

GLENWOOD TOWNSHIP ZONING ORDINANCE

GLENWOOD TOWNSHIP
POPE COUNTY, MINNESOTA
Ordinance No. 202301

Originally Adopted on March 9, 1993
Repealed and Replaced on September 12, 2023.

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GLENWOOD TOWNSHIP ZONING ORDINANCE

The board of supervisors of the Town of Glenwood ordains:

ARTICLE I: GENERAL PROVISIONS

1. Authority and Purpose.

The Town Board of Glenwood Township (the “Town”) hereby adopts this ordinance, which shall be known as the “Glenwood Township Zoning Ordinance” (this “Ordinance”), pursuant to its authority under Minnesota Statutes, sections 462.351 to 462.364, and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance. The Town has not adopted and does not administer or enforce the Minnesota Building Code.

The purpose of this Ordinance is:

- (1) to protect the public health, safety, and general welfare,
- (2) to protect property values and preserve the quiet enjoyment of property,
- (3) to place all of the land within the Town within a zoning district,
- (4) to allow and regulate certain uses of land and structures within the Town while prohibiting other uses and structures,
- (5) conserving natural resources, wetlands, soils, bodies of water and groundwater,
- (6) preserving the natural and scenic areas of the Town, particularly the Town’s lakes,
- (7) to allow and regulate residential, commercial and industrial development in the Town in an environmentally sustainable manner and in manner that protects the culture and history of the Town,
- (8) to make clear the provisions of this Ordinance are intended to be the minimum requirements applicable within the Town and that structures and land uses remain subject to such other laws, rules, regulations and ordinances as they may apply, and
- (9) to prescribe penalties for violating this Ordinance.

2. Legislative Findings.

The Town Board hereby finds and determines as follows:

- (A) Towns are defined as “municipalities” for the purposes of Minnesota Statutes, sections 462.351 to 462.364, and may adopt plans and official controls pursuant to those sections.

- (B) On March 9, 1993, the Town exercised its authority to adopt the Glenwood Township Zoning Ordinance.
- (C) The Town is authorized to adopt a full set of official controls regulating structures and the uses of land within the Town, but it may also enact a limited set of zoning regulations focused on those land uses it determines are in need of regulation in a manner stricter than the regulations imposed by Pope County (“County”).
- (D) In 2013, the Minnesota Legislature enacted a bill that contained several provisions designed to promote the growth of solar energy. One such provision, which is codified as Minnesota Statutes, section 216B.1641, created community solar gardens;
- (E) In February, 2020, the Town processed an application to construct a community solar garden within the Town, and the experience made it clear that the Town needed to further study whether community solar gardens, and solar energy facilities generally, should be allowed within the Town, and if allowed, whether performance standards and other controls are necessary.
- (F) At that time, the Town’s zoning ordinance and the County’s Land Use Controls Ordinance (“County Ordinance”) did not specifically address community solar gardens, or solar energy facilities in general, and therefore, there is no specific guidance addressing considerations such as setbacks, types of uses, visibility/screening, lot coverage, plan approval, stormwater management, coordination with utilities, and decommissioning.
- (G) On July 7, 2020, the County Ordinance was amended to include controls regarding solar energy systems, providing that solar energy systems, other than utility-scale systems that are permitted by the State of Minnesota, are permitted, conditional or accessory uses within the County’s zoning districts, depending on the district and the type of system constructed or installed on the property. The County Ordinance includes setback, height, impervious surface, vegetation, stormwater and erosion control, slope, floodplain, signage, aviation, glare, decommissioning and other regulations and standards with regard to solar energy systems.
- (H) The Town has also experienced an increase in the size and number of mining operations within the Town, and the expansion of mining operations raised concerns over the appropriateness of such uses and expansion, and the potential conflict between those uses and other agricultural, residential, commercial and industrial uses within the Town.
- (I) The Town’s zoning ordinance addresses “borrow pits,” but it does not set forth performance standards or any additional controls with regard to “borrow pits” or mining in general.
- (J) The County Ordinance sets forth performance standards for “aggregate mining and processing,” which were also amended on July 7, 2020, but the Town’s concerns raised questions over whether it should adopt performance standards or other zoning controls to prohibit or more strictly regulate mining operations within the Town, how best to identify mining operations that should be prohibited

or more strictly regulated, whether the County's Ordinance adequately regulates mining operations within the Town, and whether the minimum requirements for mining operations are sufficient to protect the health, safety, and welfare of the residents of the Town.

