

## SECTION 14 - GENERAL REGULATIONS

The following General Regulations are in addition to the district regulations and shall regulate all applicable situations regardless of the zoning district.

### Subdivision 1. Sign Regulations.

All signs hereafter erected or maintained, except official, public, traffic and street signs, and warnings signs shall conform with the provisions of this Subdivision and any other ordinances or regulations of Jessenland Township.

1. General Provisions: The following regulations shall apply to all signs hereinafter in all DISTRICTS:
  - a. Signs shall not be permitted within the public right-of-way or easements, except warning signs for utilities or essential services.
  - b. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.
  - c. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when, in the opinion of the Town Board, they are not so maintained.
  - d. No sign shall be placed that resembles any official marker erected by a governmental agency or shall display such words as "stop" or "danger."
  - e. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, aid, ingress or egress for any building or structure.
  - f. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
  - g. Advertising signs, business signs and name plate signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice of the Town Board.
  - h. Where a sign illuminated, the source of light shall not shine upon any part of a residence or into any RESIDENCE DISTRICT.
  - i. Two laws established in Chapter 828 and 862 of the Minnesota Sessions.
  - j. Laws, 1965, regarding advertising devices along State Trunk and the Interstate system of highways further regulate the size and location of signs. These Minnesota standards do not replace but are in addition to the above regulations.
2. In F-Flood Plain Districts, the S-1 and S-2 Shoreland Districts, A-General Agriculture Districts, C-Conservation and Agriculture Districts, and R-Suburban Residence Districts, no signs, advertising signs, or business signs shall be erected except:
  - a. A name plat sign or professional name plat sign identifying the owner or occupant of a building or dwelling unit, provided the surface area does not exceed two (2) square feet. Such sign may be illuminated.
  - b. A sign pertaining to the lease or sale of a building or property provided such sign shall not exceed twelve (12) square feet in surface area and shall not be illuminated.
  - c. Temporary signs advertising a new subdivision development; each subdivision or development shall be allowed the following signs:

- 1) One (1) sign located in the development not to exceed ninety-six (96) square feet in surface area, nor more than fifteen (15) feet in height.
  - 2) Directional signs not to exceed four (4) square feet in surface area, provided that each subdivision shall be limited to one such sign per major thoroughfare approach to the subdivision or development. No such sign shall be allowed on minor residential streets.
  - d. A temporary un-illuminated sign identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building, provided such sign shall not exceed ninety-six (96) square feet each surface area and is no more than fifteen (15) feet in height.
  - e. One (1) identification sign, not to exceed thirty-five (35) square feet in area, for the following uses: church, school, hospital, parks and recreation areas or similar uses. Such signs shall be solely for the purpose of displaying the name of the use and its activities and services. It may be illuminated, but not flashing.
  - f. No advertising signs and billboards, except agricultural crop demonstration information signs, shall be permitted within six hundred sixty (660) feet of the center line of any routes designated as scenic routes or parkways on the adopted county highway plan.
  - g. No advertising signs and billboards, except agricultural crop demonstration information signs, shall be permitted in the F, S-1, S-2, C, A and R - Districts.
  - h. Business signs for allowed conditional uses, subject to the following provisions:
    - 1) No more than (1) freestanding or pylon sign of not more than thirty-five (35) square feet in surface area and no more than thirty (30) feet in height above the average grade.
    - 2) No more than (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.
    - 3) The sign must be located on or adjacent to the business property.
3. In B-Highway Service Business Districts and I - Industry Districts, no sign, advertising sign or business sign shall be erected, except for the following:
- a. Signs as permitted and regulated in Paragraph 2 above.
  - b. Advertising signs and billboards subject to the following provisions:
    - 1) Advertising sign structures shall be limited to not more than one (1) for a lot of one hundred (100) foot frontage or less and to only one (1) per each additional one hundred (100) feet of lot frontage and in no case shall any lot be permitted to have no more than three (3) advertising sign structures.
    - 2) Such advertising structure may not contain more than (2) signs per facing in total of no more than four (4) signs per structure.
    - 3) Advertising structures shall be limited to no more than fifty-five (55) feet in total length.
    - 4) Advertising structures shall not exceed thirty (30) feet in height above the average grade.
    - 5) No advertising sign shall be erected within fifty (50) feet of any adjoining residence.
    - 6) No advertising sign shall be permitted within fifty (50) feet of any road or highway right-of-way.
  - c. Business signs subject to the following provisions:
    - 1) No more than one (1) free standing or pylon sign of not more than thirty-five (35) square feet in surface area.
    - 2) The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the front building face area or three hundred (300) square feet in area, whichever is greater.
    - 3) The sign shall be located on or adjacent to the business property.

4. Licenses and Permit Fees:

- a. From and after the effective date of this Ordinance, the owner or other person having control of any sign, except residential, professional and institutional name plate signs and church signs, shall file an application for a permit to maintain, and an annual inspection of such sign. Application for such permits shall be accompanied by detailed plans and such other necessary information to determine the location and compliance with all application regulations, and a permit may be issued upon payment of the required permit fee.
- b. The permit and inspection fee for advertising signs shall be established by resolution of the Town Board. Business signs require a permit, but no fee.
- c. All permits shall be renewed every two years.

Subdivision 2. Parking Loading, Access, Road and Utility Regulations.

1. All uses shall provide enough off-street parking for vehicles in connection with the use, including but not limited to residents, employees, business vehicles and customers.
2. All uses shall provide enough off-street loading facilities for the operation of the use except for temporary situations such as the seasonal backup of trucks waiting to get to the grain elevator.
3. Yards:

On-site parking and loading facilities shall not be subject to the front yard, side yard and rear yard regulations for the use district in which parking is located, except that:

- a. In the B-BUSINESS DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way, or RESIDENCE, SHORELANDS, or an AGRICULTURE DISTRICT.
- b. In the I-INDUSTRY DISTRICT, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, or any RESIDENCE or an AGRICULTURE DISTRICT except for railroad loading areas.

