JESSENLAND TOWNSHIP ORDINANCES

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ZONING ORDINANCE OF JESSENLAND TOWNSHIP

AN ORDINANCE REQUIRING PERMITS FOR BUILDINGS, STRUCTURES AND THE USES THEREOF; FOR LAND USES AND FOR THE LOCATIONS OF WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES; AND ESTABLISHING MINIMUM LOT CRITERIA AND OTHER REQUIREMENTS; AND IMPOSING PENALTIES.

SECTION 1 - PURPOSES AND INTENT

This Ordinance is enacted for the following purposes: to promote the health, safety, morals and general welfare throughout Jessenland Township by lessening congestion in the public rights-of way, securing safety from fire, panic and other dangers, providing adequate lights and air; facilitating the adequate provision of water, sewage and other public requirements; conserving the value of properties and encouraging the most appropriate use of land; and, pursuant to Chapter 462 of Minnesota Statutes.

SECTION 2 - TITLE

This Ordinance shall be known and may be cited and referred to as the "Jessenland Township Zoning Ordinance"; when referred to herein, it shall be known as "this Ordinance" or “the Ordinance”

SECTION 3 - JURISDICTION, SCOPE AND INTERPRETATION

Subdivision 1. Jurisdiction.

The jurisdiction of this Ordinance shall apply to all the area of Jessenland Township outside the incorporated limits of municipalities.

Subdivision 2. Scope.

This Ordinance amends and restates prior ordinances of the Township. From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in Jessenland Township shall be in conformity with the provisions of this Ordinance. Any legally existing building or structure and any legally existing use of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, but may be continued, extended or changed, subject to the special regulations herein provided with respect to non-conforming properties or uses.

Subdivision of land is not directly within the scope of this ordinance but new lots resulting from land subdivision must conform to this ordinance in order to be eligible building sites. New Land subdivisions must also be done in conformance with the Sibley County Subdivision Ordinance in order to be eligible as a building site.

Subdivision 3. Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Anything not expressly permitted by this Ordinance is prohibited. Where the provisions of any statute, other

ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

SECTION 4 - RULES AND DEFINITIONS

Subdivision 1. Rules.

1. Word Usage:
   For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural in singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not discretionary.

2. Permitted Uses:
   Permitted uses of land or buildings, as hereinafter listed, shall be permitted in the district indicated under the conditions specified. No building or land shall be devoted to any use other than a permitted hereinafter in the zoning district in which such building, structure or land shall be located, except for the following exceptions.
   a. Uses lawfully established prior to the effective date of this Ordinance.
   b. Conditional uses allowed in accordance with Paragraph 3 of this SECTION.
   c. Essential services are permitted uses in all zoning districts and are not subject to height, yard, or setback requirements or permits, except as in provided in Subdivision 3 of SECTION 17.

3. Conditional Uses:
   Conditional Uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of SECTION 15. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

4. Other regulations:
   For permitted or conditionally permitted uses, there are also standards herein that further regulate use activities, placement of structures and design of certain structures.

Subdivision 2. Definitions.

For the purpose of this Ordinance, certain items and words are defined as follows:

Accessory Structure -- A subordinate building or portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Accessory Use -- A use is subordinate and incidental to the principal use of the lot or a building located on the same lot.

Agriculture -- The art or science of cultivating the soil and activities incidental thereto: the growing of soil crops in the customary manner on open tracts of land; the raising of livestock and poultry; farming; the raising of nursery plants and tree farming.

Animal Unit -- A unit of measure used to compare differences in production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer

or heifer. The following equivalents shall apply, or the definition found in Minn. R. 7020.0300, subp. 5, which is incorporated herein by reference, if different than any of the animal units as listed here:

A. dairy cattle:
   1) one mature cow (whether milked or dry):
      a. over 1,000 pounds, 1.4 animal unit; or
      b. under 1,000 pounds, 1.0 animal unit;
   2) one heifer, 0.7 animal unit; and;
   3) one calf, 0.2 animal unit;

B. beef cattle:
   1) one slaughter steer or stock cow, 1.0 animal unit;
   2) one feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
   3) one cow and calf pair, 1.2 animal unit; and
   4) one calf, 0.2 animal unit;

C. one head of swine:
   1) over 300 pounds, 0.4 animal unit;
   2) between 55 pounds and 300 pounds, 0.3 animal unit; and
   3) under 55 pounds, 0.05 animal unit;

D. one horse, 1.0 animal unit;

E. one sheep or lamb, 0.1 animal unit;

F. chickens:
   1) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or
   2) one chicken if the facility has a dry manure system:
      a. over five pounds, 0.005 animal unit; or
      b. under five pounds, 0.003 animal unit;

G. one turkey:
   1) over five pounds, 0.018 animal unit; or
   2) under five pounds, 0.005 animal unit;

H. one duck, 0.01 animal unit; and

I. for animals not listed in items A to H, the number of animal units shall be defined as the average weight of the animal in pounds divided by 1,000 pounds.

Automobile Wrecking -- See Salvage yard.

Basement – any area of structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bed and Breakfast Facility -- A dwelling in which the owner or manager resides, which contains ten (10) or less guest rooms, in which lodging is provided for compensation (this would include

services such as Airbnb) with or without meals being provided to the guest by the owner, which is open for transient or permanent guests or both, and in which no provision is made for cooking in the guest rooms.

Block -- An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.

Bluff -- A topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than eighteen (18) percent over a distance for fifty (50) feet or more shall not be considered part of the bluff):

1) Part or all of the feature is located in a shoreland area;
2) The slope rises at least twenty-five (25) feet above the ordinary high water level of the waterbody;
3) The grade of slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; and
4) The slope must drain toward the waterbody.

Bluff impact zone -- A bluff and land located within fifty (50) feet from the top of a bluff.

Board of County Commissioners -- Sibley County Board of Commissioners.

Boathouse -- means a structure designed and used solely for the storage of boats or boating equipment.

Building -- Any structure for the shelter, support or enclosure of persons, animals, chattel or property of any kind; and when separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height -- The vertical distance from the average of the highest lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck of mansard roofs, and to mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Setback Line -- A line within a lot or other parcel of land parallel to a public road, street, highway right-of-way line, or normal high water level defining a portion of the lot between said setback line and said right-of-way line or water level on which buildings or structures may not be placed.

Campground -- An area where overnight stay is provided or allowed for transient guests using their own movable equipment. In Shoreland Districts, campgrounds are considered as Planned Unit Developments. (Also see organized group camp definition).

Cluster Development -- A pattern of subdivision development which places housing units into compact groupings while providing a network of commonly owned or dedicated open space.

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

Commissioner -- Minnesota Commissioner of Natural Resources.

Community Water and Sewer Systems -- Utilities systems serving a group of buildings, lot, or an area of the County, with the design and construction of such utility systems as approved by the County and the State of Minnesota.

Conditional Use -- A use which, because of unique characteristics, cannot be classified as a permitted use in an particular district, after due consideration, in each case, of the impact of such use upon neighboring land and of the public desirability for the particular use at the particular location, a "Conditional Use Permit" may or may not be granted. If granted, the Town Board may attach conditions and guarantees upon the zoning district deemed necessary for the protection of the public interest.

Contractor's Yard – Land or structures serving as a base of operations for a construction related or similar type of business. This applies to all vehicles in excess of a one-ton rating and commercial vehicles of any size. One vehicle per building site shall NOT be considered to constitute a contractor's yard. This applies to vehicles and equipment used or stored only by an employee, including an 'in-kind' employee. Vehicles/equipment left outside must be in working condition and carrying up-to-date tabs (if applicable), or shall also be considered a salvage yard. This does not apply to vehicles/equipment used SOLELY for residential use or agricultural use. The apparent use of vehicle/equipment under question shall be determined by the Town Board. Office functions only, with no on-site equipment or supplies shall be considered under home occupation.

Corner Lot -- A lot situated at the junction of and fronting on two or more roads or highway. Front yard setback shall apply to all lot sides with road frontage.

County -- Sibley County, Minnesota.

Data Center -- A facility used for the storage, processing, management, and/or transmission of digital data. The facility can include computer and network equipment, and other components related to digital data operations. The facility may also include power generators, water cooling and storage containers, utility substations, and other associated infrastructure to support operations at the data center. Various types of data centers may by identified as enterprise, hyperscale, cloud, colocation, edge data centers, and digital technology parks.

Deck -- A horizontal, unenclosed platform with or without attached railings, seats trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three (3) feet above ground.

Depth of Lot -- The mean horizontal distance between the mean front and the mean rear lot line. The greater frontage of a corner is its depth, and its lesser frontage is its width.

Depth of Rear Yard -- The mean horizontal distance between rear line of the building and the center line of an alley, where an alley exists, otherwise a rear lot line.

District -- A section of the Town for which the regulations governing the height, area, use of buildings and premises are the same.

Dwelling -- Any building or part thereof which is designed or used for residential purposes by one or more human beings, either permanently, or transiently; trailer, travel trailer, or tent shall not be considered a dwelling for purposes of this Ordinance, but a manufactured home will be.

Dwelling, One Family -- A dwelling designed for or occupied exclusively by one (1) family.

Dwelling site -- A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling, Temporary -- A dwelling that is to be used for the duration of a certain situation such as for farm workers, during construction of something else, or other that can reasonably be removed when situation ends. It does not require a separate lot.

Dwelling, Two Family -- A dwelling that incorporates two (2), one family dwelling units into one (1) structure with a common wall.

Easement -- 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.

Equal Degree of Encroachment -- A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Essential Services -- Overhead or underground electrical gas, steam or water transmission of distribution systems and structures, or collection, communication, supply or disposal systems and structures, used by public utilities, rural electric cooperatives or governmental departments or commissions or as are required for 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, or road and rail systems, but not including buildings. For the purpose of this Ordinance, the word "building" does not include "structure" for essential services.

Existing site -- A site where a dwelling formerly stood that still has an area at least an acre in size that is distinguishable as being separate from the adjacent land by the existence of physical evidence such as vegetation, fences, yard lines, structures and driveways.

Extraction Pit -- Any artificial excavation of the earth exceeding fifty (50) square feet of surface area or two (2) feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone, or other natural matter, or made by turning, 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 in conjunction with or immediately following such excavation shall be exempted, if a permit has been issued for such construction for installation.

Family -- A number of individuals living together on the premises as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.

Farming -- The cultivation of the soil and all activities incidental thereto; agriculture.

Feedlot -- A lot or building or combination of lots 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 purposes of these parts, open lots used

for the feeding and rearing of poultry (poultry ranges) shall be considered to be feedlots. Pastures shall not be considered feedlots under these parts. Manure storage areas off the site of the feedlot will be considered as a separate feedlot.

Feedlot, Agricultural -- A feedlot as an accessory use incidental to a farming operation with dwelling.

Feedlot, Commercial -- A feedlot that is not an accessory use to a farming operation with dwelling.

Feedlot, Existing -- A feedlot that has been active for at least 3 of the last 5 years.

Final Plat -- A drawing or map of a subdivision, meeting all the requirements of the Town and in such form as required by the County for purposes of recording .

Flood -- A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Floodway -- The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Floor Area -- The sum of the gross horizontal area of the several floors of a building measured from the exterior walls, including basements and attached accessory structures.

Flood Frequency -- The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe -- That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Sibley County.

Flood Plain -- The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

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 discharge.

Fur Farm -- An area used for keeping and/or raising fur bearing animals.

Garage, Private -- A garage which is erected as an accessory structure.

Garage, Public -- Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire, or sale.

Height of Structure -- The distance from the highest part of the structure to the highest ground level adjoining the structure base.

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 Sibley County numerical route designation.

Home Occupation -- Any occupation taking place as an accessory use to a dwelling, principal use as regulated by the general regulations herein.

Industrial use -- The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive vegetation clearing -- The complete removal of trees or shrubs in a contiguous patch, strip, row or block.

Kennel -- the commercial boarding, breeding or selling of dogs or cats that involve over 3 adult dogs or 4 adult cats; or the housing for humane purposes of over three (3) adult dogs or four (4) adult cats, including animal shelters, animal refuges, and other similar type entities.

Lot -- A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat or other accepted means and separated from other parcels or portions by said description and recorded with the Office of the County Recorder.

Lot Area -- The lot area is the land area of a lot within the lot lines.

Lot Area per Family -- The lot area per family is the lot area required by this Ordinance to be provided for each family in a dwelling.

Lot, Double Frontage -- An interior lot having frontage on two streets. Front yard setback shall apply to all lot sides with road frontage.

Lot, Interior -- A lot other than a corner lot.

Lot Lines -- The lines bounding a lot, as defined herein. When a lot abuts road, street, avenue, park or other public property, except an alley, such line shall be known as a street line, and when a lot abuts on an alley, it shall be known as an alley line.

Lot of Record – A lot that has met the definition of a ‘lot’ and that has been recorded and dated.

Lot Width -- The width of a lot is its own mean width measured at the building setback line.

Lot Depth -- The mean horizontal distance between the mean front road and the mean rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Manufactured Home -- A structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure to which the manufacturer voluntarily files a certification required by the secretary (US - HUD) and complies with the building code as evidenced by a seal displayed on the manufactured home.

Manufactured Home Park -- Any lot or part thereof, or any parcel of land which is used or offered as a location for two (2) or more manufactured homes.

Metes and Bounds -- A method of property description by means of their direction and distance from an identified section survey.

Motel -- A building or group of buildings used primarily for the temporary residence of motorists or travelers.

Non-Conforming Uses -- A use lawfully in existence on the effective date of this Ordinance and not conforming to the regulations for the district in which it is situated.

Normal or Ordinary 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 normal or ordinary high watermark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the normal or ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the normal or ordinary high water level is the operating elevation of the normal summer pool.