- (K) On February 11, 2020, the Town Board adopted an interim ordinance ("Interim Ordinance") imposing a moratorium upon the establishment or creation of new solar energy facilities and mining operations or the expansion of existing solar energy facilities or mining operations and directing the Town Board to conduct a study of solar energy facility, mining operations, the impacts they may have, the benefits of such facilities and operations, and options for regulating them. The Town Board also intended to review planning and zoning in general, including regulations set forth in the County Ordinance and to make recommendations to help determine whether the Town should impose more restrictive regulations.
- (L) Over several months, the Town Board undertook an extensive review of the matters it was tasked to study, including the review of a wide range of materials, heard from the public, and spoke to others interest in local zoning.
- (M) The Town Board determined that it would proceed with amending and updating the Glenwood Township Land Use Plan and the zoning ordinance. In an effort to gather information directly from Town residents, the Town also conducted a community survey addressing various planning and zoning topics, including Town demographics, Town infrastructure and services, and the Town's short and long-term vision and land use and planning goals.
- (N) On January 12, 2021, the Town Board adopted the Glenwood Township Comprehensive Land Use Plan ("Comprehensive Plan"), which included concerns raised in the Interim Ordinance with regard to the development of solar energy facilities and gravel pits and the following survey results: (1) Town residents desire to protect, preserve and enhance the rural nature of the Township and to balance residential, commercial and industrial development in a manner that does not significantly impact the Township's rural and agricultural history, (2) Town residents desire to protect and preserve the water quality of Lake Minnewaska and other bodies of water in the Town, (3) Town residents are not opposed to the development of solar energy facilities and gravel pits, but they desire regulations ensuring they do not significantly affect the environment or rural nature of the Town, particularly with regard to gravel pits, (4) Town residents have concerns with regard to additional annexation of Township property by the City of Glenwood, and its effect upon the Town's finances and rural nature, and (5) Town residents expressed concerns with regard to additional uses of property in the Town, including increased commercial development, access to broadband internet, and short-term/vacation rentals in the area of Lake Minnewaska.
- (O) The Town is aware of the limitation on its zoning authority set out in Minnesota Statutes, section 394.33, and it finds the regulations imposed by this Ordinance are consistent with, and at least as restrictive as, the limitations imposed by the County.

- (P) The Town Board has exercised its authority to reestablish the Glenwood Township Planning Commission (“Planning Commission”). The Planning Commission held a public hearing on this Ordinance, heard from the public, and voted to forward this Ordinance to the Town Board with a recommendation that it be adopted.

3. Jurisdiction.

This Ordinance shall apply to all areas within Glenwood Township, except areas within the incorporated limits of any city, however organized, or as may otherwise be provided by law.

4. County Regulations.

Pope County (the “County”) has adopted various ordinances impacting the development and use of property in the Town, including floodplain regulations, riparian buffer regulations, subdivision regulations, solid waste regulations, and regulations related to subsurface sewage treatment systems (“SSTS”). This Ordinance does not adopt, nor shall it be construed as adopting, any portion of those regulations and the Town is not assuming any responsibility for the administration or enforcement of those regulations. The County Ordinance includes shoreland regulations, establishes zoning districts and imposes regulations on the uses allowed within each district. The Town shall only be responsible for administering and enforcing the provisions of this Ordinance, including those provisions incorporated by reference, and anyone proposing to engage in or establish a regulated use or activity shall be required to obtain the required permit from the Town. The issuance of a permit by the Town does not constitute, or take the place of, a permit needed from the County, and the issuance of a permit by the County does not constitute, or take the place of, a permit needed from the Town. Anyone proposing to initiate, convert, or expand a use of land, or to construct or expand a building or structure, is strongly encouraged to contact both the County and the Town to identify the applicable regulations, restrictions, and permit requirements.

(A) Shorelands and Floodplains.

Those portions of the Town designated as shoreland or floodplain areas according to the applicable FEMA maps shall be regulated by the County pursuant to its applicable ordinances and any permits required under the County’s ordinance shall be obtained from the County. The designated shoreland and floodplain areas within the Town shall be treated as an overlay district for the purposes of this Ordinance and the land within the overlay shall be subject to the underlying regulations applicable in the primary zoning district imposed by this Ordinance including, where applicable, the need to obtain one or more permits under this Ordinance.

