnesota (CEAM) Standards Utilities Specification for Sanitary Sewer Installation.
 3. All sewer lines shall be located in easements outside of paved areas, except crossings as needed.
 4. A Homeowners' Association shall be established to own and maintain the community sewer system. The Homeowners' Association shall be responsible for all operation, maintenance, and replacement of the system components.

(7) Golf Courses:

- (A) Golf courses located in the open space must comply with Chapter Two, Part 3, Section 2.21 of this Development Code.
- (B) The golf course shall be regulated by a development agreement that restricts any further development or subdivision of land and requires the land to be retained as open space use if a golf course is no longer used as a golf course.
- (C) A financial guarantee ensuring completion of the golf course in accordance with the approved plans and permits shall be submitted to the Zoning Administrator.

SECTION 5. PLANNED UNIT DEVELOPMENT

All developments having two or more principal uses on a single parcel of land; including residential, recreational, industrial, and commercial type developments. Planned unit developments are only allowed when they will result in a public benefit over strict adherence to the standards of the zoning district.

- 5.1. Uses. Planned Unit Developments are intended to provide design flexibility in land development by incorporating design modification as a part of Planned Unit Development Conditional Use Permit. Modifications, if granted shall be fully consistent with the general intent and purpose of the Denmark Township Development Codes related to land use, subdivision and development. The design modifications should result in an improved design, natural resource preservation and benefit to the public. It is not the intent of this section to increase overall density.

The uses within a Planned Unit Development are limited to those uses permitted in the underlying zoning district.

- 5.2. Performance Standards.

- (1) The maximum density of the Planned Unit Development shall not exceed the maximum density permitted in the underlying zoning districts.
- (2) The impervious surface coverage shall not exceed the maximum coverage for the development of the underlying zoning district.

- 5.3. Exclusion from Requirements. Planned Unit Developments may be excluded from certain requirements of the Development Codes relating to land use, subdivision and development, including the provisions of this Development Code, providing that:

- (1) A general development plan is reviewed by the Planning Commission and approved by the Town Board.
- (2) The Town Board find that the proposed development is fully consistent with the purposes of this Development Code relating to land use, subdivision and development and that the development is in conformity to the Comprehensive Plan.

- (3) Adequate performance bonds or other security are given to the Township to secure completion of the development as provided by the general development plan.
- (4) The Town Board grants a Planned Unit Development permit.

5.4. Administration.

- (1) Application: Whenever a development requires approval for a Planned Unit Development, a preliminary and final application shall be filed in writing with the Zoning Administrator. The required application fee shall accompany applications.
- (2) Costs: The applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Planned Unit Development.
- (3) Concept Review: The applicant may submit a Concept Plan Review for the PUD in conformance with Chapter 3 Section 3.13, Concept Plan Review, of this Development Code.

5.5. Criteria for Granting a Planned Unit Development.

- (1) The Township may grant a Planned Unit Development in any district provided the proposed development complies with the standards and criteria stated in the Denmark Township Development Code and Subdivision Regulations and that said development is in harmony with the general intent of this Development Code and comprehensive plan.
- (2) In recommending approval for a Planned Unit Development, the Planning Commission shall consider:
 - (A) The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;
 - (B) Existing and anticipating traffic conditions including parking facilities on adjacent streets and land;
 - (C) The effect of the proposed use on utility and school capacities;
 - (D) The effect of the proposed use on property values and scenic views in the surrounding area;
 - (E) The effect of the proposed use on the Township's Comprehensive Plan;
 - (F) The ability of the proposed use to meet the standards of the Development Code; and
 - (G) The proposed Planned Unit Development has a net public benefit over a conventional development plan through improved design, facilities, access, circulation, etc.

If the Town Board determines that the proposed use will not be detrimental to the health, safety, or general welfare of the Township, or that said use is in harmony with the general purpose and intent of the Development Code and Comprehensive Plan; the Town Board may approve such Planned Unit Development.

5.6. Notice and Hearing Procedure.

- (1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for hearing on the application. From the date the Zoning Administrator receives the application containing all required information, the Township shall process the application in accordance with the timelines provided by applicable law.
- (2) Notice of the time, place and purpose of all public hearing shall be given by publication in the official newspaper of the Township at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing. Written notice shall also be given to the Municipal Council of any municipality within two (2) miles of the affected property.
- (3) Written notice shall be sent to all property owners of record within 500 feet of the affected property.
- (4) Notice shall be mailed to each of the owners of all property located within one-quarter (¼) mile of the affected property, whichever would provide notice to the greatest number of owners.
- (5) In all other cases, including rezoning requests, notice shall be sent to owners of record within one-half (½) mile of the affected property.
- (6) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment.
- (7) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

5.7. Preliminary Review. Before applying for a Planned Unit Development plat, the developer shall first apply for preliminary review of the proposed development. The application shall be accompanied by payment of a preliminary review fee. The application shall be filed with the Zoning Administrator. The application shall include the following information relating to the property, the developer and the proposed development, and may include such further information as the developer deems appropriate to preliminary review the proposed Planned Unit Development. Within the period of time the matter is under consideration, the Planning Commission shall hold a public hearing concerning the particular Planned Unit Development application. The Planning Commission and Town Board may require additional information.

- (1) Reports: Reports shall be spiral or three-ring loose leaf bound and submitted on 8½" x 11" size paper, vertical format. The scale of the maps shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'.
- (2) Sketch Plan: A sketch plan shall be submitted showing the location of the site, size of the site, utilization of land adjacent to the site, existing buildings on the site, significant topographical and physical features of the site, proposed site, proposed general street layout and proposed general lot layout.

- (3) Retained Buildings: If the developer contemplates the retention of existing buildings or extension of facilities or utilities serving adjacent uses, these facts shall be documented.
- (4) Ownership Interest: The developer shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of thirty (30) years, or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title, or a marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages including purchase money mortgages, all easements restricting land use, all liens and all judgments that may affect the site shall be documented.

The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current Certificate of Title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest.

- (5) Planning Commission Action: The Planning Commission shall recommend preliminary review approval to the proposed plan; reject the proposed plan, or request specific additional info.
- (6) Final Acceptance: The application shall then be submitted to the Town Board. As soon as is reasonably practical, the Township shall inform the applicant of the action taken by the Planning Commission, in writing, accompanied by a copy of the resolution or minutes of the Planning Commission, stating its reasons therefore. If additional information is requested, the Town Board shall accept or reject the Preliminary Review. If the Preliminary Review is accepted, the developer may proceed to apply for a permit for a Planned Unit Development. Approval of the Preliminary Plan does not guarantee approval of the project.

5.8. Final Review.

- (1) The applicant shall have secured preliminary review approval by the Town Board within the previous year.
- (2) The application shall be accompanied by development plans of the proposed Planned Unit Development and supporting information as listed below as deemed necessary by the Zoning Administrator.
- (3) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should they be approved, shall be filed with the Planning Commission within sixty (60) days of such approval.
 - (A) An environmental review may be required by State, Regional or Federal agencies or by the Planning Commission as regulated by Chapter One, Section 12.

- (B) A regional location component map shall be submitted showing the site and its interrelationship with the community. Said map shall include the location and distance in road miles to the following facilities servicing the site:
1. Elementary School(s)
 2. Secondary School(s)
 3. Fire Department
 4. Police Station
 5. Arterial and Limited Access Highways
 6. Recreational Areas
 7. Shopping Areas
 8. Industrial Areas
 9. Public Transportation Routes, including non-vehicle trails and major transportation depots
 10. Churches and Public Buildings

The names of all property owners within five hundred (500) feet of the development site shall be shown on the map.

- (C) A land evaluation component which shall consist of a map or maps and accompanying report setting forth the natural limitations on land development, including slopes, drainage systems, vegetation, soil types, soil quality and how these limitations are incorporated in the development plan. Said land evaluation component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (D) Map or maps and report setting forth the distribution, location and extent of the acres of land devoted to each category of land use proposed as part of the general plan of development. Said land use component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.
- (E) A circulation component which shall consist of a map or maps and report setting forth the general location, extent, and nature of all transportation facilities proposed as part of the general plan of development, all proposed points of inter-connecting access to existing transportation facilities and the present use and design capacities of existing transportation facilities. Proposed transportation facilities information shall include:
1. A land use component which shall consist of a Location of paths or bikeways.
 2. Location of major and local thoroughfares.
 3. Location and definition of trash removal system.
 4. Location and definition of industrial and commercial delivery areas and systems.
 5. Identification by function of principal arterials, intermediate arterials, minor arterials, collector streets and local streets.
 6. Location and function of one-way street systems, divided roads, left-turn lanes and such other matters as may be related to the provision for the circulation of traffic within the planned area.

The following information pertaining to parking areas shall be shown:

1. Paved areas for all parking compounds.
2. Landscaped areas contained within parking areas.
3. Service estimates which show the number of residential units or gross flow area and the number of parking spaces for each area.

