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**GREY EAGLE TOWNSHIP ZONING ORDINANCE**

**THIS ORDINANCE, IN ITS CURRENT FORM, WAS ADOPTED BY THE BOARD OF SUPERVISORS ON FEBRUARY 18, 2004.**

**The first Township Zoning Ordinance was adopted May 1, 1972.  
Revised and adopted June 29, 1998.**

**ACKNOWLEDGMENTS:**

**Board of Township Supervisors: Marv Kollodge, Chairman; Ursula Lanners, and Ray Bense, Township Supervisors.**

**Planning Commission members: Galen Allen, Chairman; Dave Determan, Lanae McDermond, Mike Kutter, Planning Commission members; and Marv Kollodge, Township Supervisor member.**

**Township Clerk: Gene Waldorf.**

**Zoning Administrator: Jim Wynnemer**

**ORDINANCE NO. 1999-**

**AN ORDINANCE REGULATING THE USE, SUBDIVISION AND DEVELOPMENT OF LAND AND THE LOCATION, SIZE, USE AND ARRANGEMENT OF BUILDINGS ON THOSE PARCELS OF LAND LOCATED IN THE TOWN FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF GREY EAGLE TOWNSHIP, THIS ORDINANCE BEING ADOPTED PURSUANT TO CHAPTER 462 OF MINNESOTA STATUTES.**

**THE GREY EAGLE TOWN BOARD DOES ORDAIN AS FOLLOW**

**SECTION 1. TITLE**

**101 THIS ORDINANCE SHALL BE KNOWN, CITED AND REFERRED TO AS THE GREY EAGLE TOWNSHIP ZONING ORDINANCE, EXCEPT AS REFERRED TO HEREIN, WHERE IT SHALL BE KNOWN AS THE “ORDINANCE.”**

**SECTION 2. INTENT AND PURPOSE**

**201 THIS ORDINANCE IS ADOPTED FOR THE PURPOSE OF:**

The purpose of this Ordinance is to protect the public interest; to insure a safer, more pleasant and economical environment; to preserve agricultural and other open lands; and to promote the public health, safety and general welfare through the establishment of minimum standards governing the subdivision, development and use of land and structures contained and/or erected upon same.

This Ordinance divides the Town into use districts and regulates the subdivision, development, and use of land and the location, size, use and arrangement of buildings.

The regulations and standards herein have been adopted to promote orderly development of residential, commercial, agricultural, recreational, and public areas and to protect open spaces; to prevent the overcrowding of land and undue congestion upon public roads; to minimize the incompatibility of different land uses and encourage the most appropriate use of land within the town; to prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts; to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder; to provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the district in which they are located; to avoid the creation of substandard lots whereby uniform setback requirements cannot be complied with; to protect and guide the development of rural areas; to discourage the premature and unnecessary conversion of prime agricultural land to urban uses; to protect and enhance existing agricultural uses; to conserve natural resources; to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures; to prevent the wasteful scattering of population; to discourage noncontiguous urban development patterns which unnecessarily increase the costs of community service; to control and obtain the most economic distribution of and demand for public utilities and services; to conserve and enhance natural and scenic areas along roads and otherwise; to provide for the administration of this Ordinance and amendments thereto; to prescribe penalties for violations of the minimum standards and regulations herein; and to define the powers and duties of the Town, its staff and appointed personnel.

**202 ADOPTION OF TODD COUNTY PLANNING AND ZONING ORDINANCE BY REFERENCE**

The provisions of the Todd County Planning and Zoning Ordinance, as may be amended from time to time, are hereby adopted by reference and made a part of this ordinance to the extent that they are not inconsistent with provisions in the Grey Eagle Township Planning and Zoning Ordinance. The more restrictive shall apply. Specifically Grey Eagle has it own feedlot ordinance.

**SECTION 3. RULES AND DEFINITIONS**



**301 RULES**

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word "shall" is mandatory, and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.

**302 DEFINITIONS**

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

1. Accessory Apartment: A self-contained unit of housing located within the confines of an existing single-family house and used as a separate housekeeping unit. The structure in which the accessory apartment is created must be owner-occupied, with the owner residing in either unit on a continuous basis. An accessory apartment must be clearly subordinate in size to the main unit.
2. Accessory Building or Use: A subordinate building, structure or use which is located upon the same parcel or lot on which the principal building or use is situated and is incidental but reasonably necessary to the principal use of such lot, parcel or building.
3. Administrator: The duly appointed person charged with enforcement of this Ordinance.
4. Adult Uses: An establishment consisting of, including, or having the characteristics of any or all of the following:
  - A. Adult Arcade. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, video cassette players, digital disk players, or similar machines for viewing by five or fewer persons are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  - B. Adult Bookstore. A business engaging in the barter, rental, or sale of items consisting of printer matter, pictures, slides, records, audiotapes, videotapes, videodiscs or motion picture film when any or all of the materials previously mentioned are distinguished or characterized by an emphasis on the depiction or description of sexual conduct as defined in Minnesota Statutes, Section 617.241 Subd. 1(b). A business establishment shall be defined as an "Adult Bookstore" if five percent (5%) or more of its retail space is used for the distribution or sale of the materials described above.
  - C. Adult Cabaret. (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
  - D. Adult Motion Picture Theater. An enclosed building or portion thereof or open air or

- projection facility engaged in the business of presenting film, video tape or similar motion pictures, which excludes minors from the premises, or which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to sexual conduct as defined in Minnesota Statutes, Section 617.241 Subd. 1 (b).
- E. Adult Theater. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or specified sexual activities.
  - F. Adult Use Establishments. Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, or sexual encounter establishment.
  - G. Escort, Model, Dancing or Hostess Service. Any person, establishment, or business advertising, offering, selling, trading or bartering the services of itself, its employees or agents as hostesses, models, dancers, escorts, dates or companions, whether or not goods or services are simultaneously advertised, offered, sold, traded, or bartered and regardless of whether said goods or services are also required to be licensed.
  - H. Sexual Encounter Establishment. An establishment, other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in sexual therapy.
  - I. Any other use which, in the reasonable judgment of the Town Board, features entertainment, goods and/or services aimed exclusively at adults by reason of its emphasis on matter depicting, describing, or relating to sexual conduct, as defined in Minnesota Statutes, Section 617.241 Subd. 1(b).

For purposes of this section of the Ordinance, the following terms are also hereby defined:

- J. Specified Anatomical Areas. As used herein, specified anatomical areas means and includes any of the following: (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  - K. Specified Sexual Activities. As used herein, specified sexual activities means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities in an adult use establishment.
5. Affected Property Owner: A person, association or entity having a legal interest in a lot or parcel of real property sufficient to initiate any proceeding authorized by this Ordinance or to be recognized at a hearing under such proceeding and shall include:
- A. The holders of fee title;

- B. Contract for Deed vendees (purchasers);
- C. Contract for Deed vendors (sellers);
- D. Lessees and renters with the written consent of the owner(s);
- E. Named buyers under a purchase agreement provided that the purchase agreement contains a provision that it is conditioned upon the buyer first obtaining any permit or approval required by this Ordinance;
- F. Optionees provided that the option contains a provision that it is conditioned upon the optionee obtaining any permit or approval required by this Ordinance;
- G. Mortgagees following a mortgage foreclosure and the expiration of the period of redemption or otherwise with the written consent of the mortgagors and/or other owners;
- H. Personal representative(s) of an estate, a guardian, trustee, receiver or other person or entity appointed by a court having authority over the use and/or development of any affected land;
- I. Person or entity named as a general power of attorney or granted authority as to the use and/or development of any affected land in a limited power of attorney.

The Town Board or its designated official(s) may request proof of such ownership or authority where deemed appropriate. Any person or the representatives of any association or entity owning or occupying any affected land shall be heard at any public hearing under such proceeding.

- 6. Agricultural Use: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:
  - A. Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers;
  - B. Livestock, including: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink;
  - C. Livestock products, including: milk: butter, cheese, eggs, meat, fur and honey.
- 7. Agricultural Building or Structure: Any building or structure existing or erected which is used principally for agricultural purposes, with the exception of dwelling units.
- 8. Airport or Heliport: Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways
- 9. Animal Unit: A unit of measure used to compare differences in the production of animal wastes which has as a standard the amount of waste produced on a regular basis by a slaughter steer or heifer. For purposes of these regulations, the following equivalents apply:

ANIMAL UNIT EQUIVALENT CHART	
TYPE OF ANIMAL	EQUIVALENT
Calves (150 - 500 lbs)	0.5 animal units
Feeder Cattle (150 - 1200 lbs)	1.0 animal units
Beef Cows	1.0 animal units
Young Dairy Stock (500 - 1000 lbs)	0.75 animal units
Replacement Heifers	1.0 animal units
Dairy Cows	1.4 animal units
Nursery Pigs (up to 50 lbs)	0.05 animal units
Grower/Feeder Pigs (50 - 100 lbs)	0.4 animal units
Finishing Hogs (100 lbs - market weight)	0.4 animal units
Sows	0.4 animal units
Boars	0.4 animal units
Sheep	0.1 animal units
Turkeys	0.018 animal units
Layer Chickens	0.01 animal units
Broiler Chickens	0.01 animal units
Horses	1.0 animal units
Ostriches	0.4 animal units

Source: Minnesota Pollution Control Agency

10. Apartment: A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.
11. Auto or Motor Vehicle Reduction Yard: A lot or yard where one or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also Junk Yard).
12. Automotive (Garage) Repair: Any building, premises and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.
13. Basement: A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
14. Billboard: An advertising sign which directs attention to a business, commodity, services, or entertainment.
15. Block: An area of land within a subdivision that is entirely bounded by streets or a combination of streets, exterior boundary lines of the subdivision and/or bodies of water.

16. Bluff line: A line along the top of a slope connecting the points at which the slope becomes less than 12%. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

17. Bed and Breakfast, Boarding House (Rooming or Lodging House): A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed twenty persons.

18. Board of Adjustment. That board as established under Section 805 of this Ordinance.

19. Boathouse: A one (1) story structure not to exceed 10 feet in height for the purpose of storage of boats and accessories, the top of which may be used as an enclosed deck with safety railing.

20. Buildable Area: That part of a lot or parcel of sufficient elevation to accommodate the principal building, a well and an on-site sewer system, all of which meet applicable codes, ordinances and/or regulations.

21. Building: Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

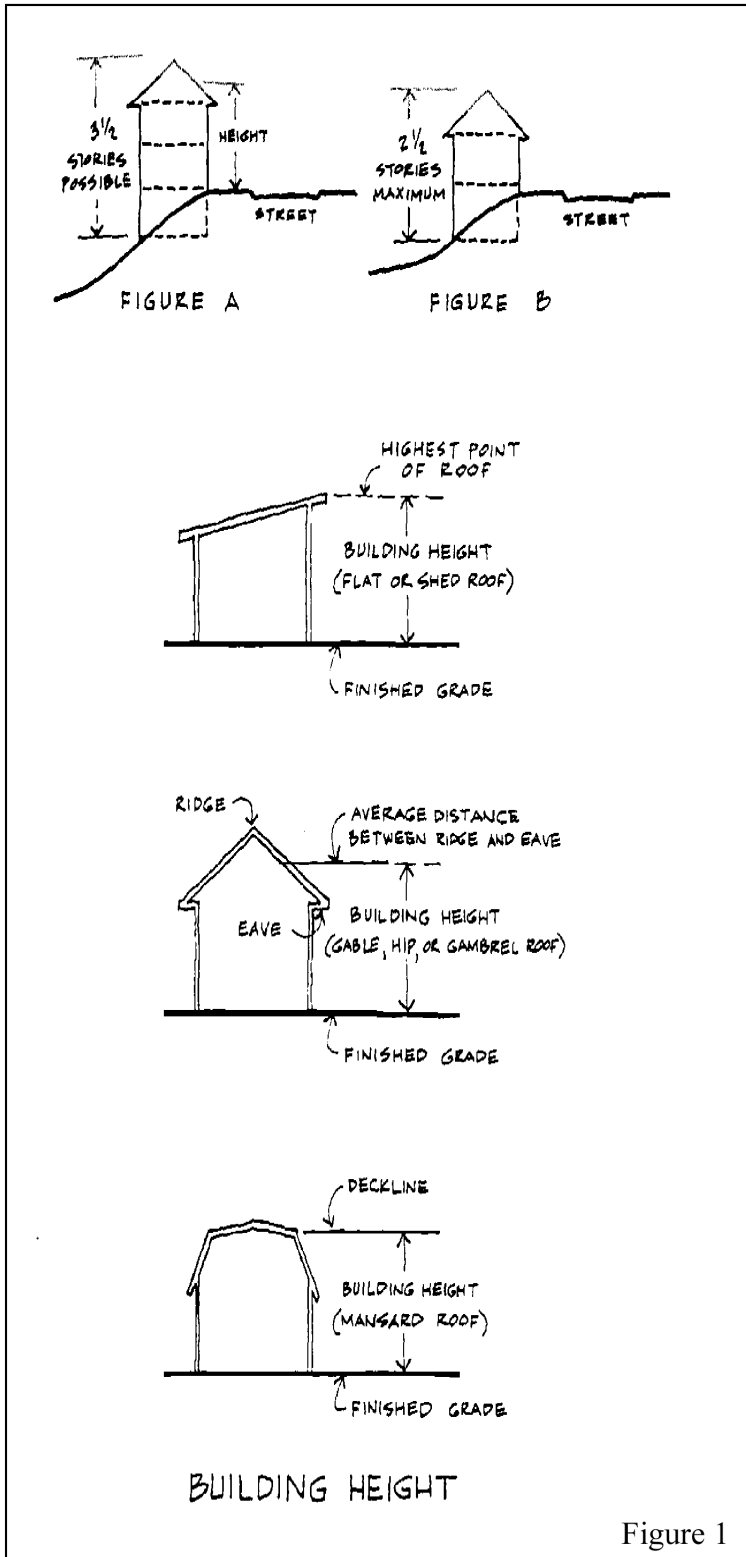
22. Building Height (See figure 1.): The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

23. Building Line: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is setback from said right-of-way line.

24. Building Line, Shoreland: A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high water mark.

25. Building Setback: The minimum horizontal distance prescribed in this Ordinance between a building and a specified lot line or boundary.

26. Business (See also Commercial Uses): Any occupation, employment or enterprise wherein

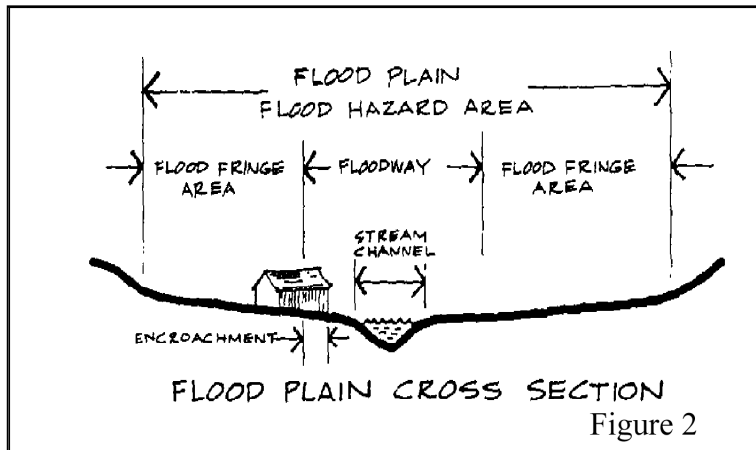


- merchandise, is exhibited or sold, or where services are offered for compensation.
27. Carport: An automobile shelter having one or more sides open.
  28. Certificate of Survey: A certificate of survey shall show the boundary lines of the parcel or parcels surveyed and indicate monuments set at corners (or road right-of-ways when abutting roads), angle points of said parcel or parcels and also at appropriate locations along boundary lines or lines where lines cannot be seen from corner to corner and there is a need to clarify building setback requirements. The survey shall be tied into required and identified land corners. The drawing shall be prepared by or under the direct supervision of a Minnesota Registered Land Surveyor.
  29. Church: 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.
  30. Clear cutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural development purposes.
  31. Clustering/Cluster Housing: The development pattern and technique whereby structures are arranged in closely related groups to make the most efficient use of the natural amenities of the land.
  32. Commercial Uses: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
  33. Communication Towers: Radio and television broadcasting, transmission and/or receiving towers and antennas which are subject to licensing requirements of the Federal Communications Commission. This does not include residential radio and television reception antennas and amateur radio station antennas, all of which are deemed to be incidental to residential use.
  34. Comprehensive Plan or Policies: A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the Township and its environs, as defined in the Minnesota Planning Act (Mn. Statutes 462.357), and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
  35. Commissioner: Commissioner of the Department of Natural Resources.
  36. Community Water and Sewer Systems: Utilities systems serving a group of buildings, lots, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.
  37. Conditional Use: A use classified as conditional generally may be appropriate or desirable in a specified zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.
  38. Conditional Use Permit: A permit specially and individually granted for a conditional use permitted in any use district.
  39. Condominium: A form of individual ownership with a multifamily building with joint responsibility for maintenance and repairs: In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.
  40. Convenience Store: Any retail establishment offering for sale prepackaged good products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
  41. Cooperative: A multiunit development operated for and owned by its occupants. Individual occupants do not own their specific housing unit outright as in a condominium, but they own

- shares in the enterprise.
42. Conservancy: A zoned area, the purpose of which is to protect the natural resources and manage areas unsuitable for development.
  43. County Board: Todd County Board of Commissioners.
  44. Curb Level: The grade elevation established by the Town Board of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
  45. Day care Facility: Any facility, public or private, which - for gain or otherwise - regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis for periods of less than 24 hours a day, in a place other than the person's own home. Day care facilities include, but are not limited to: family Day care homes, group family Day care homes, Day care centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult Day care centers and day services.
  46. Depth of Lot: The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner lot is its depth and the lesser frontage is its width.
  47. Depth of Rear Yard: The mean horizontal distance between the rear line of the building and the centerline of an alley, where an alley exists, otherwise, a rear lot line.
  48. Development: The act of building structures and installing site improvements.
  49. Double Frontage Lots: Lots which have a front line abutting on one street and a back or rear line abutting on another street.
  50. Drainage course: A watercourse or indenture for the drainage of surface water.
  51. Drive-in: Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is service offered regardless of whether service is also provided within a building.
  52. Dwelling Unit: A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. Consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household. There are three principal types:
    - A. Single-Family: A freestanding (detached) residence structure designed for or occupied by one family only.
    - B. Two-Family (Duplex): A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
    - C. Multiple Family: A residence designed for or occupied by three or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.
  53. Dwelling Attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.
  54. Dwelling Detached: A dwelling which is entirely surrounded by open space on the same lot.
  55. Easement: Authorization by a property owner for the use of another, and for a specified purpose, of any designated part of his property.
  56. Easement, Utility: A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.
  57. Essential Services: Overhead or underground electrical, gas, steam or water transmission or distribution systems and structures or collection, communication, supply or disposal systems and

- structures used by public utilities or governmental departments or commissions or as are required for the protection of the public health safety or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories in connection therewith but not including buildings. For the purpose of this ordinance, the word “buildings” does not include “structures” for essential services.
58. Exterior Storage (Includes Open Storage): The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
59. Extraction Area (Excavation): Any nonagricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth,
60. Family: An individual, or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual service.
61. Farm: A tract of land of not less than ten acres, the principal use of which is for agricultural purposes. This definition shall not preclude a small tract from being classified as agricultural is otherwise qualifying under the laws of the State of Minnesota. A farm is real property considered to be in agricultural use provide that annually it is devoted to the production for sale of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticulture and nursery stock, fruits of all kinds, vegetables, forage, grains, bees and apiary products. Slough, wasteland, and woodland shall be considered to be in agricultural use if under the same management and ownership.
62. Feedlot: A fenced land area or building or combination of fenced land area and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purpose of these rules, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be feedlots. A feedlot does not cease to be a feedlot merely because confined feeding, breeding, raising or holding of animals is not actually taking place at a given time; however, renewal of a Township Feedlot Permit is required for a feedlot that has been vacant for over five (5) years. The Township permit may be renewed for a period not to exceed ten (10) years.
63. Fence: A fence is defined, for the purpose of this ordinance, as any partition, structure, wall or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard.
64. Final Plat: A drawing in final form, showing a proposed subdivision containing all information and details required by State Statutes and by this Ordinance, to be presented to the Town Board for approval, and which, if approved, may be duly filed with the County recorder.
65. Flood: A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.
66. Flood Frequency: The average frequency statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
67. Flood Fringe: That portion of the floodplain outside of the floodway and which has been or hereafter may be covered by the regional flood.
68. Flood Plain (See Figure 2): The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.