Obstruction -- Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory 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.

Organized Farm Colonies -- A group of families, farming land owned by the group as a community and not individually; and which group lives within the boundaries of the land owned by the group;

Organized Group Camps -- Campgrounds or buildings used by public or semi-public organizations (such as scouts, churches, wildlife groups) for retreat, interpretative, educational and other activities that do not amount to activities that would be in conflict with the district's uses. If use is by the general public, then it would be defined as a campground or resort except for primitive tent type camping on wild undeveloped land.

Persons -- Any individual, firm, partnership, corporation, company, association, joint stock association or body politic; includes any trustee, receiver, assignee, or other similar representative thereof.

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 condominiums, time-share condominiums, cooperative, 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.

Plat -- A land subdivision that creates new lots and/or public road right-of-ways, thereby replacing the former land records for the area plat.

Practical Difficulties – As defined in Chapter 462 of Minnesota Statutes.

Preliminary Plat -- A tentative drawing or map for a proposed subdivision plat.

Premises -- A lot or plot with the required front, side and rear yards for a dwelling or other use allowed under this Ordinance.

Principal Use or Structure -- All use or structures that are not accessory uses or structures.

Public Water -- A body of water as depicted on the Public Water Inventory map for Sibley County.

Reach -- A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

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

Regulatory Flood Protection Elevation -- An elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

Residential Zone -- The area inside a city, village, or borough and the area in the JR-Suburban Residence District.

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, cartway, land, place or however otherwise designated.

Salvage Yard -- Land or buildings where waste, discarded or salvaged materials are brought, sold, exchanged, stored, cleaned, packed, disassembled or handled, including, but not limited to: scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles. Any premises with more than 5 unlicensed vehicles of any kind or type shall be declared a salvage yard.

Sanitary Landfill -- A sanitary landfill according to the American Society of Civil Engineers is "A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary."

Setback -- The minimum horizontal distance between a structure, sewage treatment system, or other facility and a normal high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system -- A septic tank and soil absorption system or other individual or cluster type sewage treatment system.

Sewer system -- Pipelines or conduits, pumping stations and force main, and all other construction devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone -- Land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.

Shoreland -- Land located within the following distances from public waters:

1) one thousand (1,000) feet from the normal high water mark of a lake, pond or flowage; and
2) three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner.

Shoreland Areas -- All shorelands of public waters as designated on the Protected Waters Inventory Map for Sibley County, Minnesota lying within the floodway, flood fringe or general flood plain districts are subject to the regulations set forth in the Shoreland Management Standards in SECTION 14, Subdivision 14.

Shoreland Setback -- The minimum horizontal distance between a structure and the normal high water mark.

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.

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.

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 sign is located.

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.

Sign, Illuminated -- Any sign which has characters, letter, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign, Rotating -- A sign which revolves or rotates on its axis by mechanical means.

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.

Sign, Warning -- A sign which warns of a danger or hazard in the immediate vicinity and is obviously not serving any advertising purpose.

Solar Production -- Structures and accoutrements used for energy production sourced from solar. Includes all outputs, both photovoltaic and thermal systems. Roof mounted production systems are considered part of their host structure.

Steep slope -- Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in 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.

Story -- The portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is not a floor above it, the space between the floor and the ceiling next above it.

Story, Half -- That portion of a building under a gable, hip or gambrel roof, the wall plates of which, on at least two opposite exterior walls are not more than two (2) feet above the floor of such story.

Structure -- Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria Specified in SECTION 6, Subdivision 9, of the ordinance and other similar items.

Structure Alterations -- Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Subdivision --Land that is divided into smaller lots.

Substandard Shoreland Use -- Any use of shorelands existing prior to the date of any Town ordinance which is permitted within the applicable zoning district but does not meet the minimum lot area and length of water frontage, structure setbacks, or other dimensional standards of the ordinance.

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 conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Toe of the bluff -- The point on a bluff where there is, as visually observed a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of bluff shall be determined to be the lower end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

Top of the bluff -- The point on a bluff where there is visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of bluff shall be determined to be the upper end of a fifty (50) foot segment, measured on the ground, with an average slope exceeding eighteen (18) percent.

Unincorporated Area -- The area outside a city, village, or borough.

Use -- The purpose of which land or premises or a building thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

Variance -- A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, except that modification in the allowable uses within a district shall not be considered a variance.

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. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Water Supply Purpose -- Includes any uses of water for domestic, commercial, industrial or agricultural purposes.

Wetland -- A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 editions).

Yard -- Any space in the same lot with a building open and unobstructed from the ground to the sky.

Yard, Front -- A yard extending across the front of the lot between the side yard lines and lying between the right-of-way line of the road(s) or highway(s), and the nearest line of the building.

Yard, Rear -- An open space unoccupied except for accessory structures on the same lot with a building between the rear lines of the building and the rear lot line of the lot, for the full width of the lot.

Yard, Side -- An open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the front line to the rear of the back yard.

SECTION 5 - CLASSIFICATION OF JESSENLAND DISTRICTS

Subdivision 1. Districts.

For the purpose of this Ordinance, Jessenland Township is hereby divided into classes of districts which shall be designated as follows and abbreviated with the letter designation of 'J' for Jessenland followed by the letter designation of the district:

1. FLOOD DISTRICT:
   JF FLOOD PLAIN DISTRICT

2. SHORELANDS:
   JS-1 SPECIAL PROTECTION DISTRICT
   JS-2 RESIDENTIAL - RECREATIONAL DISTRICT

3. AGRICULTURE DISTRICTS:
   JC CONSERVATION AND AGRICULTURE DISTRICT
   JA GENERAL AGRICULTURE DISTRICT

4. RESIDENCE DISTRICT
   JR SUBURBAN RESIDENCE DISTRICT

5. COMMERCIAL DISTRICT
   JB HIGHWAY SERVICE COMMERCIAL DISTRICT

6. INDUSTRY DISTRICT
   JI INDUSTRY DISTRICT

Subdivision 2. Public Waters Classification System.

The classification system of public waters shall consist of Natural Environment Lakes, Recreational Development Lakes**,** and General Development Lakes, Agricultural rivers, Transitional rivers and Tributaries, and Streams.

Subdivision 3. Zoning Map.

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning map, and said map is hereby made a part of this Ordinance; said maps shall be known as the "Town Zoning Map." Said map, consisting of sheets and all notations, references and data shown thereon is hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein.

It shall be the responsibility of the Zoning Administrator to maintain said map, and amendments thereto shall be recorded on said Zoning Map within thirty (30) days after official publication of amendments. The official Zoning Map shall be kept on file in the Zoning Administrator's office.

Subdivision 4. District Boundaries.

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets, alleys or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto, or section, half-section, quarter-section, quarter-quarter section or other fractional section lines of the United States public land surveys, as established by law. Where figures are shown on the Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road center line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise indicated.

Subdivision 5. Future Detachment.

Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the JA GENERAL AGRICULTURAL DISTRICT until placed in another district by action of the Town Board after recommendation of the Town Planning and Zoning Commission.

Subdivision 6. Additional Regulations.

The following SECTIONS (6 through 13) set forth the allowed uses and dimensional standards that are particular to each district. Additional requirements that are in General Regulations (SECTION 14) will also be enforced where applicable. There are also provisions for exceptions and non-conforming lots, uses, and structures herein.

SECTION 6 - JF-JESSENLAND FLOOD PLAIN DISTRICT

Subdivision 1. Findings of Fact.

1. The flood hazard areas of Jessenland Township are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. Methods used to analyze flood hazards. This ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

3. Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in paragraph #1 by provisions contained herein.

Subdivision 2. General Provisions.

1. Lands to which this section applies. This section shall apply to all lands within the jurisdiction of Jessenland Township shown on the official zoning map as being located within the boundaries of the floodway, flood fringe, or general flood plain districts.

2. Establishment of Official Zoning Map. The Official Zoning Map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The attached material shall include: 1) the Flood Insurance Study for Sibley County prepared by the Federal Emergency Management Agency; 2) Flood Insurance Rate Map Panels that apply to Jessenland Township and are the most current. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.

3. Regulatory flood protection elevation. The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

4. 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.

5. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical

evidence.

6. This paragraph intentionally left blank.

7. 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.

8. Warning and disclaimer of liability. This ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of Jessenland Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

9. 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.

Subdivision 3. Subdistricts.

There shall be three sub districts within the Flood Plain District, namely: Floodway District (FW), Flood Fringe District (FF), and General Flood Plain District. (GFP).

1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map.

2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as being within Zone AE but being located outside of the floodway.

3. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map.

4. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses as provided in Subdivisions 4, 5, and 6 that follow, shall be prohibited. In addition:
   a. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically SECTION 6, Subdivision 9:

   b. Modification, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically SECTION 16.

c. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in SECTIONS 15, 17 and 19 of this Ordinance.

d. Other additional regulations are found in SECTIONS 15, 17 and 19 of this Ordinance.

Subdivision 4. Floodway District (FW).

1. Permitted Uses: The following are permitted uses in the floodway district.
   a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.

   b. Industrial-commercial loading areas, parking areas, and airport landing strips.

   c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

   d. Residential lawns, gardens, parking areas, and play areas.

2. Standards for Floodway Permitted Uses:
   a. The use shall have a low flood damage potential.

   b. The use shall be permissible in the underlying zoning district if one exists.

   c. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

3. Conditional Uses: The following are conditional uses in the floodway district:
   a. Structures accessory to the uses listed in Paragraph 1 above and the uses listed in subparts b to h below.

   b. Extraction and storage of sand, gravel and other materials

   c. Marinas, boat rentals, docks, piers, wharves, and water control structures.

   d. Railroads, streets, bridges, utility transmission lines, and pipelines.

   e. Storage yards for equipment, machinery, or materials.

   f. Placement of fill.

   g. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type, campgrounds, subject to the exemptions and provisions of this ordinance.

h. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to less than the 10-year frequency flood event.

4. Standards for Floodway Conditional Uses:
   a. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reaches affected.

   b. All floodway Conditional Use requests shall be subject to the procedures and standards contained in SECTION 15 of this Ordinance.

   c. The Conditional Use shall be permissible in the underlying zoning district if one exists.

   d. Fill:
      1) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
      2) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
      3) As an alternative, and consistent with Subsection (2) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be recorded or title registered with the property in the Office of the County Recorder or Registrar.

   e. Accessory Structures:
      1) Accessory structures shall not be designed for human habitation.
      2) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood water. (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and (b) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
      3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

(a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
(b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

f. Storage of Materials and Equipment:
   1) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
   2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

g. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

h. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both side of a stream.

Subdivision 5 Flood Fringe District (FF).

1. Permitted Uses: Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or use of a structure or land shall be a Permitted Use in the Flood Fringe provided such use does not constitute a public nuisance. All Permitted Uses shall comply with the standards for flood fringe permitted uses listed in paragraph 2 below and the standards for all flood fringe uses listed in paragraph 5 below.

2. Standards for Flood Fringe Permitted Uses:
   a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

   b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood proofed in accordance with the provisions of SECTION 6, Subdivision 4, paragraph 4, subpart e(3).

   c. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with subpart a, above of

this ordinance.

d. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

e. The provisions of paragraph 5 below of this Ordinance shall apply.

3. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with paragraph 2, subparts a and b, above or any use of land that does not comply with the standards in paragraph 2, subparts c and d, above shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in paragraph 4 below and SECTION 15 of this Ordinance.

4. Standards for Flood Fringe Conditional Uses:
   a. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure: 2) it is designed to internally flood and is constructed with flood resistant materials: and 3) it is used solely for parking vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
      1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
      2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
         a) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
         b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

   b. Basements, as defined by SECTION 6, Subdivision 2, Paragraph 10 of this Ordinance, shall be subject to the following:
      1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
      2) Non-residential basements may be allowed below the Regulatory Flood Protection

Elevation provided the basement is structurally dry flood proofed in accordance with Paragraph 4, subpart c, below of this Ordinance.

c. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

d. When at any time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the Town is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.

e. Storage of Materials and Equipment:
   1) The storage or processing of materials that are in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
   2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

f. The provisions of Paragraph 5 below of this Ordinance shall also apply.

5. Standards for All Flood Fringe Uses:
   a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation.

      If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

   b. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.

c. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subpart b above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

f. Standards for travel trailers and travel vehicles are contained in subdivision 9, #3 of this SECTION.

g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subdivision 6. General Flood Plain District (GFP).

1. Permissible Uses: The following are permitted uses in the general flood plain district:

   a. The uses listed in SECTION 6, Subdivision 4, Paragraph 1 of this Ordinance shall be permitted uses.

   b. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Paragraph 2 below. SECTION 6, Subdivision 4 shall apply if the proposed use is in the Floodway District and SECTION 6, Subdivision 5 shall apply if the proposed use is in the Flood Fringe District.

2. Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.

   a. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is

deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

1) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information.
2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
   1) Estimate the peak discharge of the regional flood.
   2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
   3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than one-half (0.5) foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

c. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of SECTION 6, Subdivisions 4 and 5 of this Ordinance.

<u>Subdivision 7. Subdivisions.</u>

1. Review Criteria: No land shall be subdivided for development which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All development shall have water and sewage treatment facilities that comply with the provisions

of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all development in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required drawings and platting documents.

2. Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in SECTION 6, Subdivision 6, of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the development site.

3. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

Subdivision 8. Public Utilities, Railroads, Roads and Bridges.

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with SECTION 6, Subdivisions 4 and 5 of this Ordinance. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

3. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided:
   a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
   b. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this SECTION.

Subdivision 9. Manufactured Homes and Manufactured Home Parks and Placement of Travel Vehicles.