This circulation component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

- (F) A population component which shall contain a report of the standards of population density and building intensity for the various proposed land uses, including estimates of future population, correlated with supporting data, and shall include but not be limited to dwelling (housing) units per acre for the various residential uses proposed; and square footage by type for the various nonresidential facilities, including sufficient data to calculate traffic generation, parking requirements, water consumption, sewage needs and the necessary capacity of related utilities and services traditionally rendered by public or private organizations for a population of such size as is projected for the completed planned development. This report shall contain an analysis indicating the projected marketability of the development in respect to effective demand specifically relating the size to the community. Any public and/or subsidized housing shall be identified to include an explanation of the assistance program and the number of units affected. Said population component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (G) A services and facilities component which shall contain a map or maps setting forth the general location and extent of any and all existing and proposed systems for sewage, existing and proposed sewage flows, location of on-site sewage treatment systems and backup areas, domestic water supply and distribution, refuse disposal, drainage, local utilities and right-of-way easements, facilities and appurtenances necessary therefore. Said services and facilities component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation, as well as a detailed statement describing the proposed ownership, method of operation and maintenance of each such service and facility.
- (H) An open space and community facilities component map and report which shall show:
1. All land dedicated or deed restricted for public or common use showing major trails, acreage and proposed use.
 2. Locations of all play fields, tot-lots, tennis and handball courts, or other recreational facility indicating type and general area of concentrated use.
 3. Location of all buildings intended for community, school, religious or institutional use indicating approximate building coverage in square feet.
 4. Location of all existing buildings, historical areas or scenic areas to be preserved.

The report shall contain an explanation of how the common open space shall be maintained including an estimate of additional charges or costs to be paid by each housing unit. The method by which citizen participation is provided in the maintenance of these facilities shall be specified. All improvements to be placed as fixtures upon the land shall be described. A statement of conformance or lack thereof to the requirements of design ratios

and common open space shall be included. Said open space and community facilities component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

- (I) A land coverage and drainage component map or maps which shall include the location and square feet of all areas of the site to be covered by paving or building roofs, and the proportion of each as related to the total site, and the relation to each watershed existing on an off-site location prior to proposed development.
 - 1. All areas of the site in which the natural vegetative cover will be altered shall be identified and the proportion by type of change shall be identified with the amount of area in acres and the proportion of each as related to the total site shall be indicated on the map legend.
 - 2. A grading and drainage plan identifying the collection and retention and drainage of storm water shall be submitted to the Watershed District and the Washington County Soil and Water Conservation District at the time of application. Erosion control structures must be in place before grading begins. On-site drainage shall be directed to a storm water holding pond prior to leaving the site. Drainage and erosion control systems shall be designed to prevent any increase in silt runoff over pre-existing peak flows.

- (J) A building quality component which shall consist of a map or maps, schematic drawings and report showing locations of all buildings with floor elevations, typical building types to illustrate architectural intent and character, and the name, address and certification of the architect approving the exhibit.

- (K) A legal submissions component which consist of the following:
 - 1. The articles of incorporation and bylaws for any homeowners association, condominium association or other form of nonprofit corporation to maintain or advise in the operation of any common space.
 - 2. Any agreement by which an organization is to serve in the capacity of a trustee.
 - 3. Typical deed or lease agreement specifying all rights and obligations including required fees to be paid to maintain common open space.
 - 4. A signed statement establishing the rights of the Township to substitute for the organization to maintain common open space and to collect the necessary funds.
 - 5. Copies of all existing or proposed easements and covenants to permit other persons to utilize portions of land or to maintain facilities and/or utility service lines.
 - 6. Copies of all existing or proposed agreements by which private roads shall be maintained, refuse collected, snow plowed and other supplementary services be provided.
 - 7. Copies of all dedications, restrictions and covenants imposed upon the land including reservations in favor of any homeowners association.

- (L) A construction order component which shall contain a map or maps setting forth the proposed chronological order of construction relating each proposed use and structure to the construction of the various services and facilities as may be required herein. Said

component shall include estimated completion dates and shall specify the proposed order of request for utility release or other authority to occupy complete structures so as to provide a basis for determining the adequacy of the related services and facilities which would not require a variance under existing zoning. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

- (M) A Subdivision Design that shall comply with the provisions of the Denmark Township Subdivision Regulations.
- (N) A financial impact component which shall consist of a report demonstrating the additional taxes generated by the Planned Unit Development for Denmark Township and the school district, the additional financial burden generated by the Planned Unit Development on the school system, fire department, police department, road maintenance and other increased financial burden on Denmark Township. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.
- (O) A marketing component which shall consist of a report demonstrating the economic feasibility of the Planned Unit Development including a marketing survey of proposed residential and apartment units, the impact on existing property values, the impact on any other proposed real estates developments in the surrounding area, the amount of federal, state and local subsidy or loan programs utilized by the Planned Unit Development and the impact of such governmental subsidy or loan programs being curtailed or eliminated.
- (P) An air pollution component which shall consist of a map and report setting forth the location of all air pollution sources including areas of heavy traffic, parking lots, incinerators and smokestacks. The report shall include the amount of pollution expected from each source and the abatement procedures to be used to control such air pollution. Said component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation.
- (Q) The general plan of development may include as additional components: A Recreation Component, a Public Building Component, Noise Component, Lighting Component providing for consideration for administrative and public safety quarters, and such other components indicated by the nature of the particular proposed development.

(4) The Town Board must grant a final approval as it relates to a Planned Unit Development.

5.9. Method of Amending a Planned Unit Development Permit. Any desired change involving structural alteration, enlargement or intensification of the use not specifically allowed by a particular Planned Unit Development permit, or any request for a variance from the specific terms of a previously passed Planned Unit Development permit, shall require than an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

5.10. Method of Cancellation of a Planned Unit Development Permit. Any existing approved Planned Unit Development permit shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved Planned Unit Development permit. In addition, an existing Planned Unit Development permit shall be deemed to be automatically canceled in the

event that a final plat, if the same is required in connection with the permit, is not filed as required by and in accordance with the terms of the Township Subdivision Regulations within one hundred twenty (120) days following final approval of the Planned Unit Development permit by the Town Board. The Planned Unit Development permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing Planned Unit Development permit shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the Township acting in accordance with law and due process, taking some rezoning action which supersedes the Planned Unit Development.

SECTION 6. WIND ENERGY CONVERSION SYSTEMS (WECS)

- 6.1. Purpose and Intent. The purpose is to establish regulations for wind energy conversion systems. A wind energy conversion system is defined as one (1) tower with rotors and motors with one conversion generator.
- (1) Required Permits: A Conditional Use Permit is required for a wind energy conversion system in all zoning districts.
 - (2) Other Requirements: Wind energy conversion systems shall comply with all rules and regulations of Federal, State, County and Local agencies.
 - (3) Performance Standards: Wind energy conversion systems must comply with the following standards:
 - (A) The parcel on which a wind energy conversion system is proposed to be located must be at least ten acres in size.
 - (B) One wind energy conversion system is permitted on a parcel.
 - (C) The maximum height of a wind energy conversion system shall be 100 feet. The system height shall be measured from the base of the tower to the highest possible extension of the rotor.
 - (D) No lights, flashers, reflectors, or any other illuminated devices shall be affixed to the wind energy conversion system unless required by the Federal Aviation Administration.
 - (E) The wind energy conversion system shall be located so as to have the least impact on adjoining parcels.
 - (F) No wind energy conversion system shall be located within any required setback and shall have a minimum setback from any property line a distance equal to the height of the tower.
 - (G) Rotors shall not exceed 26 feet in diameter and shall have a clearance of 30 feet over any tree or structure. Each wind energy conversion system shall be equipped with both a manual and automatic breaking device capable of stopping the wind energy conversion system in high winds (40 mph or greater).

- (H) All State, County, and Local noise standards must be met. Applicable electrical permits/inspections must be obtained.
- (I) To prevent unauthorized climbing, wind energy conversion system towers must comply with one of the following provisions:
 - 1. Tower climbing apparatus shall not be located within 12 feet of the ground.
 - 2. A locked anti-climb device shall be installed on the tower.
 - 3. A protective fence at least 6 feet in height.
- (J) The color of the structure shall be either gray or off-white.
- (K) In the event of permit revocation or if the wind generator is no longer used, the wind generator must be removed and the site restored to its original condition within 120 days.

SECTION 7. WATERSHED RULES AND REGULATIONS*

- 7.1 Incorporation by Reference. The rules and regulations of the South Washington Watershed District, adopted on December 13, 2011 and including any subsequent amendments thereto, are hereby incorporated in and made part of this Ordinance as if fully set forth herein. Such rules and regulations of the Watershed District shall prevail over any contrary provisions of this Development Code.