4. Access:

- a. Parking and loading space shall have direct access from a public right-of-way.
- b. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.

Adjacent uses shall share one access to the public road and groups of uses shall utilize service roads.

5. Roads

- a. Roads serving three (3) or more lots shall be built to township standards prior to any zoning permits issued.
- b. Private driveways must have a grade of under eight (8) percent in all cases.

6. Utilities:

All utilities, except service lines shall be placed within the road right-of-way or shall meet the structure setback requirements.

7. Lighting:

Lighting shall be reflected away from the public right-of-way and nearby or adjacent RESIDENCE, SHORELANDS, or any AGRICULTURE DISTRICT.

### Subdivision 3. Sanitary Provisions.

1. All sewage generated from land uses shall be treated properly. Publicly owned sewer systems and water systems must be used where available. When that is not feasible, individual sewage treatment systems (ISTS) are required. All ISTS construction, design, installation, repair, inspection, plumbing and maintenance shall conform with the provisions of this subdivision and all other applicable laws, rules and regulations as promulgated or enforced by any governmental body with jurisdiction including but not limited to federal, state, county and Township.
2. Jessenland Township relegates all permitting for publicly owned and privately owned sewer systems, ISTS, to Sibley County, and property owners/applicants should contact them for current regulations and permitting.
3. Water Systems  
Public and private water facilities shall comply with the standards and specifications as established by the Minnesota Department of Health.
4. Agricultural Waste Disposal  
Agricultural waste disposal operations shall comply with the standards, criteria, rules and regulations of the Minnesota Pollution Control Agency.

### Subdivision 4. Extraction of Materials and Minerals, Open Pits and Impounding of Waters.

All excavations, extraction of materials and minerals, open pits and impounding of waters hereafter established or enlarged shall conform with the provisions of this Subdivision and any other ordinance or regulation of the Town.

1. Definition:  
Excavations, as used in this Subdivision, shall mean any artificial excavation of the earth, within the Town, dug, excavated, or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter or made by tunneling or breaking or undermining the surface of the earth. Excavations ancillary to other construction of any installation erected or to be erected, built, or placed thereon contemporaneously with or immediately following such excavation and covering or to cover such excavation when completed are excepted, if a permit has been issued for such construction or installation. Excavations not exceeding fifty (50) square feet of surface area to two (2) feet in depth and excavations including impounding of water for agricultural purposes are exempted. Excavations for borrow material related to a road construction project, taken from a borrow site adjacent to the project, are exempted.
2. Conditional Use Permit Required:  
No person shall hereafter dig, excavate, enlarge, make, maintain or allow to be maintained, upon property owned or used by him, any open pit or excavation or any impounded water, without first making an application for and obtaining from the Town Board and the Town Planning and Zoning Commission a Conditional Use Permit therefore. For pits or excavations for impounded water which are under five (5) feet in depth a Conditional Use Permit shall not be required, but an over the counter permit issued by the Planning and Zoning Administration shall be required and the cost for said permit shall be the cost to record the permit with the County Recorder.

3. Application:

Such application shall be filed with the Planning and Zoning Administrator and processed in a manner required of all Conditional Use Permit applications, provided that no hearing will be scheduled on any until the applicant has filed a letter of approval from the appropriate agency of the State of Minnesota.

- a. His true name and address.
- b. A full description of the location of the land where the pit or excavation is or is to be or where the impounded waters are or are to be maintained and also a full description of the location on such land of the pit, excavation or impounded waters.
- c. When required by the State of Minnesota, an approval by the State to impound such water or to make such excavation as described in the application.
- d. The purpose of the pit or excavation or the quantity of water impounded.
- e. The highways, roads, or other public ways in the County upon and along which any materials for removal is to be hauled or carried.
- f. The estimated time when building or removing will begin and be completed.

Such application shall be filed with the Zoning Inspector and processed in a manner required of all Conditional Use Permit applications.

4. Filing of Map, Plat:

The Town Board may require a map or plat of the proposed pit or excavation to be made and filed with the application before acting on the same, showing the confines or limits thereof, together with a plan indicating the topography and overall condition of the site after excavation is completed. A similar map or plat may be required in regard to the proposed container for the impounded waters.

5. Conditions of Permit:

The Town Board, as a prerequisite to the granting of a permit or after a permit has been granted, may require the applicant to whom such permit issues or the owner or user of the property on which the open pit or excavation or impounded waters are located to:

- a. Properly fence any pit or excavations;
- b. Slope the banks and otherwise properly guard and keep any pit or excavation in such condition as not to be dangerous from carving or sliding banks;
- c. Properly drain, fill or level any pit or excavation, after created, so as to make the same safe and healthful as the Board shall determine;
- d. Keep any pit, excavation or impounded waters within the limits for which the particular permit is granted;
- e. Remove excavated material from any pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the Board shall order and direct; and
- f. Provide, for the purpose of retaining impounded waters, a container of sufficient strength and durability and maintain such container in safe and proper condition.
- g. Grade site after extraction is completed so as to render it usable, seeding where required to avoid erosion and an unsightly mar on the landscape.

6. Bond May Be Required:

The Town Board may require either the applicant or the owner or user of the property on which the open pit or excavation or impounded waters is located to post a bond, in such form and sum as the Board shall determine, with sufficient surety running to the Town, conditioned to pay the

Town the extraordinary cost and expense of repairing, from time to time, any highways, streets, or other public ways where such repair work is made necessary by the special burden resulting from hauling and travel, in removing materials from any pit, excavation or impounded waters, the amount of such cost and expense to be determined by the Town Engineer; and conditioned further to comply with all the requirements of this Subdivision and the particular permit, and to pay any expense the Town may incur by reason of doing anything required to be done by any applicant to whom a permit is issued.