69. Flood Proofing: A combination of structural provisions, changes or adjustments to properties and Structures subject to flooding, primarily for the reduction or elimination of flood damages.

70. Floodway: The channel of the watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the regional flood.

71. Floor Area: The sum of the gross horizontal areas of the several floors of

- the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
72. Floor Area Ratio: The numerical value obtained through dividing the gross buildings by net area of the lot or parcel of land on which such building or buildings are located.
73. Floor Plan, General: A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.
74. Forestry: The use and management including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, and fences.
75. Frontage: That boundary of a lot which abuts an existing or dedicated public street.
76. Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
77. Garage, Public: A building or portion of a building used for the storage of vehicles for remuneration.
78. Garage, Repair: A building or space for the maintenance of vehicles, but not including auto wrecking or junkyards.
79. Garbage: Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
80. Governing Body: Grey Eagle Township Board of Supervisors.
81. Group Family Day Care Facility: A state licensed day care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the resident.
82. Hardship: As used in conjunction with the granting of a variance, means the property is question cannot be put to a reasonable use if used under the conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to the property, not created by the landowner. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the Ordinance.
83. Hazardous Waste: Disposal of substances or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the

- health of any person handling or otherwise coming into contact with such material or substance. As categorized by the U.S. Environmental Pollution Agency (EPA), hazardous wastes include, but are not limited to, inorganic mineral acids of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium and arsenic and their common salts; lead, nickel, and mercury and their inorganic salt, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.
84. Highway: Any public thoroughfare or vehicular right-of-way with a federal or state numerical route designation; any public thoroughfare or vehicular right-of-way with a Todd County numerical route designation.
85. Home Occupation - Permitted: Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. Permitted home occupations shall not include the repair of motorized vehicles or internal combustion engines, uses conducted in an accessory building, or uses that require equipment that is substantially different than that typically found in residential dwellings.
86. Home Occupations - Permitted with Interim Use Permit: Any activity carried out for gain by a resident within an accessory building.
87. Horticulture: The science or art of cultivating fruits, vegetables, flowers and plants.
88. Hotel: A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are, for compensation, lodged with or without meals.
89. Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.
90. Interim Use: Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.
91. Interim Use Permit: A permit specially and individually granted for an interim use.
92. Irrigation System: Any structure or equipment, mechanical or otherwise used to supply water to cultivate fields or supplement normal rainfall including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.
93. Junk Yard: An establishment, place of business, or place of storage or deposit, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and shall include garbage dumps and sanitary landfills not regulated by the Minnesota Pollution Control Agency, whether maintained in connection with another business or not, where the waste, body, or discarded material is equal in bulk to five or more motor vehicles and which are to be resold for used parts or old iron, metal, glass, or other discarded material.
94. Kennel: Any structure or premises on which four (4) or more dogs over four (4) months of age are kept for sale, breeding, profit, etc.
95. Land Reclamation: The recovery or restoration of wasteland, wetland marshes, etc., by ditching, grading, filling or similar means. A lot or parcel of land upon which 400 cubic yards or more of fill is to be deposited shall be land reclamation.
96. Landscaping: Planting such as trees, grass, and shrubs.
97. Livable Space: The total area, measured in square feet, of a story or stories of a residential dwelling, which is used for living space.
98. Livestock Waste Storage Facility: A diked enclosure or pit used for temporary disposal or storage of livestock wastes.
99. Lodging Room: A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations

shall be counted as one lodging room.

- 100. Lot: A separately described parcel of land, with or without buildings, occupied or used for or intended for occupancy or any use permitted under the provisions of this Ordinance having not less than the minimum area required by the Ordinance for each use, including buildings to accommodate same, in the zoning district in which such lot is located which abuts a public road, street or highway.
- 101. Lot Area: The area of a lot in a horizontal plane bounded by the lot lines.
- 102. Lot, Corner: A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.
- 103. Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.
- 104. Lot Line (See Figure 3): The property line bounding a lot, except that where any portion of a lot extends into the public right-of-way, the public right-of-way shall be the lot line for applying this Ordinance.
- 105. Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the Town Clerk.
- 106. Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

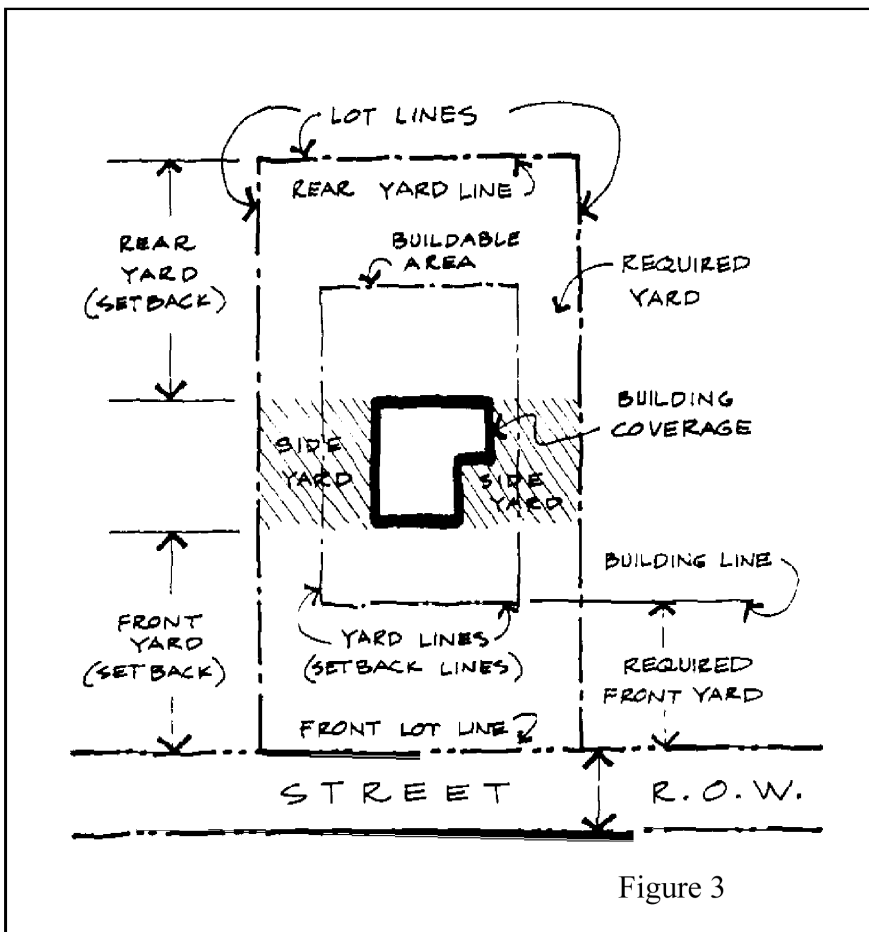


Figure 3

dimensional standards of this Ordinance.

than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

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

108. Lot of Record: Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel that exists as described on a deed, any of which has been recorded in the office of the County Recorder for Todd County, Minnesota, prior to March 18, 1976.

109. Lot, Substandard: A lot or parcel of land for which a deed has been recorded in the office of the Todd County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other

110. Lot, Through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.
111. Lot Width: The shortest horizontal distance between the side lot lines. Where the side lot lines do not run parallel, (a) if the side lot lines diverge from their intersection with the public right-of-way, the minimum lot width shall be measured one-half of the required setback distance from said right-of-way; (b) if the side lot lines converge from their point of intersection with said right-of-way, the minimum lot width shall be measured at the minimum setback line of that lot.
112. Manufacturing: Any enterprise which includes the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not violated the performance standards set forth in this Ordinance.
113. Mass Gathering: Any outdoor event, or one held in a temporary structure or tent, attended by two thousand persons over an eight-hour period and that includes music festivals, concerts, theatrical exhibitions, public shows, entertainment, amusement, swap and shop markets, and flea markets.
114. Metes and Bounds: A method of property description by means of their direction and distance from an easily identifiable point.
115. Mining: The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.
116. Mining: The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more and the removing thereof from the site without processing. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the site permit.
117. (Mobile) Manufactured Home: Mobile homes are living quarters for human habitat designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operation, location on jacks or permanent foundations, connection to utilities and the like. A (mobile) manufactured home will be defined by reference to the latest publication of the United States of America Standards Institute Standard for (Mobile) Manufactured Homes.
118. (Mobile) Manufactured Home Park: Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied mobile homes. “(Mobile) Manufactured home park” shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such (mobile) manufactured home park.
119. (Mobile) Manufactured Home Stand: The part of an individual (mobile) manufactured home lot which has been reserved for placement of the (mobile) manufactured home, appurtenant structures, or additions.
120. Modular Home: A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.
121. Motel (Tourist Court): A building or group of detached, semi-detached or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

122. Multiple Residence (Apartment Building): Three or more dwelling units in one structure.
123. Natural Waterway: A natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.
124. Nonconforming Structure: A structure which is legally existing on the date of adoption of this Ordinance, which no longer conforms to the applicable regulations of this Ordinance if the structure were to be erected under the provisions of this Ordinance.
125. Nonconforming Use: A use which is legally existing on the date of adoption of this Ordinance, which no longer conforms to the applicable regulations of this Ordinance if the use were to be established under the provisions of this Ordinance.
126. Ordinary (Normal) High Water Mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high-water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. In areas where the ordinary high-water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water; the main channel, adjoining side channels, backwaters and sloughs.
127. Nursery, Landscape: A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
128. Nursing Home : A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing home shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.
129. Obstruction (Waterflow): Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
130. Official Map: The map established by the governing body, in accordance with MSA 462.359, showing streets, highways, parks, and drainage, both existing and proposed.
131. Off-Street Loading Space: A space accessible from a street, alley or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of a size as to accommodate one vehicle of the type typically used in the particular business.
132. Open Sales Lot (Exterior Storage): Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to the sale.
133. Open Storage: Storage of materials outside of a building.
134. Overhang: A projection of the roof or upper story of a building beyond the wall or support posts of the lower part or beyond a point which is perpendicular with the point of intersection of the upper part and the outer-most support structure. For the purposes of this Ordinance, setbacks shall be measured from the edge of the roof overhang.
135. Owner: An individual, firm, association, syndicate, partnership, limited liability company, corporation, trust, or any other legal entity having a legal or equitable interest in the land.
136. 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 standard automobile.
137. Pasture: Areas where grass or other growing plants are used as food for grazing.

138. Pedestrian Way: A public or private right-of-way across or within a block or parcel, to be used by pedestrians.
139. Permitted Use: A use which is expressly permitted within a district established by this Ordinance, provided that such use conforms with all requirements, regulations and performance standards, if any, applicable thereto.
140. Planned Unit Development (PUD) - Townhouse, Condominium and other PUD's: A type of development which may incorporate a variety of land uses planned and developed as a unit. The PUD is distinguished from the traditional subdivision process of development in that zoning standards such as density, setbacks, height limits, and minimum lot sizes may be altered by negotiation and agreement between the developer, the Town Board, and any agencies whose jurisdiction would be affected.
141. Planning Commission: The Planning Commission of Grey Eagle Township except when otherwise designated.
142. Plat: A map or drawing which geographically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all applicable Minnesota State laws.
143. Prefabricated Home: A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.
144. Preliminary Plat: The preliminary map, drawing or chart, indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Town Board for their consideration.
145. Principal Building: A building in which is conducted the principal use of the lot on which it is located.
146. Principal Use: The primary or main use of land and/or buildings upon same. Principal uses shall be generally categorized as agricultural, residential or commercial. If a use is mixed or might qualify under more than one of the general categories, the Planning Commission shall determine which category is applicable.
147. Property Line: The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.
148. Protective (Restrictive) Covenant: Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Enforcement of protective covenants shall be by the parties involved, not the Town Board.
149. Public Land: Land owned or operated by a municipal, school district, county, state or other governmental unit.
150. Public Water: A body of water capable of substantial beneficial public use. This shall be construed to mean any body of water which has the potential to support any type of recreational pursuit or water supply purpose. However, no lake, pond or flowage of less than ten (10) acres in size and no river or stream having a total drainage area less than two (2) square miles need be regulated by the county for the purpose of these regulations. A body of water created by a private user where there was no previous shoreland, as defined herein, for a designated private use authorized by the Commissioner shall be exempt from the provisions of the statewide standards and criteria.
151. Recreation, Public: Includes all uses such as tennis courts, ball fields, picnic areas, and the like

- that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
152. Recreation, Commercial: Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.
153. Recreation Equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty 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 square feet of floor area, or sheds utilized for storage of equipment.
154. Registered Land Survey: A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. See Minnesota Statutes 508.47.
155. 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.
156. Regulatory Flood Protection Elevation: A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.
157. Right-of-Way: The land covered by a public road or other land dedicated for public use or for certain private use, such as land over which a power line passes.
158. Road: A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated. Ingress and egress easements shall not be considered roads.
159. Selective Cutting: The removal of single scattered trees.
160. Setback: The minimum horizontal distance required between any variation of two or more points, boundaries, lines, perimeters or buildings. For front, rear and side yard setbacks, see yard definitions.
161. Sewage: Sewage is any water-carried domestic waste, exclusive of footing and roof drainage of any residence, industry, agriculture or commercial establishment, whether treated or untreated and includes the liquid wastes produced by bathing, laundry and culinary operation; and from toilets and floor drains; or, raw sewage which has not been subjected to any treatment process.
162. Shoreland: Means land located within the following distances from public waters: (1) 1,000 feet from the normal high-water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream, whichever is greater. The practical limits of shorelands may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner.
163. Shoreland Alteration: Grading and filling in shoreland areas of any alteration of the natural topography where the slope of the land is toward a public water or watercourse leading to a public water.
164. Shoreland Setback: The minimum horizontal distance between a structure and the normal high-water mark.
165. Sign: A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public

- and which directs attention to a product, place, activity, person, institution, or business.
166. Sign, Advertising: A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located; a billboard.
167. Sign, Business: A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.
168. Sign, Flashing: Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.
169. Sign, Illuminated: Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.
170. Sign, Nameplate: Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.
171. Sign, Pylon: A freestanding sign erected upon a single pylon or post which is in excess of ten (10) feet in height with the sign mounted on the top thereof.
172. Sign, Rotating: A sign which revolves or rotates on its axis by mechanical means.
173. Sign, Surface Area Of: The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double face or V-type sign structure shall be used in computing total surface area.
174. Story: That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for principal use.
175. Street: A public right-of-way, which affords primary means of access abutting property, and shall also include avenue, highway, road or way.
176. Street, Collector: A street which serves or is designed to serve as a traffic-way for a neighborhood or as a feeder to a major road.
177. Street, Major or Thoroughfare: 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.
178. Street, Local: A street intended to serve primarily as an access to abutting properties.
179. Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.
180. Street Width: The width of the right-of-way, measured at right angle to the centerline of the street.
181. Structure: Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.
182. Structural Alteration: Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
183. Subdivision: The division or redivision of a lot, tract, or parcel of land not exceeding forty (40) acres in area or not exceeding the original area of a government lot regardless of how it is to be used, into two or more lots either by plat or by metes and bounds description; or the division or redivision of land involving dedication of a new park realignment or any other change in existing streets, alleys, easements, recreation areas, water, or other public improvements or facilities provided, however, that the following classes be exempt:
- A. The division of land for agricultural purposes into parcels of greater than five acres where no new streets, roads, or other right-of-way are involved.