DENMARK TOWNSHIP DEVELOPMENT CODE

**CHAPTER THREE
SUBDIVISION REGULATIONS**

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DENMARK TOWNSHIP DEVELOPMENT CODE**CHAPTER THREE
SUBDIVISION REGULATIONS**

This Chapter of the Denmark Township Development Code shall be known as the Denmark Township Subdivision Regulations and may be referred to in this chapter as "this chapter" or "this ordinance" or "the subdivision ordinance".

SECTION 1. INTENT AND PURPOSE

1.1. Intent and Purpose. The process of dividing raw land into home sites, or separate parcels for other uses, is one of the most important factors in the growth of any township. Few activities have a more lasting effect upon its appearance and environment. Once the land has been subdivided into lots and the streets, houses, and other structures have been constructed, the basic character of this permanent addition to the township has become firmly established. It is then virtually impossible to alter its basic character without substantial expense. In most subdivisions, roads and streets must be maintained and various public services must be provided. The welfare of the entire township is thereby affected in many important respects. It is, therefore, to the interest of the general public, the developer, and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper standards. To the extent authorized by law, it is the purpose of these regulations to:

- (1) Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- (2) Provide for the health and safety of residents by requiring properly designed streets and adequate sewage and water service.
- (3) Place the cost of improvements against those benefiting from their construction.
- (4) Secure the rights of the public with respect to public lands and waters.
- (5) Set the minimum requirements necessary to protect the public health, safety, comfort, convenience and general welfare.

1.2. Subdivision Methods. There are four methods of subdividing land:

- (1) Lot Line Adjustment (Section 4)
- (2) Administrative Minor Lot Split (Section 5)
- (3) Minor Subdivision (Section 6)
- (4) Major Subdivision (Section 7)

SECTION 2. SCOPE AND APPLICABILITY

- 2.1. Scope. The regulations contained in this chapter shall apply in Denmark Township and shall apply to any combination of lots and division of land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replatting, registered land survey, conveyance, sale, contract for sale or other means by which a beneficial interest in land is transferred.
- 2.2. Compliance Required. After the effective date of this Ordinance:
 - (1) No land shall be subdivided or platted nor shall any plat or deed be recorded except as provided in this chapter and approved by the Township as having fulfilled the requirements of this Chapter, the other chapters of the Denmark Township Development Code and Minn. Stat. Chap. 505.
 - (2) To the extent this Ordinance requires the combination of parcels, or portions of land, on the same deed for recording purposes, such combination shall result in the recording with the County of a single deed with a single legal description for the combined properties. A combination of tax parcels alone shall not be sufficient. Unless the combination of parcels on the same deed is expressly required by this Ordinance, or by the Town Board as a condition of a permit or variance, the combination of parcels into a single tax parcel in accordance with the process established by the County shall be deemed sufficient for the purposes of determining compliance with this Ordinance based upon the combined parcel. The Town Board shall not approve the separation of the tax parcel unless the parcels, once separated, will each be in full compliance with the requirements of this Ordinance.
 - (3) Any parcel of land, either platted or unplatted, that has been combined for tax purposes, or for any other reason, cannot be re-separated without prior written approval of the Town Board and compliance with the applicable requirements of this Chapter.
 - (4) No registered land survey shall be recorded with the Registrar of Titles until the registered land survey shall have been approved by the Township as having fulfilled the requirements of this Ordinance and the Denmark Township Development Code.

SECTION 3. ADMINISTRATION

Pursuant to Chapter One of the Denmark Township Development Code, the Denmark Town Board or its designee shall be the Administrator of these regulations.

- 3.1. Minimum Standards. Whenever there is a difference between the minimum standards or dimensions required in this Chapter and any other standards or dimensions in other sections of the Denmark Township Development Code, the most restrictive standards or dimensions shall apply.
- 3.2. Environmental Review. Subdivision review shall be coordinated with the requirements and procedures for Environmental Assessment and Impact Statements as contained in Chapter One, Section 13, Environmental Assessment or Impact Statements, of the Denmark Township Development Code. Any mandatory Environmental Assessment Worksheet or Impact Statement as required by the Minnesota Environmental Quality Board Regulations shall be submitted as part of the application for preliminary plat approval.

- 3.3. County Review. Subdivision Review shall be coordinated with Washington County. Township approval of all phases of plat is required and shall be in sequence with County approval.
- 3.4. Open Space Design. The platting and subdivision of open space design subdivisions shall be coordinated with the requirements contained in the Denmark Township Development Code, Chapter Two, Part 3, Section 4, Open Space Design. Any deviation from the minimum design and engineering standards of these subdivision regulations may be allowed when consistent with the standards contained in Chapter Four, Individual Sewage Treatment System Regulations.
- 3.5. Improvements Completed. No structure shall be built or placed on a lot in a new plat until the road and drainage improvements are substantially completed, except model homes as allowed in the development agreement. With regard to road improvements, substantially complete shall mean that the gravel base and bituminous base course have been installed and approved by the township engineer.
- 3.6. Outlots. Any lot or parcel of land designated as an “outlot” shall have a development agreement recorded against this lot or parcel specifying the usage and ownership of said lot or parcel.
- 3.7. Consent. Consent for subdivision of property shall be required from the owner of the property.
- 3.8. Security Interests. Creation of a security interest in a portion of a parcel less than the entire parcel does not entitle the property to be subdivided even in the event of foreclosure of the security interest unless the parcel is in conformance with this Chapter and the Denmark Township Development Code.
- 3.9. Variances. Variances to the dimensional standards contained in this Chapter shall be heard by the Denmark Township Planning Commission and Denmark Township Board and governed by the regulations contained in Chapter One of the Denmark Township Development Code.
- 3.10. Financial Security. The Board shall approve any bonds or other financial security required under the provisions of this Chapter.
- 3.11. Penalties. In addition to any other remedies set forth in the Denmark Township Development Code, any person who violates any provisions of this Chapter or who sells, leases or offers for sale or leases any lot, block, or tract of land regulated by this Chapter before all requirements of the regulations of this Chapter have been complied with shall forfeit to the Township two thousand dollars (\$2,000.00) for each lot or part of a lot so disposed of, leased or offered.
- 3.12. Fees. The Denmark Township Board shall establish fees for services rendered under this Chapter.
- 3.13. Concept Plan Review (Optional). A sketch plan of the proposed Open Space Design, Major Subdivision, Minor Subdivision, or Planned Unit Development may be prepared for Board and/or staff review prior to preparation of the preliminary plat. If an applicant wishes to consult with staff at this stage in the process, the appropriate escrow fee shall be deposited. The intent of the sketch plan is to enable the subdivider to save time and expense in reaching general agreement with the township as to the form of the development and the objectives of these regulations. The Town Board will take no formal or informal action at this stage of review and discussion that occurs at this meeting cannot be construed as approval or denial of the proposed plat. The sixty (60) day time lines set forth in Section 15.99 and/or the one hundred twenty (120) day time period as set forth in Minn. Stat. § 462.358 shall not begin to run while the Town Board is reviewing a concept plan, unless the applicant has also filed a complete application for preliminary subdivision approval.

3.14. Lot Area Minimums. For the purposes of determining compliance with the minimum lot area required by this Ordinance regarding a proposed division of property, the Town Board may grant a waiver to the minimum lot area requirement if it determines no resulting parcel will deviate from the required minimum lot area by more than five percent and all resulting parcels will otherwise fully comply with this Ordinance. The purpose of this waiver is to recognize and allow for minor errors, corrections, or other deviations in parcel sizes that may have occurred through no fault of the owner and which resulted in a parcel containing slightly less acreage than required by this Ordinance to allow it to be divided. If the Town Board grants a waiver, such reduced lot size shall be, to the greatest extent possible, limited to a single resulting parcel so that the other resulting parcel or parcels contain the minimum lot area. The resulting undersized parcel allowed by Town Board waiver shall be treated for the purposes of this Ordinance as a conforming parcel with respect to minimum lot area. This process is not intended, and a waiver shall not be granted, to allow the division of property into one or more undersized parcels when compliance with the minimum lot area could have otherwise been reasonably achieved.

SECTION 4. LOT LINE ADJUSTMENT

4.1. Lot Line Adjustment. The division of land made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between adjacent lots which does not create any new lots, tracts, parcels or sites; nor does a boundary adjustment create any lot, tract, parcel or site which contains insufficient area and dimensions to meet minimum requirements for width, lot size, and area for building as required by the Denmark Township Zoning Ordinance. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner’s property.

- (1) Review Process: The Town Board must approve a Lot Line Adjustment. An applicant shall submit to the Town Clerk an application for the Lot Line Adjustment along with certain other submittals as required by the Township. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the legal expenses of the Township, which are necessary to process, the request. Said fees and escrow shall be established by ordinance of the Township. The Township Attorney will review the application and recommend action to the Board. Upon approval of the application by the Town Board, the Township Attorney shall draft a Development Agreement for the Board to review. A Development Agreement shall be required for all lot line adjustments, unless the Board determines that an agreement is not necessary under the facts related to a particular application. Once approved, necessary documents must be submitted to Washington County for approval and recording. The applicant is responsible for all fees charged by Washington County.
- (2) Submittals for Lot Line Adjustments:
 - (A) Completed application with escrow deposit.
 - (B) Legal description of the original parcel(s) and the new lot line adjustment parcel(s).
 - (C) A certificate of survey showing the original parcel(s) and the new lot line adjustment parcel(s) and the lot dimensions.
 - (D) **NOTE:** All improvements (buildings, fences, septic, well, etc.) on the property shall be shown on the certificate of survey.