7. Aggregate Removal Permits:

No person shall hereafter process, crush, wash refine, load, remove, excavate or obtain any aggregate materials which are subject to the Aggregate Removal Tax provided for in Minnesota Statute 298.75 without first making an application for and obtaining from the Town Planning and Zoning Administrator a permit therefore. Each permit shall provide that the applicant pay the Aggregate Removal Tax when due and the permit be renewed annually if the Aggregate Removal is paid. The cost of the permit shall be determined by the Town Board. The owner of the pit may remove up to one thousand (1,000) tons per year without obtaining a permit.

Subdivision 5. Dwellings.

1. All dwellings shall be at least twenty (20) feet in width.
2. All dwellings shall be erected on a permanent foundation.
3. Unless excepted from herein, there shall only be one dwelling per lot.
4. Extra farm dwellings shall have a lot split with the new lot surveyed by a Registered Land Surveyor and recorded with the County Recorder. They shall also have direct access or recorded easement for access to a public road.
5. Temporary dwellings do not need to have a separate lot and are exempt from the minimum dwelling width and foundation requirements but shall comply with all other regulations herein. They shall be reviewed once per year for compliance with the conditions of the Conditional Use Permit, including the temporary use status. Violations of the conditions will be corrected or the Conditional Use Permit will be revoked. If a temporary dwelling is not used for more than one (1) year, it must be removed. Any change in ownership of a temporary dwelling or the real property on which it is located shall require the new owner to reapply for all necessary permits.
6. Any dwelling which requires a conditional use permit or any new dwelling in the R-Suburban Residence District must comply with the following:
  - a. All such dwellings must be sited with the following minimum distances away from existing animal feedlots including feedlots outside of this township:

Feedlots 50 to 599 animal units	
from dwellings ---	¼ mile
from residential zones ---	½ mile
Feedlots 600 to 999 animal units	
from dwellings ---	½ mile
from residential zones ---	½ mile
Feedlots 1000 to 1999 animal units	

from dwellings ---	1/2 mile
from residential zones ---	1 mile
Feedlots 2000 to 4000 animal units	
from dwellings ---	1 mile
from residential zones ---	2 miles
Offsite manure stockpiling and composting sites	
from dwellings ---	1 mile
from residential zones ---	2 miles

7. Any addition to a dwelling shall be physically connected to the existing structure and the interior shall be modified to permit free movement from the addition to the existing structure. The area of the addition shall not exceed fifty (50) percent of the area of the main floor of the existing structure, unless the applicant obtain approval from the board through the conditional use process found in SECTION 15 of this Ordinance. The addition shall contain no additional bedrooms, unless the applicant obtains approval from the board through the conditional use process found in SECTION 15 of the Ordinance.
8. Emergency placement of temporary dwellings will be permitted in all districts where temporary dwellings are permitted as conditional use permits upon the following terms:
  - a. The Planning and Zoning Administrator may grant a permit allowing placement of a temporary dwelling in an emergency situation, but that permit must be approved by the board through the conditional use process found in SECTION 15 of this Ordinance.
  - b. The length of the placement cannot exceed 12 months, unless the permit is changed.
  - c. At the end of the permit, the temporary dwelling must be removed.
  - d. For these purposes an emergency situation shall mean those situations that require a temporary dwelling as a result of a natural disaster, catastrophic loss or medical hardship.

Subdivision 6. Tree Removal in JC and JA Districts.

1. The intent of this subdivision is:
  - a. To insure an economy in harvesting and processing of the Town's woodland natural resources through proper forest management principles.
  - b. To prevent further watershed destruction caused by unwise logging operations and to protect navigable streams and waterways from woodland debris.
  - c. To establish a means with which to assure continued restocking of depleted forested areas.
  - d. To maintain an aesthetic wooded conservation area where lands are not suited for other types of agricultural.
  - e. To provide a protection measure for seller and buyer of assuring proper sales price, cutting agreement, grading, and waste disposal and payment.
2. General Regulations:
  - a. No clearing of land may take place within a distance of seventy-five (75) feet from the discernible edge of a ravine or the top or bottom of a slope or bluff.
  - b. No clearing of land may take place without a Town zoning permit for tree removal.
  - c. Maintenance and construction required for essential services is exempted from the Town zoning permit for tree removal requirements.
3. Individual Landowner.

- a. Subject to the general regulations stated above, an individual landowner shall be allowed to cut timber or trees on his/her property that is consumed on the premises. This includes harvesting of trees for firewood or structural lumber used on the premises.
  - b. Subject to the general regulations stated above, an individual landowner shall be allowed to remove trees seriously damaged by storms or acts of God, to remove diseased or dead trees, to thin and prune stands of timber pursuant to an established tree farm plan or tree management plan, or to conduct normal maintenance along fence lines and field lines. The individual landowner may do this or may contract with another person, firm or corporation to do this.
  - c. Subject to the general regulations stated above, an individual landowner may harvest his trees 1) by contracting with a commercial harvester who complies with the requirements of the next section or 2) by applying for and receiving an over-the-counter permit from the planning and zoning administrator. The over-the-counter permit will only be issued upon receipt of a map showing the harvest location, and the name and address of the tree harvester, if other than the landowner; and the landowner is limited to one thousand (1,000.00) dollars of market value of harvested timber per year.
4. Commercial Tree Harvesters.
- a. No person, firm or corporation shall engage in the business of removing or harvesting trees within the Town without first registering with the Town Zoning Administrator and providing a performance bond to ensure compliance with this zoning ordinance and boundary lines in the amount of ten thousand (10,000.00) dollars. Said registration shall be renewable annually on or before December 31st and may be refused renewal by the Town Zoning Administrator for cause. Any tree removal by a registrant in violation of the provision of this Subdivision or refusal on the part of a registrant to correct such violation shall be cause for refusal to renew or revocation of a registration. Before any registration under the provisions of this SECTION may be revoked or its renewal refused, the registrant shall be given a hearing to show cause why such registration should be revoked or refused. Notice of the time, place and purpose of such hearing shall be in writing. The annual registration fee shall be established by the Town Board. Application for such registration shall be made annually on a form furnished by the Town Zoning Administrator.
  - b. The requirements of the preceding subpart A regarding commercial tree harvesters are waived when the harvester bids on a proposed timber sale prepared by an independent professional forester or a Department of Natural Resources forester, and where an adequate timber sale contract protecting the landowner is entered into, and a copy is filed with the Planning and Zoning Administrator.
  - c. Any other factor considered to be pertinent by the Zoning Administrator or other Town authority of a site specific nature.