- B. The division of a lot for the purpose of attachment to a contiguous lot provided no residual plot is left unattended.
184. Unplatted Subdivision: A division of any parcel of land into two or more parts wherein all parts are at least five (5) acres and at least three hundred (300) feet in width and where no new road is involved. These do not require platting.
185. Toxic and Hazardous Wastes: Waste materials including, but not limited to; poisons, pesticides, herbicides, acids, caustics, pathological wastes, radioactive materials, flammable or explosive materials and similar harmful chemicals and wastes which require special handling and must be disposed of in a manner which conserves the environment and protects the public health and safety.
186. Travel Trailer: A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "Trailer" shall include camp car, camp bus, camper and a house car. A permanent foundation shall not change its character.
187. Townhouse: A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.
188. Use: The purpose or activity for which the land or building thereon is designated, arranged or intended, or for which It is occupied, utilized or maintained.
189. Use, Accessory: A use subordinate to and serving the principal use; or a structure on the same lot as the principal use and customarily incidental thereto.
190. Use, Nonconforming: Use of land, buildings or structures legally existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.
191. Use, Permit: Required in the setback regulations for the zoning district in which such lot is located.
192. Use, Principal: The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either permitted or conditional.
193. Use, Conditional: See Conditional Use.
194. Variance: A modification or variation of the provisions of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.
195. Warehousing: The storage of materials or equipment within an enclosed building.
196. Wetland: Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp, or marsh or as defined by the U.S. Fish and Wildlife Service.
197. Wholesale: The selling of goods, equipment and materials by bulk to another business that, in turn, sells to the final customer.
198. Yard (See Figure 4): A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angle to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

- 199. Yard, Front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to the depth

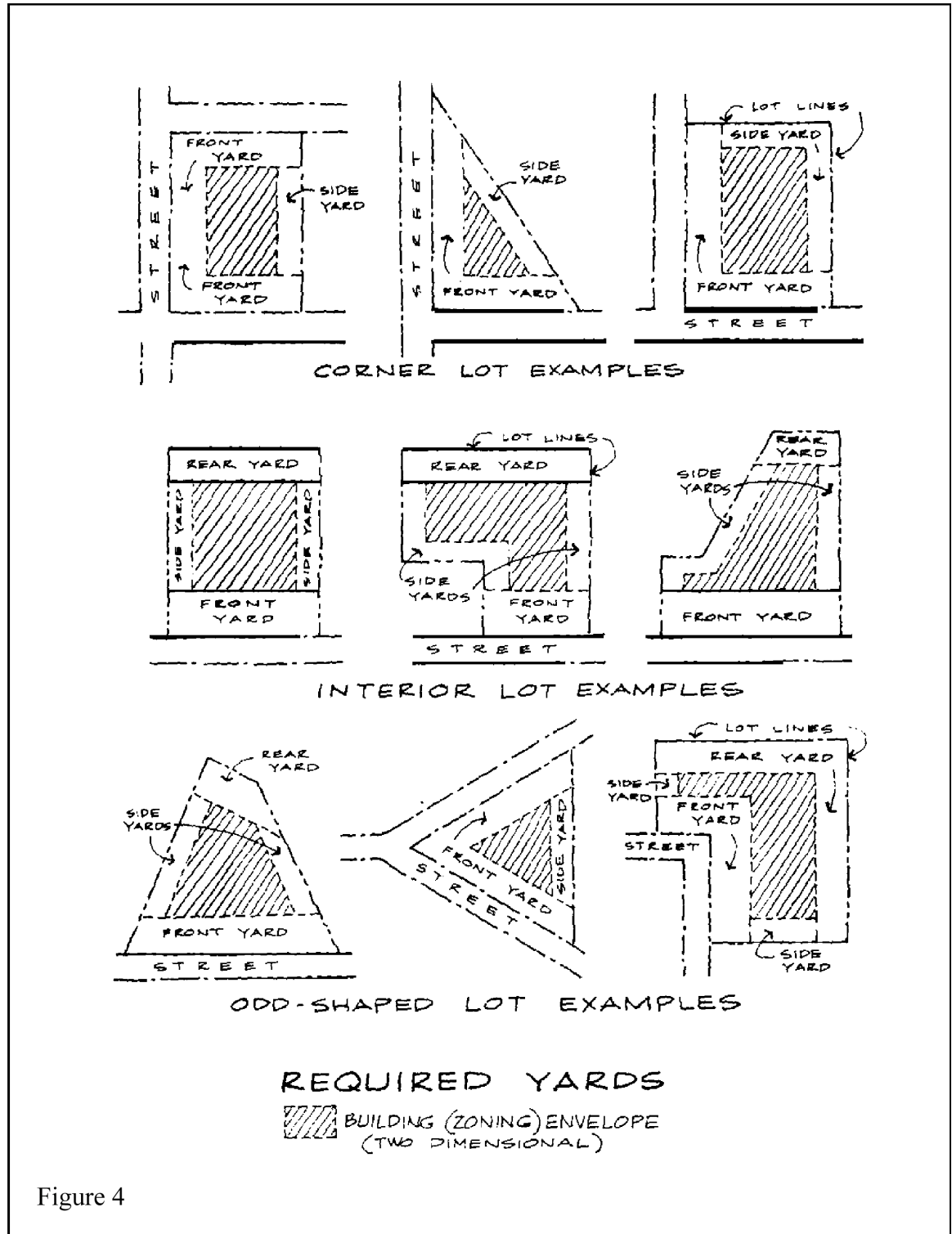


Figure 4

- 200. Yard, Rear: The portion of the yard on the same lot with the principal building located between the rear line of the principal building and the rear lot line and extending for the full width of the lot.
- 201. Yard, Side: The yard extending along the side lot line between the front and rear yards to a

depth or width, required by setback regulations for the zoning district in which such lot is located.

- 202. Zoning Amendment: A change authorized by the Township, either in the allowed use within a district or in the boundaries of a district.
- 203. Zoning District: An area or areas within the limits of the Township for which the regulations and requirements governing use are uniform.
- 204. Zoning Map: That map or those maps incorporated into and being a part of this Ordinance designating zoning districts as amended from time to time.
- 205. Zoning Ordinance: Zoning regulations controlling the use of land as adopted by Grey Eagle Township. Definitions in the adopted Zoning Ordinance also apply to the Subdivision Ordinance.

**SECTION 4. GENERAL PROVISIONS**

**401 IMPLICATION OF THIS ORDINANCE**

1. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
2. 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 shall prevail.
3. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

**402 SEPARABILITY**

It is hereby declared to be the intention that the several Provisions of this Ordinance are separable in accordance with the following:

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

**403 EXISTING LOTS**

A lot or parcel of land in a residential district which was of record as a separate lot or parcel in the Office of the Todd County Recorder or Registrar of Titles on or before the date of adoption of this Ordinance may be used for single family detached dwelling purposes provided that it has frontage on a public right-of-way and that the area and width thereof are within sixty percent (60%) of the minimum requirements of this Ordinance; and further provided that it can be demonstrated that safe and adequate sewage treatment systems can be installed to serve such permanent dwelling.

**404 COMPLIANCE WITH ORDINANCE**

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

1. Applications for permits, variance, rezoning, orders of approval required by this Ordinance shall be made to the Zoning Administrator.
2. Applications for conditional use permits; variances and rezoning will not be accepted from anyone who is not an owner of land for which the application is made. However, nothing in this Ordinance shall be construed to abrogate or otherwise deny the right of a property owner to apply for a conditional use, variance, amendment or appeal. No application or appeal shall be attended by any presumption of approval.

3. No landowner shall erect, construct, structurally alter, extend, convert, move or use—nor allow or permit another person, including a lessee, tenant, agent, employee or contractor, to erect, construct, structurally alter, extend, convert, move or use on the landowners land—any building or structure in any zoning district within the Town without first obtaining a land use permit therefore.

**405 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS**

Whenever in any zoning district a use of land and/or buildings is neither specifically permitted nor denied, the use shall be considered prohibited. If such a use is considered prohibited, the Planning Commission, on its own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, the conditions under which the use will be permitted.

**406 NONCONFORMING USES AND STRUCTURES**

1. Within the districts established by this Ordinance or amendments that may later be adopted, there will exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premise or by the addition of other uses of a nature which would be prohibited generally in the district involved.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which, actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has substantially begun construction, provided that work shall be diligently carried on until completion of the building involved.
4. Nonconforming Uses of Land - Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such nonconforming use shall be increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
  - B. If a nonconforming use, except feedlots, ceases to be used for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use shall meet the

- requirements of the zoning district wherein located.
- C. A nonconforming use shall not be moved to any other part of its site or to another site where it would still constitute a nonconforming use.
5. Nonconforming Structures - Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such structure may be enlarged or altered in a way which increases its nonconformity.
- B. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Mobile Manufactured Homes shall be allowed only in Mobile Manufactured Home Parks unless it meets the other provisions of this ordinance.
- E. Structures shall comply with State of Minnesota and or federal codes which ever is applicable electrical codes.
6. Nonconforming Uses of Structures - If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. A nonconforming use may be extended throughout a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such buildings.
- C. Any nonconforming use of a structure or structures and premises, may **not** be changed to another nonconforming use.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not there after be resumed.
- E. When a nonconforming use of a structure, or structure and premise in combination is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

7. Maintenance - Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

**407 DWELLING UNITS PROHIBITED**

1. No cellar, garage, trailer, or accessory building shall at any time be used as a dwelling unit or residence or parked within the Town, except as hereinafter provided.
2. A camper or travel trailer of the type generally used temporarily as living quarters during the hunting, fishing, or vacation season and duly licensed and registered under the laws of the State of Minnesota, may be parked on residential property in the Town provided, however, that such camper or travel trailer shall not while so parked be used as a human dwelling place, living abode or living quarters.
3. A camper or travel trailer of the type described in paragraph 407.2. above and owned by a nonresident, guest, or visitor, may be parked or occupied by said guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed sixty (60) days in the same calendar year while visiting the resident of said property.
4. The Zoning Administrator may, upon application, grant temporary permit for the use of a manufactured home or similar portable unit for temporary residential purposes within the Town in conjunction with a home construction project that is underway provided, however, that a duly authorized and valid land use permit shall have been approved prior to the application for said temporary trailer permit.
5. The applicant for said temporary trailer permit shall file an application with the Zoning Administrator setting forth the legal description of the land on which said trailer is to be located, together with a copy of the land use permit for the home to be constructed on said property.
6. The term of said trailer permit shall not exceed six (6) months or upon completion of construction of the residential home in question, whichever comes first. One or more extensions may be granted for just cause by the Board of Adjustment.

**408 SEWER AND WASTEWATER TREATMENT**

1. All on-site sewage disposal facilities shall be required to comply with standards established by Grey Eagle Township. Permits for new sewage systems shall be obtained from Grey Eagle Township.
2. Private wells shall be so located and constructed that they will not be contaminated by any existing or future sewage disposal systems. They shall also be constructed to minimize the possible contamination from all possible external sources within the geological strata surrounding the well. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood proofed.

**409 PRESERVATION OF SURVEY MONUMENTS**

All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise locations; and it shall be the responsibility of the applicant to insure

that these markers are maintained in good condition during and following construction and development.

**410 LOT SIZE REQUIREMENTS**

1. No land division or split shall be made which results in one or more lots, parcels or tracts of land, smaller in size or dimension than required in the zoning district in which the land is situated. No use shall be established or maintained on a lot, parcel, or tract of land which is substandard in size for the zoning district in which it is located, except as hereinafter provided. In addition to other remedies under the law and this Ordinance, no land use permit shall be issued for any use or structure on any parcel of land which was illegally subdivided that became nonconforming after May 1, 1972. Lot splits in all zoning districts must have written certification from the Zoning Administrator before the newly created parcel(s) can be recorded at the County level.
2. A substandard lot now owned by, or hereafter acquired by, the owner of an abutting tract or parcel of land, shall be deemed to be a part of the abutting tract or parcel of land to the extent necessary to reduce or eliminate the substandard features of the lot for the zoning district in which it is situated. Tracts or parcels of land separated by a public road shall be deemed to be separate and individual lots of record.
3. Any substandard lot may be allowed as a building site, provided such use is permitted in the zoning district in which the lot is located, the lot is in separate ownership from abutting lands, and all sanitary sewer requirements of this Ordinance are complied with.
4. Public right-of-ways are not part of the buildable lot area and, therefore, shall not be included as part of the minimum lot area required. Any road established after adoption of this ordinance shall have a right-of-way of 66 feet.
5. There shall be no more than one principal building on a parcel.

**411 OTHER LOT REQUIREMENTS**

A maximum of one single-family residence shall be allowed on each lot in the residential, shoreland and agricultural districts.

**412 ACCESSORY BUILDINGS AND STRUCTURES**

1. No accessory building or use shall be constructed or developed on a residential lot prior to the time of obtaining a land use permit for the principal building to which it is accessory.
2. An accessory building shall be considered as an integral part of the principal building if it is located less than six feet from the principal building.
3. No accessory building in a residential district shall be located nearer the front lot line than the principal building on that lot.

**413 YARD REQUIREMENTS**

1. Through lots shall have a required front yard setback on each street.
2. Permitted Encroachments on Setback Space.



- A. Belt courses, sills, lintels, and pilasters may project eighteen inches into front, rear and side setback spaces.
- B. Cornices, eaves and gutters may project three feet into front and side setback space and five feet into rear setback space, provided, however, that if the side setback space is less than five feet in width, then such projection shall not exceed one-half of the width of the side setback space.
- C. Outside stairways may project five feet into front setback space, ten feet into rear setback space and three feet into side setback space.
- D. Height limitations shall not apply to barns, silos, and other structures on farms; to church spires, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public utility facilities; transmission towers of commercial and private radio broadcasting stations; television antennae, and parapet walls extending not more than four feet above the limiting height of the building except as hereinafter provided and subject to approval by the Minnesota Department of Aeronautics.
- E. In no event shall the combination of off-street parking space, structures of any type, or other features cover more than sixty (60) percent of the lot areas, resulting in less than forty (40) percent landscaped area in Residential Districts.

**414 MINIMUM STRUCTURE AREA**

Except as otherwise provided, each single family dwelling shall have a minimum of 840 square feet of livable space in the principal structure; Carports, garages, overhangs, and such structures shall not qualify in meeting these requirements. All dwellings shall be a minimum of twenty (20) feet in width for 2/3rds of the length of the structure.

**415 PRE-INSPECTIONS REQUIRED**

A pre-inspection by the zoning administrator is required for any buildings, structures, or dwellings that are to be moved into the township. Photographs will be required.

**416 ZONING COORDINATION**

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining township or community shall be referred to the Planning Commission, and the adjacent community for review and comment prior to action by the Town Board granting or denying the zoning district classification change or conditional use. The proposal shall be submitted to the affected entity at least ten (10) days prior to the scheduled appearance of the applicant before the Township Planning Commission. All reviews and comments by the affected entity shall be in writing or personal appearance and shall be considered as advisory only.

**417 ZONING AND THE COMPREHENSIVE PLAN**

Any change in zoning granted by the governing body shall automatically amend the Comprehensive Plan in accordance with said zoning change.

**418 FINANCIAL RESPONSIBILITY FOR ENVIRONMENTAL DAMAGE DUE TO LAND USE**

Environmental damage caused by improper use of the land shall be the responsibility of the landowner.

**419 REQUIRED UPGRADE OF INDIVIDUAL SEWER TREATMENT SYSTEMS (ISTS)**

Due to the potential degradation of the water quality by nonconforming septic systems, Local Government Units (LGU's) are required to develop specific plans for identifying and upgrading nonconforming systems. For this purpose, all ISTS in Grey Eagle Township must be inspected as required according to Minnesota Rule 7080, as amended, and, if necessary, brought into compliance with current standards within six months of the date of the inspection.

**420 ROAD DAMAGE RESPONSIBILITY**

Where any beaver dam or naturally occurring event on private property has a detrimental affect on any township road in the Township, the Board shall have the right to serve a written notice on the property owner of the land requiring that the property owner remove the obstruction or abate the problem within 30 days of the date of receiving the notice or such longer reasonable time as the township may determine. Should the property owner fail to remove the beaver dam or other naturally occurring problems so the detriment to township road is abated, the property owner so failing to remove the problem or abate the detriment within the time provided is guilty of a misdemeanor and may be punished by law. In addition to any criminal penalty, the property owner shall also be liable to the Township for the reasonable costs of prosecution of the offence

**SECTION 5. ZONING USE DISTRICTS**

**501 ESTABLISHMENT OF DISTRICTS**

For the purposes of this Ordinance, the Town of Grey Eagle is hereby divided into Districts which shall be designated as follows:

Agricultural	“A1”	Section 502
Residential	“R1”	Section 503
Commercial	“C”	Section 504

**501.1 ZONING MAP**

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map attached thereto, the original of which shall be on file with the Town Clerk.

The zoning map may change from time to time; thus, the original map attached hereto may not show subsequent amendments. Inquiry should be made of the Zoning Administrator to determine if any amendments to the zoning map have been adopted and as to their affect.

Said map and all notation, references and other information shown thereon as hereafter amended shall have the same force and effect as if fully set forth herein.

**501.2 DETACHMENT**

In the event of changes in the town boundaries, the boundaries of the internal zoning districts shall be extended or retracted accordingly.

**501.3 ZONING DISTRICT BOUNDARIES**

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys or railroad lines shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, lakes or other such bodies of water shall be construed as following such boundaries.
4. Boundaries indicated as approximately following the town boundaries shall be construed as following such boundaries.
5. Where a district boundary line divides a lot which was in single or common ownership at the time of passage of this Ordinance and if either portion of the lot is undevelopable under the provisions of the district within which it is located without obtaining a variance, the Planning Commission shall determine the locations of the district boundary.
6. The exact location of all district boundaries shall be interpreted by the Planning

Commission.

**501.4 DISTRICT REGULATION**

The regulation of this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land except as hereinafter provided.

1. No building, structure or land shall hereafter be used or occupied and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yard, side yards or other open spaces, then herein required; or in any other manner contrary to the provision of this Ordinance.
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**502 AGRICULTURAL A-1 DISTRICT**

This district is intended to allow suitable areas of the township to be retained in agricultural uses; to protect and preserve open spaces; to prevent scattered non-farm development; and to secure economy in governmental and private expenditures for public service, utilities, schools and residents of the township.

**502.1 DISTRICT BOUNDARIES**

Land within the township in the A-1 Agricultural District is designated as A-1 on the official zoning map.