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by SECTION 6, Subdivision 7 of this Ordinance.

2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with SECTION 6, Subdivision 5 or this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with SECTION 6, Subdivision 5, Paragraph 5, subpart a, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
   a. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

3. Travel trailers and travel vehicles that do not meet the exemption criteria specified in subpart a below shall be subject to the provisions of this Ordinance and as specifically spelled out in subparts c to d below.
   a. Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section b below and further they meet the following criteria:
      1) Have current licenses required for highway use.
      2) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
      3) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

   b. Areas Exempted for Placement of Travel/Recreational Vehicles:
      1) Individual lots or parcels of record.
      2) Existing commercial recreational vehicle parks or campgrounds.
      3) Existing condominium type associations.

   c. Travel trailers and travel vehicles exempted in subpart a above lose this exemption when development occurs on the parcel exceeding five hundred dollars ($500.00) for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restricts specified in SECTION 6, subdivision 5, paragraph 5, subpart a of this Ordinance.

   d. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
      1) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with SECTION 6, subdivision 5, paragraph 5, subpart a of this

Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

2) All new or replacement travel trailers or travel vehicles not meeting the criteria of (1) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of SECTION 15 of this Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with SECTION 6, Subdivision 8, Paragraph 3 of this Ordinance.

SECTION 7 - JS-1 JESSENLAND SPECIAL PROTECTION SHORELANDS DISTRICT

Subdivision 1. Purpose.

The intent of the JS-1 JESSENLAND SPECIAL PROTECTION SHORELAND DISTRICT is to guide the wise development, continued agricultural uses and utilization of shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety and welfare of all public waters in the unincorporated areas of the Town. Further, the purpose of this district is to manage areas unsuitable for development due to wet soils, steep slopes, or large areas of exposed bedrock; and to manage areas of unique natural and biological characteristics in accordance with compatible uses.

Subdivision 2. Permitted Uses.

1. Agricultural, including farm dwellings and agricultural buildings but not including either agricultural or commercial feedlots.

2. One family dwellings on existing sites.

3. Parks and waysides, wildlife management, preserves, trails (not overnight camping).

4. Flood control and watershed structures.

5. Home occupations, Level 1.

6. Accessory uses.

7. Solar production, up to forty (40) kW, regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 3. Conditional Uses.

1. One (1) family dwelling and temporary dwellings.

2. Non-residential structures used solely in conjunction with raising wild animals, fur bearing animals

or fish provided the structures are of a design approved by the Town board as being compatible with other general allowable uses of the district.

3. Additions to existing feedlots.

4. Farming colonies, but no new feedlots.

5. Home occupations, Level 2.

6. Campgrounds, and organized group camps as regulated by Shoreland PUD standards.

7. Outdoor related commercial recreation, including golf courses, shooting ranges, riding stables but not swimming pools.

8. Any open pit, excavation or impoundment of water- five (5) feet and deeper.

9. Hunting shacks.

10. Bed and Breakfast Facility.

11. Churches, cemeteries, schools and public buildings.

12. Kennels.

13. Essential services.

Subdivision 4. District Regulations.

1. Height Regulations:
   a. No Agricultural structure shall exceed one hundred fifty (150) feet in height.
   b. No Other structure shall exceed thirty-five (35) feet in height.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of two hundred (200) feet from the center line of any public road or highway.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side Yard Regulations:
   There shall be a side yard having a width of not less than sixty (60) feet on each side of a building.

4. Rear Yard Regulations:
   There shall be a rear yard having a depth of not less than sixty (60) feet.

5. Lot Area Regulations:
   a. New lots shall contain a minimum of forty (40) acres.

b. Lots using existing sites shall contain a minimum of two (2) acres.

6. Lot Width and Depth Regulations:
   Every lot shall have a minimum width of not less than two hundred (200) feet at the building setback line and shoreline and have a minimum depth of two hundred (200) feet.

7. Dwelling Regulations:
   All dwellings except temporary dwellings must be at least twenty (20) feet wide and on a permanent foundation.

8. Distance Between Dwellings:
   There shall be a minimum distance of two hundred fifty (250) feet between dwellings.

9. Slopes:
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan.
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

SECTION 8 - JS-2 JESSENLAND RESIDENTIAL-RECREATION SHORELAND DISTRICT

Subdivision 1. Purpose.

The intent of the JS-2 JESSENLAND RESIDENTIAL-RECREATION SHORELAND DISTRICT is to guide continued agriculture uses and to preserve areas which have natural characteristics suitable for both passive and active recreational usage. Also it is the intent of this district to manage areas suitable for residential development or a low density nature.

Subdivision 2. Permitted Uses.

1. Parks, waysides, historical sites, wildlife management, preserves, trails (not including overnight camping).

2. Agriculture, including farm dwellings and agricultural buildings but not including either agricultural or commercial feedlots.

3. One family dwellings on existing sites.

4. Flood control and watershed structures.

5. Home occupations, Level 1.

6. Accessory uses.

7. Solar production, up to forty (40) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 3. Conditional Uses.

1. One family dwellings and temporary dwellings.

2. Residential planned unit developments.

3. Home occupations, Level 2.

4. Outdoor related commercial recreation including golf courses, stables and swimming pools but not shooting ranges.

5. Churches, cemeteries, school and public buildings.

6. Campgrounds and organized camps as regulated by Shoreland PUD standards.

7. Hunting shacks.

8. Bed and breakfast facility.

9. Additions to existing feedlots.

10. Farming colonies but no new feedlots.

11. Kennels.

12. Medical facilities and nursing homes.

13. Open pit, excavation or impoundment of water, five (5) feet and deeper.

14. Essential services.

Subdivision 4. District Regulations.

1. Height Regulations:
   a. No agriculture structures shall exceed one hundred fifty (150) feet in height.
   b. No other structure shall exceed thirty-five (35) feet in height.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of two hundred (200) feet from the centerline of any public road or highway.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side Yard Regulations:
   There shall be a side yard having a width of not less than sixty (60) feet on each side of a building.

4. Rear Yard Regulations:
   There shall be a rear yard having a depth of no less than sixty (60) feet.

5. Lot Area Regulations:
   a. New lots shall contain a minimum of ten (10) acres.
   b. Lots using existing sites shall contain a minimum of two (2) acres.

6. Lot Width and Depth Regulations:
   Every lot shall have a minimum width of not less than two hundred (200) feet at setback line and shoreline and have a minimum depth of two hundred (200) feet.

7. Dwelling Regulations:
   All dwellings, except temporary dwellings, must be at least twenty (20) feet wide and on a permanent foundation.

8. Slopes:
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan.
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

9. Distance Between Dwellings:
   There shall be a minimum distance of two hundred fifty (250) feet between dwellings

SECTION 9 - JC-JESSENLAND CONSERVATION AND AGRICULTURE DISTRICT

Subdivision 1. Purpose.

The intent of the JC JESSENLAND CONSERVATION AND AGRICULTURE DISTRICT is to provide a district based on topographic, physiographic and soil conditions that will:

1. be protective of the better agriculture lands in Jessenland Township from non-farm influences;
2. retain major areas of natural ground cover for conservational purposes;
3. prevent scattered non-farm growth;
4. secure economy in governmental expenditures for public services, utilities and schools;
5. deter abuse of water resources and
6. conserve other natural resources of the Town.

Subdivision 2. Permitted Uses.

1. Agriculture, including one farm dwelling per site and agricultural buildings but not including agricultural feedlots with fifty (50) or more animal units or commercial feedlots.
2. Parks, waysides, historical sites, wildlife management, preserves, trails (not including overnight camping).
3. Flood control and watershed structures.
4. One family dwellings on existing sites.
5. Communication towers with a height of one hundred fifty (150) feet or less.
6. Home occupations, level 1.
7. Accessory uses.
8. Solar production, up to forty (40) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 3. Conditional Uses.

1. One and two family dwellings, residential PUD's, and temporary dwellings.
2. Commercial recreational sites or facilities, including, but not limited to golf courses, riding stables, shooting ranges but not swimming pools.
3. Kennels.
4. Organized group camps and campgrounds.
5. Churches, cemeteries, schools and public buildings.
6. Home occupations, Level 2.
7. Agriculture related business and service and contractor yards.
8. Organized Farm colonies.
9. Any structures higher than one hundred fifty (150) feet.
10. Agricultural feedlots with fifty (50) or more animal units.
11. Extraction of minerals.
12. Hunting shacks.
13. Bed and breakfast facility.
14. Open pit, excavation or impoundment of water – five (5) feet and deeper.
15. Essential services.
16. Solar production, forty-one (41) kW to one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision19, Solar Production.
17. Solar production, greater than one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 4. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations:
   a. No agricultural structures shall exceed one hundred fifty (150) feet in height.
   b. No other buildings shall exceed thirty-five (35) feet in height.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of two hundred (200) feet from the centerline of any public road or highway.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side Yard Regulations:
   There shall be a side yard having a width of not less than sixty (60) feet on each side of a building.

4. Rear Yard Regulations:
   There shall be a rear yard having a depth of not less than sixty (60) feet.

5. Distance Between Dwellings
   There shall be a minimum distance of two hundred fifty (250) feet between dwellings.

6. Lot Area Regulations:
   a. New lots shall contain a minimum of ten (10) acres.

b. Lots using existing sites, and a lot of record prior to 2001, shall contain a minimum of two (2) acres.
c. Two family dwellings shall have lot sizes that are one hundred fifty (150) percent larger than the one family lot area requirement.

7. Lot Width and Depth Regulations:
   Every lot shall have a minimum width of not less than two hundred (200) feet at the building setback line and a minimum depth of not less than two hundred (200) feet.

8. Dwelling Regulations
   All dwellings, except temporary dwellings, must be at least twenty (20) feet wide and on a permanent foundation.

9. Slopes
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan.
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

SECTION 10 - JA-JESSENLAND GENERAL AGRICULTURAL DISTRICT

Subdivision 1. Purpose.

The JA JESSENLAND AGRICULTURAL DISTRICT is intended to provide a district that will:

1. allow suitable areas of Township to be retained in agriculture use;
2. prevent scattered, non-farm development;
3. secure economy in governmental expenditures for public services, utilities and schools; and
4. discourage non-farm growth.

Subdivision 2. Permitted Uses.

1. Agriculture, including one dwelling per site and agricultural buildings and agricultural feedlots with less than six hundred (600) animal units.
2. One family dwellings on existing sites.
3. Parks, waysides, historical sites, wildlife management, preserves and trails (not including overnight camping).
4. Communication towers with a height of one hundred fifty (150) feet or less.
5. Home occupations, Level 1.
6. Flood control and watershed structures.
7. Road Material Crushing, as regulated by SECTION 14 - General Provisions.
8. Accessory uses.
9. Agricultural related business and service.
10. Solar production, up to forty (40) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 3. Conditional Uses.

1. Outdoor related commercial recreation, including golf courses, riding stables, shooting ranges but not commercial swimming pools.
2. Organized group camps and campgrounds.
3. One family dwellings on new sites and temporary dwellings.
4. Churches, cemeteries, schools and public buildings.
5. Home occupations, Level 2.
6. Open pit, excavation or impoundment of water – five (5) feet and deeper.
7. Agricultural feedlots with six hundred (600) or more animal units, commercial feedlots, and offsite manure stockpiling.
8. Agriculture related industry.
9. Kennels.
10. Any structures over one hundred fifty (150) feet in height.
11. Extraction of minerals.
12. Medical facilities and nursing homes.
13. Organized Farm Colonies.
14. Bed and breakfast facility.
15. Composting facility, subject to the regulations in SECTION 14.
16. Contractor yards.
17. Essential services.
18. Solar production, forty-one (41) kW to one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.
19. Solar production, greater than one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 4. Height, Yard, Area and Lot Width and Depth Regulations.

1. Height Regulations.
   a. No agricultural structures shall exceed one hundred fifty (150) feet in height.
   b. No other buildings shall exceed thirty-five (35) feet in height.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of two hundred (200) feet from the centerline of any public road or highway.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side Yard Regulations:
   There shall be a side yard having a width of not less than sixty (60) feet on each side of a building.

4. Rear Yard Regulations:
   There shall be a rear yard having a depth of not less than sixty (60) feet.

5. Distance Between Dwellings
   There shall be a minimum distance of two hundred fifty (250) feet between dwellings.

6. Lot Area Regulations:

a. New lots shall contain a minimum of forty (40) acres.
b. Lots using existing sites, and a lot of record prior to 2001, shall contain a minimum of two (2) acres.

7. Lot Width and Depth Regulations:
   Every lot shall have a minimum width of not less than two hundred (200) feet at the building setback line and a minimum depth of not less than two hundred (200) feet.

8. Dwelling regulations
   All dwellings, except temporary dwellings, must be at least twenty (20) feet wide and on a permanent foundation.

9. Slopes
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan.
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

SECTION 11 - JR-JESSENLAND SUBURBAN RESIDENCE DISTRICT

Subdivision 1. Purpose.

The JR-1 JESSENLAND SUBURBAN RESIDENCE DISTRICT is intended to provide a district that will allow medium density residential development and on-lot utilities in areas where municipal utilities are not available in the near future and an agriculture/residential mix land use pattern exists or trends point so due to the topography and recent growth patterns.

SECTION 14, Subdivision 18 (the "Land Protection Section") shall apply to all parts of this section. That Section requires conservation easement placement on three times the acreage of the suburban residence development district proposed. This shall be referred to as the 'Permanent Conservation Easement' acreage of the development.

Subdivision 2. Permitted Uses.