#### Subdivision 7. Accessory Uses and Structures.

1. Residential accessory uses include, but are not limited to, gardening, garage sales, storage of personal items, recreation, socializing and boarding.
2. Agriculture accessory uses include, but are not limited to sale products raised on the farm, seed sales and airstrips.



3. Residential accessory structures include, but are not limited to storage shed, garages, fences, gazebos, antennae, satellite dishes, light poles, flag poles, raised plant beds, personal green houses, swimming pools, play equipment, docks, and boat lifts.
4. Swimming pools must be enclosed within a chain link or similar fence five (5) feet in height.
5. Agricultural accessory structures include, but are not limited to storage facilities, feeding equipment, animal shelters, irrigation systems and shops.
6. Accessory structures must conform with yard and setback requirements with the following exceptions:
  - a. Fences can be erected with zero setback
  - b. Sheds under one hundred fifty (150) square feet in floor area can be within five (5) feet of property lines in side yards and rear yards behind the dwelling.
7. Structures shall be five (5) feet away from each other if not attached.
8. Notwithstanding any language herein to the contrary, a structure that at some prior time was a temporary dwelling, travel trailer, travel vehicle or other structure that was highway ready, may only be used as an accessory structure if approved by the Board through the conditional use process found in SECTION 15 of this Ordinance.

Subdivision 8. Additional Requirements, Exceptions and Modifications.

1. Height Regulations:
  - a. Any structure that exceeds one hundred fifty (150) feet in height shall obtain a letter of clearance from the Federal Aeronautics Administration and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation.
  - b. Height limitations set forth in other SECTIONS of this Ordinance may be increased by one hundred (100) percent when applied to the following:
    - 1) Monuments
    - 2) Flag Poles
    - 3) Cooling Towers
    - 4) Grain Elevators
  - c. Height limitations set forth in other SECTIONS of this Ordinance may be increased with no limitation except as noted in paragraph a. of this Subdivision when applied to the following:
    - 1) Church spires, belfries or domes which do not contain usable space.
    - 2) Water towers
    - 3) Chimneys or smokestacks
    - 4) Radio or television transmitting towers.
2. Yard Regulations and Bluff and Ditch Setbacks and Yard Exceptions:

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

  - a. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet six (6) inches.
  - b. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.

- c. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such place.
- d. The above enumerated architectural features may also extend into any side or rear yard to the same extent that no porch, terrace or outside stairway shall project into the required side yard distance.
- e. A wall, fence or hedge may occupy part of the required front, side or rear yard.
- f. On lots with road frontage on multiple sides, the required front yard setback shall be provided on all sides of lot with road frontage.
- g. The required front yard of a corner lot shall not contain any wall, fence or other structure, tree, shrub, or other growth which may cause danger to traffic on a road or public road by obscuring the view.
- h. The required front yard of a corner lot shall be unobstructed above the height of three (3) feet in a triangular area, two sides of which are the lines running along the shoulder road lines between the road intersection and a point fifty (50) feet from the intersection, and the third side of which is the line between the latter two points.
- i. There shall be a setback of a minimum of seventy-five (75) feet from all bluffs.
- j. There shall be a setback of a minimum of one hundred fifty (150) feet from the edge of all public drainage ditches.

3. Yard Landscaping:

In the BUSINESS DISTRICT and in the INDUSTRY DISTRICT, all required yards shall be either open landscaped and green areas or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with lawn, trees, shrubs, etc. Any areas left in a natural state shall be properly maintained in a slightly and well-kept condition. Yards adjoining any residence or any RESIDENCE DISTRICT shall be landscaped with planting buffer screens. Plans for such screens shall be submitted as part of the application for building permits and installed as a part of the initial construction.

4. Storage of Materials:

In the BUSINESS DISTRICT and the INDUSTRY DISTRICT, open storage of materials in any required front, side or rear yard shall be prohibited. Any other outside storage shall be located or screened so as not to be visible from any RESIDENCE DISTRICT.

5. Yard Exceptions:

- a. Where buildings exist in violation of front yard or shoreland setback requirements, the yard or setback on the unbuilt lots shall be the average of those existing non-conforming yards or setbacks on adjacent lots. If there is just one, then average that with the minimum regulation.
- b. In city growth areas the street setbacks can conform with those of the city if the street is not an arterial or major collector as designated by the State Functional Classification System.

6. When any existing parcel of real property is split into two or more smaller parcels, the split shall be made in such a way so that all existing structures must comply with the existing setback regulations for the classification of the subject property.

Subdivision 9. Manufactured Homes and Parks.

The rules of the Minnesota Department of Health shall regulate manufactured home parks in addition to the following:

1. All structures within a manufactured home park shall be set back at least one hundred (100) feet from any adjacent buildable land or park land.
2. Manufactured houses used as temporary dwellings shall be placed on permanent foundations or skirted.
3. Permits granted for manufactured homes used as temporary dwellings shall be reviewed annually by the Town Board and shall become void after one year, unless extended by the Town Board.

#### Subdivision 10. Hunting Shacks.

##### 1. Intent

The purpose of this section is to provide specific standards and guidelines to be utilized in addition to the general conditional use criteria when considering hunting or trapping shack applications. Hunting or trapping shacks are meant to be a limited use, low investment shelter (under one thousand five hundred (1500.00) dollars retail value of materials) and overnight lodging in the proximity of the natural resources.

##### 2. Density Standards

- a. One (1) shack per lot of record if the general standards in this section can be met, or
- b. One (1) shack per new lot if the new lot is ten (10) acres or more and the general standards in this section can be met, or
- c. One (1) shack per eighty thousand (80,000) square feet, with a minimum of sixty thousand (60,000) square feet to be left in the natural state, if the general standards and the leasing standards can be met.