**502.2 LOT AREA REGULATIONS**

Every parcel developed in the A-1 district shall have a maximum density of one dwelling per forty (40) acres with a minimum lot size of five (5) acres.

**502.3 LOT WIDTH REGULATIONS**

Every lot or parcel of land on which a single-family dwelling is constructed shall have a minimum width of not less than two hundred (200) feet on an existing public road.

**502.4 PERMITTED USES**

The following uses shall be permitted within the A-1 agricultural district:

1. Agricultural land uses including farm buildings and one farm dwelling;
2. Farm production including:
  - A. Farming, general and dairy, providing animal unit density is not greater than three (3) units per acre.
  - B. Raising livestock, livestock products and other domesticated animals kept for

- use on the farm or raised for sale or profit.
  - C. Domestically raised fowl.
  - D. Field and specialty crops.
  - E. Fruit growing.
  - F. Nursery stock and tree farms.
  - G. Garden vegetables.
  - H. Bee keeping.
  - I. Fur farms.
3. Forestry and nurseries;
  4. Essential services and necessary appurtenant structures;
  5. Historic sites and areas;
  6. Churches and cemeteries;
  7. Horticulture uses and structures designed for storage of products and machinery pertaining and necessary thereto.
  8. Single Family dwellings subject to the following regulations:
    - A. Not more than one single-family unit per forty (40) acres.
    - B. Each lot upon which such a dwelling is erected shall have a minimum buildable area of two (2) acres, all of which shall be of such an elevation as to be not less than two (2) feet above mottled soil.
    - C. Each lot shall have frontage of not less than two hundred (200) feet on an existing public road.
    - D. No lot may be located upon soil which is poorly drained, structurally inadequate or construction upon which shall create erosion problems.
    - E. Each lot shall be of sufficient size and shall contain soils to support an on-site sewer system and a future on-site sewer system.
    - F. Each single-family dwelling shall have a minimum of 840 square feet of livable space in the principal structure; Carports, overhangs, garages and such structures shall not qualify in meeting these requirements. All dwellings shall be a minimum of twenty (20) feet in width for 2/3rds of the length of the structure.
    - G. Each single family dwelling, including the entire perimeter thereof, shall be constructed erected upon a permanent foundation.
  9. Public parks
  10. Utility lines and public services
  11. Religious institutions
  12. State-licensed nursery schools or daycare facilities serving twelve (12) or fewer persons operated at a single-family residence. A conditional use permit is required for the operation of such schools or facilities on non-residential premises within this district.
  13. Group family daycare facility established under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
  14. State-licensed residential facilities serving six (6) or fewer persons.
  15. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation District minimum

- regulations.
15. Home occupations in a dwelling subject to the following:
- A. No more than twenty-five (25%) percent of the dwelling's total floor area as measured by using the horizontal perimeter of the dwelling (footprint) shall be used for the home occupation. No part of the home occupation shall displace the original purpose of the garage.
  - B. The exterior residential character of the property shall not be altered by use of the property for a home occupation.
  - C. No non-resident employees are allowed.
  - D. Signage shall not exceed eight square feet and shall include only the name and address of the business.
  - E. All parking shall be contained on the site.
  - F. No outside storage or open display of merchandise is allowed.

#### **502.5 PERMITTED ACCESSORY USES**

The following accessory uses are permitted in the A-1 district:

1. Private garages, parking spaces, and carports;
2. Decorative landscaping features;
3. Signs as regulated by this ordinance;
4. Private swimming pools and tennis courts;
5. Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time;
6. Roadside stands for the sale of home occupations goods or horticulture products, provided off-street parking is available.

#### **502.6 CONDITIONAL USES**

The following uses may be allowed in the A-1 district, subject to the provisions for issuing a conditional use permit:

1. Commercial recreation areas, subject to site plan approval.
2. Organized group camps, subject to site plan approval.
3. Governmental administration and service buildings.
4. Extraction of minerals including gravel pits.
5. Airports or airplane runways, provided such facility has approval of the Minnesota Board of Aeronautics, Department of Transportation.
6. Land reclamation and mining as regulated by this and other ordinances.
7. Educational and Cultural institutions
8. Public or parochial schools which teach a curriculum similar to public schools, provided the site is not less than ten (10) acres and no building shall be located within fifty feet of a lot line.
9. Livestock yard sales; livestock experimentation; small animals and restricted livestock farming; kennels; animal hospitals; intensive poultry farming; nurseries and greenhouses.
10. Fertilizer plants; bulk liquid storage; alcohol fuel plants.
11. Grain elevators.

12. Livestock feedlots and waste storage facilities of more than five hundred (500) animal units, subject to the following conditions:
  - A. The facility shall meet the standards set forth in the Township Feedlot Ordinance.
  - B. The facility must be at least 200 feet from a road right-of-way
13. Wireless telecommunication facilities
14. State licensed residential facilities serving more than six (6) persons.
15. Commercial riding stables.
16. Public or private golf courses or country club, subject to site plan approval.
17. Private campgrounds which may include a private residence for owner/manager, subject to site plan approval.
18. Commercial dog or animal kennels where animals are raised for sale or boarded, subject to the following:
  - A. Minimum lot size of five (5) acres.
  - B. The facility shall be located one thousand (1,000) feet from any residential property, except that of the owner, and a minimum of one-half (1/2) miles from ten (10) or more homes, or platted lots, existing prior to the application for a permit under this provision.
  - C. Confinement and shelter shall be provided through the use of fences and structures in compliance with the Minnesota Animal Welfare Statutes.
  - D. Indoor facilities shall provide adequate heating, ventilation, and lighting.
  - E. All animal kennels shall provide proper drainage for indoor and outdoor facilities.
  - F. Outdoor facilities shall provide shelter from the elements, sunlight, rain, snow and cold weather.
  - G. Each large adult animal shall be provided with a separate fenced run of a least 36 square feet that shall be located at least one hundred (100) feet from any property line.
  - H. Facilities shall be inspected at least once a year at the owners expense by a doctor of veterinary medicine who shall provide a report to the Town describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility.
  - I. A plan for the disposal of animal waste must be approved by the Town.
  - J. Facilities must obtain all required state and federal licenses or operational permits.
19. Agricultural equipment sales, storage and repair facilities subject to site plan approval.
20. Bed and breakfast facility located within a farm dwelling on a parcel currently in agricultural operations and subject to the following:
  - A. The application shall identify the family members residing therein and provide at least one (1) bedroom for every two (2) family members. Bedrooms in excess of those needed by the resident family may be rented on a daily basis to boarders.

- B. No more than two (2) adult boarders shall be allowed per room.
- C. All dwellings shall comply with Ordinance standards for Sewage and Wastewater treatment.
- D. The owner shall maintain a guest register which shall be open to inspection by the Town.
- E. Guest stay shall be limited to seven (7) days.
- F. The owner shall meet all County, State and Federal regulations.
- G. The owner shall carry liability insurance.

21. Residential Cluster Developments, subject to the following:

- A. The overall density of the cluster shall not exceed a density of one (1) single-family dwelling unit per forty (40) acres. The farm dwelling and land within the right-of-way of public roads shall be included in the density calculations.
- B. All lots within the cluster shall comply with all other requirements of the Township Zoning Ordinance and Todd County Subdivision Ordinance.
- C. The proposed cluster shall be contiguous to each other or separated only by a road right-of-way.
- D. All dwellings within the cluster development of more than three (3) lots shall have a minimum separation from an existing feedlot as established by the Township Feedlot Ordinance.
- E. The existing roads to the cluster shall not need to be upgraded by the Township or Todd County in order to handle the additional traffic generated by the cluster.
- F. Within the cluster, an area shall be designated residential, with the remaining area designated open space.
- G. The following uses shall be permitted on the land within the cluster that has been designated as agricultural or open space:
  - 1. Agricultural uses and buildings.
  - 2. Drainage systems, flood control and watershed structures, erosion control devices meeting all County, State, and Soil and Water Conservation District standards.
  - 3. Feedlots of less than fifty(50) animal units if located according to the standards set forth in the Township Feedlot Ordinance.
  - 4. Forest and game management areas.
  - 5. Livestock raising.
  - 6. Railroad right-of-way.
  - 7. Temporary or seasonal family operated produce stand.
- H. The following uses shall be permitted on the land within the cluster that has been designated as residential:
  - 1. Single family dwellings.
  - 2. Essential services for public utilities.
  - 3. Home occupations

22. Mini-storage facilities.



**502.7. INTERIM USES  
INTERIM USES IN THE A-1 DISTRICT:**

1. One additional temporary farm dwelling for the purpose of providing living accommodations for farm workers, and elderly or disabled family members, subject to the following:
  - A. The applicant shall provide a signed statement identifying the farming activity that requires additional farm workers or the health limitations of the family member.
  - B. The dwelling must be removed when no longer used by the farm worker or family member.
  - C. The temporary dwelling shall be accessory and not the primary residence on the farm.
  - D. The temporary dwelling shall meet all minimum building size and setback standards.
2. Home occupations in an accessory building, subject to the following:
  - A. The size of the accessory structure in which the home occupation is conducted shall not exceed the size of the dwelling or 1200 square feet, whichever is greater.
  - B. One non-resident employee shall be allowed.
  - C. No outside storage or open display of merchandise shall be allowed.
  - D. All parking shall be contained on the site.
  - E. Signage shall not exceed eight square feet and shall include only the name and address of the business.
  - F. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.
3. Temporary equipment placement and/or operations such as a bituminous plant, ready mix plant, or contractors yard for highway construction, for a period not to exceed eight (8) months.
4. Application of contaminated soils.
5. Other proposed uses that are consistent with the standards in this section.

**502.8 SETBACKS**

1. Front Yard. Not less than sixty-eight (68) feet from the centerline of any local road, street, or highway or fifty (50) feet from the right-of-way of any State highway.
2. Side Yard. Not less than thirty (30) feet from a side lot line.
3. Rear Yard. Not less than fifty (50) feet from the rear lot line.

**503 RESIDENTIAL R-1 DISTRICT**

The residential district is intended to permit residential development in an orderly manner, to encourage or require the platting of vacant land proposed for development and to assure a pleasant and suitable residential

environment.

**503.1 DISTRICT BOUNDARIES**

Land within the township in the R-1 Residential District is designated as R-1 on the official zoning map.

**503.2 LOT AREA REGULATIONS**

Every lot or parcel upon which a single-family dwelling is constructed shall have a minimum lot size of two and one-half (2 1/2) acres.

**503.3 LOT WIDTH REGULATIONS**

Every lot or parcel of land on which a single-family dwelling is constructed shall have a minimum width of not less than one hundred (100) feet on an existing public road.

**503.4 PERMITTED USES**

1. Single-family dwellings provided:
  - A. Not more than one single-family unit per two and one-half (2 1/2) acres upon any lot. An existing dwelling upon a lot of record shall satisfy this allowance and preclude the placement of a second dwelling upon such a lot;
  - B. Each lot upon which such a dwelling is erected shall have a minimum buildable area of two (2) acres, all of which shall be of such an elevation as to be not less than two (2) feet above mottled soil.
  - C. Each lot has frontage of not less than one hundred (100) feet on an existing public road;
  - D. No lot may be located upon soil which is poorly drained, structurally inadequate or construction upon which shall create erosion problems;
  - E. Each lot shall be of sufficient size and shall contain adequate soils to support an on-site sewer system and a future on-site sewer system;
  - F. Each single family dwelling shall have a minimum of 840 square feet of livable space in the principal structure; Carports, overhangs, garages, and such structures shall not qualify in meeting these requirements. All dwellings shall be a minimum of twenty (20) in width for 2/3rds of the length of the structure.
  - G. Each single family dwelling, including the entire perimeter thereof, shall be constructed or erected upon a permanent foundation.
  - H. Each single-family dwelling shall be located upon a parcel of land having a separate and distinct legal description created in compliance with this ordinance.
2. Agricultural land uses providing animal unit density is not greater than one (1) unit per acre for lots of two and two (2) acres or less.
3. Horticulture.
4. Public parks, game refuges, forestry and recreational, and wildlife areas.
5. Subdivision of lands for residential development, providing the subdivision of any lot of record which, either initially or through future subdivisions, creates three or more parcels, none of which is less than 2 acres in size, shall require a registered survey of

all of said parcels to be filed with the Township Planning Commission either initially or at the time of the second subdivision thereof.

6. Utility lines and public services.
7. Religious institutions.
8. State licensed nursery schools or day care facilities serving twelve (12) or fewer persons operated at a single-family residence. A conditional use permit is required for the operation of such schools or facilities on non-residential premises within this zone.
9. Group family day care facility established under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
10. State licensed residential facility serving six (6) or fewer persons.
11. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation District minimum regulations.
12. Home occupations in a dwelling subject to the following:
  - A. No more than twenty-five (25%) percent of the dwelling's total floor area as measured by using the horizontal perimeter of the dwelling (footprint) shall be used for the home occupation. No part of the home occupation shall displace the original purpose of the garage.
  - B. The exterior residential character of the property shall not be altered by use of the property for a home occupation.
  - C. No non-resident employees are allowed.
  - D. Signage shall not exceed eight square feet and shall include only the name and address of the business.
  - E. All parking shall be contained on the site.
  - F. No outside storage or open display of merchandise is allowed.\

**503.5 PERMITTED ACCESSORY USES**

The following accessory uses are permitted in the R-1 district:

1. Private garages, parking spaces, and carports;
2. Decorative landscaping features;
3. Signs as regulated by this ordinance;
4. Private swimming pools and tennis courts;
5. Temporary buildings located for purposes of construction on the premises for a period of time not to exceed normal, necessary construction time.

**503.6 CONDITIONAL USES**

The following uses may be allowed in the R-1 district, subject to the provisions for issuing a conditional use permit:

1. Commercial recreation areas, subject to site plan approval
2. Organized group camps, subject to site plan approval
3. Governmental administration and service buildings
4. Educational and cultural institutions
5. Cemeteries, including mausoleums
6. Nurseries and greenhouses with retail sales of homegrown products

7. Convenience grocery stores
8. Manufactured home parks
9. Energy efficient subterranean dwellings
10. Duplexes
11. Commercial dog or animal kennels where animals are raised for sale or boarded, subject to the following:
  - A. Minimum lot size of five (5) acres.
  - B. The facility shall be located one thousand (1,000) feet from any residential property, except that of the owner, and a minimum of one-half (1/2) mile from ten (10) or more homes, or platted lots, existing prior to the application for a permit under this provision.
  - C. Confinement and shelter shall be provided through the use of fences and structures in compliance with the Minnesota Animal Welfare Statutes.
  - D. Indoor facilities shall provide adequate heating, ventilation, and lighting.
  - E. All animal kennels shall provide proper drainage for indoor and outdoor facilities.
  - F. Outdoor facilities shall provide shelter from the elements, sunlight, rain, snow and cold weather.
  - G. Each large adult animal shall be provided with a separate fenced run of a least 36 square feet that shall be located at least one hundred (100) feet from any property line.
  - H. Facilities shall be inspected at least once a year at the owners expense by a doctor of veterinary medicine who shall provide a report to the Town describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility.
  - I. A plan for the disposal of animal waste must be approved by the Town.
  - J. Facilities must obtain all required state and federal licenses or operational permits.
12. Planned Unit Development

**503.7 INTERIM USES  
INTERIM USES IN THE R-1 DISTRICT:**

1. Home occupations in an accessory building, subject to the following:
  - A. The size of the accessory structure in which the home occupation is conducted shall not exceed the size of the dwelling or 1200 square feet, whichever is greater.
  - B. One non-resident employee shall be allowed.
  - C. No outside storage or open display of merchandise shall be allowed.
  - D. All parking shall be contained on the site.
  - E. Signage shall not exceed eight square feet and shall include only the name and address of the business.
  - F. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.

2. Other proposed uses that are consistent with the standards in this section.

**503.8 SETBACKS**

1. Front Yard. Not less than fifty (50) feet from the right-of-way of a state highway; not less than sixty-eight (68) feet from the centerline of any town or county road, however established.
2. Side Yard. Not less than ten (10) feet from the lot line.
3. Rear Yard. Not less than twenty (20) feet from the rear lot line.

**504 COMMERCIAL C DISTRICT**

The commercial district is intended to permit commercial and light industrial development in an orderly manner to assure a pleasant and suitable environment.

**504.1 DISTRICT BOUNDARIES**

Land within the township in the “C” Commercial District is designated as “C” on the official zoning map.

**504.2 LOT AREA REGULATIONS**

The minimum lot size shall be five (5) acres.

**504.3 LOT WIDTH REGULATIONS**

The minimum lot width in the commercial district shall be two hundred (200) feet.

**504.4 PERMITTED USES**

The following uses are permitted in the commercial district:

1. Agricultural uses
2. Auto car wash
3. Automobile repair or service
4. Bowling alleys
5. Drive-in retail or service uses
6. Wholesale uses as defined: Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products, which conform to the performance standards set forth hereinafter, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic materials, odors, fire or explosion hazards, or glare.
7. Livestock sales
8. Drive-in theaters
9. Miniature golf courses
10. Motel, hotel, or tourist camps
11. Professional offices
12. Building and material sales
13. Dwelling units for watchmen and their families, located on the premises where they

- are employed in such capacity.
- 14. Garages for storage, repair and servicing of motor vehicles.
- 15. Public utility and service using, including fire stations, police stations, and utility substations
- 16. Auction houses
- 17. Single-family dwellings, as regulated under Section 503.4() of this Ordinance.
- 18. Light manufacturing as long as it meets the performance standards in Section 6 of this Ordinance.

**504.5 CONDITIONAL USES**

The following uses may be allowed in the C district, subject to the provisions for issuing a conditional use permit:

- 1. Other highway oriented business of the same general character as a permitted use
- 2. Radio or TV relay towers

**504.6 SETBACKS**

- 1. Front Yard. Not less than one hundred (100) feet from the right-of-way of a state highway; not less than one hundred (100) feet from the right-of-way of any town or county road, however established.
- 2. Side Yard. Not less than fifty (50) feet from the lot line.
- 3. Rear Yard. Not less than fifty (50) feet from the rear lot line.
- 4. Single-family dwellings in the Commercial District. Single-family dwellings in the commercial district will be subject to R-1 regulations for setbacks and lot requirements.