The following uses shall be permitted within the R-1 RESIDENCE DISTRICT:

1. One family detached dwellings.
2. Parks, waysides, historical sites, wildlife management, preserves and trails (not including overnight camping).
3. Home occupations, level 1.
4. Flood control and watershed structures.
5. Agriculture, except feedlots.
6. Accessory uses.
7. Solar production, up to forty (40) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 3. Conditional Uses.

1. Temporary dwellings and two family dwellings.

2. Churches, schools and cemeteries
3. Essential services and public buildings
4. Home occupation, level 2
5. Commonly owned swimming pools and tennis courts
6. Railroad rights-of-way, but not including railroad yards.
7. Solar production, forty-one (41) kW to one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.
8. Solar production, greater than one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 4. District Regulations.

1. Height Regulations:
   No buildings hereafter erected or altered shall exceed thirty-five (35) feet in height.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of two hundred (200) feet from the centerline of any public road or highway.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side Yard Regulations:
   There shall be a side yard having a width of not less than sixty (60) feet on each side of a building.

4. Rear Yard Regulations:
   There shall be a rear yard having a depth of not less than sixty (60) feet.

5. Lot Area Regulations:
   Every lot shall contain a minimum area of two (2) acres.

6. Lot Width and Depth Regulations:
   Every lot or plot of land on which a dwelling is erected shall contain a width of not less than two hundred (200) feet and a depth of not less than two hundred (200) feet.

7. Dwelling Regulations
   All dwellings, except temporary dwellings, must be at least twenty (20) feet wide and on a permanent foundation.

8. Slopes
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan.
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

9. Covenant Regulations.

All covenants, restrictive covenants or other restrictions to be placed against real property within the JR-SUBURBAN RESIDENCE DISTRICT at the time of platting or subdivision, or within two (2) years thereof, shall be submitted for approval to the Town Planning and Zoning Commission and Town Board, and upon approval can be recorded.

10. Administrative Procedure:
    a. The proponents of a development shall submit a preliminary subdivision plat and a site plan, along with an application for a Conditional Use Permit to the Town Planning and Zoning Commission and Town Board. Such preliminary plat and site plan shall conform to the provisions of this Ordinance and the County Subdivision Regulations. Such site plan shall show:

        1) Proposed sanitary sewer and water system, including size, type and capacity.
        2) Proposed roadway, type and capacity of paving.
        3) The proposed site and existing adjacent development.
        4) Size and location of buildings.
        5) Landscaping.
        6) Parking areas and arrangement of stalls.
        7) Site and lot dimensions.
        8) Allocation and disposition of park and open space.
        9) Type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two family units.
        10) Location, type, size and signing.

    b. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a resubmission to, and approval by, the Town Planning and Zoning Commission and the Town Board.

    c. If the Conditional Use Permit is approved, the final plat shall be submitted to the County in accordance with the County Subdivision Regulations and the provisions of this Ordinance.

<u>Subdivision 5. Planned Unit Developments.</u>

1. Purpose:
   The purpose of this Subdivision is to make provision for planned unit projects within the JR RESIDENCE DISTRICT for larger tracts of land under single or unified ownership developed with community or public sewer and water systems, such residential subdivision unit projects to allow modification of individual lot area and width requirements and to allow multiple dwellings and mobile home parks. Residential subdivision unit projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the Sibley County Subdivision Regulations. Such project shall be consistent with the intent and purpose of this Ordinance and shall not adversely affect the property adjacent to the land included in the project.

2. Regulations

a. The minimum area of land to be included in a planned unit development project shall be twenty (20) acres.

b. The planned unit development project shall be served by public or community water systems and by public or community sewer systems.

c. With the exception of individual lot area and frontage requirements, the planned unit development project shall conform to the density requirements of the R-1 RESIDENCE DISTRICT, two (2) units/acre.

d. The planned unit development project shall have a minimum individual lot size of:
   1) A front yard setback of not less than fifty (50) feet from the right-of-way line of any public roadway except that it shall be one hundred (100) feet from any expressway.
   2) A side yard of not less than ten (10) feet.
   3) A minimum rear yard of not less than forty (40) feet in depth.
   4) A width of not less than sixty (60) feet for single family and ninety (90) feet for multiple or two (2) family dwellings.
   5) An average depth of not less than one hundred twenty (120) feet for single family and multiple or two (2) family dwellings.
   6) An area of not less than:
      a) Nine thousand (9,000) square feet for single family dwellings.
      b) Nine thousand (9,000) square feet for the first unit plus two thousand (2,000) square feet for each additional unit in a multiple dwelling.

3. Administrative Procedure:
   a. The proponents of a planned unit development shall submit a preliminary subdivision plat and a site plan, along with an application for a Conditional Use Permit to the Town Planning and Zoning Commission and Town Board. Such preliminary plat and site plan shall conform to the provisions of this Ordinance and the County Subdivision Regulations. Such site plan shall show:
      1) Proposed public or community sanitary sewer and water system, including size, type and capacity.
      2) Proposed roadway, type and capacity of paving.
      3) The proposed site and existing adjacent development.
      4) Size and location of buildings.
      5) Landscaping.
      6) Parking areas and arrangement of stalls.
      7) Site and lot dimensions.
      8) Allocation and disposition of park and open space.
      9) Type of use and density of each building, including a relief drawing of the general building design or theme intended for all buildings other than single and two family units.
      10) Location, type size and signing.

   b. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and site plan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a resubmission to, and approval by, the Town Planning and Zoning Commission and the Town Board.

c. If the Conditional Use Permit is approved, the final plat shall be submitted to the County in accordance with the County Subdivision Regulations and the provisions of this Ordinance.

Subdivision 6. Cluster Option to Planned Unit Development.

1. Introduction:
   Jessenland Township, Sibley County, Minnesota has determined that it is in the best interest of its citizens and the physical and natural landscape of the governed area, for an optional ordinance to be in place to accommodate subdivision development. This zoning ordinance for rural cluster development, which may also be referred to as open space subdivisions, is intended to be used as an option to SECTION 11 Subdivisions 1-5 JESSENLAND SUBURBAN RESIDENCE DISTRICT (adopted July, 2017). Competent legal, planning, and engineering assistance should be sought when determining feasibility and technical application.

   The Land Protection Section (SECTION 14, Subdivision 18 of this Ordinance) shall apply to all parts of this Section. That section requires permanent conservation easement placement on three times the acreage of the suburban residence development or planned unit development proposed. This shall be referred to as the 'Project Permanent Conservation Easement' acreage of the development. Permanent conservation easement acreage does not apply to the common open space requirement of the suburban residence district or planned unit development.

   The Lot Averaging and Density Exchange Options are included in the optional cluster zoning ordinance. The use of one or both of these Subsections is intended to improve the design flexibility and serve the policy objectives of the district for rural landscape preservation.

2. Purpose:
   The purpose of the Optional Cluster Development Ordinance for Planned Unit Development and Suburban Residence Development ("Cluster Option" or "option") is to offer an option to conventional Planned Use Subdivision regulations in accordance with overall Township provisions. This Cluster Option applies to Subdivisions in the JC-Conservation District and the JA-General Agriculture Districts and does not require re-zoning. Provisions in this Option apply to larger tracts of land, community sewer and water systems and preservation of valued tracts of highly productive agricultural land and/or common open space. Such development projects shall be developed in accordance with the Jessenland Township Community-Based Plan and Subdivision Regulations. This Ordinance is intended to increase flexibility within the subdivision and maximize overall land and wildlife protection. Projects made pursuant to this Ordinance shall be consistent with the intent and purpose of this Ordinance and shall not adversely affect the property adjacent to the land included in the project.

3. Intent:
   The intent of the Cluster Option is to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open- space setting, located and designed in a way that reduces the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:

a. To maintain and protect the Town's rural character by preserving important landscape elements, including those areas containing unique and environmentally-sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, critical species habitat, and natural areas.

b. To preserve scenic views and to minimize views of new development from existing streets.

c. To provide for the unified and planned development of parcels twenty (20) acres or larger in size for clustered, single-family, low-density residential uses, incorporating large areas of permanently-protected common open space.

d. To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of rural landscape elements, scenic quality, and overall aesthetic value of the landscape.

e. To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.

f. To create groups of dwellings with direct visual and physical access to common open space.

g. To permit active and passive recreational use of common open space by residents of a cluster development or by the public.

h. To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.

i. To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.

j. To permit various means for owning common open space and for protecting it from development in perpetuity.

k. To create an attitude of stewardship, or caring, for the land within common open space by requiring a land management, or stewardship, plan for the common open space.

l. To implement the objectives of the adopted Township Comprehensive Plan, or elements thereof.

4. Principal Permitted Uses:
   a. Single family residential uses as follows:
      1) Clustered single-family detached dwellings, with at least forty (40) percent of the gross development parcel in common open space.
      2) Single-family farmstead dwellings with or without associated agricultural structures such as barns, silos, storage sheds, and stables.

b. Agricultural activities including:
   1) The cultivation, harvesting, and sale of crops and related products produced on the farm.
   2) The raising and sale of livestock or fowl, with associated pasture and barnyards.
   3) Owning, operating, and maintaining orchards, nurseries, greenhouses, and engaging in related horticultural uses.
   4) Growing and sale of Christmas trees.
   5) Owning, operating, and maintaining agricultural structures such as barns, silos, storage sheds, and stables.

c. Community living arrangements, and community-based residential facilities (CBRF), which have a capacity for eight (8) or fewer persons.

d. Common open space uses, primarily passive in nature, include wildlife sanctuaries, forest preserves, nature centers, trails, picnic areas, ball fields and similar uses. Note: common open space shall be the area within the developed cluster area required to remain un-built. Undeveloped lots do not count as common open space. The required 'project permanent conservation easement' area shall be that protected area required of the entire site outside of the clustered residential development area.

e. Conservation of natural features in their existing state.

f. Stormwater management facilities for the proposed development, including detention and retention basins.

g. Essential services.

h. The following uses are permitted in common open space in cluster development:
   1) Uses listed in b, d, e, f, and g above.
   2) Water supply and sewerage facilities for individual lots, groups of lots, or the entire development.
   3) Utility and street rights-of-way except that their land areas shall not count toward the forty (40) percent minimum open space requirement.
   4) Parking areas where necessary to serve active recreation facilities.

5. Accessory Uses:
   a. Attached and detached private garages and storage structures, provided that:
      1) One (1) detached garage, not exceeding eight hundred (800) square feet, shall be permitted.
      2) One (1) detached storage structure, not exceeding five hundred (500) square feet, shall be permitted on a lot, in addition to any attached or detached garage.

   b. Home occupations which are clearly incidental to the principal residential use provided that the requirements of SECTION 14 Subdivision 16 are met.

6. Conditional Uses:
   The following conditional uses may be permitted by the Plan Commission, provided the proposed

use shall not adversely impact the rural character of the district and shall be consistent with the overall objectives of the district as listed in #2, Purpose and #3, Intent.

a. Agricultural uses requiring the installation of new buildings or other structures in the common open space of a cluster development. The total building coverage of such new agricultural buildings or structures shall not exceed ten thousand (10,000) square feet.

b. Commercial storage or other adaptive reuse of barns in order to provide for an adaptive and compatible reuse and promote the preservation of such structures, provided such barns have existed for at least twenty (20) years prior to the effective date of this Ordinance.

c. Recreational uses requiring the installation of new buildings or other structures in the common open space of a cluster development. The total building coverage of such new buildings or structures shall not exceed ten thousand (10,000) square feet.

7. Prohibited Uses:
   a. The use of non-recreational motor vehicles except on public streets and parking areas. Normal, intended uses of maintenance, law enforcement, emergency, and farm vehicles are exempt from this limitation.

   b. Cutting of healthy trees, re-grading, topsoil removal, altering, diverting, or modifying water courses or bodies, except in compliance with an approved land stewardship plan, as described in #16 (Ownership and Maintenance of Common Facilities and Common Open Space) of this subdivision.

   c. Intensive animal feed lot operations. (see SECTION 14, subdivision 13).

8. Administrative Procedure:
   a. Permit applicants under the Cluster Option to the Suburban Residence and Planned Unit Development Subdivision shall submit a preliminary subdivision plat, site plan and the project permanent conservation easement along with the application for Conditional Use Permit to the Jessenland Township Planning Commission and the Town Board. Such preliminary plat, site plan and project permanent conservation easement shall conform to the provisions of the ordinance and Township Subdivision Regulations. Such site plan shall show:
      1) Proposed public and community sanitary sewer and water system, including size, type and capacity;
      2) Proposed roadway, type and capacity of paving;
      3) The proposed site and any existing adjacent development;
      4) Size and location of buildings;
      5) Landscaping;
      6) Parking areas;
      7) Site and lot dimensions;
      8) Allocation and disposition of park and open space;
      9) Type of use and density of each building, including relief drawing of the general building design and theme intended for all buildings other than single and two family units;

10) Location, type size and signing;
11) Location and sizing of the Common Open Space requirement within the proposed developed acreage (development plat); and
12) Location and sizing of the Project Permanent Conservation Easement required in SECTION 14, Subdivision 18 (total project acreage).

b. If the Conditional Use Permit for the preliminary plat and site plan is approved, the preliminary plat and site pan shall be attached to and become a part of the Conditional Use Permit. Any modification to the preliminary plat or site plan will require a re-submission to, and approval by, the Township Planning Commission and the Township Board.

c. If the Conditional Use Permit is approved, the final plat shall be submitted to the Township in accordance with the Township Subdivision's Regulations, Planned Unit Development and the provisions of this ordinance.

9. Open Space Requirements:
All remaining acreage within the subdivision (lots), including undevelopable land shall be designated as common open space for natural habitat, active or passive recreational and forestry uses. Such uses as ball fields, community gardens, parks, etc. shall apply. The open space requirements within the platted development acreage (lots) do not apply to the Land Preservation regulation referred to in SECTION 14, Subdivision 18.