SECTION 5. ADMINISTRATIVE MINOR LOT SPLIT

- 5.1. Administrative Minor Lot Split. The division of land that creates lots that are 20 acres or more in size and have 500 feet or more of road frontage. Said lots shall meet all other requirements of the underlying zoning district.
- (1) Review Process: The Town Board must approve an Administrative Minor Lot Split. An applicant shall submit to the Town Clerk an application for the Administrative Minor Lot Split along with certain other submittals as required by the Township. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the legal expenses of the Township that are necessary to process the request. The applicant may be required to pay a Park Dedication fee for each additional lot being created. Said fees and escrow shall be established by ordinance of the Township. The Township Attorney will review the application and recommend action to the Board. Upon approval of the application by the Town Board, the Township Attorney shall draft a Development Agreement for the Board to review. Once approved, the applicant must submit necessary documents to Washington County for approval and recording. The applicant is responsible for all fees charged by Washington County.
 - (2) Submittals for Administrative Minor Lot Split:
 - (A) Completed application and escrow deposit.
 - (B) Legal description of the original parcel(s) and the new lot(s).
 - (C) A certificate of survey showing the original parcel(s) and the new lot(s) and the lot dimensions and the buildable area on the new lots. The certificate of survey should also identify the driveway access points. All improvements (buildings, fences, septic, well, etc) on the property shall be shown on the certificate of survey.
 - (D) Proof that the real estate taxes for the entire year have been paid in full.
 - (E) A title commitment or title opinion that establishes ownership of the original parcels.
 - (F) Aerial photograph.
 - (G) Soil testing for the installation of an on-site sewage disposal system for a primary and secondary site.
 - (H) Deeds which will be used to convey the new lots or a request that the Township Attorney prepare the deeds of conveyance.

SECTION 6. MINOR SUBDIVISION

- 6.1. Minor Subdivision. Any subdivision containing three (3) or less lots fronting on an existing public street, or approved private driveway, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations. An approved private driveway shall be limited to serve two (2) dwellings. All approved private driveways shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. The building inspector shall review and approve all access driveways for compliance. The Township shall require a driveway agreement that provides for maintenance, including snow plowing, to be shared by the parcels.
- (1) Review Process: A Minor Subdivision is reviewed by the Planning Commission and approved by the Town Board. An applicant shall submit to the Town Clerk an application for the Minor Subdivision along with certain other submittals required by the Township. The applicant may elect, but is not required, to plat a Minor Subdivision and any such plat shall be in accordance with the requirements of Minnesota Statutes, chapter 505. The applicant shall pay in advance the appropriate application fees and deposit funds in escrow to cover the incurred by the Township in processing the request. The applicant may be required to pay a Park Dedication fee for each additional lot being created. Said fees and escrow shall be established by ordinance of the Township. The approval process will consist of review by Township Staff for compliance with the Denmark Township Development Code, a Public Hearing in front of the Planning Commission, and final approval/denial by the Denmark Town Board.
- (2) Submittals for a Minor Subdivision:
- (A) Completed application and escrow deposit.
 - (B) Legal description of the original parcel and the new lots.
 - (C) A certificate of survey prepared by a licensed land surveyor showing the boundaries of the newly created lots. All improvements on the property should also be shown on the Boundary Survey.
 - (D) Proof that the real estate taxes for the year have been paid in full.
 - (E) A title commitment or title opinion that establishes ownership of the original parcels.
 - (F) Soil testing for the installation of an on-site sewage disposal system for a primary and secondary site.
 - (G) Drainage, grading, and erosion control plans.
 - (H) Wetland delineation report and map.
 - (I) Topographic data at ten (10) foot contour intervals. Data at two (2) foot contour intervals and floodplain information may be required if deemed necessary by Township Staff.

- (J) Buildable area on the parcels.
- (K) Driveway access points.

6.2. Additional Requirements. All requirements of Sections 8, 9, 10, 11 and 12 of this chapter must be met where applicable. Additional requirements are as follows:

- (1) Prior to approval of a minor subdivision, the township reserves the right to require the dedication of streets, utility and drainage easements, or public park land or cash in lieu of land.
- (2) All wetland areas and DNR protected waters shall be protected with a drainage easement up to the 100-year flood elevation or the wetland boundary, whichever is more restrictive.
- (3) A maximum subdivision of three (3) lots in a five year period is permitted utilizing the minor subdivision procedure.
- (4) A development agreement must be entered into specifying the number of density units allocated among parcels (Chapter 3 of the Denmark Township Zoning Ordinance), and approved by the Denmark Town Board.
- (5) Driveway permits or letter of intent must be approved by the Washington County Department of Public Works or MNDOT if access to a County or State road is required or the designated township representative if the access is onto a Township road.
- (6) Drainage easements must be dedicated as necessary.
- (7) Road right-of-way must be dedicated as necessary.

6.3. Exceptions to Platting Requirement. Platting is not required for Lot Line Adjustments, Administrative Minor Lot Splits, or Minor Subdivisions.

SECTION 7. MAJOR SUBDIVISION

7.1. Major Subdivision. All subdivisions not classified as Lot Line Adjustments, Administrative Minor Lot Splits, or Minor Subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street. The general development process for Major Subdivisions shall consist of:

- (1) Concept Subdivision Plan Review (Optional): A sketch plan of the proposed Major Subdivision may be prepared for Board and/or staff review prior to preparation of the preliminary plat, as specified in Section 3, 3.13. The sketch plan shall be drawn to scale and include at least the following information:
 - (A) Application and appropriate escrow, if indicated.
 - (B) Tract boundaries and approximate dimensions.

- (C) Significant topographical and physical features on the property to be platted and within 200 ft of all property lines.
- (D) Storm water management concept.
- (E) Significant topographic and physical features on the property to be platted and within 200 feet of all property lines.
- (F) Proposed general street and lot layout with lot sizes of individual parcels designated.
- (G) General drainage plan.
- (H) An explanation of the proposed subdivision and its purpose.

7.2. Required Submittals. The following information shall be submitted for Major Subdivision/Preliminary Plat review. The appropriate escrow deposit shall accompany the application. Graphic scale for any maps shall not be more than one hundred (100) feet to one (1) inch.

(1) Identification and Description:

- (A) Proposed name of the subdivision.
- (B) Legal description of the property.
- (C) Name and address of the record owner and any agent having control of the land; the name and address of the subdivider, land surveyor, engineer and designer of the plan.
- (D) North point and vicinity map of area showing well-known geographical points for orientation within a one-half (½) mile radius.
- (E) Date of preparation.
- (F) Submit a certified list of the names and addresses of all property located within 500 feet of all contiguous property.

(2) Existing Conditions:

- (A) Boundary lines shall be shown clearly and to such a degree of accuracy that conforms to the subdivision/plat in that no major changes are necessary in preparing said plat.
- (B) Existing zoning classifications for land in and abutting the subdivision.
- (C) Total acreage.
- (D) Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, significant physical features/natural resources, locations of mature trees, permanent buildings and structures, easements and section, geographic boundaries and school district lines within the plan and to a distance of three hundred (300) feet beyond.

- (E) Location and size of existing, culverts, wells, septic systems, drain tile, or other underground facilities within the preliminary plat are and to a distance of one hundred (100) feet beyond. Such data as grades and location of catch basins, manholes, hydrants, and street pavement width and type shall also be shown.
- (F) Boundary lines of adjoining unsubdivided or subdivided land within one hundred (100) feet, identified by name and ownership, and including all contiguous land owned or controlled by the subdivider.
- (G) All wetlands shall be field delineated by a qualified and experienced wetlands delineator and shown appropriately on the preliminary plat. A copy of the wetland delineation report shall be submitted. Mapping must show surveyed location of all wetland boundary markers.
- (H) Topographic data, including contours at vertical intervals of not more than two (2) feet, except in those areas where the slope is less than one percent (1%) a one (1) foot vertical interval shall be shown. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown. National Geodetic Vertical Datum 1929 Adjustment or North American Vertical Datum of 1988 shall be used for all topographic mapping, except where benchmarks are not available within ½ mile of site. Benchmarks shall be established on-site and shown on map. At the discretion of the Zoning Administrator, spot elevations may substitute for the one-foot contour intervals.
- (I) A copy of all proposed private restrictions.
- (J) Map showing the location of two soil borings on each lot and a summary report indicating the suitability of each lot for septic systems. Boring location and results shall be submitted to the Washington County Department of Health, Environment and Land Management. If it appears that soil may not be suitable on any lot for the installation of an on-site septic system, additional borings and percolation tests may be required at the discretion of the Department.
- (K) Soil types and location of limits of each soil type as shown in the Soil Survey of Washington County. If severe soil limitations for the intended use are noted in the Soil Survey on file in the Washington Soil and Water Conservation District Office, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be submitted as part of the application.
- (L) For lands proposed to be platted in the Saint Croix River District or Mississippi River Critical Area, the bluff line and all slopes over twelve percent (12%), with a horizontal distance of 50 feet or greater, shall be delineated. In Shoreland Districts, all slopes over eighteen percent (18%), with a horizontal distance of 50 feet or greater, shall be delineated. Slopes in excess of twenty-five percent (25%) shall be delineated on all properties.
- (M) On all lakes, ponds and wetlands, all water surface elevations, ordinary high water elevation and 100-year flood elevations shall be denoted unless deemed unnecessary by the Zoning Administrator.