**504.7 SERVICE ROADS**

Access to a parcel in the commercial district must be obtained by the developing party and meet standard township requirements as far setbacks and construction.

**SECTION 6. SHORELAND MANAGEMENT ORDINANCE**

**610.11 STATUTORY AUTHORIZATION**

This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103G, Minnesota Regulations, Parts 6120.2500 - 6120.3900 and the Planning and Zoning enabling legislation in Minnesota Statutes, Chapter 462 (for towns).

**610.12 POLICY**

The uncontrolled use of shorelands in Grey Eagle Township, Todd County, Minnesota, affects the public health, safety and general welfare, not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shoreland, and provide for the wise use of waters and related land resources.

**610.21 JURISDICTION**

The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in section 610.412 of this ordinance. Pursuant to Minnesota Rules, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than twenty-five acres in size in unincorporated areas need to be regulated in a local government’s shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this Ordinance.

**610.22 COMPLIANCE**

The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this Ordinance and other applicable regulations.

**610.23 ENFORCEMENT**

The Zoning Administrator is responsible for the administration and enforcement of this Ordinance. Any violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of a variance or conditional use permit) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 8 of this Ordinance.

**610.24 INTERPRETATION**

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

**610.25 SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**610.26 ABROGATION AND GREATER RESTRICTIONS**

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

**610.27 DEFINITIONS**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. Accessory Structure or Facility: Any building or improvement which is subordinate to a principle use.
2. Bed and Breakfast, Boarding House (Rooming or Lodging House). A building other

- than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for three or more persons, but not to exceed five persons.
3. Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:
    - A. Part or the entire feature is located in the shoreland district.
    - B. The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody.
    - C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30% or 17°) or greater; and
    - D. The slope must drain toward the waterbody.
  4. Bluff impact zone: A bluff and land located within twenty (20) feet of the top of the bluff.
  5. Boathouse: A structure designed and used solely for the storage of boats or boating equipment. A boathouse shall not exceed ten (10) feet in height and two hundred fifty (250) square feet in area.
  6. Building Line: A line parallel to a lot line or the ordinary high water level at the required setback.
  7. Commercial Planned Unit Development. Uses that provide transient, short-term lodging spaces, rooms, or parcels and their operations which are essentially service-oriented. For example, motel/hotel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are considered commercial planned unit developments in the shoreland district.
  8. Commercial Use: The principal use of land or buildings for sale, lease, rental, or trade of products, goods, and services.
  9. Commissioner: The commissioner of the Department of Natural Resources.
  10. Conditional Use: A use classified as conditional generally may be appropriate or desirable in specified zone, but requires special approval because if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion. A conditional use must be compatible with the existing neighborhood.
  11. Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, and is attached or functionally related to a principal use or site.
  12. Duplex: A dwelling structure on a single lot, having two units respectively, being attached by common wall and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities. A duplex will require a lot size of double the minimum requirement of single dwelling site.
  13. Dwelling Site: A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
  14. Dwelling Unit: Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more person, including rental or timeshare accommodations such as motel, hotel, or resort rooms and cabins.
  15. Extractive Use: The use of land for surface or subsurface removal of sand, gravel,



- rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes Section 93.44 to 93.51.
16. Forest Land Conversion: The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
  17. Guest Cottage: A structure used as a dwelling unit that may contain sleeping spaces, and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.
  18. Hardship: As used in conjunction with the granting of a variance, means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to the property, not created by the landowner. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the Ordinance.
  19. Height of Building: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.
  20. Home Occupation: Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, over the counter retail sales are not involved, and entrance to the home occupation is gained from within the structure. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barbershops, beauty shops, tourist homes, or similar uses.
  21. Intensive Vegetation Clearing: The complete removal of trees or shrubs in a contiguous patch, strip, row or block.
  22. Lot: A separately described parcel of land, with or without buildings, occupied or used for or intended for occupancy or any use permitted under the provisions of this Ordinance having not less than the minimum area required by the Ordinance for each use, including buildings to accommodate same, in the zoning district in which such lot is located which abuts a public road, street, or highway.
  23. Lot Width: The shortest horizontal distance between the side lot lines. Where the side lot lines do not run parallel, (a) if the side lot lines diverge from their intersection with the public right-of-way, the minimum lot width shall be measured one-half of the required setback distance from said right-of-way; (b) if the side lot lines converge from their point of intersection with said right-of-way line, the minimum lot width shall be measured at the minimum setback line of that lot.
  24. Nonconforming Structure or Use: A structure which is legally existing on the date of adoption of this Ordinance, which no longer conforms to the applicable regulations of this Ordinance if the structure were to be erected or the use were to be established under the provisions of this Ordinance.
  25. Ordinary High Water Level: the boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. Commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourse, the ordinary high water level is the elevation of the top of

- the bank of the channel. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
26. Planned Unit Development: A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominium or time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
  27. Public Waters: Any waters as defined in Minnesota Statutes, Section 105.37, Subd. 14 and 15, as amended.
  28. Recreational Vehicle: Any unit incorporated in, attached to, or intended to be attached to a motorized vehicle which provides living or sleeping facilities. This includes, but is not limited to, travel trailers, campers, fifth wheel campers, over the pickup cab campers, pop up campers, fold out campers, pickup topper campers, camper cars, bus campers, mini homes, motor homes, and other similar units.
  29. Residential Planned Unit Development: A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, cooperatives, and full fee ownership residence would be considered residential planned unit developments. To qualify as a planned unit development, a development must contain at least five dwelling units or sites.
  30. Semipublic Use: The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
  31. 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.
  32. Setback: The minimum horizontal distance between a structure, sewage treatment system, water well, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
  33. Sewage Treatment System: A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated under Minnesota Rules 7080, as amended.
  34. Sewer System: Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conduction sewage or industrial waste or other wastes to a point of ultimate disposal.
  35. Shore Impact Zone: Land located between the ordinary high water level of public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
  36. Shoreland: Land located within the following distance from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage, and 300 feet from a river or stream. Todd County has established agricultural preservation districts to include all unincorporated lands within four-hundred seventy-five (475) feet of any classified lake as listed under 610.412 or within three hundred (300) feet of rivers and

- streams. Where agricultural preservation and shoreland districts overlap, the more restrictive regulation shall apply.
37. Significant Historic Site: Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
38. Steep Slope: Land where agricultural activity or development is either not recommended or described or poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more, that are not bluffs.
39. Structure: Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
40. Subdivision: Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
41. Surface Water-Oriented Commercial Use: The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conduct of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such uses.
42. Toe of the Bluff: The lower point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
43. Top of the Bluff: The higher point of a fifty (50) foot segment with an average slope exceeding eighteen (18) percent.
44. Variance: A modification or variation of this Ordinance where it is determined that, by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or necessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.
45. Water-Oriented Accessory Structure or Facility: A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Permitted structures are boathouses, gazebos, screen houses, fish cleaning houses, pump houses and detached decks.
46. Wetlands: A surface water feature classified as a wetland by the United States Fish and Wildlife Service. Land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh.

**610.3 ADMINISTRATION**

**610.31 PERMITS REQUIRED**

**610.311 New construction**

A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 610.53 of this Ordinance. Application for a permit shall be made to the Grey Eagle Township Planning and Zoning Office on the forms provided. The application shall include the necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.

**610.312 Additional construction**

A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 610.58, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

**610.32 CERTIFICATE OF ZONING COMPLIANCE**

The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 610.31 of this Ordinance. This certificate will specify that the use of land conforms to the requirements of this Ordinance. Any use, arrangement, or construction at variance with that authorized by permit, shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 610.23 of this Ordinance and Section 610.23, Enforcement.

**610.33 VARIANCES**

**610.331 General**

Variations may only be granted in accordance with Minnesota Chapter 462, as applicable. A variance may not circumvent the general purposes and intent of this Ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

**610.332 Board of Adjustment**

The Board of Adjustment shall hear and decide requests for variances in accordance with the rules that it has adopted for the conduct of business. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 610.342 below shall also include the Board of Adjustment's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.

**610.333 Sewage treatment compliance**

For existing developments, the application for variance must clearly demonstrate whether a conforming

sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

**610.34 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES**

**610.341 Notices**

Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner’s designated representative and must be postmarked at least ten days before the meetings. Notice of hearings to consider proposed subdivisions or plats must include copies of the subdivision or plat.

**610.342 Plats and subdivisions**

A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be send to the commissioner or the commissioner’s designated representative and must be postmarked within ten days of final action.

**610.4 SHORELAND CLASSIFICATION SYSTEM AND LAND USE DISTRICTS**

**610.41 SHORELAND CLASSIFICATION SYSTEM**

The public waters of Grey Eagle Township have been classified below consistent with the criteria found in Minnesota Rules, Part. 6120.3300 and the Protected Waters Inventory Map for Todd County, Minnesota.

**610.411 Shoreland and waterbodies**

The shoreland area for the waterbodies listed in Section 610.412 and 610.413 shall be defined in Section 610.27 (35) and as shown on the Official Zoning Map.

**610.412 WATER BODIES INCLUDED IN THE SHORELAND DISTRICT.**

The regulations in the Shoreland Zoning District of Grey Eagle Township will apply to all rivers and lakes classified as either Natural Environment (NE), Recreational Development (RD), or General Development (GD) by the Department of Natural Resources.

LAKE IDENTIFICATION NO.	LAKE NAME	CLASSIFICATION
77-	Nellies	
77-6	Little Mound	RD
77-7	Mound	NE
77-9	Trace	NE
77-10	Ball	NE
77-11	Buck Head	NE
77-14	Stump	NE
77-16	Jim	NE
77-18	Goose	NE
77-19	Mary	NE
77-20	Molly	NE
77-21	Twin	NE

77-24	Bass	NE
77-32	Lady	NE
77-84	Big Birch	RD
77-160	Cedar	RD

All rivers and streams in Grey Eagle Township having a total drainage area of greater than two square miles are assigned a public waters classification of: Natural Environment Lakes and as shown on the protected waters and wetland map from the Department of Natural Resources 1985 or as amended. General Development and Recreational Development Lakes are larger in size and potentially more suitable for all around development and recreation purposes and can support a higher density of residential development on the shoreland. Natural Environment Lakes are smaller, often marshy in character, and require stricter shoreland standards to protect the quality of the lake resource. The shoreland of rivers and streams will have the same standards as Natural Environmental Lakes.

**610.413 Setback Requirements.**

The following setback requirements shall be followed in all shoreland districts for the different types of shorelands in Grey Eagle Township:

	<b>NE</b>	<b>RD</b>	<b>GD</b>	<b>RDL**</b>
	<b>Natural</b>	<b>Recreational</b>	<b>General</b>	<b>Recreation Dev</b>
<b>Building Locations</b>	<b>Environment</b>	<b>Development</b>	<b>Development</b>	<b>Limited</b>
Lot Size	80,000 sq. ft	40,000 sq. ft	20,000 sq. ft	15,000 sq. ft
Lot Width	200 feet	150 feet	100 feet	75 feet
Lot Depth	250 feet	200 feet	150 feet	150 feet
Building Setback (from normal high water mark of lake)	150 feet	100 feet	75 feet	100 feet
Side yard Setback	10 feet	10 feet	10 feet	10 feet
Rear yard (without road frontage)	20 feet	20 feet	20 feet	20 feet
Building setback (from local, county, or town Road right-of-way of at least 66 feet)	20 feet	20 feet	20 feet	20 feet
Building setback (from local, county, or town road right-of-way less than 66 feet)	35 feet	35 feet	35 feet	35 feet
Building setback (from State road ROW)	50 feet	50 feet	50 feet	50 feet
Height (2 _ stories or)	35 feet	35 feet	35 feet	35 feet
Land Height (above water line at building)	3 feet	3 feet	3 feet	3 feet

**610.42 LAND USE DISTRICT DESCRIPTIONS**

**610.421 Criteria for Designation**

The land use districts in Section 610.422 and the delineation of a land use district’s boundaries on the Official Zoning Map, must be consistent with the goals, policies, and objectives of the Grey Eagle Township comprehensive land use plan and the following criteria, considerations, and objectives:

1. General Considerations and Criteria for All Land Uses:
  - a. Preservation of natural areas;
  - b. Present ownership and development of shoreland areas;
  - c. Shoreland soil types and their engineering capabilities;
  - d. Topographic considerations;
  - e. Vegetative cover;
  - f. In-water physical characteristics, values and constraints;
  - g. Recreational use of the surface water;
  - h. Road and service center accessibility;
  - i. Socioeconomic development needs and plans as they involve water and related land resources;
  - j. The land requirements of industry which, by its nature, requires location in shoreland area; and
  - k. The necessity to preserve and restore certain areas having significant historical or ecological value.
  
2. Factors and Criteria for Planned Unit Developments:
  - a. Existing recreational use of the surface waters and likely increases in use associated with planned unit developments;
  - b. Physical and aesthetic impacts of increased density;
  - c. Suitability of lands for the planned unit development approach;
  - d. Level of current development in the area; and
  - e. Amounts and types of ownership of undeveloped lands.

**610.422 Land Use District Descriptions**

The land use districts provided below and the allowable land uses therein for the given classifications of waterbodies, shall be properly delineated on the Official Zoning Map for the shoreland of the Township. These land use districts are in conformance with the criteria in Minnesota Rules, Part 6120.3200, Subp. 3.

**610.423 Use and Upgrading of Inconsistent Land Use Districts**

1. Districts that are inconsistent with the land use district designation criteria specified in Section 610.422 may continue until revisions are proposed to change whether the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of the existing land use district shown on the Official Zoning Map.
2. When a revision is proposed to an inconsistent land use district provision, the following criteria and procedures shall apply:

- a. For Lakes. When a revision to a land use district designation on a lake is considered, the land use district boundaries and use provisions therein for all the shoreland areas within the jurisdiction of this Ordinance on said lake must be revised to make them substantially compatible with the framework in Section 610.421 and 610.422 of this Ordinance.
  - b. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this Ordinance must be revised to make them substantially compatible with the framework in Section 610.421 and 610.422 of this Ordinance.
- 3. When an interpretation question arises about whether a specific land use fits within a given “use” category, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district’s boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the Planning Commission and approved by the Town Board.
  - 4. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, the individual party or landowner will only be responsible to provide the supporting and/or substantiating information for the specific parcel in question. The Grey Eagle Town Board will direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to satisfy Items A and B.
  - 5. The Grey Eagle Board of Supervisors must make a detailed finding of fact and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use district designations on said waterbody, are consistent with the enumerated criteria and use provisions of Section 610.42.

**610.43 SHORELAND DISTRICT USES**

**610.431 Purpose**

The intent of the Shorelands District is to preserve areas which have natural characteristics suitable for both passive and recreational development of varying types including permanent and seasonal housing.

**610.432 Permitted Uses**

The following uses shall be permitted in the Shoreland District:

- 1. All general agricultural and minimum tillage cropland uses, including farm dwellings, agricultural buildings, except that no wetlands shall be drained to facilitate cultivation of shoreland areas within specified distances of lakes and streams depending on topography.
- 2. Forestry.
- 3. Parks and waysides which do not maintain overnight camping facilities.
- 4. Nature areas, hiking and riding trails, wildlife preserves, and designated



- official wetland areas.
- 5. Designated historical sites.
- 6. Golf courses, except clubhouses.
- 7. Single family dwellings including cottages and seasonal homes.
- 8. Essential services including telephone, telegraph, power lines, water supply buildings, reservoirs, elevated tanks, public sewage treatment facilities, and similar public utility and service structures.
- 9. Private swimming pools.
- 10. Mobile manufactured homes if they meet the other provisions of this ordinance.

#### **610.433 Accessory Uses:**

The following accessory uses are permitted in the Shoreland District.

- 1. Private Garages
- 2. Boat houses, docks
- 3. Park structures including shelters, toilets, storage buildings, garages, observation towers, and caretaker living quarters

#### **610.434 Conditional Uses:**

The following uses shall require a conditional use permit in the Shoreland District:

- 1. Supper clubs and Dance Halls
- 2. Bed and breakfast
- 3. Commercial Planned Unit Development
- 4. General Store
- 5. Gas Stations
- 6. Tackle and Bait Shops
- 7. Residential Planned Unit Development under single ownership
- 8. Restaurants and Taverns
- 9. Riding Stables
- 10. Home occupation
- 11. Residential subdivisions
- 12. Cemeteries
- 13. All other uses of the same general character as listed above and provided they are deemed compatible with the district as determined by the Planning Commission and Town Board.

If a use is not listed as permitted or conditional permitted, it shall be prohibited.