Example: A twenty (20) acre proposed development will have an additional sixty (60) acres of project permanent conservation easement land (ag, forest, CRP, WMA, etc) to comply with SECTION 14, Subdivision 18, ("Land Protection"). Within the twenty (20) acre development there may be ten (10) homes on ten (10) acres and an additional ten (10) acres complying with the Common Open Space requirement, used as ball fields, wetland (fifty (50%) percent), park, picnic area, etc.

a. Designated open space must be contiguous acreage within the platted development area.

b. Not more than fifty (50) percent of designated open space shall be floodplains and/or wetlands.

c. Access to open space for active or passive recreational use shall be provided by one or more streets within the development.

d. Access is not required if open space uses remain agricultural or forestry and if the area contains sensitive habitat where public access should be restricted.

e. Designated open space shall be surveyed and subdivided as a separate parcel.

f. Designated common open space may be restricted from further development by a permanent conservation easement in accordance with Minnesota statutes or by homeowner association agreement, when owned by the association and registered to

the deed with appropriate restrictions.

g. When a permanent conservation easement applies, it 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 or the homeowners association.

h. The permanent conservation easement must specify:
   1) Which entity will maintain the designated open space
   2) The purpose of the conservation easement
   3) The legal description of the land under the easement
   4) The restrictions on the land
   5) To what standards the open space will be maintained; and
   6) Who will have access to the designated open space

i. Ownership of the designated common open space parcel(s), subject to the conservation easement may be held by:
   1) Common ownership association which owns non-open space land within the development and in which membership in the association by all property owners is mandatory;
   2) An individual or group who will use the land in accordance with the permanent conservation easement or deed restriction. (this entity would typically be the developer/owner);
   3) A private non-profit organization that has been designated by the Internal Revenue Service as a qualifying 501 (c) (3) of the Internal Revenue Code;
   4) Jessenland Township or other government entity; or
   5) A combination of entities 1-4 above.

10. Density, Dimensional Standards and Regulation:
    a. The minimum area of land to be included in a Cluster Option to the Planned Unit Development Subdivision shall be twenty (20) acres in JC-Conservation Agriculture District and forty (40) acres in the JA-General Agriculture District. Proposed projects including both districts shall be determined by proportion of each district.

    b. The Cluster Option to the Planned Unit Development Subdivision shall be served by public or community water systems and by public or community sewer systems.

    c. Lot area and size shall be determined by density (see Table A below) and may vary between one-half (1/2) acre and two (2) acres. Lot size shall not exceed two (2) acres and shall maintain a minimum equal to setback requirements.

Table A:

	Planned Unit Development Without Clustering	Cluster Development Projects
Minimum Site Area	20 acres	20 acres
Maximum Density[a]	1 dwelling unit per 2 net buildable acres	1 dwelling unit per 2 net buildable acres
Minimum Lot Area[b]	40,000 square feet	20,000 square feet
Minimum Lot Width	60 feet for single family 90 feet for multiple/two family dwellings	NA
Minimum Front Yard: Except: Front Yard Setbacks as Measured from Expressways	50 feet 150 feet	 40 feet
Minimum Rear Yard	50 feet	40 feet
Minimum Side Yard	20 feet one side; 50 feet total	15 feet one side; 35 feet total
Minimum Average Depth	120 feet for single family And multiple/two family dwellings	NA
Accessory Building Setback[c] From Side Lot Lines From Rear Lot Line	 10 feet 10 feet	 10 feet 10 feet
Minimum Yard or Common Open Space Depth as measured from all streets, public or private, from side and rear lot lines (percentage of net acres)	40%	60%
Minimum Separation between Principal Structures	15 feet	15 feet
Minimum Access to public or Private road (may be shared)	18 feet	18 feet
Maximum Height Principal Structure Non-agricultural Accessory Structures Agricultural Accessory Structures	 35 feet 18 feet 100 feet	 35 feet 18 feet 100 feet
Maximum Building Coverage Per Lot	10 percent	15 percent

[a] *Existing dwellings that will remain on the site shall be included in the calculation of maximum density.*

[b] *For an existing farmstead on a parcel used for cluster development, the minimum lot area shall be five (5) acres or a lot large enough to accommodate all structures within a building envelope created by a one hundred (100) foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to two hundred (200) feet.*

[c] *Accessory buildings shall not be permitted within the front yard.*

11. Separation Distances for Cluster Groups.
    a. The outer boundaries of all cluster groups shall conform to the following separation distances:
        1) From existing or proposed arterial street rights-of-way as defined in the Town Comprehensive Plan: one hundred (100) feet.
        2) From existing scenic highways or rustic roads: one hundred (100) feet.
        3) From all perimeter subdivision boundaries: one hundred (100) feet.
        4) From cropland or pasture land: one hundred (100) feet.
        5) From buildings or barnyards housing livestock: three hundred (300) feet.
        6) From other cluster groups: one hundred (100) feet.
        7) From wetlands, floodplains, or water courses: fifty (50) feet.
        8) From active recreation areas, such as sporting courts or playing fields: one hundred (100) feet.

    b. All separation areas for cluster groups along existing streets shall be landscaped in accordance with #15, Landscaping, in order to block views of new residential development, preserve scenic views, and protect rural landscape character.

    c. The dimensional standards specified in #10, Density, Dimensional Standards and Regulation, clause a. may be reduced under the following circumstances:
        1) The separation distances from existing arterial streets and the perimeter of the subdivision may be reduced to no less than fifty (50) feet if the applicant can demonstrate that existing vegetation or topography or a combination of these form an effective visual screen.
        2) All other separation distances may be reduced by fifty (50) percent if the applicant can demonstrate to the satisfaction of the Planning Commission that such reduced setbacks improve the plan's compliance with the cluster group design standards in #13 below, the Purposes and Intent of this Ordinance, and the objectives of the Town Comprehensive Plan.

12. Calculation of Site Capacity:
    a. For cluster development, the calculation of site capacity, or the number of dwelling units permitted on a site, shall be based on net buildable area (“NBA”) measured in acres and tenths of an acre. The applicant shall determine the NBA using the following method, substantiated by sufficient plans and data to verify the calculations:

        Gross Area of Site: _____ acres

        From the gross area of the site, subtract the following:

        Area of public and/or private streets and other publicly Dedicated improvements (except floodplain and/or wetland, and designated open space areas): _____ acres

        Fifty (50) percent of lands having a slope between twelve (12) and twenty (20) percent: _____ acres

        All of the land area having a slope of twenty (20) percent _____ acres

or greater:

Twenty percent of the area located within a woodland: _____ acres

The result is the net buildable acreage: _____ acres

Net Buildable Area Converted into Square Feet, where one (1) acre equals 43,560 square feet: _____ Square Feet

Divide the NBA by the smallest minimum lot size (square feet) per unit for a dwelling unit permitted in the zoning district. Then round the figure down to the nearest lower number to establish the maximum number of dwelling units permitted in the cluster development _____Maximum No. Units

Note: The Town Planning Commission may approve an increase of up to twenty-five (25) percent of the maximum number of dwelling units in the cluster development if the percent of density bonus is no greater than the percent of gross area of the cluster development that is both set aside and conveyed as common open space and made accessible to the public.

13. Design Standards for Cluster Groups:
    The following standards shall apply to all cluster groups:
    a. All dwelling units shall be grouped into cluster groups, each of which shall be surrounded by common open space.

    b. The maximum number of lots in a cluster group may be increased, and cluster groups may be assembled into larger groupings, with the approval of the Town Board and provided that the applicant can demonstrate that such an alternative plan is more appropriate for the development parcel and will meet both the general intent and design standards of this Ordinance.

    c. A plat may contain one or more cluster groups.

    d. Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and cluster group open space. When the development does not include individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is less than one hundred (100) feet from any unit.

    e. The outer boundaries of each cluster group shall meet the separation distance requirements specified in #11, Separation Distances for Cluster Groups.

    f. Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way is designed as a boulevard.

    g. No cluster group shall contain more than fifteen (15) dwelling units.

h. Cluster groups containing eleven (11) or more dwelling units must provide internal open space at a minimum rate of two thousand (2,000) square feet per dwelling unit, and shall meet the following standards:
   1) Common open space located within cluster groups shall be counted toward meeting the overall sixty (60) percent open space requirement.

   2) The open space shall be configured as a cul-de-sac island, an island within a larger loop or an “eyebrow” (a semi-circular loop), an island in a boulevard street, or a common green area. Common green areas surrounded by lots on up to three (3) sides shall be designed as a space for common use by all residents within the cluster group.

   3) The open space shall have a minimum street frontage of one hundred twenty-five (125) feet.

   4) Internal open space may contain parking areas, but parking areas shall not be included in the required two thousand (2,000) square feet of internal open space per dwelling unit.

i. All lots in a cluster group shall take access from interior streets.

j. All lots in a cluster group shall abut common open space to the front or rear. Common open space across a street shall qualify for this requirement.

k. In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than twenty (20) percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and private onsite waste treatment system.

14. Design Standards for Common Open Space:
On all parcels developed under the cluster development regulations, forty (40) or sixty (60) percent of the net land area shall be set aside as protected common open space in planned unit development without clustering or sixty (60) percent of the net land area in cluster development projects (see #10, Density and Dimensional Standards). This open space shall meet the following standards:
   a. For the purposes of this Subsection, gross land area includes all lands within the parcel, except existing street, railway, and utility rights-of-way.

   b. Common open space shall comply with the following design standards:
      1) The location of common open space shall be consistent with the objectives of the Town Comprehensive Plan.

      2) All open space areas shall be part of a larger continuous and integrated open space system within the parcel being developed. At least seventy-five (75) percent of the common open space areas shall be contiguous to another common open space area. For the purposes of this Subsection, areas shall be considered contiguous if they are within

one hundred (100) feet of each other and there are no impediments to access between the areas.

3) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Ordinance.

4) Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by natural resource professionals and in compliance with a Town-Planning-Commission- approved land stewardship plan. Permitted modifications may include:
   a) Woodland management.
   b) Reforestation.
   c) Meadow management.
   d) Wetlands management.
   e) Streambank protection.
   f) Buffer area landscaping.

5) All wetlands, floodplains, wildlife habitat areas, slopes over eighteen (18) percent, one hundred (100) percent of lowland environmental corridor, and a minimum of eighty (80) percent of upland primary environmental corridors shall be contained in common open space.

6) The common open space shall maximize common boundaries with existing or future open space on adjacent lands, as shown in the Town or County Comprehensive Plans.

7) To preserve scenic views, ridge tops and hilltops should be contained within common open space wherever possible. Trees shall not be removed from ridge tops or hill tops.

8) A minimum of eighty (80) percent of the area of existing woodlands shall be contained within common open space. Up to twenty (20) percent of the area of existing woodlands may be located within lots or used for residential development. This limitation may be exceeded under the following conditions:
   a) The site is primarily wooded and development at the permitted density would not be possible without encroaching further into the woodlands; or
   b) Any encroachment on woodlands beyond twenty (20) percent shall be the minimum needed to achieve the maximum permitted density, as determined by the Town Board.

9) No area of common open space shall be less than thirty (30) feet in its smallest dimension or less than ten thousand (10,000) square feet in area, with the exception of landscape islands as described in #13, clause h.2. Open space not meeting this standard shall not be counted toward the total required sixty (60) percent common open space.

10) The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other

landscape features should be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences, are used, they shall be the minimum needed to accomplish this objective.

11) Trails in common open space that are located within fifty (50) feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.

12) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.

13) Common open space shall include lands located along existing public streets in order to preserve existing rural landscape character as seen from these streets, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

c. Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
   1) At least one (1) access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than fifty (50) feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Section.

   2) Access to permanent easement space used for agriculture may be restricted for public safety and to prevent interference with agricultural operations.

d. The following areas shall not be included in the calculation of common open space areas:
   1) Private lot areas.
   2) Street and highway rights-of-way, public or private.
   3) Railway and utility rights-of-way.
   4) Parking areas.
   5) Areas not meeting the requirements of #14 clause b.9.

15. Landscaping:
   a. Preservation of Existing Natural Landscape.
      1) For the purpose of conserving the natural landscape and in recognition of the time value of existing vegetation, the preservation of existing vegetation shall always be preferred to the installation of new plant material.

      2) Existing woodlands and hedgerows shall be retained to the maximum extent possible. Where possible, existing woodlands and hedgerows shall be incorporated into the required separation areas between cluster groups and external streets and site boundaries.

3) Suitable existing vegetation shall be credited toward the landscaping requirements of this Section, when, in the opinion of the Town Board, it would equal or exceed the visual impact of the new required plant material after two years of growth.

4) All new landscaping to be installed and existing vegetation to be preserved shall be protected in accordance with the methods specified in the applicable Township and County ordinances, Land Division Control Ordinance or other applicable Town ordinances.

b. Street Trees
   1) Street trees shall be planted along internal streets within cluster groups.

   2) Street trees may be planted, but are not required, along internal streets passing through common open space.

   3) Informal arrangements are encouraged for street trees, to avoid the urban appearance that regular spacing may invoke.

   4) Street trees shall be located so as not to interfere with the installation and maintenance of utilities and paths, trails, or sidewalks that may parallel the street.

   5) The species of street trees shall be selected from the "List of Recommended Species for Landscaping" provided by the developer and adopted by the Town Board.

c. Buffers
   1) A planted buffer area at least twenty-five (25) feet in width shall be established within all required separation areas between external streets and cluster groups.

   2) Planted buffers within separation areas between cluster groups are encouraged to enhance privacy and a rural appearance between lots.