##### 3. General Standards

- a. Septic systems are not allowed (except within a group leasing situation). Pit toilets must be built according to Minnesota Pollution Control Agency and the Minnesota Department of Health Standards, through the Town Sewage Permit process.
- b. Wells and running water systems are not allowed.
- c. Floor area must not be over four hundred (400) square feet.
- d. The two hundred (200) foot setback from the ordinary high water mark must be adhered to on all structures except docks.
- e. There must be a minimum property line set back of seventy-five (75) feet but the Town may increase that as a condition in consideration of adjacent land uses.
- f. There must be two hundred (200) feet of shoreline from each shack, if located on a lake.
- g. Each lot must be adjacent to a public road or recorded easement to allow access.
- h. The shacks must be removed if found in a dilapidated or abandoned condition, or the lot is not found in a well-kept condition.
- i. A land survey by a registered land surveyor may be required.
- j. The shack areas must be accessible for inspection and safety purposes.

##### 4. Leasing Standards. For situations where no new lots are created, and there will be more than one shack on the lot.

- a. Parcels of less than ten (10) acres will not qualify for more than one shack.

- b. Minimum requirements are clustering of the shacks and common docks and launch areas. Other wildlife benefiting measures incorporated into the operating plan, such as increased setbacks, reducing shack visibility or low impact driveway construction will benefit the application.
- c. There will be a minimum property line setback of three hundred (300) feet but the Town may increase that as a condition.

5. Application Guidelines

- a. The conditional use permit application must be accompanied by maps showing topography, ordinary high water line, existing structures, land ownership, elevations, roads, vegetation and proposed shack sites and natural land.
- b. Applications for leasing must also show an operating plan including sewage systems, roads, lake access and other applicable features, to be included as a condition for the conditional use permit.
- c. The Town may request additional information from the applicant if conditions warrant.
- d. The Town may impose additional conditions on the conditional use permit.
- e. The Town may require bonding to protect against future public costs.

6. Permit Length

The permit may be canceled at any time the standards or conditions are not being followed, but otherwise would be subject to annual renewals.

Subdivision 11. Regulations for Composting Facilities for Yard Wastes.

1. Individual composting operations (non-commercial) are exempt from these regulations and Conditional Use requirements.
2. Soil Type - The area must have a clay base as required by MPCA
3. Surface runoff - runoff must meet feedlot guidelines established by Soil Conservation Service.
4. Annual renewal on Conditional Use Permit
5. Setbacks:
  - a. One hundred (100) feet from compost pad to property line.
  - b. One thousand (1000) feet from compost pad to nearest dwelling if compost contains waste other than yard waste (i.e. livestock waste).
  - c. Five hundred (500) feet from compost pad to nearest dwelling if compost contains only yard waste (i.e. no livestock waste).
6. Capacity - Only three hundred (300) cubic yards of compost per acre of compost pad.
7. Access - Operator must have a maintenance agreement with local units of government regarding road maintenance costs.
8. Type of compost allowed - Only Class I compost, as determined by MPCA, may be produced in allowed composting facility.

9. Performance Bonds - A performance bond of a minimum of one thousand (1,000.00) dollars per acre of compost pad.
10. For purposes of this subdivision, the definition of "individual composting operation (non-commercial)" shall mean that the compost product is not for sale, is distributed at no cost and no charges of any kind, including transportation charges, are assessed for the product.

#### Subdivision 12. Road Material Crushing.

All road material crushing operations hereafter established shall conform with the provisions of this Subdivision and any other ordinances or regulation of the Town.

1. Definition:

- a. Road material crushing operation shall mean any operation upon land or in buildings where road material is brought, stored, handled and/or crushed.
- b. Road material shall mean any bituminous or concrete paving material used as roadway material.

2. Permit Required.

No person shall hereafter conduct a road material crushing operation upon property owned or used by him without first making application for obtaining a conditional use permit or over the counter permit as hereinafter provided.

- a. An over the counter permit may be granted by the Town Planning and Zoning Administrator for a road material crushing operation upon the following conditions.
  - 1) The site must be located adjacent to a road project of either the State of Minnesota or County of Sibley or the Township.
  - 2) The applicant must provide a performance bond to assure proper cleanup of an amount equal to the greater of five (5) percent of the gross construction contract or ten thousand (10,000.00) dollars.
  - 3) The permit shall last for one (1) year and may be renewed, but the permit shall expire one (1) year after the completion of the road project at which time all materials shall be removed and the property returned to its original condition.
- b. All other road material crushing operations shall require a conditional use permit as a Salvage Yard as regulated by SECTION 13, Industry District, Subdivision 3, Conditional Use, paragraph 7.

3. Application:

Application for a permit shall be made in such form and shall furnish such information as shall be required by the Town Board.

#### Subdivision 13. Animal Feedlot Regulations.

1. Animal Feedlots Generally:

No person shall permit or allow their land or property under their control to be used for any animal feedlot, and no animal manure from any animal feedlot shall be disposed of within the Town, except at an operation which has been approved in accordance with the provisions of this section. Nothing in this section shall exempt any owner or operator of any feedlot from conforming with applicable state or federal regulations governing confined feeding operations, or any other provisions of this Ordinance.