### **610.5 ZONING AND WATER SUPPLY - SANITARY PROVISIONS**

#### **610.51 LOT AREA AND WIDTH STANDARDS**

The lot area (in square feet) and lot width standards (in feet) for single and duplex residential lots created after the date of enactment (April 13, 1992) for the lake and river/stream classifications are the following:

**610.511 Sewered, and Unsewered Lakes**

		Riparian Lots		Nonriparian Lots	
		Area	Width	Area	Width
A.	Natural Environment				
	Single Dwelling	80,000	200	80,000	200
	Duplex	120,000	300	160,000	400
B.	Recreational Development				
	Single Dwelling	40,000	150	40,000	150
	Duplex	80,000	225	80,000	265
C	General Development				
	Single Dwelling	20,000	100	40,000	150
	Duplex	40,000	180	80,000	265

**610.512 Additional Special Provisions**

1. Residential subdivisions with dwelling unit densities exceeding those of the tables in Section 610.511 will only be allowed if designed and approved as residential planned unit developments under Section 610.8 of this Ordinance. Only land above the high water level of public waters can be used to meet lot area standards and lot width standards must be met at both the ordinary high water level and at the building line.
2. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:
  - a. Each building must be set back at least 150 feet from the ordinary high water level;
  - b. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;
  - c. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
  - d. No more than twenty-five (25) percent of a lake’s shoreline can be in duplex developments.
3. One guest cottage may be allowed on lots meeting or exceeding the duplex lot area and width dimensions in Section 610.511, provided the following standards are met:
  - a. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within the smallest duplex-sized lot that could be created including the principal dwelling unit;
  - b. A guest cottage must not cover more than 700 square feet of land surface and must not exceed fifteen (15) in height; and
  - c. A guest cottage must be located or designed to reduce its visibility as viewed from the public waters and adjacent shorelands by vegetation, topography, increased setbacks or earth tone colors, assuming

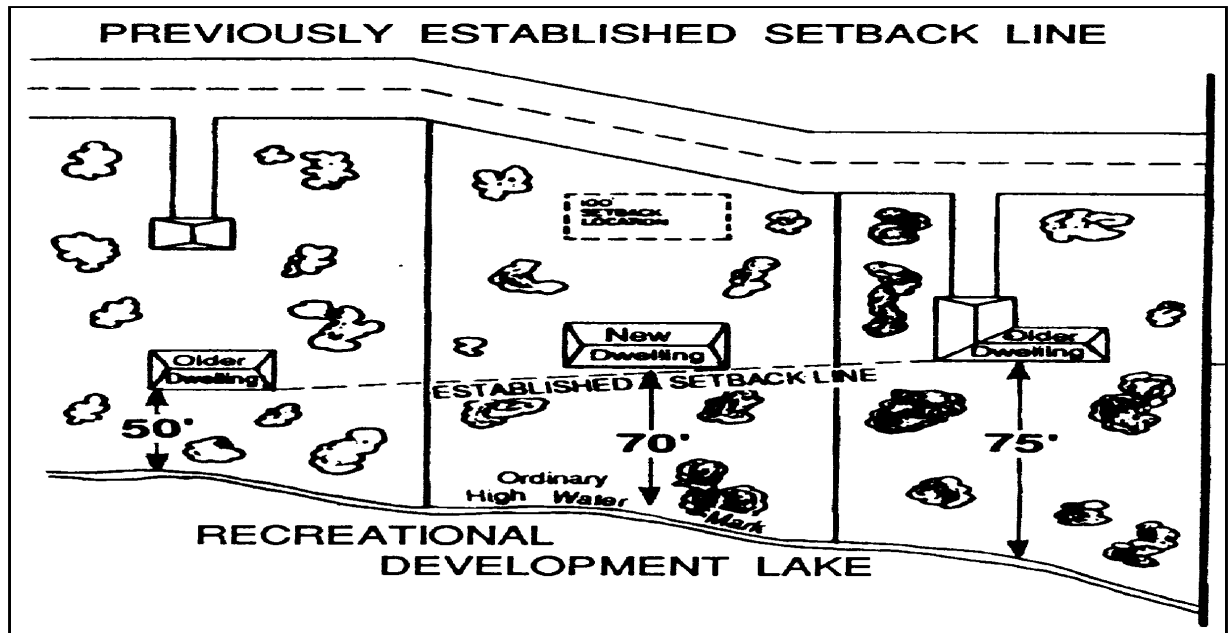
summer leaf-on conditions.

4. Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:
  - a. The lots must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots and must not be located on steep slopes or in the flood plain;
  - b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

<b>CONTROLLED ACCESS LOT FRONTAGE REQUIREMENTS</b>	
Ratio of Lake Size to <u>Shore Length</u> (Acres/Miles)	Required Increase in Frontage (Percent)
Less than 100	25
100 - 200	20
201 - 300	15
301 - 400	10
Greater than 400	5

- c. They must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian rights on the access lot; and
- d. Activities permitted on these lots include launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, and picnicking.
- e. Parking of vehicles and the number of watercraft continuously moored, docked, or stored over the water must be limited to the number required for use of the site by the owners and not by others.
- f. All common facilities shall be located in a centralized location and shall be placed in a location that minimizes topographic and vegetative alterations.
- g. All parking areas, storage buildings, and other facilities must be screened by vegetation or topography to the extent practical to screen the view from the public water, assuming summer, leaf-on conditions.
- h. The owners of said lots must provide proof of duly recorded covenants for the property that set forth the requirements for use and maintenance of the property.

## 610.52 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES



## 610.521 Structures

1. Placement of structures on Lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structures setbacks may be altered, with a variance, to conform to the adjoining setbacks from the ordinary high-water mark level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.
2. Accessory structures setback. Accessory structures shall meet all structure setbacks, except for water-oriented accessory structures. In addition, where accessory structures exist on adjoining side lots of a proposed building site, consideration shall be given to alter the setback from the road right-of-way of the proposed accessory structure to meet the setbacks of those existing structures. However, this procedure shall only be permitted up to twenty-five (25) feet of the road right-of-way line. If an applicant wishes to construct, erect, or place an accessory structure in a position on a lot which would encroach closer than twenty-five (25) feet from the road right-of-way line, the applicant must request a variance from the setback requirement. Structures shall be located as follows:
  - a. Structure and on-site sewage system setbacks (in feet) from ordinary high water level:

<b>SETBACKS **</b>			
Classes of Public Waters	Structures		Sewage Treatment System
	Unsewered	Sewered	
Natural Environment	150	150	150
Recreational Development	100	100	75
General Development	75	75	50
Recreational Development Limited	100	100	75
(Sylvan Shores) Rivers and Streams	150	150	150

\*\* One water-oriented accessory structure designed in accordance with Section 610.522 of this Ordinance may be set back a minimum distance of ten (10) feet from the ordinary high water mark.

- b. Additional Structure Setbacks. The following additional structure setbacks apply, regardless of the classification of the water body:

<b><u>Setback From:</u></b>	<b><u>Setback (in feet)</u></b>
Top of bluff	30
Unplatted Cemetery	50
Right-of-way of Federal and State Highways	50
Centerline of local county roads, public street or other roads or streets not classified, of 66-foot width	55
Centerline of local road of less than 66-foot width	55

- c. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
- d. Uses without Water-Oriented Needs. Uses without water-oriented needs such as aircraft hangers, snowmobile shed, and boat trailer sheds must be located on lots or parcels without public waters frontage, or if located on lots or parcels with public water frontage, must be set back at least double the setback or ten (10) feet landward of the primary structure and be substantially screened from view from the water by vegetation or topography, assuming summer leaf-on conditions, and be of earth tone colors.

**610.522 Design Criteria for Structures**

1. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
  - a. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is higher;
  - b. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
2. Water-Oriented Accessory Structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setback in Section 610.521 of this Ordinance if this water-oriented structure complies with the following provisions:
  - a. The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 (two hundred fifty) square feet. Detached decks must not exceed eight feet above grade at any point and may not exceed a width of twenty (20) feet;
  - b. The setback of the structure or facility from the ordinary high water level must be at least ten feet;
  - c. The structure or facility must be treated to reduce visibility as viewed from the public waters and adjacent shorelands by vegetation, topography, increased setbacks or earthtone color, assuming summer leaf-on conditions;
  - d. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area; and
  - e. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
3. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and

down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- a. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties, and must not exceed six feet in width;
  - b. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open space recreational properties, and planned unit developments, that must not exceed sixty-four (64) square feet;
  - c. Canopies or roofs are not allowed on stairways, lifts, or landings;
  - d. Stairways, lifts and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
  - e. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
  - f. Facilities, such as ramps, lifts, or mobility paths for physically handicapped persons, are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of sub items (1) and (2) are complied with in addition to the requirements of Minnesota Rules 1340.
4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
  5. Steep Slopes. The Zoning Administrator will evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions will be attached to issued permits to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer leaf-on vegetation.

#### **610.523 Height of Structures**

All structures in residential districts, except churches and nonresidential agricultural structures, must not exceed thirty-five (35) feet in height.

#### **610.53 SHORELAND ALTERATIONS**

Alterations of vegetation and topography will be regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping and protect fish

and wildlife habitat. The application of fertilizer containing phosphorus shall be prohibited in the shoreland district.

#### **610.531 Vegetation Alterations**

1. Vegetation alterations necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 610.54 of this Ordinance are exempt from the vegetation alterations standards that follow.
2. Removal of alteration of vegetation, except for agricultural and forest management uses as regulated in Section 610.562 and 610.563, respectively, is allowed, subject to the following standards:
  - a. Intensive clearing of vegetation within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forestland conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
  - b. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
    1. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;
    2. Along rivers, existing shading of water surfaces is preserved; and
    3. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

#### **610.532 Topographic Alterations, Grading and Filling**

1. Grading and filling and excavations necessary for the new construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not required the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section may be incorporated into the issuance of permits for construction of structures, sewage treatment systems and driveways.
2. Public roads and parking areas are regulated by Section 610.54 of this Ordinance.
3. Notwithstanding items A and B above, a grading and filling permit will be required for:
  - a. The movement of more than ten (10) cubic yards of material on steep



- slopes or within shore or bluff impact zones; and
- b. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones; and

**Note:** Permits may be subject to review by Soil and Water Conservation District; Sauk River Watershed District; and the Department of Natural Resources.

- 4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
  - a. Grading or filling of any type 2, 3, 4, 5, 6, 7 or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
    - 1. Sediment and pollutant trapping and erosion;
    - 2. Storage of surface runoff to prevent or reduce flood damage;
    - 3. Fish and wildlife habitat;
    - 4. Recreational use;
    - 5. Shoreline or bank establishment; and
    - 6. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

**Note:** This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corp of Engineers. The applicant shall be so advised.

- b. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- c. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- d. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
- e. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope;
- g. Plans to place fill or excavated material on steep slopes must be

- reviewed by qualified professionals for continued slope stabilization and must not create finished slopes of thirty (30) percent or more;
- h. Fill or excavated material must be not placed in bluff impact zones or shore impact zones;
  - i. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G;
  - j. Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
  - k. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extend of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet, as recommended by the Department of Natural Resources.
5. Connections to public waters. Excavations where the intended purpose is connection to public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the commissioner has approved the proposed connection to public waters.

## **610.54 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS AND PARKING AREAS**

### **610.541 Design**

Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public water consistent with the field office technical guides of the local soil and water conservation district or other applicable technical materials.

### **610.542 Setbacks**

Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, roads may be placed within these areas and must be designed to minimize adverse impacts.

### **610.543 Access ramps**

Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 5.32 of this Ordinance must be met.

**610.55 STORM WATER MANAGEMENT**

The following general and specific standards shall apply for storm water management:

**610.551 General Standards**

1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities, or as recommended by the Soil and Water Conservation District and designed by an appropriate professional in the field.

**610.552 Specific Standards**

1. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
2. When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district.
3. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

**610.56 SPECIAL PROVISIONS****610.561 Standards for Commercial, Industrial, Public and Semipublic Uses**

1. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
  - a. In addition to meeting impervious coverage limits, setbacks, or other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and

structures;

- b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey the needed information to the public, subject to the following general standards:
  1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.
  2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or service available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
  3. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude the use of navigational lights.
2. Uses without water-oriented needs must be located on lots or parcels without public water frontage, or, if located on lots or parcels with public waters frontage, must either be double the setback or ten (10) feet beyond the building line setback and must be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

#### **610.562 Agricultural Use Standards**

1. General cultivation farming, grazing, nurseries, horticulture, farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Services, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

2. Animal feedlots must meet the standards as prescribed in the Township Feedlot Ordinance. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zones are allowed if they do not further encroach into the existing ordinary high water level setback or encroach of bluff impact zones. If an animal feedlot is destroyed by fifty percent (50%) or more, the new or reconstructed feedlot must meet the Ordinance standards.

#### **610.563 Forest Management Standards**

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment—*Forestry and the Provisions of Water Quality in Forest Management: Best Management Practices in Minnesota*.

#### **610.564 Extractive Use Standards**

Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end. Plans must also be consistent with the standards regarding mining set forth in Section 701 of this Ordinance.

#### **610.565 Mining of Metallic Minerals and Peat**

Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, Sections 93.44 to 93.51 are satisfied.

### **610.57 CONDITIONAL USES**

Conditional uses allowable within the shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses as established in Section 801. The following additional evaluation criteria and conditions apply within shoreland areas.

#### **610.571 Evaluation Criteria**

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
2. The visibility of structures and other facilities as viewed from public waters is limited;
3. The site is adequate for water supply and on-site sewage treatment according to the standards established in Minnesota Rules 7080; and
4. Plans are submitted that indicate proposed buildings, sanitary systems and wells.

#### **610.572 Conditions attached to conditional use permits**

The Grey Eagle Planning Commission, upon consideration of the criteria listed above and for the purposes of this Ordinance, shall recommend to the Town Board and attach such conditions to the

issuance of the conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

1. Increase setback from the ordinary high water level;
2. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted;
3. Special provisions for the location of all buildings, parking areas, traffic accesses, driveways, walkways, docks, open space and landscaping.
4. Plans indicating future buildings, sanitary systems and well locations.

**610.58 WATER SUPPLY AND SEWAGE TREATMENT**

**610.581 Water Supply.**

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

**610.582 Sewage Treatment.**

Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:

1. Publicly-owned sewer systems must be used where available.
2. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency’s standards for individual sewage treatment systems (ISTS) contained in Minnesota Rules 7080, as amended.
3. The following documents must be submitted prior to issuance of a site plan or hearing a variance request for properties located within the shoreland district:
  - a. The results of a compliance inspection to determine that the existing ISTS regulations.
  - b. If the existing ISTS is not compliant, a plan for installation of a new ISTS system consistent with Chapter 7080.
  - c. Building plans for the proposed structure that shows the use of each room within the structure and outside elevations.
4. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 610.521 of this Ordinance.
5. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in sub items (A) through (D) of this subsection. It shall be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations, as required by Minnesota Rules 7080, as amended.

Evaluation criteria:

- a. Depth of the highest known or calculated ground water table or

- bedrock;
  - b. Soil conditions, properties, and permeability;
  - c. Slope;
  - d. The existence of lowlands, local surface depressions, and rock outcrops.
6. Prior to issuance of a site permit or hearing of a variance request the following documents must be submitted:
- a. The results of a compliance inspection to determine that the existing ISTS complies with current ISS regulations.
  - b. If the existing ISTS is not compliant, a plan for installation of a new ISTS system consistent with Chapter 7080.
  - c. Building plans for the proposed structure that shows the use of each room within the structure and outside elevations.
7. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 610.63 of this Ordinance.

#### **610.6 NONCONFORMITIES**

All legally established nonconformities as of the date of this Ordinance may continue, but they will be managed according to applicable State Statutes and other regulations of this community for the subjects of alterations, additions, repair after damage, discontinuance of use, and intensification of use, except that the following standards will also apply in shoreland areas:

#### **610.61 CONSTRUCTION ON NONCONFORMING LOTS OF RECORD**

1. Lots of record in the office of the county recorded on the date of enactment of local shoreland controls that do not meet the requirements of Section 610.51 of this Ordinance may be allowed as building sites without variance from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, the lot was created in compliance with official controls in effect at the time, and sewage treatment and setback requirements of this Ordinance are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 610.51 of this Ordinance, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 610.51 of this Ordinance to the extent possible.

**610.62 ADDITIONS/EXPANSIONS TO NONCONFORMING STRUCTURES**

1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements in Section 610.5 of this Ordinance. Any deviation from these requirements must be authorized by a variance request pursuant to Section 610.33.
2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
  - A. The structure existed on the date the structure setbacks were established by this Ordinance;
  - B. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
  - C. The deck encroachment toward the ordinary high water level does not exceed fifteen (15) percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than thirty (30) feet, whichever is more restrictive; and
  - D. The deck is constructed primarily of wood and is not roofed or screened.

**610.63 NONCONFORMING SEWAGE TREATMENT SYSTEM**

1. A sewage treatment system not meeting the requirements of Section 610.58 of this Ordinance must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage system's improper setback from the ordinary high water level.
2. Grey Eagle Township will require a continuous onsite sewage treatment system program for the purpose of identifying nonconforming onsite sewage treatment systems. Any nonconforming onsite sewage treatment system shall be upgraded upon the following:
  - A. Any application for variance, conditional use permit, permits for enlargement or intensification or improvement of property; and
  - B. Upon sale or transfer for conveyance, including any dwelling, hotel, motel, boarding or rooming house, restaurant or commercial property or other property containing a nonconforming onsite sewage treatment system located within the Township. The seller, realtor, buyer or loan agency shall request the Township to make a determination of conformity or nonconformity of the onsite sewage treatment system. If the onsite sewage treatment system is nonconforming, the onsite sewage treatment system shall be brought into compliance, along with



the proper permits and inspections, within one (1) year or as indicated by the agreement between the Township and the seller or buyer. This agreement shall be binding on either the buyer or seller of the property and shall be responsible for any fees required by the Township.

**610.64 DEPARTMENT OF NATURAL RESOURCES STANDARDS FOR SHORELANDS**

The standards as found in the Department of Natural Resources, Rules and Regulations for Shoreland Areas, (Chapter 103G, Minnesota Rules Parts 6120.2500 - 6120.3900) are hereby adopted by reference.

**610.7 SUBDIVISION/PLAT PROVISIONS**

**610.71 LAND SUITABILITY**

Each lot created through subdivision, including planned unit developments authorized under Section 610.8 of this Ordinance, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the local unit of government shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

**610.72 CONSISTENCY WITH OTHER CONTROLS**

Subdivisions must conform to all official controls of this community. A subdivision will not be approved where a later variance from one or more of the standards in official controls would be needed to use the lots for their intended purpose. In areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Section 610.58 can be provided for each lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 610.51 including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

**610.73 INFORMATION REQUIREMENTS**

Sufficient information must be submitted by the applicant for the community to make a determination of land suitability. The information shall include at least the following:

1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics;
2. The surface water features required in Minnesota Statutes, Section 505.02, Subd. 1, to be shown on plats, obtained from United States Geological quadrangle topographic maps or more accurate sources;
3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for

- controlling storm water runoff and erosion, both during and after construction activities;
5. Location of a 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  6. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distance from the top of the bluff and the lake or stream.

#### **610.74 DEDICATIONS**

When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of storm water and significant wetlands.

#### **610.75. PLATTING**

All new and or replatting of old subdivisions created by metes and bounds and replatting of existing subdivisions that create three or more lots or parcels that are 1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapter 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.

#### **610.76 CONTROLLED ACCESS OR RECREATIONAL LOTS**

Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 610.51 of this Ordinance.

#### **610.8 PLANNED UNIT DEVELOPMENTS (PUD’S)**

##### **610.81 TYPES OF PUD’S PERMISSIBLE**

Planned unit developments (PUD’s) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Section 610.42 of this Ordinance and the official zoning map.