- (N) The applicant shall document the path of each drainage way from the proposed development to the first DNR Protected Water within 500 feet of the project.

(3) Subdivision Design Features:

- (A) Layout of proposed streets showing right-of-way widths and proposed names of streets. The name of any street shall conform to the Washington County Uniform Street Naming and Property Numbering System as applicable.
- (B) Locations and widths of proposed, trails, pedestrian ways, drainage and utility easements.
- (C) Lot and block numbers, preliminary dimensions of lots and blocks and area of each lot. The buildable area of each lot shall be shown.
- (D) Required front, side and rear building setbacks as well as setbacks from water bodies.
- (E) Location of a suitable house pad, driveway and size and location of proposed primary and secondary septic sites.
- (F) Gradients of proposed streets and storm sewer. Plans and profiles showing locations and typical cross-sections of street pavement including curbs, gutters, sidewalks, drainage easements, right-of-ways, and catch basins.
- (G) Areas (other than streets, pedestrian ways and utility easements) intended to be dedicated or reserved for public use including the size of such area(s) in acres.
- (H) Grading and drainage plan for entire subdivision. If any fill or excavation is proposed in a wetland or lake, approval may be required from the Minnesota Department of Natural Resources, Army Corps of Engineers, Local Governmental Unit and/or Watershed District.
- (I) Erosion and sediment control plan.

(4) Other Information:

- (A) Statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; type of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
- (B) Source of water supply.
- (C) Provisions for sewage disposal, surface water drainage, and flood control.
- (D) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Township may require the subdivider to submit a sketch plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions and land use. If the plat contains

either a temporary or permanent cul-de-sac, a plan showing the potential for development of adjacent property may also be required.

- (E) The Zoning Administrator, the Township Engineer or the Planning Commission may request such other information as it deems appropriate.
- (5) Other requirements:
- (A) Prior to preliminary subdivision/preliminary plat approval for property located in a Shoreland District or St. Croix River District, the proposed subdivision must be submitted for review by the Minnesota Department of Natural Resources. The Applicant shall be responsible for forwarding copies of the proposed plat to the DNR.
 - (B) If required, approval from the South Washington Watershed District in the area of the proposed platted property must be obtained as part of the preliminary plat process. The applicant shall take whatever steps are necessary to obtain approval from the South Washington Watershed District.
 - (C) If the property proposed to be subdivided abuts the right-of-way of a State highway, a copy of the preliminary plat shall be sent to the Minnesota Department of Transportation for their review and consideration.
- (6) Public Hearing and Planning Commission Review:
- (A) Upon receipt of a complete preliminary major subdivision/preliminary plat approval application a Public Hearing will be scheduled before the Planning Commission. Township staff will review the proposed subdivision plat and will prepare a report for the Planning Commission hearing. Such hearing shall be scheduled in accordance with the policies and practices of the Planning Commission. A recommendation for action shall be made by the Planning Commission to the Town Board.
 - (B) If the preliminary major subdivision/preliminary plat is not recommended for approval by the Planning Commission, the reasons for such action shall be recorded in the proceedings and transmitted to the applicant and the Town Board.
- (7) Town Board Review and Action:
- (A) The application and Planning Commission recommendation will be reviewed at the next regularly scheduled Town Board Meeting. The Board will review the application and recommend approval/disapproval or table the application.
 - (B) If the preliminary major subdivision/preliminary plat is approved, such approval shall not constitute final acceptance of the layout. Final subdivision/plat approval will be required as specified in Chapter 3, Section 7.3, Final Major Subdivision/Final Plat.
 - (C) The Township reserves the right to require changes to any subdivision plan when they feel an alternative plan would be more sensitive to environmental resources; or would improve safety or provide for a more efficient flow of traffic; or is more sensitive to topographical

constraints of the property; or does not meet the standards contained in the Denmark Township Development Code or Comprehensive Plan.

- (D) If the application is approved, the Township Attorney will create a Development Agreement, which will be reviewed and approved by the Board in accordance with Board procedures.
- (E) Should the applicant desire to amend the preliminary subdivision/plat as approved, they may submit an amended subdivision/plat which shall follow the same procedure as a new plat. A public hearing and submission of a subdivision/plat review fee shall not be required for amended subdivision/plats unless, in the opinion of the Town Board, the amendment is of such scope as to constitute a new subdivision/plat. In such cases, the subdivision/plat shall be re-filed with payment of appropriate review fees and shall require a public hearing.

7.3. Final Major Subdivision/Final Plat.

- (1) Approval: Applicant shall submit the final major subdivision/final plat to the Zoning Administrator as required by the policies and procedures of the Township with said final plat to include:
 - (A) Mylars.
 - (B) The final plat shall be prepared by a land surveyor who is licensed in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes, these regulations, and the manual of Standard Procedures for Platting in Washington County.
 - (C) The subdivider shall submit, with the final plat, an Opinion of Title prepared by the subdivider's attorney or a current title insurance policy or commitment certified to within 30 days of submission of the final plat to the County Board for approval.
- (2) Application Deadline: Final Major Subdivision/Final Plat application must be made within one year after the approval, or the approval of the subdivision/plat shall be considered null and void. This one year time period may be extended if requested by the applicant and approved by the Town Board. In the event the property is to be developed in phases, the preliminary subdivision/plat approval for the undeveloped portion or phase shall be valid for a period of time determined by the Town Board.
- (3) Prerequisite: Prior to approval of the final major subdivision/final plat by the Township Board, the applicant shall have installed all required improvements or executed a development agreement (major subdivision) with the township for their installation. Required improvements shall conform to approved engineering standards and be in compliance with these regulations.
- (4) Statutory Requirements: The Town Board shall consider the final subdivision/plat for approval in accordance with statutory requirements.
- (5) After Approval: If the final major subdivision/final plat is approved by the Town Board, the owner shall submit the final subdivision/plat to the Washington County Recorder/Registrar of Titles within 120 days after final plat approval. Such final subdivision/plat shall be signed by the

Township and signed and acknowledged by each person owning a legal or equitable interest in the lands platted, including contract purchasers or those holding a security interest such as a mortgage or contract for deed, but excluding judgment or mechanics lien. In lieu of their signatures on the final plat, mortgage or contract for deed vendors may sign and acknowledge a separate consent to plat.

- (6) **Recording Deadline:** If the final plat is not presented to the County Recorder/Registrar of Titles within 120 days after approval by the Town Board, approval of the final plat shall be considered null and void. An extension to this 120 day time frame may be requested by the applicant and submitted in writing to the Town Board. An extension must be approved by the Town Board.
- (7) **County Plat Commission:** The applicant shall submit the approved final subdivision/plat to the Washington County Plat Commission for their review and approval.

SECTION 8. GENERAL DEVELOPMENT STANDARDS

8.1. **Subdivision Restrictions.** No land may be subdivided into buildable lots when it is unsuitable for reasons of flooding, inadequate drainage, soil and rock formations with severe limitation on development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of residents of the township or future residents of the subdivision.

The Township reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar township assets which, if preserved, will add attractiveness and stability to the proposed development of the property.

All new subdivisions, where appropriate, should be designed to accommodate use of passive and active solar energy systems with special attention given to street, lot and building orientation.

The subdivider shall consult with the Township at the time the concept plan review is under consideration to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, trails, playgrounds, or other public property.

The proposed subdivision shall conform to the Comprehensive Plan and Policies as adopted by the Township.

Where a subdivision abuts or impacts an existing County or Township Road or County State Aid Highway, additional right-of-way may be required to be dedicated so long as the additional right-of-way is reasonably proportional to the impact of the subdivision on the health, safety and welfare of the township.

SECTION 9. MINIMUM DESIGN STANDARDS

9.1. **Street Plan.**

- (1) Proposed streets shall conform to the state, County, or Township road plans or preliminary plans as have been prepared, adopted and/or filed as prescribed by-law.