2. Application Procedure:

- a. The owner of a proposed new animal feedlot or animal feedlot addition shall make application to the Town for a feedlot and/or zoning permit when any of the following conditions exist:
  - 1) A new animal feedlot is proposed.
  - 2) An expansion of an existing animal feedlot is proposed.
  - 3) Ownership of an existing animal feedlot is changed.
  - 4) A National Pollutant Discharge Elimination system (NPDES) permit application is required under state or federal rules and regulations.
  - 5) When an inspection determines that the animal feedlot creates or maintains a potential pollution hazard.
- b. Review of the application for the Town Zoning Permit, in connection with a feedlot, will indicate additional requirements as outlined below:

TYPE	REQUIREMENTS
1) 0-49 animal units	No additional permits
2) 50-599 animal units	Go through the Town and concrete pits processed MPCA permitting procedures (and Town Conditional Use if no dwelling is on site); if pollution hazard exists, then MPCA processes permit.
3) 600-1000 animal units	Go through the Town and concrete pits processed MPCA permitting procedures (and Town Conditional Use if no dwelling is on site); if pollution hazard exists, then MPCA processes permit.
4) Over 1000 animal units	Go through MPCA permit process and through Town Maintenance and operations plan identifying activities needed to maintain Conditional Use process.
5) Feedlot additions	Town Conditional Use in shoreland process.

3. Application Requirements:

Requirements for the Town Zoning Permit are the same as with other Zoning permits as regulated herein. Requirements for MPCA feedlot consideration are as described in MPCA feedlot rules, which are adopted herein by reference. Prior to processing an application for a Conditional Use Permit for a feedlot, the applicant shall obtain the MPCA permit before making application to the Town.

4. Zoning Standards:

Applicable to all feedlots regardless of their status in connection with MPCA regulations.

- a. All new animal feedlots must be sited with the following minimum distances away from existing dwellings and residential zones and public parks:

Feedlots 50 to 599 animal units	
from dwellings ---	¼ mile
from residential zones ---	½ mile
Feedlots 600 to 999 animal units	
from dwellings ---	½ mile
from residential zones ---	½ mile
Feedlots 1000 to 1999 animal units	
from dwellings ---	½ mile
from residential zones ---	1 mile
Feedlots 2000 to 4000 animal units	
from dwellings ---	1 mile
from residential zones ---	2 miles
Offsite manure stockpiling and composting sites	
from dwellings ---	1 mile
from residential zones ---	2 miles

Dwellings on the feedlot site are exempt from these separation requirements. All additions onto existing feedlots shall adhere to the above separation requirements.

- b. All manure application shall comply with the Best Management Practices as established by the U.S. Department of Agricultural and Soil Conservation Service, the University of Minnesota Department of Agricultural Engineering and MPCA.
  - c. At termination of the animal feedlot operation, the owner shall dispose of all manure and close all open pits in accordance with MPCA rules.
  - d. All methods of disposal of dead, dying or diseased animals shall comply with Minnesota Board of Animal Health regulations.
  - e. The minimum distance from the property line for all feedlot activities shall be two hundred (200) feet.
  - f. The minimum lot size for all new feedlots is forty (40) acres.
  - g. Open lagoons or earthen basins shall not be permitted.
5. Feedlots Requiring A Conditional Use Permit :
- In granting a conditional use for a feedlot, the Town may attach special conditions including, but not limited to:
- a. Increase of minimum property line setback requirements.
  - b. Additional setback requirements from special features.
  - c. Location of feedlot additions relative to dwellings.
  - d. Recommendations and guidelines from the MPCA, the Department of Agriculture, the Soil and Water Conservation District and U of M Agricultural Engineering.
6. Variances:
- Variances from the Town Zoning rules are regulated herein. Variances from the MPCA rules are regulated by those rules.





- 1) As shown on Township Zoning Map
- c. Abrogation and Greater Restrictions
  - 1) It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Subdivision imposes greater restrictions, the provisions of this Subdivision shall prevail. All other Subdivisions inconsistent with this Subdivision are hereby repealed to the extent of the inconsistency only.
  - 2) The Shoreland Standards shall be in addition to any other provisions of this Ordinance.

4. Permits Required:

A zoning permit authorizing an addition attached or unattached to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Paragraph 5 of this Subdivision, shall be reconstructed or replaced in accordance with the provisions of this ordinance.

5. Controlled Accesses:

Lots intended as controlled accesses to public water recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

- a. They must meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- b. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six (6), consistent with the following table:

Controlled Access Lot Frontage Requirements

<u>Ratio of lake size to shore length</u> <u>(acres/mile)</u>	<u>Required increase in frontage</u> <u>(percent)</u>
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 access rights on the access lot; and
- d. Covenants or other equally effective legal instruments must be developed that specify which lot owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property owners. Examples of the nonsignificant conflict activities include swimming, sunbathing, or picnicking. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable

locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

6. Placement of Structures:

a. 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, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

b. Structure and On-site Sewage System Setbacks (in feet) from Ordinary High Water Level\*.

Setbacks\*

<u>Classes of Public Waters</u>	<u>Structures</u>	<u>Sewage Treatment System</u>
<u>Lakes</u>		
Natural Environment	200	150
Recreational Development	150	100
General Development	75	50
<u>Rivers</u>		
Agriculture, Transition and Tributary	150	100

c. Additional Structure Setbacks.

The following additional structure setbacks apply, regardless of the classification of the waterbody:

Setback From:	Setback (in feet)
1) top or bottom of bluff;	75
2) unplatted cemetery;	50
3) centerline of federal, state, or county highway; and	130
4) right-of-way one of minor street serving a residential subdivision.	40

d. Bluff Impact Zones.

Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones

7. Elevation Criteria For Structures:

a. 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:

- 1) for lakes, by placing the lowest floor at a level at least three (3) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
- 2) for rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and
- 3) water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant material to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

8. Water-oriented Accessory Structures:

Each lot may have one water-oriented Accessory structure not meeting the normal structure setback if this water-oriented accessory structure complies with the following provisions:

- a. the structure or facility must not exceed ten (10) feet in height, exclusive of safety rails, and cannot occupy an area greater than two hundred fifty (250) square feet. Detached decks must not exceed eight (8) feet above grade at any point;
- b. the setback of the structure or facility from the ordinary high water level must be at least ten (10) feet;
- c. the structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- d. the roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area;
- e. the structure of facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities; and
- f. as an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for watercraft storage, and including storage of related boating and water-oriented sporting equipment, may occupy an area up to four hundred (400) square feet provided the maximum width of the structure is twenty (20) feet as measured parallel to the configuration of the shoreline.