##### **610.82 PROCESSING OF PUD’S**

Planned unit developments must be processed as a conditional use, except than an expansion to an existing commercial PUD involving six (6) or less new dwelling sites since the date this Ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 610.85. Approval cannot occur until the environmental review process (EAW/EIS) is complete, if required.

##### **610.83 APPLICATION FOR A PUD**

The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

**610.831 Site plan**

A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.

**610.832 Association agreement**

A property owner’s association agreement (for residential PUD’s) with mandatory membership, and all in accordance with the requirements of Section 610.86 of this Ordinance.

**610.833 Deed restrictions**

Deed restrictions, covenants, permanent easements or other instruments that:

1. Properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD’s; and
2. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 610.86 of this Ordinance.

**610.834 Master plan**

When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.

**610.835 Additional documents**

Those additional documents are requested by the Grey Eagle Township Planning Commission and the Zoning Administrator that are necessary to explain how the PUD will be designed and will function.

**610.84 SITE “SUITABLE AREA” EVALUATION**

Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 610.85.

**610.841 Tiers**

The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

<b>Shoreland Tier Dimensions</b>		
	<b>Unsewered (Feet)</b>	<b>Sewered (Feet)</b>
General development lakes—first tier	200	200
General development lakes—second	267	200

and additional tiers		
Recreational development lakes	267	267
Natural environment lakes	400	320
All river classes	300	300

**610.842 Tier area**

The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or lands below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive at an allowable amount of dwelling units or sites.

**610.85 RESIDENTIAL AND COMMERCIAL PUD DENSITY EVALUATION**

The procedure to determine the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

**610.851 Residential PUD “Base” Density Evaluation**

The suitable area within each tier is divided by the single residential lot size standard for lakes or, for rivers, the single residential lot width standard times the tier depth, unless the local unit of government has specified an alternate minimum lot size for rivers which shall then be used to yield a base density of dwelling units or sites for each tier. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria of Section 610.86.

**610.852 Commercial PUD “Base” Density Evaluation**

1. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.
2. Select the appropriate floor area ratio from the following table:

**Commercial Planned Unit Development  
Floor Area Ratios\*  
Public Water Classes**

<b>Average Unit Floor Area (Square Feet)</b>	<b>Sewered General Development Lakes; First tier on unsewered General Development Lakes</b>	<b>Second and Additional tiers on unsewered General Development Lakes; Recreational Development Lakes</b>	<b>Natural Environment Lakes and Rivers and Streams</b>
200	.040	.020	.010
300	.048	.024	.012

400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

For average unit floor areas less than shown, use the floor area ratios listed for two hundred (200) square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed at four hundred (400) square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured homes, or if unknown, the ratio listed for 1,000 square feet.

3. Multiply the suitable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.
4. Divide the total floor area by tier computed in Item C above by the average inside living area size determined in Item A above. This yields a base number of dwelling units and sites for each tier.
5. Proposed locations and number of dwelling units or sites for the commercial planned unit development are then compared with the tier, density, and suitability analyses and the design criteria in Section 610.86.

**610.853 Density Increase Multipliers**

1. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 610.5 are met or exceeded and the design criteria in Section 610.8 are satisfied. The allowable density increases in Item B below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty (50) percent greater than the minimum setback, or the impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the Town Board and the setback is at least twenty-five (25) percent greater than the minimum setback.

2. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments:

Density Evaluation Tiers	Maximum Density Increase within Each Tier (percent)
First	50
Second	100

## **610.86 Maintenance and Design Criteria**

### **610.861 Maintenance and Administration Requirements.**

1. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
2. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:
  - a. Commercial uses prohibited (for residential PUD's);
  - b. Vegetation and topographic alterations other than routine maintenance prohibited;
  - c. Construction of additional buildings or storage of vehicles and other materials prohibited; and
  - d. Uncontrolled beaching of watercraft prohibited.
3. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
  - a. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
  - b. Each member must pay a pro rate share of the association's expenses, and unpaid assessments can become liens on units or sites;
  - c. Assessments must be adjustable to accommodate changing conditions; and
  - d. The association must be responsible for insurance, taxes, and maintenance of all commonly owned properties and facilities.

**610.862 Open Space requirements**

Planned unit developments must contain open space meeting all of the following requirements:

1. At least fifty (50) percent of the total project area must be preserved as open space;
2. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
4. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
5. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
6. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities;
7. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
8. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty (50) percent of the shore impact zone area of existing developments or at least seventy (70) percent of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least fifty (50) percent of the shore impact zone must be preserved in its natural state.

**610.863 Erosion Control and Storm Water Management**

Erosion control and storm water management plans must be developed and the PUD must:

1. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed twenty-five percent (25%) of the tier area, except that for commercial PUD's, thirty-five percent (35%) impervious surface coverage may be allowed in the first tier of general development

lakes and with an approved stormwater management plan and consistency with Section 612.53.

#### **610.864 Centralization and Design of Facilities**

Centralization and design of facilities and structures must be done according to the following standards:

1. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Section 610.58 of this Ordinance. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
2. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional requirements for the relevant shoreland classification: setback from ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 610.853 of this Ordinance for developments with density increases;
3. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers;
4. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shoreland by vegetation, topography, increased setbacks, color, or other means acceptable to the Township, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided;
5. Accessory structures and facilities, except water oriented accessory structures, must meet the required principal structure setback and must be centralized; and
6. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 610.52 of this Ordinance and are centralized.

#### **610.87 CONVERSIONS**



The Town Board may allow existing resorts or other land uses and facilities to be converted to residential planned unit developments if all of the following standards are met:

**610.871 Proposed Conversions**

Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.

**610.872 Deficiencies in water and sewer**

Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.

**610.873 Shore and bluff deficiencies**

Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

1. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
2. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
3. If existing dwelling units are located in shore or bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

**610.874 Existing dwellings**

Existing dwelling unit or dwelling site densities that exceed standards in Section 610.85 may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high density by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems or other means.

**SECTION 7. PERFORMANCE STANDARDS**

**701 LAND DEVELOPMENT**

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various Zoning Use Districts, the permitted, accessory and conditional uses shall conform to the following standards:

**701.1 NUISANCE STANDARDS**

1. NOISE. Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is

- located. This standard shall not apply to incidental traffic, parking, loading, construction, farming, or maintenance operations.
2. VIBRATION. Any use creating periodic earth-shaking vibration shall be prohibited if undue vibrations are perceptible beyond the boundaries of the property on which the use is located. This standard shall not apply to vibrations created during periods of construction.
  2. GLARE AND HEAT. Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.
  3. SMOKE AND PARTICULATE MATTER. Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke and particulate matter.
  4. TOXIC OR NOXIOUS MATTER. No use shall discharge into the atmosphere, water, or subsoil, any toxic or noxious matter. All discharges, including offensive odors, shall be in conformity to the regulations and standards adopted by the Minnesota Pollution Control Agency.

#### **701.2 STORAGE STANDARDS**

All materials and equipment shall be stored within a building or screened from adjoining properties, except for the following: laundry drying and recreational equipment, construction and landscaping materials and equipment currently being used for construction on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein. Boats and house trailers, less than 20 feet in length, are permissible, if stored in the rear yard not less than 10 feet distant from any property line. Existing uses shall comply with this provision within 12 months of the effective date of this Ordinance. Plans for screening shall be reviewed by the Planning Commission and approved by the Town Board before it is erected. In the Residential District, woodpiles must be neatly stacked, a maximum of 8 feet in height and must not take up more than 10% of the total open area of a yard.

1. BULK STORAGE (LIQUID) All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of any applicable federal or state law or regulation, and have documents from those offices stating that the use is in compliance. Fuel tanks may be permitted as an accessory use only and shall be subject to setback regulations. All existing, aboveground liquid storage tanks shall comply with the requirements of Minnesota's State Fire Marshall's office.

#### **701.3 VISUAL STANDARDS**

1. SCREENING Where any business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. The screening required herein shall consist of fence, trees, or shrubs. Plans for such screening shall be approved by the Planning Commission before it is erected.

**701.4 FENCING**

1. For purposes of this Ordinance, a fence is defined as any partition, structure, wall or gate erected within the required yard.
2. All boundary line fences shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction, of the fence unless the owner of the property adjoining agrees in writing that the fence may be erected on the division line of the respective properties. The Zoning Administrator may require the owner of the property upon which a fence now exists, or may require any applicant wishing to construct a fence to establish the boundary lines of his property by a survey to be made by a registered land surveyor.
3. Fences shall not exceed six (6) feet in height in residential districts or eight (8) feet in height in commercial-industrial districts. Fences higher than these shall require a conditional use permit.

**701.5 ACCESS DRIVEWAYS**

1. The distance from a driveway to the intersection of two streets shall not be less than thirty-five (35) feet measured along the street right-of-way, provided, however, that if, in the opinion of the Engineer, present or future traffic conditions warrant greater distances, such greater distances shall be required subject to approval by the Town Board. The distance from a driveway to the intersection shall be the greatest practical distance possible.
2. The distance between driveways shall be the greatest practical distance possible.
3. The driveway angle to the street shall be 90 degrees unless otherwise recommended by the Engineer and approved by the Town Board.
4. The distance from a driveway to the property line of an adjacent property shall not be less than ten (10) feet measured along the right-of-way line, unless otherwise recommended by the Engineer and approved by the Town Board.
5. Access driveways for other than single-family dwellings shall be 30 feet wide measured along the property line, unless otherwise recommended by the Engineer and approved by the Town Board.
6. Access driveways for single family dwellings shall be not less than twenty (20) feet, nor more than Twenty-four (24) feet, wide measured along the property line, unless otherwise recommended by the Engineer and approved by the Town Board.

**701.6 HAZARDOUS ELEMENTS STANDARDS**

1. **EXPLOSIVES** Any use requiring the storage, utilization or manufacturing of products which could decompose by detonation shall be located not less than 400 feet from any residence. This section shall not apply to the storage or usage of liquid petroleum or natural gas for normal residential or business purposes.
2. **RADIATION EMISSION** All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
3. **INCINERATORS** The installation of incinerators, their use and design, shall be in conformity with the regulations and standards adopted by the Minnesota Pollution Control Agency.

**702 SIGNS****702.1 GENERAL REGULATIONS**

Signs are a permitted accessory use in all use districts, subject to the following regulations:

1. Private signs, other than warning signs posted by public utilities, are prohibited within public right-of-ways.
2. Illuminated signs may be permitted, but devices giving off an intermittent or rotating beam of rays of lights shall be prohibited, except those signs giving public service information such as, without limiting the generality of the foregoing: time, date, temperature, weather or news.
3. For the purpose of selling, renting or leasing a single parcel, a sign shall not exceed twenty-five (25) square feet of surface area.
4. For the purpose of selling or promoting a residential project, commercial area, or an industrial area, one sign, not to exceed 32 square feet of surface, may be erected upon the project site. Such signs shall not be less than ten (10) feet from the right-of-way line.
5. No sign shall, by reason of position, shape or color, interfere in any way with the proper functioning or purpose of a traffic sign or signal.
6. Except with industry, signs shall not be painted directly on the outside wall of a building.
7. Signs shall not be painted on fences, rocks, or similar structures or features, nor shall paper or similar signs be attached directly to a building wall by an adhesive or similar means.
8. Election signs are permitted provided such signs are removed within ten (10) days following the election as related to the sign. No election sign shall be permitted more than two (2) months preceding the election to which it relates.

**702.2 SIGNS PERMITTED IN RESIDENTIAL DISTRICT**

The following signs are permitted in the residential district:

1. One nameplate sign for each dwelling not to exceed two (2) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces.
2. One nameplate sign for each permitted non-residential use or use by conditional use permit. Such signs shall not exceed twelve (12) square feet in area per surface and no sign shall be so constructed as to have more than two (2) sides.

**702.3 SIGNS PERMITTED IN COMMERCIAL DISTRICT**

The following signs are permitted in the commercial district:

1. The aggregate square footage of sign space per lot shall not exceed the sum of one square foot for each linear front foot of lot, or 160 square feet, whichever is less.
2. Any sign other than a nameplate shall be permitted as a conditional use.

**702.4 SIGN REMOVAL**

1. The applicant for a sign permit shall be deemed the owner and thus be responsible for the removal the sign within thirty (30) days of its discontinued use as determined, or for the removal of a sign which is structurally unsafe or disrepair as determined by the Zoning Administrator.
2. Signs not so removed by the owner will be removed by the Township at the owner's expense.

**703 OFF-STREETPARKING**

**703.1 GENERAL PROVISIONS.**

1. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business or manufacturing establishments.
2. Required off-street parking space shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

**703.2 LOCATION REQUIREMENTS**

All off-street parking facilities required herein shall be located in respect to the following:

1. Spaces accessory to one family, two family and multiple dwelling on the same lot as the principal use served.
2. There shall be no off-street parking space within five (5) feet of any road right-of-way
3. No off-street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned or used for residential purposes.
4. Commercial off-street parking spaces shall not be less than ten (10) feet from a property line.

**703.3 DESIGN REQUIREMENTS**

1. Each parking stall shall not be less than nine (9) feet wide and eighteen (18) feet in length, exclusive of access drives.
2. Parking areas shall be designed so as to provide adequate means of access to public streets. Such driveway access shall not exceed thirty (30) feet in width. Driveway access in a commercial area shall be a minimum of thirty-six (36) feet in width.
3. All of the area intended to be utilized for parking space and driveways shall be surfaced with a material which controls dust and drainage. Parking areas for less than three vehicles shall be exempt. Plans for surfacing and drainage shall be subject to approval of the Engineer.
4. In the commercial district, parking and driveways shall be surfaced with bituminous/concrete material.
5. All lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from the adjoining property and right-of-way
6. All off-street parking spaces shall have access off driveways and not directly off the public street.

**703.4 LOADING SPACES**

Loading spaces shall be provided as determined by the Township Planning Commission.

**704 PLANNED UNIT AND CLUSTER DEVELOPMENT**

Planned Unit Developments (PUD) and Cluster developments shall require plat and site plan approvals. All PUD’s and cluster developments must be consistent with the density standards of the district in which they are located.

**705 MOTOR FUEL STATIONS**

**705.1 GENERAL PROVISIONS**

1. For architectural purposes, each side of a motor fuel station shall be considered as a front face.
2. The storage of items for sale outside the principal building shall be displayed in specially designed areas.
3. All trash, waste materials, and obsolete parts shall be stored within a separate enclosure.
4. All goods for sale, other than those required for the operation and maintenance of motor vehicles, shall be displayed within the principal structure.
5. Open dead storage of motor vehicles shall not be permitted for a period of more than 48 hours.
6. All rental campers, trailers, or motor vehicles shall be stored within the rear and/or side yard not adjacent to the street.

**705.2 SITE REQUIREMENTS**

1. Wherever a motor fuel station abuts residential property, a fence or compact evergreen hedge not less than 50 percent opaque, not less than six (6) feet high, shall be erected and maintained along the side and rear property line that abuts the residential property. Application of this provision shall not require a fence within fifteen (15) feet of any street right-of-way
2. The entire motor fuel station site, other than the part devoted to landscaping and structure, shall be maintained and operated in such a manner as to minimize, as far as is practicable, conditions which are injurious or substantially annoying to persons living in the vicinity.
3. Driveways shall not exceed thirty (30) feet in width, not be spaced closer than thirty (30) feet apart measured at the property line. No more than two (2) access drives to any street shall be permitted.

**705.3 SETBACKS**

1. Side Yard

	Lot Width	Front Yard	Adjacent to Another	Adjacent to Street	Rear Yard	Pump Setback

			<b>Lot</b>			
Motor Fuel Station	200 feet	70 feet	30 feet	70 feet	30 feet	30 feet
Truck Stop	200 feet	80 feet	60 feet	80 feet	60 feet	30 feet

2. The setback of any overhead canopy or weather protection, free standing or projecting from the station structure, shall be not less than ten (10) feet from the street right-of-way, nor less than twenty (20) feet from an adjacent property line.

**706 ESSENTIAL SERVICES**

1. Essential services are permitted uses in all zoning districts and are not subject to height, yard, setback requirements, or permits or certificates of any kind, subject only to the provisions of this section.
2. Public utility buildings shall be permitted uses in all zoning districts, except that a conditional use permit shall be required before construction in any residential district.
3. Since some essential services, as defined by this Ordinance, may have an effect upon township recreation and wildlife areas, the location of all such essential services in any zoning district shall be filed with the Zoning Administrator prior to commencement of any construction by the applicant.
4. Except as otherwise provided herein, essential services not located within highway and street right-of-ways shall follow the following procedure:
  - A. The applicant shall file with the Zoning Administrator maps indicating the location, alignment, and type of service proposed.
  - B. The Zoning Administrator will review the location and alignment to determine whether the proposed services encroach upon recreation or wildlife areas, and, if there is no encroachment, will indicate as such on the application.
  - C. The Zoning Administrator will furnish the applicant with information as to land use which may be of assistance to the applicant in the development of the proposed service.
  - D. The applicant for a permit for essential services located within any township road right-of-ways shall follow the following procedure:
    1. The applicant shall file with the Zoning Administrator, on forms provided by the Town, an application for such permit accompanied by maps indicating the locations, alignment and type of service proposed.
    2. The application and accompanying data shall be reviewed by the Town, and the Town may issue the permit after determining that the application is acceptable and in the best interest of the township.
    3. The Town may require in conjunction with the issuance of such permit that:
      - a. The applicant submits as-built drawings of the essential service after construction.
      - b. The applicant constructing the essential service shall take into

consideration contemplated widening, regrading, or relocation of a township road, providing the township owns such additional right-of-way

4. Recognizing the need for adequate and timely service by applicants for construction of essential services, the designated township officials shall act upon all information filings or permit applications within sixty (60) days of receipt thereof. Failure to act within sixty (60) days shall constitute approval.
5. No filing shall be necessary to maintain, reconstruct, or relocate existing lines or facilities where the general line and location thereof remain essentially the same. Nor shall any filing be necessary for electric lines unless the voltage is in excess of 35 KV. Emergency work otherwise requiring a permit or filing may be accomplished provided such filings are made as soon thereafter as possible.