(B) SSTS.

The County administers and enforces the Minnesota Rules, Chapters 7080-7083 regulations on SSTS in the Town.

(C) Subdivisions.

Those proposing to subdivide property within the Town shall be subject to the County's subdivision regulations. However, pursuant to Minnesota Statutes, section 505.09, subdivision 1a, the County may not approve the platting of any land within the Town unless the Town Board first approves the plat and the laying of streets and other public ways shown on it. The Town Board may require, as a condition of any such approval, that the owner or developer enter into a development agreement with the Town Board regarding the proposed plat to address such issues as the Town Board may determine are needed in order to adequately protect the public health, safety, and welfare including, but not limited to, reimbursement of actual costs, providing security in the form and amount acceptable to the Town, and ensuring the proper construction of public improvements.

5. Minimum Standards

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. Where the standards, regulations or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable standards, regulations or requirements imposed by any other ordinance, rule, or regulation of the Town, County, State, or Federal government, the statute, ordinance, rule, or regulation which imposes the more restrictive condition, standard, regulation, or requirement shall prevail. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other powers granted by State statute.

6. Consistency.

Should any provision in this Ordinance conflict with, or be found inconsistent with Minnesota Statutes, Chapter 462, the provisions of the applicable section of Minnesota Statutes, Chapter 462 shall apply, and supersede the inconsistent or conflicting terms of this Ordinance. 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.

7. Adoption by Reference.

This Ordinance adopts by reference various provisions of the County Ordinance in order to promote consistency between this Ordinance and the County Ordinance and to avoid having to restate the provisions in full in this Ordinance. The provisions adopted by reference shall be interpreted to give effect to the intent of this Ordinance and in accordance with the following rules:

- (A) The provisions adopted by reference shall include such other provisions of the County Ordinance either directly referenced in the adopted provisions or that are necessary to give effect to the provisions adopted by reference, even if those provisions are not specifically identified in this Ordinance;
- (B) References to the Board of County Commissioners or to the County Board shall be to the Town Board unless the context clearly indicates otherwise;

- (C) References to the Planning Commission shall be to the Glenwood Township Planning Commission;
- (D) References to the County Engineer shall be to the Town Board;
- (E) References to a County highway right-of-way shall be to a Town road right-of-way unless the context clearly indicates otherwise; and
- (F) All applications required by the provisions adopted by reference shall be submitted to the Town Zoning Administrator or, if one has not been appointed, to the Town Clerk.

8. Land Use Plan.

It is the policy of the Town that the enforcement, amendment and administration of this Ordinance be accomplished with due consideration of those recommendations contained in the Town's Comprehensive Plan.

9. Applications.

All applications must be on forms approved by the Town Board. Any requests not submitted on an approved Town form shall not be considered an application for the purposes of this Ordinance or Minnesota Statutes, section 15.99 and shall be rejected. An application shall be immediately rejected if it is not accompanied by the required application fee. If an escrow is required, the applicant shall submit the required amount for escrow with the Town within five days of the submission of the application or the application shall be deemed incomplete and will not be processed.

10. Unpaid Taxes or Charges.

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

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

12. Compliance.

No structure shall be erected, placed, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose or in any manner, which is not in conformity with this Ordinance. Construction of all structures and the established and operation of all uses must be in accordance with the application, plans, permit, and any applicable variances. Conditional use permits issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance unless a new or amended permit or variance is first obtained as provided in this Ordinance.

13. Prior Zoning Regulations.

This Ordinance supersedes and replaces all previous land use, zoning, and subdivision ordinances adopted for the Town and all such previous land use and zoning ordinances are hereby repealed. The repeal of the Town's previous zoning ordinance does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

ARTICLE II: DEFINITIONS AND RULES OF INTERPRETATION

1. Definitions.

For the purposes of this Ordinance, the following terms shall have the meaning given them in this section. Any term not specifically defined in this Ordinance shall have the meaning given it in the County Ordinance, if not defined therein, it shall have the meaning given it in the most applicable Minnesota Statute or Rule, and if not defined therein, it shall the meaning given it in common usage in the context in which it is used herein.