9. Stairways, Lifts, and Landings:

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

- a. stairways and lifts must not exceed four (4) feet in width on residential lots. Wider stairways may be used for commercial properties, public open space recreational properties;
- b. landings for stairways and lifts on residential lots must not exceed thirty-two (32) square feet in area. Landings larger than thirty-two (32) square feet may be used for commercial properties, public open-space recreational properties;

- 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 (a) to (e) are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

10. 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.

11. Steep Slopes:

The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

12. Height of Structure:

All structures in residential districts, except churches and nonresidential agricultural structures must not exceed thirty (30) feet in height.

13. Vegetation Alterations:

- a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by PART 9 of this Subdivision and essential services are exempt from the vegetation alteration standards that follow.
- b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Paragraph 17 (b) and (c) of this subdivision, respectfully, is allowed subject to the following standards:
  - 1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
  - 2) 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, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

- a) the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- b) along rivers, existing shading of water surfaces is preserved; and
- c) no cutting or removal of live trees over six (6) inches in diameter measured to a point two (2) feet above ground level shall take place until a Conditional use Permit has been issued.
- d) the above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

14. Topographic Alterations/Grading and Filling:

- a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
- b. Public roads and parking areas are regulated by PART 9 of this Subdivision.
- c. Notwithstanding Items a. and b. above, a grading and filling permit will be required for:
  - 1) the movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
  - 2) the movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
- d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
  - 1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland\*:
    - a) sediment and pollutant trapping and retention;
    - b) storage of surface runoff to prevent or reduce flood damage;
    - c) fish and wildlife habitat;
    - d) recreational use;
    - e) shoreline or bank stabilization; and
    - f) noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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

- 2) 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;
- 3) 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;
- 4) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;

- 5) 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;
  - 6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
  - 7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
  - 8) Fill or excavated material must not be placed in bluff impact zones;
  - 9) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, section 103G.245;
  - 10) 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
  - 11) 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 (3) feet horizontal to one (1) foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- e. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, shall require a land use permit from the Zoning Administrator before construction is begun. Permission for excavations may be given only after the Commissioner of Department of Natural Resources has approved the proposed connection to public waters.

15. Placement and Design of Roads, Driveways and Parking Areas:

- a. Public and private roads, forest roads, and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other special applicable technical materials.
- b. Roads, forest 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, they may be placed within these areas, and must be designed to minimize adverse impacts.
- c. 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 PART 8 of this subdivision must be met.

16. Stormwater Management:

The following general and specific standards shall apply:

- a. 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 man-made materials and facilities.

b. 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 districts.

- c. New constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

17. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat:

a. 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, and other zoning standards in this ordinance, the use 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 needed information to the public, subject to the following general standards:

- 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;
- signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (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
- other outside lighting may be located within the shore impact zone or other public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

- 2) Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
- b. Agriculture Use Standards.
  - 1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.
  - 2) Animal feedlots must meet the following standards:
    - a) new feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of three hundred (300) feet from the ordinary high water level of all public waters basins; and
    - b) modifications or expansions to existing feedlots that are located within three hundred (300) feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
- c. 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."
- d. Extractive Use Standards.
  - 1) 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.
  - 2) Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
- e. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

#### 18. Conditional Uses:

Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures, and criteria and conditions for review of conditional uses established in SECTION 15. The following additional evaluation criteria and conditions apply within shoreland areas:

- a. 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; and
  - 4) the types, uses and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.
- b. Conditions attached to conditional uses permits. The Town Board, upon consideration of the criteria listed above and the purposes of this ordinance, shall 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) increased setbacks from the ordinary high water level;
  - 2) limitations on the natural vegetation to be removed or the requirement that additional vegetation to be planted; and
  - 3) special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

19. Water Supply and Sewage Treatment:

- a. 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.
- b. 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 contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080", a copy of which is hereby adopted by reference and declared to be a part of this ordinance.
  - 3) On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Paragraph 7 of this subdivision.
  - 4) All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in Sibley County's zoning ordinance 300.14.14.21, subdivision b, clause 4, subdivisions (a)-(d). If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

Evaluation criteria:

- a) depth to the highest known 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;
- 5) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with #20, Nonconformities, of this Subdivision.

20. 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 and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

a. Construction on nonconforming lots of record.

(Substandard Lots)

- 1) Lots of record in the office of the county recorder that met the minimum lot size requirements on the date of enactment, that do not meet the requirements herein, may be allowed as building sites without variances 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, was created compliant 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 (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this subdivision 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 the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this subdivision as much as possible.

b. 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 of this subdivision. Any deviation from these requirements must be authorized by a variance pursuant to Section 19.
- 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 the following criteria and standards are met:
  - a) the structure existed on the date the structure setbacks were established;
  - 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.

c. Nonconforming sewage treatment systems.

- 1) A sewage treatment system not meeting the requirements of this Subdivision must be upgraded, at a minimum, at any time a permit or variance of any type is required for 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 treatment system's improper setback from the ordinary high water level.
- 2) The governing body of Sibley County has by formal resolution notified the commissioner of its program to identify nonconforming sewage treatment systems. The Township will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time. Sewage systems installed according to all applicable

local shoreland management standards adopted under Minnesota Statutes, section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatment systems, shall be considered nonconforming.

21. Subdivision/Platting Provisions:

- a. Land suitability. Each lot created through subdivision 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.
- b. Consistency with other controls. Subdivisions must conform to all official controls of Jessenland Township. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. 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 this subdivision can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of this subdivision, 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.
- c. Information requirements. Sufficient information must be submitted by the applicant for the Town to make a determination of land suitability. The information shall include at least the following:
  - 1) topographic contours at ten (10) 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, subdivision 1, to be shown on plats, obtained from United States Geological Survey 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 100-year flood plain areas and floodway districts from existing adopted maps or data; and
  - 6) a line contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

- d. 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.
- e. Platting. All subdivisions that create five or more lots or parcels that are two and one-half (2-1/2) 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.