- (2) Streets shall be logically related to the topography so as to produce useable lots and reasonable grades
- (3) Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided parcels, unless the topography clearly indicates that such connection is not feasible. Reserved strips and land-locked areas shall not be created.
- (4) The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of the existing streets into adjoining areas.
- (5) Where adjoining areas are not subdivided, but may be subdivided, the arrangement of streets in a new subdivision shall make provisions for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. Streets must be rough graded or documented that grading can be accomplished within the right-of-way.
- (6) Local streets shall be laid out to discourage their use by through traffic. Thoroughfares shall be reserved for through traffic by providing marginal access streets, interior streets for serving lots, or other means.
- (7) Half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, reasonable assurance for dedication of the remaining part of the street can be secured.
- (8) Whenever a tract to be subdivided adjoins an existing half or partial street, the part of the street within such tract shall be platted and dedicated if the dedication results in a reasonable subdivision design for the area.
- (9) Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracks or when designed as cul-de-sac streets.
- (10) Private streets and reserve strips shall be prohibited and no public improvements shall be approved for any private street. All streets shall be dedicated for public use.
- (11) Where a subdivision abuts or contains an existing or planned principal arterial highway or railroad right-of-way, a street approximately parallel with and on each side of such thoroughfare and right-of-way may be required for adequate protection of residential properties and separation of through and local traffic. Such service streets shall be located at a distance from the major thoroughfare or railroad right-of-way suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (12) The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

9.2. Cul-de-Sac Streets.

- (1) For the purposes of this Development Code, whether a new cul-de-sac is proposed or an existing cul-de-sac is to be extended, the beginning of the cul-de-sac road shall be measured from the point at which there is no secondary access. The end is to be measured at the center of the cul-de-sac.
- (2) Lots with frontage at the end of the cul-de-sac shall have a minimum of sixty (60) feet of road frontage and meet the lot width requirement at the standard front building setback line for the zoning district in which the property is located.
- (3) Temporary cul-de-sacs are those in which it can be clearly shown that the road could reasonably continue and would result in a through road at some time in the foreseeable future. A plan showing how the road could be extended into neighboring property shall be submitted.
- (4) Cul-de-sac streets, permanently designed as such, shall not exceed 1,000 feet in length in areas where lots are less than three (3) acres in size.
- (5) Where lots are three (3) acres in size or greater, cul-de-sacs permanently designed as such shall not exceed 1,320 feet (1/4 mile) in length.
- (6) In areas where lots are three (3) acres or greater, temporary cul-de-sacs shall not exceed 2,640 feet (1/2 mile) nor provide access to more than 20 home sites.
- (7) In areas where lots are less than three (3) acres, temporary cul-de-sacs shall not exceed 1,320 feet (1/4 mile) nor provide access to more than 20 home sites.
- (8) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to said property line in such a way as to permit future expansion of the street into the adjoining tract. At such time as a street is extended, the acreage covered by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turnaround. To assure such streets can be constructed according to these regulations, the street shall be rough graded or typical sections shall be submitted and approved by the Township Engineer and the Washington County Plat Commission to show construction can stay within the right-of-way.

9.3. **Street Design.** For street design standards in Open Space Developments see Chapter 2, Part 3, Section 4.10(5), Street Standards and Chapter 3, Part 1.11, Streets.

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

URBAN DESIGN

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

Commercial	66 feet (20.1m)	36 feet
Local	66 feet (20.1m)	28 feet (9.8m)

RURAL DESIGN

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width	Shoulder Width
Minor Arterial	120 feet (36.6m)	24 feet (12.2m)	8 feet
Collector Street	100 feet (30.5m)	24 feet (12.2m)	4 feet
Local	66 feet	24 feet (12.2m)	2 feet

- (2) Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be provided to meet the above standards.
- (3) The minimum radius for a cul-de-sac shall be sixty (60) feet with eighty (80) feet of right of way.
- (4) Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use. Additional width may also be necessary due to topography in order to provide adequate earth slopes.
- (5) Access to streets shall be regulated as follows:
 - (A) Access of streets within the subdivision to other local streets shall meet all requirements of the Township.
 - (B) Access of streets within the subdivision to any public street or highway shall meet all requirements of the access spacing guidelines of the Denmark Township Comprehensive Plan as provided below and shall be subject to all conditions of access permitting requirements of the Washington County Department of Public Works, the Township Engineer or the Minnesota Department of Transportation. At the discretion of the Township Engineer, a traffic study including trip generation figures may be required of commercial or industrial subdivisions as well as residential subdivisions of fifty (50) or more dwelling units. Commercial developments or residential developments with more than ten (10) dwelling units shall require turn or bypass lanes to be constructed on the County or Township Road or County State Aid Highway. Such lanes shall conform to Minnesota Department of Transportation design standards and all costs shall be borne by the developer.

ACCESS SPACING GUIDELINES

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

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

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

- (6) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be allowed.
- (7) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than two hundred (200) feet.
- (8) Centerline gradients shall be at least 0.50 percent and grades shall not exceed eight percent (8%).
- (9) Different connecting street gradients shall be connected with vertical curves. Minimum length of these curves shall be thirty times (30X) the algebraic difference in the percent of grade of the two adjacent slopes.

- (10) The angle formed by any intersection of streets shall not be less than seventy (70) degrees with ninety (90) degree intersections preferred.
- (11) Intersections having more than four (4) streets converging at a single intersecting point shall be prohibited.
- (12) Roadways of street intersections shall be rounded by a radius of not less than twenty (20) feet. Corners at the entrances of turn-around portions of the cul-de-sacs shall be rounded by a radius of not less than thirty (30) feet.

9.4. Easements.

- (1) Easements of at least twenty (20) feet wide, centered on rear and other lot lines as required, shall be provided for utilities where necessary. Where underground utilities are being installed, a 10 foot wide front or side yard easement may be required. These easements shall be dedicated on the final plat.
- (2) Drainage easements shall be provided along each side of the centerline of any water course or drainage channel to a sufficient width to provide proper maintenance and protection and to provide for storm water runoff and installation and maintenance of drainage systems. Drainage easements shall be dedicated around wetlands and DNR designated lakes, rivers and streams up to the 100 year flood elevation or delineated boundary, whichever is greater.
- (3) Utility and drainage easements shall be dedicated for the required use.

9.5. Street Names and Signs.

- (1) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. In that event, it shall bear the same name of the existing or platted street. Street names shall conform to the Washington County Uniform Street Naming and Property Numbering system as applicable.
- (2) All street signs and fire signs shall be provided and installed by the Township at the expense of the subdivider.

9.6. Lot Requirements.

- (1) Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement. Lots proposed with irregular lot lines for the sole purpose of meeting a specific zoning requirement are prohibited.
- (2) Each lot shall have frontage on a paved public street. Access to the lot shall be from the frontage of the lot, unless an approved shared driveway is in place.
- (3) No lot shall have less area or width than is required by zoning regulations applying to the area in which it is located.

- (4) Lots designed for commercial or industrial purposes shall provide adequate off the street service, loading and parking facilities.
- (5) Corner lots shall be platted at least twenty (20) feet wider than the minimum required road frontage for a standard lot with the zoning district.
- (6) Through or double frontage lots shall not be permitted except where such lots abut an arterial or highway or as a means to overcome specific disadvantage of topography and orientation.
- (7) Lots abutting upon a watercourse, Drainage way, channel, or stream shall have an additional depth or width, as required, to assure building sites that are not subject to flooding.
- (8) Lots with lakeshore frontage shall be designed so that the lot lines extended shall maintain the closest approximation to riparian right.
- (9) All remnants of lots below minimum lot size left over after subdividing a larger tract must be added to adjacent lots or a plan shown for future use, rather than allowed to remain as unusable parcels. A development agreement (major subdivision) shall be recorded restricting the use and ownership of said parcel.
- (10) In the case where the proposed plat is adjacent to a major or minor arterial and where feasible for existing homes, there shall be no direct vehicular access from individual lots to such streets and roads. Residential driveway access on collector streets must be a minimum of three hundred (300) feet apart and meet appropriate safety standards.
- (11) No lot shall extend over a political subdivision boundary. No building shall extend over a school district line.
- (12) All lots abutting a lake, river, pond, or wetland shall contain a building site two (2) feet or above the regulatory flood elevation and access to both the subdivision and to the individual building sites shall be no lower than two (2) feet above the regulatory flood protection elevation. The lowest floor elevation shall be shown on the face of the final plat, as recorded, and shall be a minimum of two (2) feet above the 100-year flood elevation.

SECTION 10. ENGINEERING STANDARDS

10.1. Streets.

- (1) Gravel surfaces are prohibited. All subdivision streets shall be paved.
- (2) Streets shall be graded in accordance with a plan approved by the township engineer.
- (3) An obstacle clear free zone shall be provided adjacent to the roadway in accordance with the standards of the Minnesota Department of Transportation Road Design Manual.
- (4) For rural design roadways, the in-slopes of the ditches shall be at a 1:4 (rise over run) and back slopes of the ditch shall be at 1:4 (rise over run). The ditch bottom shall be four (4) feet wide unless suitable erosion control can be provided.