Accessory On-Farm Enterprise (AOFE): an activity that is accessory to an agricultural farm and comprises one or both of the following:

- (A) The storage, preparation, processing and sale of agricultural products, provided that more than 50 percent of the total annual sales are from agricultural products that are principally produced on the farm at which the business is located.
- (B) Agritourism that features agricultural practices or agricultural products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring agricultural products, and classes or exhibits in the preparation, processing, or harvesting of agricultural products. "Farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or agricultural products, or both. A farm stay includes the option for guests to participate in such activities.

Accessory structure: a structure that is physically detached from, secondary and incidental to, and commonly associated with a primary structure on the same site.

Accessory use: a use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located.

Agent: a person authorized in writing by the property owner to represent and act for a property owner in contact with town or county employees, committees, commissions, and the council, regarding matters regulated by this title.

Agricultural accessory structure: a structure for sheltering or confining animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, noncommercial greenhouses, coops, corrals, and pens. Does not include pasture fencing.

Agricultural land: contiguous acres used during the preceding year for agricultural purposes.

Agricultural products: as defined in Minnesota Statute 273.13, Subdivision 23 or subsequent legislation, includes the production for sale of:

- (A) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;
- (B) aquacultural products for sale and consumption, as defined under Minnesota Statutes Chapter 17 §17.47, if the aquaculture occurs on land zoned for agricultural use;

- (C) the commercial boarding of horses, which may include related horse training and riding instruction, if the boarding is done on property that is also used for raising pasture to graze horses or raising or cultivating other agricultural products as defined in (a);
- (D) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;
- (E) game birds and waterfowl bred and raised (i) on a game farm licensed under Minnesota Statutes Chapter 97A §97A.105, provided that the annual licensing report to the Department of Natural Resources, which must be submitted annually by March 30 to the assessor, indicates that at least 500 birds were raised or used for breeding stock on the property during the preceding year and that the owner provides a copy of the owner's most recent schedule F; or (ii) for use on a shooting preserve licensed under Minnesota Statutes Chapter 97A §97A.115;
- (F) insects primarily bred to be used as food for animals;
- (G) trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and
- (H) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under Minnesota Statutes Chapter 28A as a food processor.

Agricultural purposes: the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, silviculture, aquaculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

Agritourism: Any activity carried out on a farm or ranch (ancillary to the primary farm or ranch use) that allows organizations or members of the general public, for recreational, entertainment, charitable, or educational purposes, to view, enjoy, or participate in rural activities, including, but not limited to: agriculture; horticulture; viticulture; winemaking; ranching; and historical, cultural, farm stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an agritourism activity whether or not the participant pays to participate in the activity.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, Part 6120.5000.

Certificate of Survey: An official document prepared and signed by a professional land surveyor which depicts property dimensions and may include the location of improvements on the property and their distances to property lines, easements, rights-of-way, or other features on the property.

Change of use: the replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Common Interest Community (CIC): A common interest community shall have the meaning given in Minnesota Statutes, chapter 515B; or successor statutes.

Construction: any activity that directly alters the environment, including land preparation or facilities fabrication, excluding surveying or mapping.

Convenience store: a retail store of three thousand five hundred square feet or less in gross floor area, which carries a range of merchandise oriented to convenience and/or travelers' shopping needs.

County. "County" means Pope County, Minnesota.

County Ordinance. "County Ordinance" means the most current version of the Pope County Land Use Controls Ordinance.

Development: any construction activity or alteration of the landscape, its terrain contour or vegetation, the erection or alteration of structures, including any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this ordinance or amendment to thereof.

Disabled: any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such an impairment or anyone who has a record of such impairment. People who are currently using illegal substances are not covered under the Fair Housing Act, unless they have a separate disability.

Dwelling Unit: Any structure or portion of a structure, or other shelter designed as short or long term living quarters for one or more persons.

"Expansion," "enlargement," or "intensification": any increase in a dimensional size, area, volume, or height, any increase in the area of use, any placement of a structure or part thereof where none existed before, any addition of a site feature such as a deck, patio, fence, driveway, parking area, or swimming pool, any improvement that would allow the land to be more intensely developed, any move of operations to a new location on the property, or any increase in intensity of use based on a review of the original nature, function or purpose of the existing use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, area of operation, number of employees, and other factors deemed relevant.

Flood Fringe: The portion of the one-percent annual chance floodplain located outside of the floodway.

Floodplain: The beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood.