   3) Buffers consisting of an informal arrangement of native plant species combined with infrequent mowing are strongly encouraged, to create a low-maintenance, natural landscape.

16. Ownership and Maintenance of Common Facilities and Common Open Space:
    To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, common parking areas and driveways, private streets, and other common or community facilities (hereinafter referred to as common facilities), the following regulations shall apply:
    a. Ownership.
       The following methods may be used, either alone or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to one or more of the following:

       1) Homeowners Association.

Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein:

a) The applicant shall provide to the Town a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. Such documents shall be approved as to form by the Town Attorney.
b) The organization shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development.
c) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
d) The organization shall be responsible for maintenance and insurance of common facilities.
e) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
f) The organization shall have or hire adequate staff to administer, maintain, and operate common facilities.
g) The applicant for any cluster subdivision or development proposed to contain common facilities shall arrange with the Town Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities.
h) Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Town at least thirty (30) days prior to such event.

2) Condominium Agreements.

Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved as to form by the Town Attorney and shall comply with the requirements Minnesota Statutes. All common open space and other common facilities shall be held as “common elements” by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

3) Fee simple dedication to a public agency.

The Town or other public agency acceptable to the Town may, but shall not be required to, accept any portion of the common facilities, provided that:

a) There shall be no cost of acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
b) Any facilities so dedicated shall be accessible to the residents of the Town, if the Town so chooses.
c) The Town or other public agency shall maintain such facilities.
d) The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in

perpetuity.

4) Dedication of conservation easements to a public agency.
   The Town or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
   a) There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
   b) A satisfactory maintenance agreement shall be reached between the owner and the Town.
   c) Lands under a Town easement may or may not be accessible to residents of the Town.

5) Fee simple dedication to a nonprofit conservation organization.

   With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
   a) The organization is acceptable to the Town.
   b) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
   c) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with #16.b, Ownership and Maintenance of Common Facilities and Common Open Space.

6) Dedication of conservation easements to a nonprofit conservation organization. With the approval of the Town Board, an owner may dedicate conservation easements on any portion of the common facilities to a nonprofit conservation organization, provided that:
   a) The organization is acceptable to Town.
   b) The conveyance contains appropriate provisions for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
   c) A maintenance agreement acceptable to the Town is established between the owner and the organization, in accordance with #16.b, Ownership and Maintenance of Common Facilities and Common Open Space.

7) Ownership retained by the original landowner.

   Ownership of common open space and facilities may be retained by the original landowner provided that:
   a) The Town and residents of the development shall hold conservation easements on the land protecting it from any further development.
   b) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

8) Other methods acceptable to the Town Board upon recommendation by the Town

Attorney.

b. Maintenance and operation of common facilities.
   1) A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to preliminary plat approval. Such plan shall:
      a) Define ownership.
      b) Establish necessary regular and periodic operation and maintenance responsibilities.
      c) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
      d) Include a Land Stewardship Plan specifically focusing on the long- term management of open space lands. A draft Land Stewardship Plan shall be submitted with a preliminary plat, and a final Plan shall be submitted with the final plat. The Land Stewardship Plan shall comply with the requirements of #16.c, Ownership and Maintenance of Common Facilities and Common Open Space.
      e) At the discretion of the Town Board, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year.

   2) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor organization, shall be considered in violation of this Ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

c. The Land Stewardship Plan shall include a narrative, based on the site analysis required by #9, Open Space Requirements, describing:
   1) Existing conditions, including all natural, cultural, historic, and scenic elements in the landscape;

   2) Objectives for each common open space area, including:
      a) The proposed end state for the area and the measures proposed for achieving the end state.
      b) Proposed restoration measures, including:
         i. Measures for correcting increasingly destructive conditions, such as erosion.
         ii. Measures for restoring historic features.
         iii. A maintenance and operations plan identifying activities needed to maintain the stability of the resources, including mowing schedules, weed control measures, planting schedules, and clearing and cleanup measures and schedules.

d. Leasing of common open space lands.

Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

1) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.

2) The common open space lands to be leased shall be maintained for the purposes set forth in this Section.

3) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.

4) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.

5) Lease agreements shall be recorded in the office of the County Register of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Town.

e. Conservation.
Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board upon recommendation of the Town Attorney and duly recorded in the office of the Sibley County Register of Deeds.

17. Sewerage and Water Supply Facilities:
    a. Sewerage Facilities.
        1) Sewerage facilities for cluster development may consist of any system meeting the requirements of the County, the Town, the State of Minnesota, the Minnesota Pollution Control Agency, and the Minnesota Department of Natural Resources.

        2) If approved by the Town Board, sewerage facilities or portions thereof may be located within common open space areas.

        3) All sewerage facilities shall be consistent with the requirements of the County Office of Environmental Services.

        4) All public community sewerage facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

    b. Water Supply Facilities.
        1) Water supply facilities may consist of any of following systems, provided they meet the requirements of the County, the Town, the Minnesota Pollution Control Agency, the Minnesota Department of Natural Resources, and the Minnesota Department of Health:
            a) Private, individual wells.
            b) Private, community wells.

c) Public water supply system.

2) All water supply facilities shall be consistent with the requirements of all applicable Township and County ordinances.

3) All public water supply facilities shall be owned, operated, and maintained by a general or special purpose unit of government.

18. Definitions Relating to Cluster Development:
This list of definitions includes only those terms or phrases that are particular to cluster zoning ordinances and may not already be included in typical current local zoning ordinances. These terms or phrases should be added to any existing list of definitions contained in zoning ordinances to which these model cluster development provisions might be added. It should be noted that these definitions are particular to this model. If provisions of the ordinance are changed, some definitions will also need to be changed. For example, the maximum number of units in a "cluster group" may be reduced or increased; similarly, the amount of required open space may be reduced or increased.

Italicized words within definitions are further defined in this section.

Cluster Development. A form of residential development that concentrates buildings or lots on a part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in lot size. A cluster development will consist of one or more cluster groups surrounded by common open space.

Cluster Group A group of single-family detached dwellings within a cluster development, surrounded by common open space that comprises at least 60 percent of the gross parcel area. The outer boundary of a cluster group shall be defined by the rear lot lines of the lots within the group.

Common Element. The common facilities in a condominium.

Common Facilities. All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

Common Open Space. Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.

Community Association. A condominium or homeowners association.

Condominium. A form of ownership combining individual unit ownership with shared use and

ownership of common property or facilities, established in accordance with the requirement of Minnesota Statutes, chapter 515A, the “Uniform Condominium Act”. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Density Exchange Option. An optional transfer of density between parcels within the RC Rural Cluster District.

Density Transfer. See Density Exchange Option.

Development Rights. A broad range of less than fee-simple ownership interests. An owner may keep fee-simple rights to his land and sell the development rights to another. The owner retains the title, but agrees to keep the land natural and undeveloped, with the right to develop resting with the holder of the development rights. See Transfer of Development Rights.

Farmstead. A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos, storage sheds, cribs, and coops, and which may or may not include a dwelling.

Floodplains. Those lands, including the floodplain, flood fringe, floodway, and channel, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Height of Building. The vertical distance measured from the average elevation of the existing grade of the building to the highest point of a flat or multi-level roof or, for gable or hip roofs, to the mean height between the eaves and the ridge. Chimneys, spires, towers, mechanical penthouses, tanks, and similar projections not intended for human occupancy shall be excluded.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division or cluster development.

Net Buildable Acreage or Net Buildable Area (NBA). A calculated area upon which the density for cluster development is computed. Net buildable acreage is the area of a site remaining after subtracting all or a percentage of the following areas from the site's gross area: existing street rights-of-way, floodplains, wetlands, woodlands, ponds and lakes, steep slopes, and utility and railway rights-of-way.

Nonprofit Conservation Organization. A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code, which includes the

"acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

Open Space. That parceled area of land designated within the development (lot) area to be used for recreational or community use as required in the ordinance.

Permanent Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Restrictive Covenant. See Deed Restriction.

Separation Distance. The required dimensional distance between the outer boundary of a cluster group and another specified feature of the development.

Transfer of Development Rights. The conveyance by deed, easement, or other legal arrangement of the right to develop or build from one parcel to another, expressed in number of dwelling units, where such transfer is permitted by the zoning ordinance.

SECTION 12 - JB-JESSENLAND HIGHWAY SERVICE BUSINESS DISTRICT

Subdivision 1. Purpose.

The JB-1 JESSENLAND HIGHWAY SERVICE BUSINESS DISTRICT is intended to provide a district that will allow compact and convenient limited highway-oriented business, closely related to existing urban areas and major highways in the town and at standards that will not impair the traffic-carrying capabilities of abutting roads and highways.

Subdivision 2. Permitted Uses.

The following uses shall be permitted within the B-1 BUSINESS DISTRICT.

1. Agriculture.
2. Automobile laundries, car wash.
3. Automobile service stations for the sale of gasoline, oil, accessories and electric charging.
4. Bowling alleys.
5. Drive-in retail stores or service uses.
6. Drive-in restaurants or similar uses that provide goods and services to patrons in automobiles.
7. Drive-in theater.
8. Landscape nursery, garden store.
9. Marine and boat sales.
10. Miniature golf course or archery or golf driving range.
11. Motel, motor hotel or tourist camp.
12. Franchised automobile and farm implement dealers.
13. Professional office.
14. Restaurant, tea room, cafe or tavern.
15. Signs and billboards, as regulated in SECTION 14.

16. Solar production, up to 40 kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production

Subdivision 3. Conditional Uses.

The following uses may be allowed in the JB-1 BUSINESS DISTRICT, subject to the provisions of SECTION 15.

1. Other highway-oriented business activities of the same general character as listed in Subdivision 2 of this SECTION.
2. Warehousing of a type consistent with the character of a highway-oriented business activities.
3. Manufactured home parks, as regulated in SECTION 14.
4. Solar production, forty-one (41) kW to one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.
5. Solar production, greater than one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 4. District Regulations.

1. Height Regulations:
   No building shall hereafter be erected or structurally altered to exceed thirty-five (35) feet in height.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of seventy-five (75) feet from the right-of-way line of any public road or highway and in no case less than one hundred twenty five (125) feet from the centerline.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side yard Regulations:
   a. There shall be a side yard having a width of not less than fifteen (15) feet on each side of a building.
   b. Except that no building shall be located within a thirty (30) feet of any side lot line abutting a lot in any district other than business or industrial.

4. Rear Yard Regulations:
   There shall be a rear yard having a depth of not less than forty (40) feet.

5. Lot Width Regulations:
   Every lot or tract shall have a width of not less than one (100) feet abutting a public right-of-way.

6. Lot Coverage Regulations:
   Not more than fifty (50) percent of the lot or plot area shall be occupied by buildings.

7. Lot Area Regulations:
   Every lot or plot of land on which a structure is erected shall contain an area of not less than (2) acres. Not more than thirty (30) percent of the lot or plot shall be occupied by buildings.

8. Lot Width and Depth Regulations:
   Every lot or plot of land on which a structure is erected shall have a minimum width of not less than two hundred (200) feet at the building setback line and a minimum depth of two hundred (200) feet.

9. Slopes
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

SECTION 13 - JI-JESSENLAND INDUSTRY DISTRICT

Subdivision 1. Purpose.

The JI JESSENLAND INDUSTRY DISTRICT is intended to provide a district that will allow compact, convenient, limited, highway-oriented industry closely related to existing urban areas in the Town and at standards that will not impair the traffic-carrying capabilities of abutting roads and highways. The regulations for the district are intended to encourage industrial development that is compatible with surrounding or abutting districts.

Subdivision 2. Permitted Uses.

The following uses shall be permitted within the JI INDUSTRY DISTRICT:

1. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products which conform to the performance standards set forth herein after, and which shall not be injurious or offensive to the occupants of adjacent premises by reason of the omission or creation of noise, vibration, smoke dust or other particulate matter, toxic materials, odors, fire or explosion hazards, or glare.

2. Automobile service stations -- for the retail or wholesale dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto; facilities for chassis and gear lubrication are permitted only if enclosed in a building.

3. Building material sales.

4. Cartage and express facilities.

5. Contractors', architects', and engineers' offices, shops, and yards, such as building, cement, electrical, heating, ventilating, and air-conditioning, masonry, painting, plumbing, refrigeration, and roofing.

6. Dry-cleaning establishments.

7. Dwelling units, for watchmen and their families, located on the premises where they are employed in such capacity.

8. Farm implement sales and storage.

9. Fuel and ice sales.

10. Grain elevators.

11. Garages -- for storage, repair, and servicing of motor vehicles.

12. Greenhouses -- wholesale.

13. Laundries.

14. Mail order houses.

15. Printing.

16. Public utility and service uses, including:
    a. Bus stations, bus terminals, bus turn-arounds (off-street), bus garages, and bus lots.
    b. Fire stations.
    c. Police stations.
    d. Railroad passenger stations.
    e. Railroad rights-of-way.
    f. Telephone exchanges, telephone transmission equipment buildings, and microwave relay towers.
    g. Utility service substations -- electric, gas, telephone and water.
    h. Water works, reservoirs, pumping stations, and filtration plants.

17. Publishing.

18. Radar installations and towers.

19. Radio and television studios, stations, and towers, transmitting and receiving.

20. Restaurants.

21. Signs and billboards as regulated by SECTION 14.

22. Solar production, up to forty (40) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, solar Production.

Subdivision 3. Conditional Uses.

The following uses may be allowed in the JI INDUSTRY DISTRICT, subject to the provisions of SECTION 15.

1. Airports and commercial heliports, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings, and other auxiliary facilities.

2. Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops and roundhouses.