- (5) All streets shall be designed for a nine-ton minimum loading basis in accordance with all applicable specifications of the Minnesota Department of Transportation at the time of construction. In all cases, the pavement shall consist of the following minimum thicknesses: six (6) inches of class 5, 1 1/2" non-wearing course and 1 1/2" wearing course bituminous mixture. A thicker section may be required to meet the nine-ton requirement based on subgrade soil classifications and proposed traffic loading. Final pavement section shall be as recommended by a geotechnical engineer and approved by the Township Engineer.

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

- (6) To determine subgrade soil classifications, soil samples shall be collected and analyzed by a qualified testing laboratory. Reports of the soil analysis shall be submitted to the engineer with the pavement plans. Soil samples shall be taken along the centerline of the proposed road at intervals not exceeding three hundred (300) feet.
- (7) Concrete curb and gutter shall be constructed on both sides of urban designed streets and in areas where the road grade exceeds four percent (4%). The construction shall be in accordance with Standard Specification for Highway Construction, Mn/DOT No. 2531.
- (8) All boulevards shall have six (6) inches of top soil (black dirt) placed on them and be seeded or sodded.
- (9) Cul-de-sac islands are not allowed.
- (10) All required walks shall be concrete four (4) inches thick placed on a four (4) inch gravel base. Grades shall be as approved by the township engineer. Sidewalks shall be placed in the public right-of-way. Bituminous walks or alternative paving, such as paving stones, are allowed if approved by the township engineer. All required trails shall have a pavement section, alignment and grade as approved by the township engineer.

10.2. Utilities.

- (1) Undergrounding: All utilities shall be placed underground. All groundwork shall be completed prior to street surfacing.
- (2) Facility Sizing: Where a larger size storm drain or similar facility is required to serve areas outside the subdivision, the larger facility required must be constructed. Additional cost is to be borne by the benefiting properties and the assessments are to be determined by the township.
- (3) Sewer - Rural Areas:
 - (A) Provisions must be made for sanitary sewer facilities consisting of an individual disposal device for each lot. Such provision shall be in accordance with Chapter Four of the

Denmark Township Development Code, Individual Sewage Treatment Systems. This does not mean that the installation of individual disposal devices shall be at the expense of the subdivider.

- (B) Any subdivision or lot not provided with off-site sewer facilities shall be subject to soil and percolation tests to determine whether the lot size proposed will meet minimum standards of health and sanitation due to limitation of soils as shown on existing soil maps. Such tests shall be made at the expense of the subdivider and a preliminary plat map shall be submitted identifying the specific locations where tests were made. Sufficient soil borings shall be performed on each proposed lot by a certified soil tester to assure suitable soils exist for long-term sewage disposal.
 - (C) The lot area and topography must be such that it will accommodate both a primary and a secondary septic site.
 - (D) If a community sewer system is proposed, the system shall be approved by the County. The following is a list of additional minimum requirements for the system:
 - 1. All community sewer systems must be reviewed by the Township Engineer.
 - 2. Construction for conveyance piping must meet the requirements of the latest revision of the City Engineers Association of Minnesota (CEAM) Standards Utilities Specification for Sanitary Sewer Installation.
 - 3. All sewer lines shall be located in easements outside of paved areas, except crossings as needed.
 - 4. A Homeowners' Association shall be established to own and maintain the community sewer system. The Homeowners' Association shall be responsible for all operation, maintenance, and replacement of the system components.
- (4) Water Supply - Rural Areas:
- (A) Water Supply shall be provided by individual on-site wells constructed in accordance with all rules and regulations of the Minnesota Department of Health.
 - (B) If one or more community wells are proposed as part of an Open Space Design or lot averaging Subdivision, the well(s) shall meet the permit requirements of the Minnesota Department of Health. The following is a list of additional minimum requirements for the system:
 - 1. All community water systems must be reviewed and approved by the Township Engineer.
 - 2. A redundant system will be required for all systems with 15 or more service connections.

3. Construction of piping for the distribution system shall meet the requirements of the latest revision of the City Engineers Association of Minnesota (CEAM) Standard Utilities Specification for Watermain and Service Line Installation.
4. All water lines shall be located in easements outside of paved areas, except crossing as needed.
5. Metering shall be required at the source and at individual properties.
6. A Homeowners' Association shall be established to own and maintain the community water system. The Homeowners' Association shall be responsible for all operation, maintenance, and replacement of the water system components.
7. The Homeowners' Association must require and enforce appropriate conservation measures.

10.3. Storm Water Drainage.

- (1) A drainage system shall be required and may include a storm sewer system or a system of open ditches, culverts, pipes, catch basins and ponding areas, or a combination system. Such facilities shall be installed and easements dedicated as will adequately provide for the drainage of surface waters.
- (2) Drainage way easements or land dedication may be required when such easements or land is needed in the public interest for purposes of flood plain management, proper drainage, prevention of erosion, pedestrian access to water bodies, or other public purposes.
- (3) In connection with preliminary plat review and recommendations, provisions for surface water disposal, drainage and flood control within the boundaries of the proposed property division shall be submitted.
- (4) The rate of surface runoff within the boundaries of a proposed property subdivision shall not, in any event, be greater than the rate of runoff existing on the proposed subdivision prior to the proposed development. For the purposes of this regulation, surface water runoff is water flowing on or very near the surface. The volume of surface water runoff may be regulated if it appears the use and development of downstream properties or water resources may be unreasonably interfered with as a result of the subdivision.
- (5) Provision shall be made for controlling runoff by construction or enhancement of ponding facilities on-site and within the boundaries of the proposed property division. Such ponding facilities should provide for both permanent and temporary storage runoff.
- (6) An applicant shall install or construct, on or for the proposed land disturbing or development activity, all storm water management facilities necessary to manage increased runoff so that the two-year, ten-year and 100 year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity.

- (7) The applicant shall give consideration to reducing the need for storm water management facilities by incorporating the use of natural topography and land cover, such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.
- (8) The following storm water management practices shall be investigated in developing a storm water management plan in the following descending order of preference. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for the method selected.
 - (A) Natural infiltration of precipitation on-site. The purpose of this provision is to encourage the development of a storm water management plan that encourages natural infiltration. This includes providing as much natural or vegetated areas on the site as possible, minimizing impervious surfaces, and directing runoff to vegetated areas rather than to adjoining streets, storm sewers, and ditches.
 - (B) Flow attenuation by use of open vegetated swales and natural depressions.
 - (C) Storm water retention facilities.
 - (D) Storm water detention facilities.
- (9) Storm water detention facilities shall be designed according to the most current technology as reflected in the MPCA publication “Protecting Water Quality in Urban Areas” and shall contain, at a minimum, the following design factors:
 - (A) A permanent pond surface area equal to two percent (2%) of the impervious area draining to the pond or one percent (1%) of the entire area draining to the pond, whichever amount is greater.
 - (B) An average permanent pool depth of four (4) to ten (10) feet.
 - (C) As an alternative to (A) and (B) above, the Plat Commission may require that the volume of the permanent pool be equal to or greater than the runoff from a two (2) inch rainfall for the fully developed site.
 - (D) A permanent pool length-to-width ratio of 3:1 or greater.
 - (E) A minimum protective shelf extending ten (10) feet into the permanent pool with a slope of 10:1, beyond which the slopes shall not exceed 3:1.
 - (F) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of 16.5 feet shall be provided.
 - (G) A device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations shall be provided.

- (H) Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the ten (10) year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plans.
- (I) All storm water detention facilities must have a catch basin to remove course-grained particles prior to discharging into a watercourse or storage basin.

10.4. Erosion Control during Construction.

- (1) Erosion control shall be performed in accordance with the recommended practices of the Washington Conservation District and the Watershed District. All Best Management Practices shall be consistent with the Minnesota Construction Site Erosion and Sediment Control Planning Handbook.
- (2) The following criteria apply only to construction activities that result in runoff leaving the site:
 - (A) Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Sheet flow runoff from adjacent areas greater than 10,000 square feet in area shall be diverted around disturbed areas unless shown to have resultant runoff rates of less than .05 feet /sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
 - (B) All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. The limits of grading must be shown on the erosion control plan.
 - (C) All disturbed ground left inactive for fourteen (14) or more days shall be stabilized by seeding or sodding (prior to September 15) or by mulching, covering or other equivalent control measure.
 - (D) For sites with more than ten (10) acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent (1%) of the area draining to the basin and at least three (3) feet of depth constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three (3) feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - (E) For sites with less than ten (10) acres disturbed at one time, silt fences, straw bales, or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.

- (F) Any soil storage piles containing more than ten (10) cubic yards of material should not be located with a downslope drainage length of less than twenty five (25) feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven (7) days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven (7) days shall be controlled by placing straw bales or silt fences barriers around the pile.
- (G) In-street utility repair or construction soil or dirt storage piles located closer than twenty five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control if exposed for more than seven (7) days. The storm drain inlet must be protected with straw bales or other appropriate filtering barriers.