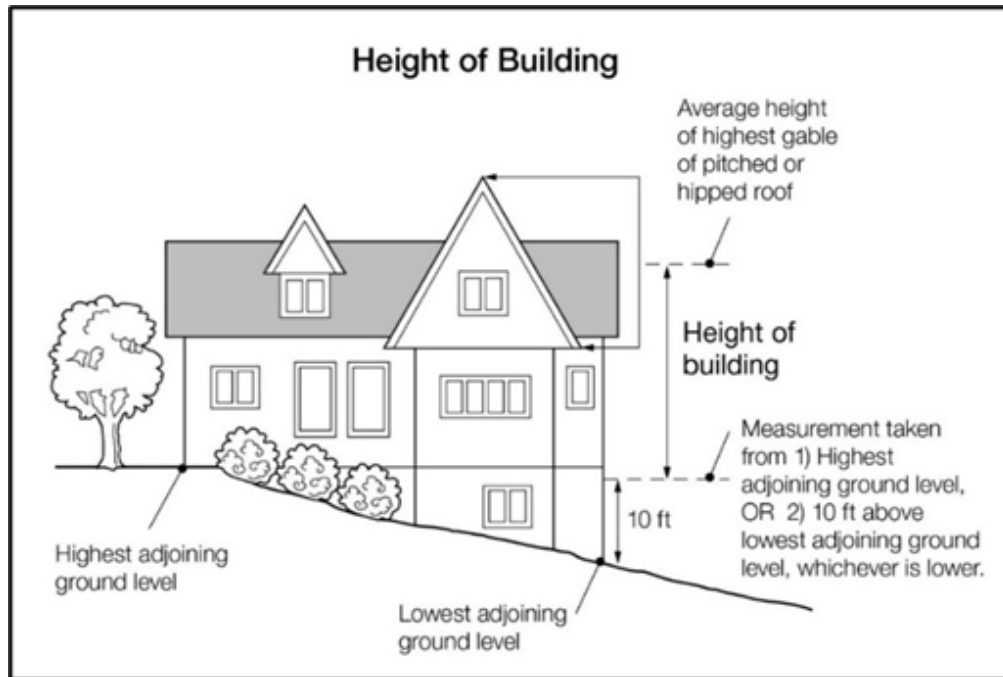
Floodway: The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge.

Guest cottage: A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guest quarter: An area of an accessory structure that contains sleeping space and is not the primary use of the structure.

Habitable space: space within a dwelling unit for living, sleeping, eating, or cooking.

Height of Structure: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.



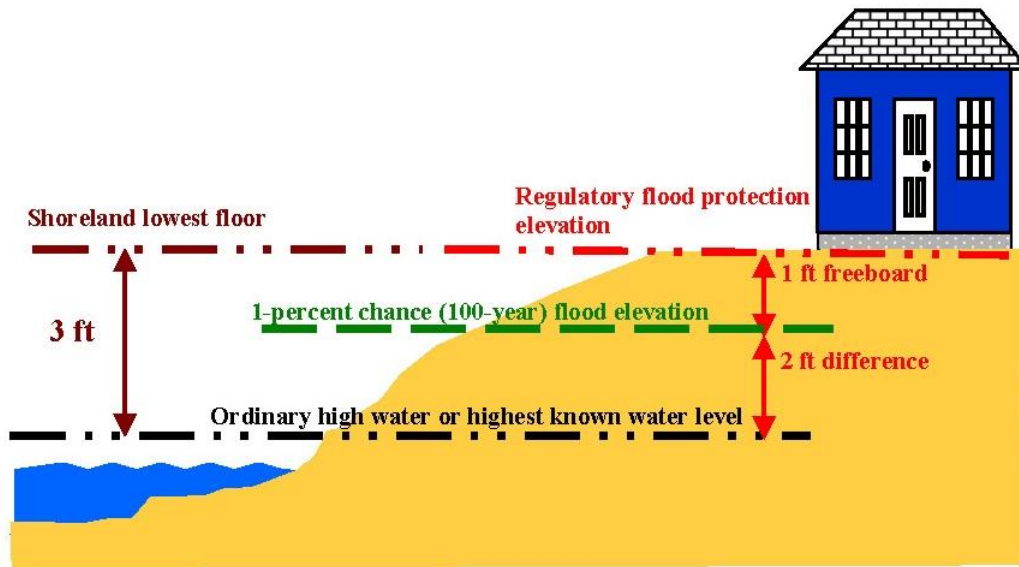
Interim Use: A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Kennel, animal boarding: a commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals.