3. Automobile testing grounds.

4. Heliports (private).

5. Other business and industrial activities of the same general character as listed in Subdivision 2 of this SECTION.

6. Sanitary Landfill.

7. Salvage yards.

8. Electric generating plants.

9. Composting Facility, Subject to the Regulations in SECTION 14.

10. Solar production, forty-one (41) kW to one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

11. Solar production, greater than one hundred (100) kW, as regulated by SECTION 14 General Regulations, Subdivision 19, Solar Production.

Subdivision 4. Height, Yard Lot Width and Lot Coverage Regulations.

Height Regulations.

1. No building shall hereafter be erected or structurally altered to exceed two (2) stories or thirty-five (35) feet in height, whichever is less.

2. Front Yard Regulations:
   a. There shall be a minimum front yard setback of seventy-five (75) feet from the right-of-way line of any public road or highway and in no case less than one hundred twenty five (125) feet from the centerline.
   b. When the front of a property does not meet a public roadway there shall be a minimum front yard setback that is at least as great as the required rear yard setback.

3. Side Yard Regulations:
   a. There shall be a side yard having a width of not less than fifteen (15) feet on each side of a building.
   b. No building shall be located within fifty (50) feet of any side lot line abutting a district other than business or industrial.

4. Rear Yard Regulations:
   a. There shall be a rear yard having a depth of not less than forty (40) feet.

b. There shall be a minimum rear yard of one hundred (100) feet of any lot line abutting a district other than business or industrial.

5. Lot Width Regulations:
   Every lot or tract shall have a width of not less than one hundred (100) feet abutting a public right-of-way.

6. Lot Coverage Regulations:
   Not more than fifty (50) percent of the lot or plot area shall be occupied by buildings.

7. Lot Area Regulations:
   Every lot shall contain an area of not less than two (2) acres. Not more than thirty (30) percent of the lot or plot shall be occupied by buildings.

8. Lot Width and Depth Regulations:
   Every lot shall have a minimum width of not less than two hundred (200) feet at the building setback line and a minimum depth of two hundred (200) feet.

9. Slopes
   a. No building shall be erected on more than an eighteen (18) percent slope without a licensed engineer's approved plan.
   b. No building shall be erected within seventy-five (75) feet of the top or bottom of a slope exceeding eighteen (18) percent without a licensed engineer's approved plan.

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 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.

<u>Subdivision 2. Parking Loading, Access, Road and Utility Regulations.</u>

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 ---	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

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 sightly 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: a. The split shall be made such that all existing structures comply with the existing setback regulations for the classification of the subject property. b. The split shall require Township zoning administrator approval. c. If the property is within a district with a minimum new lot size of ten (10) or more acres, and the split results in a parcel smaller than the applicable minimum new lot size, or not meeting any other setbacks and or regulations for that district, the Town shall require a restrictive covenant prohibiting the establishment of a new dwelling on either parcel resulting from the split. d. In case of loss by peril of the existing dwelling, the Town may allow rebuilding or replacing of an existing dwelling with one dwelling which conforms to applicable zoning requirements via the variance process.

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.

7. Activities requiring a no cost permit:
   The following activities shall require a permit, but such permits shall be issued without cost:
   a. Transportation of manure into the township, which must be incorporated within forty-eight (48) hours;
   b. Application of manure to frozen ground;
   c. Long term stockpiling of manure.

Subdivision 14. Shoreland Management Standards.

1. Statutory Authorization and Policy:
   These Shoreland Standards are adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 - 6120.3900, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

   The uncontrolled use of shorelands of Jessenland Township 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.

   The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Jessenland Township.

2. Purpose:
   These Shoreland Management Standards are adopted for the purpose of:
   a. Regulating suitable uses of land surrounding public water.
   b. Regulating the size and shape of parcels, length of water frontage and alteration of shorelands of public water.
   c. Regulating the location, installation and maintenance of sanitary facilities adjacent to public waters.
   d. Preservation of the natural vegetation, natural topography and other natural resources to insure a high standard of environmental quality.

3. Water Bodies to Which This Section Applies:
   The provisions of this subdivision shall apply to the shorelands of the public water bodies as classified in this section.

   The public waters of Sibley County have been classified consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Sibley County, Minnesota and are as follows:

   Protected Waters

a. Natural Environment Lakes	Inventory I.D.#
1) Unnamed	72-1
2) Silver	72-13

b. Rivers and Streams:
    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 replace 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

Ratio of lake size to shore length (acres/mile)	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 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*

Classes of Public Waters	Structures	Sewage Treatment System
Lakes		
Natural Environment	200	150
Recreational Development	150	100
General Development	75	50
Rivers		
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 a 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 individuals 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.

<u>.Subdivision 15. Organized Farm Colonies.</u>

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 (¼) 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.

Subdivision 20. Data Center Prohibition.

Data Centers are prohibited in all districts within the jurisdiction of Jessenland Township.

SECTION 15 - CONDITIONAL USE PERMITS

Subdivision 1. Application.

1. Conditional Use Permits may be issued for any and only the uses or purposes for which such permits are required or permitted by provisions of this Ordinance.

2. Application:
   An application for a Conditional Use Permit shall be filed with the Zoning Administrator on a form prescribed by the Town Board. The application shall be accompanied by such plans and elevations and site plans as prescribed by the Town Planning and Zoning Commission.

3. Township Notice of Application
   a. Every applicant for a Conditional Use Permit shall receive a Township Notification form from the Planning & Zoning Administrator. The Township Notification form shall be in a form as prescribed by the Town Board. The applicant shall present the Township Notification form to the effected township board for consideration at its next meeting and return it to the Planning and Zoning Administrator within forty-five (45) days of presentation. Failure of the township board to return the form shall be considered approval by the township board of the application.

Upon receipt of the Township Notification form or passage of the forty-five (45) days, the application shall be set on for public hearing as provided in Subdivision 2.

b. No Township Notification is necessary if the township has enacted its own zoning ordinance and issues zoning permits.
c. Buildings of six hundred (600) square feet or less need no permits.
d. Buildings exceeding ten thousand (10,000) square feet require a Conditional Use Permit.

Subdivision 2. Notification and Public Hearing.

1. Upon receipt in proper form of the application and other requested material, the Town Planning and Zoning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official paper of the Town. All adjoining property owners so affected and the town board, shall be notified by U.S. mail as to the time and place of the public hearing. For conditional use permits pertaining to housing, all property owners within one-half (½) mile shall be notified by U.S. mail as to the time and place of the public hearing. For conditional use permits pertaining to feedlots, all property owners within one (1) mile shall be notified of the public hearing by U.S. Mail. Municipalities within one and one-half (1 1/2) miles of the proposed conditional use shall be given proper notice.

2. Whenever any conditional use permit is applied for in any Flood Plain Zone, in addition to the notice specified in paragraph 1 of this subdivision, the zoning administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for the proposed conditional use sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.

Subdivision 3. Report to the Town Board.

For each application for a conditional use, the Town Planning and Zoning Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be compiled with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Town Board shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal to grant or deny a Conditional Use Permit.

Subdivision 4. Findings.

No conditional use shall be recommended by the Town Planning and Zoning Commission unless said Commission shall find:

1. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;

2. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

3. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

4. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

5. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Subdivision 5. Fees.

To defray administrative costs of processing requests for Conditional Use Permits, a fee shall be paid by the applicant. Such fee shall be established by the Town Board.

Subdivision 6. Compliance.

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith.

Subdivision 7. Procedures for Evaluating Proposed Conditional Uses within the General Flood Plain District.

1. Upon receipt of an application for a conditional use permit for a use within the general flood plain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the Town Board for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe.
   a. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
   b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
   c. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

2. One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the regulatory flood protection elevation. Procedures consistent with the Minnesota Regulations NR 86-87 shall be followed in this expert evaluation. The designated engineer or expert shall:
   a. Estimate the peak discharge of the regional flood.
   b. Calculate the water surface profile of the regional flood base upon a hydraulic analysis of the stream channel and over bank areas.
   c. Compute the floodway necessary to convey the regional flood without increasing flood stages more than one-half (0.5) foot. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. Based upon the technical evaluation of the designated engineer or expert, the Town Board shall determine whether the proposed use is in the floodway or flood fringe and the regulatory flood protection elevation at the site.

4. Procedures to be followed by the Town Board in passing on conditional use permit applications within all flood plain districts are as follows:
   a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Town Board for determining the suitability of the particular site for the proposed use.
      1) Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials flood-proofing measures, and the relationship of the above to the location of the stream channel.
      2) Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
   b. Transmit one copy of the information described in subsection a. above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
   c. Based upon the technical evaluation of the designated engineer or expert, the Town Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

5. Factors upon which the decisions of the Town Board shall be based; In passing upon conditional use applications, the Town Board shall consider all relevant factors specified in other sections of this ordinance, and the following:
   a. The danger to life and property due to increased flood heights or velocities caused by encroachment.
   b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
   c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
   d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
   e. The importance of the service provided by the proposed facility to the town.
   f. The requirements of the facility for a waterfront location.
   g. The availability of alternative locations not subject to flooding for the proposed use.
   h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
   i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
   j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
   k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
   l. Such other factors which are relevant to the purposes of this ordinance.

6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Town Board shall attach such conditions to the granting of 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:
   a. Modification of waste treatment and water supply facilities.
   b. Limitations on period of use, occupancy and operation.
   c. Imposition of operational controls, sureties, and deed restrictions.
   d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
   e. Flood-proofing measures, in accordance with the state building code. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with regulatory flood protection elevation and associated flood factors for the particular area.

7. A copy of all decisions granting conditional use permits in flood plains shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

Subdivision 8. Permit Time Length.

A Conditional Use permit shall be substantially implemented within two (2) years of the date of issuance or reapplication will be required.

SECTION 16 - NON-CONFORMING USES

Subdivision 1. Non-Conforming Buildings and Uses.

1. Unless provided otherwise in this Ordinance, any use existing on the effective date of this Ordinance which is not in conformity with the standards contained in this Ordinance shall only be allowed to continue subject to the following conditions:
   a. No such use shall be expanded, enlarged or altered, including any increase in volume, intensity or frequency of use of the property where a nonconforming use exists. Except as provided in Subdivision 2 of this Section of this Ordinance, structural alterations, expansions and additions to a structure devoted in whole or part to a nonconforming use are prohibited.
   b. A change from one nonconforming use to another nonconforming use is prohibited.
   c. A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming.
   d. A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be reestablished, and any further use shall be in conformity with this Ordinance.
   e. If a structure used for a nonconforming use is destroyed by fire or other peril to the extent of fifty (50) percent of its market value as indicated in the records of the county assessor at the time of damage, any subsequent use or occupancy of the land or premises shall be a conforming use.

Subdivision 2. Non-Conforming Structures.

1. Nonconforming Structure Standards for all Districts. Unless provided otherwise in Sibley County's zoning ordinance 300.16.1.1, any structure existing on the effective date of this Ordinance which

is not in conformity with the setback, size or height requirements contained in this Ordinance is a nonconforming structure and may be allowed to continue subject to the following conditions:

The continuation of a nonconforming structure is allowed through repair, replacement, restoration, maintenance, or improvement, but not expansion, of the nonconforming structure. Expansion of a nonconforming structure in any manner, including but not limited to expansion of height, width, footprint, size, or bulk, is allowed only in accordance with the Ordinance.

a. For seasonal recreational or residential homestead nonconforming structures, if the nonconformity or occupancy of a nonconforming structure is discontinued for more than one year, or the structure is damaged by fire or other peril to the extent of fifty (50) percent or more of its market value as indicated in the records of the county assessor at the time of damage and no building permit has been applied for within one hundred eighty (180) days of when the structure was damaged, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance. If a building permit has been applied for within one hundred eighty (180) days of when the structure was damaged, reasonable conditions may be placed upon the zoning or building permit in order to mitigate any newly created impacts on adjacent properties or water bodies.
b. For non-seasonal recreational or non-residential homestead nonconforming structures, if the nonconformity or occupancy of a nonconforming structure is discontinued for more than one year, or the structure is damaged by fire or other peril to the extent of fifty (50) percent or more of its market value as indicated in the records of the county assessor at the time of damage, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance. Normal maintenance, including nonstructural maintenance and repair, except structural alteration of a nonconforming structure, is permitted.

2. The lawful use of a building, structure or premises existing at the time of the adoption of this Ordinance may be continued, provided that no new permits of any kind may be issued until the premises has come into conformity with this Ordinance.

SECTION 17 - ZONING PERMITS AND UTILITY PERMITS

Subdivision 1. Zoning Permit.

1. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure or land; prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.

2. Application for Permit. Application for a Permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:
   a. State and/or federal permits, if applicable, and/or township zoning permits, if applicable.
   b. A sketch plan showing dimensions, sizes and location of existing and proposed structures, containing setback distances and reference to specific reference points. Existing or proposed fill or storage of materials, and the location in relation to any stream channel shall be shown, if applicable. If there is an existing plat and/or survey, the plan must be submitted on a copy of said plat or survey.

c. A site survey completed by a licensed surveyor, containing the same information, may be submitted in lieu of the sketch plan.
d. For any proposed structure, the applicant must set stakes at the structure corner at the time of application, unless the Zoning Administrator waives this requirement. The Zoning Administrator may conduct compliance inspections as deemed necessary.

3. State, Federal and Township Permits. All State and Federal permits, and Township zoning permits shall be obtained by the applicant before making application to the Zoning Administrator.

4. Certificate of Zoning Compliance for animal feedlots are covered in that section.

5. Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Zoning permits, Conditional Use Permits, or Certificates of Zoning Compliances issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by SECTION 21 of this Ordinance.

6. Permit Time Length. A zoning permit shall be substantially implemented within two years of the date of issuance or reapplication will be required.

7. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

8. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

Subdivision 2. Utility Permits.