SECTION 11. REQUIRED IMPROVEMENTS

- 11.1. Preliminary Approval. No improvement within a subdivision shall take place until preliminary plat approval has been granted by both the township and the County; a development agreement (major subdivision) has been signed outlining what work can be done; and a financial guarantee has been posted with the township in accordance with this Chapter.
- 11.2. Required Improvements. Prior to the approval of a plat, the subdivider shall have agreed, in the manner set forth below, to install in conformity with approved construction plans and in conformity with all applicable standards and ordinances, the following improvements on the site:
 - (1) All subdivision boundary corners, block and lot corners and road intersection corners. Points of tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All federal, state, county or official benchmarks, monuments or triangulation stations adjacent to the property shall be preserved in precise precision unless a relocation is approved by the controlling agency. These monuments shall be set prior to any improvements being constructed on individual lots. All lot corner pipes or irons shall be a minimum of one-half (½) inch in diameter and fourteen (14) inches in length and shall be inscribed with the license number of the land surveyor making the survey. All unmonumented quarter corners and section corners shall be set by the County Surveyor.
 - (2) The full width of the right-of-way of each street dedicated in the plat shall be graded in accordance with approved plans.
 - (3) All streets shall be improved with concrete or bituminous surface except as may otherwise be approved by action of the township.
 - (4) Along both sides of an urban designed street, concrete curb and gutter shall be installed.
 - (5) In the case where a community water system is proposed the wells and distribution system shall be constructed in accordance with approved plans.
 - (6) Drainage facilities and easements shall be installed as will adequately provide for the drainage of surface waters in accordance with the approved plan.

- (7) Tree planting, street name signs, fire signs, street lighting, mosquito control, traffic control signs, oversized utility trunk lines, pedestrian ways and other improvements may be required.
 - (8) Silt fence requirements.
- 11.3. Construction Plans. Construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota. Construction plans shall contain his or her certificate. These plans, together with the quantities of construction items, shall be submitted to the township engineer for his or her approval and for estimate of the total costs of the required improvements. Upon approval, the plans shall become a part of the required contract described in 13.6 below. The tracings of the plans approved by the township engineer plus two (2) prints shall be furnished to the township to be filed as a public record.
- 11.4. Subdivider's Expense. Required improvements are to be furnished and installed at the sole expense of the subdivider.
- 11.5. Benefited Properties. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvements, representing the benefit to such lands, to be assessed against the same. In such a situation, the subdivider will be required only to pay for such portion of the whole cost of said improvements as will represent the benefit to the property within the subdivision.
- 11.6. Development Agreement. Prior to the installation of any required improvements and prior to approval of the plat, the subdivider will be required to enter into a contract, in writing, with the Township requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans, specification and usual contract conditions. Included in such contract will be:
- (1) Provisions for supervision of details of construction by the township and granting the township authority to correlate the work to be done under said contract by any subcontractor authorized to proceed there under and with any other work being done or contracted by the township in the vicinity.
 - (2) A requirement for the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond as described in Section 13, Chapter 3. On request of the subdivider, the contract may provide for completion of part or all of the improvements prior to the acceptance of the plat; in such event, the amount of the financial guarantee may be reduced in a sum equal to the estimated cost of improvements so completed prior to the acceptance of the plat.
 - (3) The time for connection of the work and the several parts thereof. Such time shall be determined by the township upon recommendation of the township and after consultation with the subdivider. The time shall be reasonable with relation to the work to be done, the seasons of the year and proper correlation with construction activities in the plat and subdivision.
- 11.7. Previous Default. No subdivider shall be permitted to start work on any other subdivisions without special approval of the township if he has previously defaulted on work or commitments.

- 11.8. Inspections. All required improvements on the site that are to be installed under the provisions of this regulation shall be inspected during the course of construction by the township engineer at the subdivider's expense. Acceptance by the township shall be subject to the township engineer's certificate of compliance with the contract.
- 11.9. Record Drawings. Upon completion of the improvements, the subdivider shall submit construction record drawings signed by a professional engineer registered in the State of Minnesota and/or a licensed surveyor in the State of Minnesota for review and approval by the Township Engineer. The record drawings shall indicate any changes in final construction from the approved construction plans. At a minimum, plans shall provide final finished grades for ponds, swales, ditches, road elevations, storm sewer and culverts.

SECTION 12. PARK DEDICATION

- 12.1. Park Dedication Required. All subdivisions which create additional lots (major subdivisions, minor subdivisions and lot splits) shall either dedicate land for parks and trails or pay a park dedication fee in lieu of land dedication. For each subdivision or lot split the Township shall determine whether land or cash park dedication is the acceptable means to satisfy Township park and recreation needs. Park and trail land dedication shall be up to 10% of the land area of the subdivision, as determined by the Township prior to final approval, and such dedication is in addition to any property dedicated for utilities, stormwater, streets, or other public ways. Land to be dedicated shall be reasonably suitable for its intended use, as determined by the Township, based on factors such as size, shape, topography, geology, hydrology, tree cover, access, and location, and shall be at a location convenient to the public to be served. Due consideration shall be given to the amount of open space, recreational, or common areas and facilities open to the public that are proposed for the subdivision. The Township may, at its option, require the developer to make a dedication of cash in lieu of part or all of the required land dedication. Cash dedication in lieu of land dedication shall be based on fair market value of the land, imposed on a per lot basis for new residential lots, and shall be paid at the per lot fee as established by the Town Board as part of Township fee schedule. Park dedication shall be paid by the subdivider prior to the Township signing the final plat and/or development agreement. If the subdivider objects to the Township's determination as to the value of the land, the value shall be determined either by negotiation between the Township and the subdivider or by the Township based on an independent appraisal of the market value of land in a same or similar land use category. If the Township elects to have an independent appraisal performed in order to resolve the objection, the subdivider shall be responsible for reimbursing the Township for the appraisal costs. The park dedication fees the Township collects shall be placed in its park fund and shall be used for the acquisition and development, or improvement, of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the Township's park plan.

SECTION 13. FINANCIAL GUARANTEE

- 13.1. Allowed Types. The financial guarantee required as part of the subdivision agreement shall be one of the following:

- (1) A Cash Escrow Deposit may be made with the township treasurer in a sum equal to one hundred twenty five percent (125%) of the total costs, as estimated by the township engineers, of all the improvements to be furnished and installed by the subdivider pursuant to the development agreement (major subdivision). The total costs shall include costs of inspection. The township shall be entitled to reimburse itself out of such deposit for any cost or expense incurred by the Township for completion of the work in case of default by the subdivider or for any damages sustained on account of any breach thereof.
- (2) The subdivider may furnish a performance bond and payment bond with corporate surety in a penal sum equal to one hundred twenty five percent (125%) of the total cost, as estimated by the township engineer, of all the improvements to be furnished and installed by the subdivider pursuant to the subdivision agreement. The total costs shall include costs for inspection by the township engineer. The bond shall be approved as to form by both the township attorneys and filed with the township.
- (3) The subdivider may deposit an irrevocable letter of credit from a bank or other reputable institution or individual subject to the approval of the Township. Such letter of credit shall certify the following:
 - (A) That the creditor does guarantee funds in an amount equal to one hundred twenty five percent (125%) of the total cost, as estimated by the township engineer, for completing all required improvements.
 - (B) That in the case of failure on the part of the subdivider to complete the specified improvements within the required time period, the creditor shall pay to the township immediately, and without further action, such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.
 - (C) That this letter of credit may not be withdrawn or reduced in amount until released by the township.

SECTION 14. SEPARABILITY

14.1. Provision Separable. It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 15. EFFECTIVE DATE

- 15.1. Effective Date. The regulations contained in this chapter shall become effective from and after February 6, 2006, after their publication according to law.

CHAPTERS FOUR THROUGH NINE

CHAPTER FOUR – Subsurface Sewage Treatment System Regulations

The County has adopted and administers Subsurface Sewage Treatment System Regulations.

CHAPTER FIVE – Lower St. Croix River Bluffland and Shoreland Management Regulations

The Town has adopted by reference the Washington County Lower St. Croix River Bluffland & Shoreland Management Ordinance originally adopted on October 18, 1976, as amended.

CHAPTER SIX – Shoreland Management Regulations

The Town has adopted by reference the Washington County Shoreland Management Regulations originally adopted on November 25, 1998, as amended.

CHAPTER SEVEN – Sand and Gravel Mining Regulations

The Town has adopted by reference the Washington County Mining Regulations (Chapter 7 of the Washington County Development Code), as amended.

CHAPTER EIGHT – Mississippi River Corridor Critical Area Regulations

This Chapter is reserved for regulations applicable to the Mississippi River Corridor Critical Area that will be developed once the Minnesota Department of Natural Resources completes its rule making process.

CHAPTER NINE – Flood Plain Regulations

The Town has adopted by reference the Washington County Floodplain Regulations, most recently amended on January 12, 2010, and including any future amendments.