22. Procedures for Submitting a Plat:

- a. Whenever any subdivision of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the construction of a structure or sewage treatment system in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the Jessenland Township Subdivision Ordinance.
- b. 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 of this section.

23. Notifications to the Department of Natural Resources:

- a. 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 postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
- b. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. Where a variance is approved after the Department of Natural Resources was formally recommended denial in the hearing record, the notification of the approved variance required herein shall also include the board of adjustment's summary of the public record/testimony and the findings of fact and conclusions which supported the issuance of the variance.

.Subdivision 15. Organized Farm Colonies.

1. Organized farm colonies shall follow the same administrative procedure as outlined for Planned Unit Developments in SECTION 11, the Suburban Residence District but formal platting is not required.
2. The conditional use permit is for relief from traditional lot lines and to have common ownership like a PUD. It is not for relief from any other regulations or to allow for uses other than allowed in the district.
3. There shall be at least twenty (20) acres of land per family dwelling unit.

4. The colony shall qualify as a non-profit corporation organized under Section 501 of the United States Internal Revenue Code.

Subdivision 16. Home Occupations.

1. Level 1 - Permitted Use Standards:

- a. Maximum Floor Use Area – one thousand (1,000) square feet (except with uses such as day care where the whole dwelling may be used as a home), and
- b. No more than one (1) person, other than the members of the family occupying the dwelling shall be employed in conjunction with the home occupation, and
- c. No extra traffic generated over an estimated four (4) vehicle trips per day, and
- d. No noise, vibration, glare, fumes, odors, or electrical interference detectable off premises, and
- e. There shall be no change in the dwelling unit or premises, or other visible evidence of the conduct of such home occupation (including signs other than the District allows as a permitted use), and
- f. No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, garbage) so that the combined total use for the dwelling and home occupation purposes exceeds the average for the residences in the neighborhood, and
- g. No special or hazardous wastes generated.

NOTE: Level 1 Home Occupation does not have automatic right to expand to Level 2 Home Occupation

2. Level 2 - Conditional Use Standards

Level 2 category has a higher intensity of use than those indicated in Level 1 Permitted Standards.

Previous investments will not be used as a reason to override these standards or other valid concerns of conditional uses contained in this Ordinance.

In considering conditional uses for Home Occupations (Level 2), the outside appearance will be set and added as a condition.

Subsequent non-compliance with any conditions will be cause for discontinuance of the conditional use permit.

Additional conditions may include lighting, hours, buffers, setbacks, service road, signage, platting or other conditions deemed suitable.

Level 2 uses are defined as those uses that don't qualify as Level 1 but that:

- a. Use less than two thousand (2,000) square feet of floor space (except with uses such as day care where the whole dwelling may be used as a home), and
- b. Employ less than four (4) employees at the site at the same time (other than the occupants of the dwellings), and
- c. Produce extra traffic generation not more than twelve (12) vehicle trips per day, and
- d. Produce no noise, vibration, glare, fume, odor or electrical interference detectable off the premises that can't be mitigated with special conditions, and
- e. Shall cause no increase in the use of any one or more utilities (water, sewer, electricity, garbage) that strain the utility's provision of services, and

- f. Produce no special or hazardous wastes that require special treatment, and
  - g. Need no more signage other than signage allowed within that district, but including a maximum surface area of twelve (12) square feet.
3. A home occupation may be carried out in an accessory structure with all applicable standards for the designated home occupation level.
  4. Non-conforming Home Occupations. All non-conforming home occupations legally existing prior to the adoption of this Ordinance shall be allowed to continue, but shall not be allowed to expand, be rebuilt, relocated, replaced or altered without being brought into compliance with all the requirements of this subdivision.

#### Subdivision 17. Dwelling Standards.

1. For any dwelling which requires a conditional use permit or any new dwelling in the R-Suburban Residence District, the Town Board or Zoning Administrator shall attach the following mandatory condition to the permit:

The dwelling is in or near an agricultural area and applicant is put on notice of the odors, dirt, noises and hours of operation associated with agricultural activities.

#### Subdivision 18. Land Protection.

An approved housing subdivision or planned unit development (variance or rezone) shall include a permanent conservation easement contiguous to the subdivision or development three times the proposed development acreage pursuant to M.S. 84C.01 to 05. Development rights may be transferred to a certified non-profit or public agency (qualified organization) pursuant to said Minnesota Statute. It is the responsibility of the applicant to locate and cooperate with an easement holder that is acceptable to the township.

1. The permanent conservation easement may be held by: Jessenland Township or another government body; or a private, non-profit organization designated to do so by the Internal Revenue Service as a qualifying 501(c) (3) of the Internal Revenue Code.
2. The permanent conservation easement must specify:
  - a. What entity will maintain the designated open space;
  - b. The purpose of the conservation easement;
  - c. The legal description of the land under the easement ;
  - d. The restrictions on the land;
  - e. To what standards the open space will be maintained; and
  - f. Who will have access to the designated open space.

#### Subdivision 19. Solar Production.

1. Permitted Use:
  - a. Up to forty (40) kW of production allowed
  - b. Must meet all district regulations such as: current setbacks; height, yard area, lot width, and depth regulations; slope regulations
2. Conditional Use, forty-one to one hundred (41-100) kW:

- a. Must meet all district regulations such as: current setbacks; height, yard area, lot width, and depth regulations; slope regulations
  - b. Plan required.
3. Conditional Use, greater than one hundred (100) kW:
- a. Development and engineering plans required
  - b. Setback requirement of one-quarter ( $\frac{1}{4}$ ) mile from any residence
  - c. State permit required prior to Township application
  - d. A forty (40) acre maximum production area (including access roads and other related facilities)
  - e. Shall include a permanent conservation easement contiguous to the solar installation of three (3) times the proposed development acreage and pursuant to M.S.84C.01 to .05. Development rights may be transferred to a certified non-profit or public agency (qualified organization) pursuant to said Minnesota Statute.