Land use permit: authority granted by Pope County to use a specified site for a particular purpose.

Land Use Plan. “Land Use Plan” means the Glenwood Township Comprehensive Plan, as amended.

Lowest floor: The lowest floor of the lowest enclosed area, including basement and crawl space. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement or crawl space area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.



Manufacturing/processing—heavy: a facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following:

- (A) **Chemical product manufacturing:** an establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
- (B) **Concrete, gypsum, and plaster product manufacturing:** an establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under building and landscape materials sales.
- (C) **Glass product manufacturing:** an establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under (manufacturing—light—handcraft industries and small-scale manufacturing).

- (D) **Paving and roofing materials manufacturing:** the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) (lumber and wood product manufacturing).
- (E) **Petroleum refining and related industries:** industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations (public utility facilities), or petroleum product distributors (petroleum product storage and distribution).
- (F) **Plastics, other synthetics, and rubber product manufacturing:** the manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires (vehicle services—major repair/body work).
- (G) **Primary metal industries:** an establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
- (H) **Pulp and pulp product manufacturing:** an establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (manufacturing—light—paper product manufacturing).
- (I) **Textile and leather product manufacturing:** an establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (manufacturing—light—clothing and fabric product manufacturing), and industries that transform hides into leather by tanning or curing. Includes:
- i. Coating, waterproofing, or otherwise treating fabric
 - ii. Dressed and dyed furs
 - iii. Dyeing and finishing fiber, yarn, fabric, and knit apparel
 - iv. Leather-tanned, curried, and finished
 - v. Manufacture of knit apparel and other finished products from yarn

- vi. Manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles
- vii. Manufacturing of woven fabric, carpets, and rugs from yarn
- viii. Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
- ix. Scouring and combing plants
- x. Upholstery manufacturing
- xi. Yarn and thread mills

(J) **Manufacturing/processing—intensive:** a facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under **manufacturing—light**, but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of intensive manufacturing uses include the following:

- i. **Lumber and wood product manufacturing:** manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
 - (a). Containers, pallets and skids
 - (b). Manufactured and modular homes
 - (c). Matches (wood)
 - (d). Milling operations
 - (e). Trusses and structural beams
 - (f). Turning and shaping of wood products
 - (g). Wholesaling of basic wood products
 - (h). Wood product assembly
 - (i). Does not include craft-type shops (handcraft industries and small-scale manufacturing); other wood and cabinet shops (furniture and fixture manufacturing, cabinet shops); or the entirely indoor retail sale of building materials, construction tools and equipment (building and landscape materials sales).
- ii. **Machinery manufacturing:** an establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances (electronics, equipment, and appliance manufacturing).

- iii. **Metal products fabrication, machine and welding shops:** an establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
 - (a). Blacksmith and welding shops
 - (b). Plating, stripping, and coating shops
 - (c). Sheet metal shops
 - (d). Machine shops and boiler shops
 - iv. **Motor vehicles and transportation equipment:** manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under lumber and wood products).
 - v. **Stone and cut stone product manufacturing:** an establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (handcraft industries, small-scale manufacturing).
 - vi. **Structural clay and pottery product manufacturing:** an establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses.
- (K) **Manufacturing/processing—light:** a facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following:
 - i. **Clothing and fabric product manufacturing:** an establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see personal services). See also, manufacturing—heavy—textile and leather product manufacturing.

- ii. **Electronics, equipment, and appliance manufacturing:** an establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:
- (a). Appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
 - (b). Aviation instruments
 - (c). Computers, computer components, peripherals
 - (d). Electrical transmission and distribution equipment
 - (e). Electronic components and accessories, semiconductors, integrated circuits, related devices
 - (f). Electrical welding apparatus
 - (g). Lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
 - (h). Industrial controls
 - (i). Instruments for measurement, testing, analysis and control, associated sensors and accessories
 - (j). Miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
 - (k). Motors and generators
 - (l). Optical instruments and lenses
 - (m). Photographic equipment and supplies
 - (n). Radio and television receiving equipment
 - (o). Surgical, medical and dental instruments, equipment, and supplies
 - (p). Storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
 - (q). Surveying and drafting instruments
 - (r). Telephone and telegraph apparatus
 - (s). Transformers, switch gear and switchboards
 - (t). Watches and clocks
 - (u). Does not include testing laboratories (soils, materials testing, etc.), or research and development facilities separate from manufacturing.