1. Before any underground or aboveground utility, such as power lines, telephone lines, sanitary or storm sewer lines, water lines, gas lines, fire lines, etc., is installed in any County highway, County State Aid highway, or Town roads a permit shall be obtained from the Town Engineer. The application for the new utility permit shall be accompanied by such plans, drawings and as-built drawings as deemed necessary by the Town Engineer.

2. Where such utility lines are along Highways and roads, such utility lines may be required to be built in the right-of-way.

3. Except that such utility permits shall not be required to maintain, reconstruct, or relocate existing lines or maintain pole line anchors where the general line established in the original permits is maintained, or such line is in existence at the time of the adoption of this Ordinance.

4. Public utility buildings not customarily considered industrial in use, as well as electric substations and similar utility structures, are permitted in the Limited Industrial District and may be constructed in all other districts, except any Special Protection Shorelands District, if a Conditional Use Permit is granted under SECTION 15. However, no such facilities shall be constructed within fifty (50) feet of any line of an abutting lot in any RESIDENCE DISTRICT.

5. Since transmission services, i.e., utility service such as high voltage (35 KV or greater) electrical power or bulk gas or fuel being transferred from station to station and not intended for in-route consumption, may have an effect on Town land uses, the owner of the proposed services shall, prior to any condemnation or construction, comply with the following:
   a. The owner shall file with the Zoning Administrator such maps indicating the location, alignment, and type of service proposed as shall be requested.
   b. Maps and accompanying data on location and alignment of the transmission services shall be submitted to the Town Planning and Zoning Commission for review and recommendations regarding the relationship between the proposed transmission services and the Town land uses along the proposed route.
   c. Following such review, the Town Planning and Zoning Commission shall make a report of its findings and recommendations on the proposed transmission services and shall file such report with the Town Board.
   d. Upon receipt of the report of the Town Planning and Zoning Commission, the Town Board shall consider the maps and accompanying data and shall either approve the proposed route or make modifications considered desirable under this Ordinance. The Board shall transmit to the owner in writing any modifications and the reason for such modifications. The owner shall not construct any service along any route not approved by the Town.
   e. No filing shall be necessary to maintain, reconstruct, or relocate existing lines or facilities where the general line and confirmation thereof remain essentially the same. Recognizing a need for timely and adequate service by owners of transmission services, the Town shall act upon any filing within forty-five (45) days of receipt by the Zoning Administrator. Failure to act within such time shall constitute approval.

Subdivision 3. Deadlines for Town Action Regarding Applications for Variances, Amendments, Rezonings, and Appeals.

The Town shall comply in all respects with Minnesota Statutes, section 15.99.

SECTION 18 - ADMINISTRATION AND ENFORCEMENT

Subdivision 1. Zoning Administrator.

1. The office of the Zoning Administrator is hereby established, for which the Town Board may appoint such employee or employees of the Town 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. The position of Zoning Administrator shall be part-time. Compensation shall be on a per permit basis as determined by the Town Board.

2. The duties of Zoning Administrator shall include the following:
   a. Enforce and administer this Ordinance;

b. Issue Building Permits, Zoning Permits, and other permits/certificates as provided herein and maintain records thereof;
c. Receive and forward to the Town Board and the Town Planning and Zoning Commission all applications for Conditional Use Permits;
d. Receive and forward all applications and petitions for matters to come before the Board of Adjustment;
e. Receive and forward to the Town Board and the Town Planning and Zoning Commission all applications for amendments to this Ordinance;
f. Provide and maintain a public information bureau relative to matters arising out of this Ordinance; and
g. Maintain the Town Zoning Map.

Subdivision 2. Enforcement.

1. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels.

2. When any work shall have been stopped by the Zoning Administrator for any reason whatsoever; it shall not again be resumed until the reason for the work stoppage has been completely removed.

3. The Town may request the County Attorney or the Township attorney and the Sheriff of Sibley County to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subdivision 3. Fees.

The Town Board shall establish such fee schedules, and or costs, for such permits or requests as it deems fit. Any additional permitting services shall be billed to the applicant at an hourly rate determined by the Town Board.

Subdivision 4. Submissions to Board.

1. Any written documentation (letters, petitions, etc.) submitted by a non-applicant for a permit must meet the following standards:
   a. Must state specific facts.
   b. Must contain a statement who drafted the document or the draftsman must be evident from the text.
   c. All signatures to a document must include the printed or typed name, address, phone number and county of residence.
   d. Strict compliance with these standards may be waived by the board as it deems appropriate.

2. Process:
   a. Any written documentation must be presented to the Zoning Administrator at least fifteen (15) days before the scheduled meeting of the Planning and Zoning Commission.
   b. The Zoning Administrator will inform the board of the written documentation and make it available to the board.
   c. Site inspection shall be accomplished prior to the Planning and Zoning meeting.

d. Planning and Zoning or the Board of adjustment, if applicable, shall meet and establish a hearing date. The Zoning administrator shall send information to appropriate parties ten (10) days in advance of the hearing.
e. The hearing shall be held by the Planning and Zoning Commission.
f. Planning and Zoning shall meet and make a recommendation to the Town Board.

3. The Zoning Administrator will determine if the written documentation complies with the requirements of this subdivision.

Subdivision 5. Township Planning and Zoning Commission.

1. A Township Planning and Zoning Commission (hereinafter sometimes referred to as "Planning and Zoning Commission") is hereby established and vested with such authority as herein provided and as provided by Minnesota Statutes Chapter 462. Such Commission shall consist of five (5) members, with only one (1) member being an elected Supervisor of the Town Board. The elected Supervisor will be appointed by the Town Board annually. The other members will be appointed by the Town Board, for a three (3) year term in March of each year. A member may serve a maximum of three (3) consecutive terms. The Commissioner members shall be paid compensation and necessary expenses as determined by the Town Board. The members may be removed by the Town Board for nonperformance of duty or misconduct, after notice and opportunity to be heard. The Town Board will appoint to fill vacancies on the Planning Commission. The Zoning Administrator shall act as secretary to the commission.

2. The Planning Commission shall elect a chairman and vice-chairman from among its members. It shall adopt rules for the transaction of its business as it deems necessary and shall keep a record of transactions, findings and determinations.

Subdivision 6. Environmental Impact Statement or Environmental Assessment Worksheet Costs.

1. If an Environmental Impact Statement (EIS) is required whether by statute, rule, or ordinance, the reasonable costs of preparing and distributing the EIS shall be the responsibility of the proposer of the action. At least one-half of the protected costs shall be paid before preparation of the EIS is commenced.

2. If an Environmental Assessment Worksheet (EAW) is required, whether by statute, rule or ordinance, the reasonable costs of preparing and distributing the EAW shall be the responsibility of the proposer of the action or such person or entity requesting the EAW as determined by the township board. At least one- half (1/2) of the projected costs shall be paid before preparation of the EAW is commenced.

SECTION 19 - BOARD OF ADJUSTMENTS AND APPEALS

Subdivision 1. Creation and Membership.

1. A Board of Adjustment and Appeals is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, section 462.357, subd.6. Such board shall consist of one (1) member of the Town Planning and Zoning Commission and two (2) other members. The three (3) Board members shall be appointed by the Town Board. The Board shall

be paid compensation and necessary expenses as determined by the Town Board. The Board members shall be appointed for terms coinciding with terms on the Town Planning and Zoning Commission. The members will serve a three (3) year term beginning in March of each year. A member may serve a maximum of three (3) consecutive terms. The Zoning Administrator shall act as secretary of the Board. The members may be removed by the Town Board for nonperformance of duty or misconduct, after notice and opportunity to be heard. The Town Board will appoint to fill vacancies on the Board of Adjustment. The alternate members, up to two (2) and also appointed by the Town Board, shall attend meetings and participate when directed and authorized by the chair of the Board.

2. The Board of Adjustments and Appeals shall elect a chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of transactions, findings and determinations.

3. The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

Subdivision 2. Powers.

1. The Board of Adjustments and Appeals shall have power to grant a variance adjustment in and exception to any of the provisions of this Ordinance to the extent of the following and no further:
   a. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties in accordance with Minnesota Statutes; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.

      “Practical difficulties”, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Section 216C.06.subdivision 14, when in harmony with the ordinance. The Board of Adjustments and Appeals or the governing body, as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person’s land is located. The Board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The Board or governing body, as the case may be, may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
   b. To interpret zoning district boundaries on official zoning maps.
   c. To permit the extension of a zoning district where the boundary line thereof divides a lot in one ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

2. The Board of Adjustments and Appeals shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by administrative official charged with enforcing any ordinance adopted pursuant to the provisions of Minnesota Statues, chapter 462, as amended.

Subdivision 3. Appeals.

1. Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Minnesota Statutes, chapter 462, shall have the right to appeal to the Board of Adjustments and Appeals.

2. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of a town, municipality, county or state.

3. The Board shall make no decision on an appeal or petition until the Planning Commission has had a reasonable opportunity, not to exceed sixty (60) days, to review and report to the Board.

4. The decision of the Board shall be final, and any person having an interest affected by such Ordinance may appeal to the District Court.

Subdivision 4. Findings.

1. The Board of Adjustments and Appeals shall not grant an appeal unless it finds facts entitling the applicant to an appeal pursuant to Section 462.357 subd. 6 or 462.369 subd. 4 of Minnesota Statutes.

Subdivision 5. Procedure.

1. Application for any appeal permissible under the provisions of this SECTION shall be made to the Board of Adjustment in the form of a written application for a Building Permit or for a permit to use the property or premises as set forth in the application. Upon receipt of any application, the Board of Adjustments shall set a time and place for a public hearing before the Board on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper.

2. When any proposed variance is considered in a flood plain district, the board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten (10) days' notice of the hearing.

3. Decisions. The board shall arrive at a decision on such appeal or variance within fifteen (15) days. In passing upon an appeal, the board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from. It shall make its decision in writing, setting forth the finding of fact and the reasons for its decision. In granting a variance, the board may prescribe appropriate conditions and safeguards such as those specified in SECTION 15 which are in

conformity with the purposes of this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance punishable under SECTION 21.

4. No variance shall have the effect of allowing in any district uses prohibited in the district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

5. A copy of all decisions granting variances in flood plains shall forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

6. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances insured in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

SECTION 20 - AMENDMENT

Subdivision 1. Application.

1. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this SECTION.

2. Proceedings for amendment of this Ordinance shall be initiated by:
   a. A petition of the owner or owners of the actual property;
   b. A recommendation of the Town Planning and Zoning Commission;
   c. Or by action of the Town Board.

3. An application for an amendment shall be filed with the Zoning Administrator. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accomplished by a map or plat showing the lands proposed to be changed and all lands within three hundred (300) feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appears on the records of the Town.

4. All property owners within one-half (1/2) mile shall be notified as to the time and place of the public hearing. All municipalities within one and one-half (1-1/2) miles of the boundaries of the property proposed to be rezoned and the township within which the property proposed to be rezoned is located shall be given proper notice.

Subdivision 2. Public Hearing.

Upon receipt in proper form of the application and other requested material, the Town Planning and Zoning Commission shall hold at least one (1) public hearing in a location to be prescribed by the

Planning Commission. At least ten (10) days in advance of each hearing notice of the time and place of such hearing shall be published in the official paper of the Town and notice given as otherwise provided by law.

Subdivision 3. Authorization.

1. Following the public hearing, the Town Planning and Zoning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Town Board and the Zoning Administrator within sixty (60) days after the hearing. If no report or recommendation is transmitted by the Town Planning and Zoning Commission within sixty (60) days after the hearing, the Town Board may take action without awaiting such recommendation.

2. Upon the filing of such report or recommendation, the Town Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Town Board may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds (2/3) of all the members of the Board concur in its passage.

Subdivision 4. Fees.

To defray the administrative cost of processing of request for an amendment to this Ordinance, a fee not exceeding administrative costs shall be paid by the petitioner. Such fee shall be determined by the Town Board.

Subdivision 5. Amendments to the Flood Plain Designation.

1. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and its contiguous to lands outside the flood plain. Special exceptions to the rule may be permitted by the Commissioner of Natural Resources if he determines that through other measures, lands are adequately protected for the intended use.

SECTION 21 - VIOLATIONS, PENALTIES AND ENFORCEMENT

Subdivision 1. Violations and Penalties.

Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars ($1000.00) and/or by imprisonment not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense. Pursuant to Minnesota law, costs of prosecution may be added.

Subdivision 2. Enforcement.

1. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.

2. In the event of a violation or a threatened violation of this Ordinance, the Town Board or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to

prevent, restrain, correct or abate such violations or threatened violations, and the Board may request an attorney to institute such action.

3. Any taxpayer or taxpayers of the Town may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

4. Nothing herein contained shall prevent the Town Board from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
   a. In responding to a suspected ordinance violation, the Zoning Administrator and Town Board may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The Town must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
   b. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, the Zoning Administrator shall take such actions as are appropriate.
   c. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of theses controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Town.If the construction or development is already completed, then the Zoning Administrator may either
      1) issue an order identifying the corrective actions that must be made within a specified time period to bring the property use or structure into compliance with the official controls, or
      2) notify the responsible party to apply for an after-the-fact permit/ development approval within a specified period of time not to exceed thirty (30) days.
   d. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SECTION 22 - VALIDITY

Subdivision 1. Validity.

Should any SECTION or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 23 - DATE EFFECT

Subdivision 1. Date Effect.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this _____ day of _____ , 2022

Attest:

_____ _____

Supervisor Supervisor

_____ _____

Town Board of Supervisors, Chairman Town Clerk

Recommended by: THE TOWN PLANNING AND ZONING COMMISSION

_____ _____

Member Member

_____ _____

Member Member

_____ _____

Date Chairman