**707 MANUFACTURED HOME PARKS**

**707.1 MINIMUM PARK SIZE**

Minimum size for a manufactured home park shall be ten acres.

**707.2 STORM SHELTERS**

Every new manufactured home park constructed in the town shall provide for a storm shelter for the protection of the residents of the park. When additions to the capacity of a park are approved, the storm shelter capacity shall also be increased to provide shelter equal to the projected population of the entire park. Storm shelters may be multi-purpose and may be used day-to-day as utility rooms, recreation areas or other uses, so long as the area is readily accessible to the residents of the park. All storm shelters shall be constructed to withstand wind pressure as required by the applicable section of the Uniform Building Code as adopted under Minnesota Statutes.

**707.3 MINIMUM LOT SIZE**

The minimum lot size per homesite shall be 6,000 square feet.

**707.4 OFF-STREET PARKING**

All home sites must have a minimum of two (2) 8.5 by 18-foot off-street parking spaces.

**707.5 STREETS**

All streets shall have a minimum width of thirty (30) feet. Streets and parking areas shall have a bituminous surface.

**707.6 SETBACKS**

Each homesite shall have a minimum front yard setback of twenty (20) feet and a minimum rear yard setback of twenty-five (25) feet.

**707.7 TEMPORARY RESIDENCES**

In no event shall a travel or camp trailer be permitted for occupancy in a manufactured home park.



**707.8 PROCEDURE FOR APPROVAL**

Before construction of a manufactured home park, the following procedure shall be followed:

1. Pre-Application Meeting. Prior to the preparation of a site plan for the manufactured home park, the owner may meet with the Grey Eagle Township Planning Commission, the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be developed.
2. Submission of Site Plan. After the pre-application meeting, the owner shall file with the zoning administrator five copies of the proposed site plan, including drainage plans, utility plans for wastewater and storm water disposal, and landscaping plans, and a fee as set forth by separate action of the Town Board. Any additional expenses incurred by the Town for review of the site plan shall be borne by the owner/applicant. The proposed site plan, in conjunction with any other necessary approvals for the project, will be forwarded to the Planning Commission for review and recommendation to the Town Board. The Town Board will review and either approve or deny the site plan.
3. Financial Guarantee. The owner/applicant shall make an escrow deposit or, in lieu thereof, furnish a performance bond or letter of credit to guarantee installation of all improvements, including landscaping.

**708 FIELD WINDBREAK**

No person shall remove or destroy any field windbreak or pine plantation, nor remove trees or stumps remaining after a field windbreak or pine plantation is destroyed by natural causes or any cause, in any zoning district of the township, without first making an application for and obtaining a conditional use permit. No such permit shall be issued unless the land owner has entered into a contractual restrictive covenant providing for the implementation of an alternate erosion control plan meeting the standards of the CFSA (County Farm Service Agency) and approved by the Town Board. No permit shall be required for the normal harvest of trees planted for harvesting, for ornamental or decorative purposes, or for the normal and necessary thinning of trees in a field windbreak or pine plantation.

**SECTION 8. ADMINISTRATION AND ENFORCEMENT**

**801 PURPOSE**

The following sections outline the major zoning and subdivision procedures for implementation of the Zoning Ordinance.

**802 ZONING ADMINISTRATOR**

The office of the Zoning Administrator is hereby established, for which the Town Board may appoint such staff as it may deem proper. The term of office of the zoning administrator shall be indefinite and shall terminate at the pleasure of the Town Board.

**802.1 DUTIES**

The zoning administrator shall:

1. Enforce and administer the provisions of this Ordinance;
2. Issue permits and maintain records thereof;
3. Receive, and forward to the Township Planning Commission, applications for conditional use permits, subdivision plats, and petitions for ordinance amendments, including rezoning;
4. Receive and forward applications and petitions for matters to come before the Board of Adjustment;
5. Maintain the township zoning map as amended from time to time by ordinance of the Town Board;
6. Conduct inspections to determine compliance with the provisions of this Ordinance;
7. Serve as an ex-officio member of the planning commission;
8. Such other matters and responsibilities as the Town Board may assign from time to time;
9. Collect all fees required by this Ordinance; and
10. File for record with the county recorder or registrar of titles all documents required to be filed by law.

**803 SITE PERMIT REQUIRED**

**803.1 SCOPE**

From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement or enlargement of any building or structure without first obtaining a site permit.

**803.2 APPLICATION**

Requests for a site permit shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings and parking areas and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes.

**803.3 ISSUANCE OF PERMIT**

The zoning administrator shall issue the site permit only when the plans comply with this Ordinance and other applicable laws, regulations and ordinances. The Zoning Administrator may deny a permit for the construction of a dwelling unit upon grounds which, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.

**803.4 NORMAL MAINTENANCE**

No land use permit shall be required for normal maintenance.

**803.5 COMPLETION OF WORK**

The work for which a land use permit is issued shall commence within six (6) months after the date thereof unless an application for an extension of sixty (60) days has been submitted and approved. The work shall be completed within one year unless an application for an extension has been submitted and approved by the Zoning Administrator.

**803.6 FEES**

1. BASE FEE To defray administrative costs of processing requests for site permits, conditional uses, amendments, variances or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule adopted by resolution of the Town Board.
2. OTHER FEES In order to defray any additional cost of processing applications (site permit, amendment, conditional use, variance, appeal) for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant’s request, and all materials for said request.
  - A. “Materials” shall include but are not limited to maps, graphs, charts, drawings, etc., and all printing or reproduction of same.
  - B. “Staff and/or consulting time” shall include any time spent in either researching for or actual production of materials.
  - C. The hourly rate for “staff and/or consulting time” shall be established and made available to the applicant by the Zoning Administrator prior to the production of any materials and the applicant shall be given a reasonable estimate of project time and/or material costs.
3. PAYMENT Fees shall be payable at the time the application is filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time.

**804 PLANNING COMMISSION**

**804.1 ESTABLISHMENT OF PLANNING COMMISSION**

The Grey Eagle Township Planning Commission was established on May 1, 1972 by the Town Board.

**804.2 CONFLICT OF INTEREST**

Any planning commission member who has a conflict of interest on any issue before the commission shall not be allowed to participate as a commission member on that issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a commission member from acting thereon, shall be decided by majority vote of all commission members present except the member who is being challenged.

**805 BOARD OF ADJUSTMENT AND APPEALS**

**805.1 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT**

The Town Board shall act as the Board of Adjustment and Appeals.

**805.2 POWERS AND DUTIES**

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement decision or determination made by an administrative officer in the enforcement of the Ordinance.
  - A Actions of the Planning Commission and the Town Board shall not be appealable to the Board of Adjustment.
  - B. The appeal shall be made by filing written notice thereof with the Zoning Administrator not more than fourteen (14) days after the order, requirement, decision or determination appealed from.
  - C. The notice of appeal shall be in writing and shall specify the grounds thereof.
  - D. The filing fee established by the Town Board shall be paid to the zoning administrator at the time of filing the notice of appeal as a condition of perfecting the appeal.
  
2. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

**805.3 APPLICATION**

Application for a variance shall be made to the Board of Adjustment on forms provided by the zoning administrator by filing such application and paying the filing fee to the zoning administrator. The Board of Adjustment shall fix a reasonable time for the hearing on the application and give notice thereof as required by law.

**805.4 OTHER POWERS**

The Board of Adjustment shall have such other powers and duties as are assigned to it by law.

**805.5 FINDINGS OF FACT**

Separate written findings of fact shall be made by the Board of Adjustment for each variance granted or denied and for each appellate decision made.

**806 VARIANCES**

**806.1 CRITERIA FOR GRANTING VARIANCES**

The following criteria shall be used when considering the issuance of a variance:

1. The proposed use is not prohibited in the zoning district in which the subject property is located.
2. The variance must be in harmony with the general purpose and intent of this Ordinance.
3. The terms of the variance must be consistent with the comprehensive plan.
4. The landowner must show that the variance is necessary to alleviate practical difficulties or particular hardship resulting from strict application of the ordinance.
5. “Hardship” as used in connection with the granting of a variance means:
  - A. The property in question cannot be put to a reasonable use if used under the conditions allowed by this ordinance;
  - B. The plight of the landowner is due to circumstances unique to the property, not created by the landowner;
  - C. The variance, if granted, will not alter the essential character of the locality.

If the variance request meets all of the conditions cited above, the variance may be granted. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance. Access to direct sunlight in the case of solar energy systems shall constitute grounds for granting a variance.

**806.2 PROCEDURE**

1. The person applying for a variance shall fill out and submit to the Zoning Administrator a variance application which shall include a statement of the difficulties or particular hardships claimed, along with the filing fee.
2. The Zoning Administrator shall refer the application along with all related information to the Planning Commission acting in an advisory role to the Board of Appeals.
3. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place and purpose of the public hearing shall be according to Minnesota Statutes 462.354 Subd. 2.
4. The petitioner or his representative shall appear before the Planning Commission at the public hearing in order to present evidence concerning the proposed variance.
5. The Planning Commission may recommend the imposing of conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest. The Board of Adjustment may place additional conditions upon the issuance of a variance.
6. Within 45 days from the date of the first meeting at which the request was considered, the Planning Commission shall make a finding of facts and recommend to the Town Board (acting as the Board of Adjustment) such actions or conditions relating to the request. Such findings shall be entered in and made a part of the written record of the Board of Adjustment and Appeals’ meeting.

7. Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Adjustment, shall place the report on the agenda for the next regular meeting.
8. Upon receiving the report and recommendation of the Planning Commission, the Town Board acting as the Board of Adjustment shall either:
  - A. Approve or disapprove the request as recommended by the Planning Commission; or
  - B. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modifications or differing conditions shall be in writing and made part of the Town Board's records; or
  - C. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time for each variance request. If the request is referred back to the Planning Commission, the applicant shall be notified of the extension of time line for action on the request.
9. Approval of variances or appeals shall require passage by a 2/3rds vote of the full Town Board. The Zoning Administrator or Town Clerk shall notify the applicant of the Town Board's action.
10. Decisions of the Planning Commission shall be advisory to the Town Board. The decisions of the Town Board acting as the Board of Adjustment shall be subject to judicial review.
11. No resubmission of an application will be allowed for twelve (12) months without new evidence related to the variance.
12. Granted variances become void if the applicant does not proceed substantially on the work within one year. To proceed substantially means to make visible improvement to the property. One or more extensions may be granted by the Board of Adjustment for good cause.
13. Applications for variances will not be accepted from anyone who is not an owner of land for which the application is made.

**807 CONDITIONAL USE PERMITS**

**807.1 CRITERIA FOR GRANTING CONDITIONAL USE PERMITS**

In granting a conditional use permit, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission shall make the following findings where applicable:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
4. The use in the opinion of the Planning Commission is reasonably related to the existing land use.
5. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
6. The use is not in conflict with the Land Use Plan of the township.
7. The use will not cause traffic hazards or congestion.

**807.2 CONDITIONS OF APPROVAL**

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension;
2. Limiting the height, size or location of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location or lighting of signs;
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and
8. Designation of open space.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission, time limits, review dates, and such other information as may be appropriate.

**807.3 PROCEDURE**

1. Applications for conditional use permits will not be accepted from anyone who is not an owner or land for which the application is made.
2. The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use application form and filing fee.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minnesota Statute 462.3595. The Planning Commission shall forward its recommendation to either deny or approve the Conditional Use Permit to the Town Board. The Town Board will take final action on the request.
5. The petitioner or his representative shall appear before the Planning Commission in

- order to present evidence concerning the proposed conditional use.
6. If the Planning Commission recommends granting the conditional use permit, it may impose conditions it considers necessary to protect the public health, safety and welfare. Such conditions may include a time limit for the use to exist or operate.
  7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. The fee shall be as set by separate action of the Town Board. Amended conditional use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
  8. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
  9. If a time limit or period review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least the (10) days prior to review; it shall be the responsibility of the Zoning Administrator to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. An annual review of conditional use permits may be held at the discretion of the Grey Eagle Planning Commission.
  10. Granted conditional use permits shall become void if applicant does not proceed substantially on the work within six months. To proceed substantially means to make visible improvement to the property. One or more extensions for not more than six (6) months each may be granted by the Planning Commission for good cause.
  11. If the land use does not conform to the conditions of the permit, the conditional use permit may be revoked.

**808 INTERIM USE PERMITS**

**808.1 CRITERIA FOR GRANTING INTERIM USE PERMITS**

In granting an interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings where applicable:

1. The proposed use meets the applicable standards set forth for conditional use permits;
2. The proposed use will terminate upon a date or event that can be identified with certainty;
3. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
4. The proposed use will be subjected to, by agreement with the owner, any conditions that the Town Board deems appropriate for permission of the proposed use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
5. The interim use will be subject to review by the Town upon change of ownership.

**808.2 TERMINATION**

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



comes first:

1. The date or event stated in the permit; or
2. A violation of the conditions under which the permit was issued; or
3. The use has been discontinued for a minimum of 1 year.

If it is believed that an interim use has terminated, the Planning Commission and Town Board shall take action to revoke the permit, including notification to the property owner of the Town’s intent to revoke the permit.

**808.3 CONDITIONS OF APPROVAL**

In permitting a new interim use or the alteration of an existing interim use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission or Town Board consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension;
2. Limiting the height, size or location of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location or lighting of signs;
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and
8. Designation of open space.
9. Annual review if deemed appropriate by the Town Board. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued, shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all interim use permits issued including information on the use, location, and conditions imposed by the Planning Commission or Town Board, time limits, review dates, and such other information as may be appropriate.

**808.4 PROCEDURE**

1. Applications for interim use permits will not be accepted from anyone who is not an owner of land for which the application is made.
2. The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use application form and filing fee.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minnesota Statute 462.3595. The Planning Commission shall forward its recommendation to either deny or approve the Interim Use Permit to the Town Board. The Town Board will take final action on the request.

5. The petitioner or his representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
6. If the Planning Commission recommends granting the interim use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
7. An amended interim use permit application shall be administered in a manner similar to that required for a new interim use permit. The fee shall be as set by separate action of the Town Board. Amended interim use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
8. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted interim use permits shall become void if applicant does not proceed substantially on the work within six months. To proceed substantially means to make visible improvement to the property. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause.
10. If the land use does not conform to the conditions of the permit, the interim use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect.

**809 ZONING AMENDMENTS**

**809.1 PROCEDURE**

1. An amendment to this Ordinance or the zoning map may be initiated by the Town Board, the Planning Commission or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations. Individuals wishing to initiate an amendment to this Ordinance shall fill out a zoning amendment application form and submit it to the Zoning Administrator with a filing fee.
2. Written notice of public hearings on proposed amendments shall be sent to the governing bodies located within the township. Written notice of public hearings regarding the application of official controls to specific properties, including but not limited to conditional uses, variances, zoning regulations, and subdivision regulations, shall be sent to property owners as follows:
  - A. In the case of variances, to owners of record within 1/4 mile in the residential and commercial districts, and within one-half mile in the agriculture district.
  - B. In the case of conditional or interim uses, to owners of record within 1/4 mile of the affected property or to the ten properties nearest to the affected property, whichever would provide notice to the greatest number of owners.
  - C. In the case of all other official controls, including but not limited to zoning regulations and subdivision regulations, to owners of record within one-half mile of the affected property.
  - D. Notice shall also be given to the governing body of any jurisdiction within two miles of the affected property.

3. A public hearing on the rezoning application shall be held by the Planning Commission and the Town Board within thirty (30) days after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the Town Board, at the next regular meeting of the Town Board following the hearing, for recommending approval, disapproval, or modified approval of the proposed amendment.
4. The Town Board must take action on the application within sixty (60) days of the date of application. The person making the application shall be notified of the action taken.
5. No application of a property owner for an amendment to the text of this Ordinance or the zoning map shall be considered by the Planning Commission within a one year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrants it.
6. Applications for rezoning will not be accepted from anyone who is not an owner of land for which the application is made.

**810 SITE PLAN REVIEW**

**810.1 SITE PLAN REVIEW REQUIRED**

Before building permits are issued for the development of multi-family residential (three or more residential units), commercial, institutional or industrial structures, a site plan shall be reviewed by the Planning Commission and approved by the Town Board.

**810.2 INFORMATION REQUIRED**

A site plan shall be submitted that contains the following information:

1. A site survey drawing by a registered engineer or land surveyor showing property boundaries and dimensions.
2. Building locations and dimensions, both existing and proposed, on and within 50 feet of the subject property.
3. Identification of adjacent land uses.
4. Adjacent roadways and proposed entrances and exits.
5. A grading plan.
6. Parking areas, that indicate the type of surface, arrangement and dimension of spaces, truck loading docks and maneuvering areas, sidewalks, retaining walls, refuse storage, service areas, and other man-made features.
7. A utility plan.
8. The location of all easements and building and parking setbacks.
9. A development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units (if applicable) and parking spaces provided.

**810.2 FEES AND APPROVAL**

Site plans shall be accompanied by such review fees as are established by resolution of the Town Board.

In reviewing and acting on site plans, the Planning Commission and the Town Board shall consider the development standards in this Ordinance and may disapprove plans which will violate one or more of those standards.

**811 VIOLATIONS AND PENALTIES**

**811.1 VIOLATIONS AND PENALTIES**

It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy, or maintain any building or structure in the Township, or cause the same to be done, contrary to or in violation of any provisions of this Ordinance or the codes adopted by reference in this Ordinance. Any person, firm or corporation violating this Ordinance shall be deemed guilty of a misdemeanor and each day that a violation continues shall constitute a separate offense and shall be punishable according to State law.

**811.2 INJUNCTIVE RELIEF AND PENALTIES**

In the event of a violation of this Ordinance, the Town may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the Town in a civil action in any court of competent jurisdiction.

**812 DATE OF EFFECT**

This Ordinance shall be in effect following its adoption by the Town Board and publication in the official town newspaper.

Passed and approved this 18th day of February 2004.

Marv Kollodge \_\_\_\_\_  
Chairman Grey Eagle Town Board

ATTEST: Gene Waldorf \_\_\_\_\_  
Town Clerk