- iii. **Food and beverage product manufacturing:** manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:
 - (a). Bottling plants
 - (b). Breweries
 - (c). Candy, sugar and confectionery products manufacturing
 - (d). Catering services separate from stores or restaurants
 - (e). Coffee roasting
 - (f). Dairy products manufacturing
 - (g). Fats and oil product manufacturing
 - (h). Fruit and vegetable canning, preserving, related processing
 - (i). Grain mill products and by-products
 - (j). Meat, poultry, and seafood canning, curing, by-product processing
 - (k). Soft drink production
 - (l). Miscellaneous food item preparation from raw products
 - (m). Does not include: bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant.
- iv. **Handcraft industries, small-scale manufacturing:** establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
- v. **Paper product manufacturing:** an establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see manufacturing—heavy—pulp and pulp product manufacturing).

Negative declaration: a written statement by the RGU that a proposed project does not require the preparation of an EIS.

Office: this title distinguishes between the following types of offices. These do not include medical offices.

- (A) **Accessory:** office facilities that are incidental and accessory to another business or sales activity that is the primary use.

- (B) **Business/service:** establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, etc. This use does not include bank, financial services, which are separately defined.
- (C) **Government:** administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities.
- (D) **Professional (office):** office-type facilities occupied by businesses that provide professional services and/or engaged in the production of intellectual property. Examples of these uses include:
- i. Accounting, auditing and bookkeeping services
 - ii. Advertising agencies
 - iii. Attorneys
 - iv. Commercial art and design services
 - v. Construction contractors (office facilities only)
 - vi. Counseling services
 - vii. Court reporting services
 - viii. Detective agencies and similar services
 - ix. Design services including architecture, engineering, landscape architecture, urban planning
 - x. Educational, scientific and research organizations
 - xi. Financial management and investment counseling
 - xii. Literary and talent agencies
 - xiii. Management and public relations services
 - xiv. Media post-production services
 - xv. News services
 - xvi. Photographers and photography studios
 - xvii. Psychologists
 - xviii. Secretarial, stenographic, word processing, and temporary clerical employee services
 - xix. Security and commodity brokers
 - xx. Writers and artists offices

Person. “Person” means a natural person, partnership, corporation, association, or other legal entity.

Planned Unit Development (PUD): 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, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Commercial planned unit developments: Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.

Residential planned unit development: A use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments.

Plat (or Final Plat): A delineation of one or more existing parcels of land drawn to scale showing all data as required by Minnesota Statutes, Chapter 505, or successor statutes, depicting the location and boundaries of lots, blocks, outlots, parks, and public ways and any other information required by statute or Pope County Subdivision Controls Ordinance.

Recreational camping vehicle: A form of temporary living quarters which is designed such that it can be moved on the public highways system without additional moving permits beyond normal motor vehicle license requirements. Said temporary living quarters are commonly known as travel trailers, pick up campers, motor homes, camper trailers, slide-in campers and park trailers. Recreational camping units, as herein defined, are permitted to be located in recreational camping areas and private property regulated by this ordinance.

“Replacement,” “reconstruction,” or “restoration”: construction that exactly matches pre-existing conditions.

Responsible Governmental Unit (RGU): the governmental unit that is responsible for preparation and review of environmental documents.

Residential accessory use or structure: any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property. See also **agricultural accessory structure.**

- (A) Garages
- (B) Gazebos
- (C) Greenhouses (noncommercial)
- (D) Spas and hot tubs
- (E) Storage sheds
- (F) Studios

- (G) Swimming pools
- (H) Tennis and other on-site sport courts
- (I) Workshops

Special Event: A special event is a gathering of people, whether it be on public or private property, generally lasting from a few hours to a few days, designed to celebrate, honor, discuss, sell, teach about, encourage, observe, or influence human endeavors. Such an event may be described as a temporary use on private or public property that extends beyond the normal uses and standards allowed by this Ordinance in which impacts are anticipated on public parks, streets, rights-of-ways, surrounding neighborhoods, businesses, the community as a whole and emergency service providers such as police, fire and ambulance personnel. Special events include, but are not limited to, publicly attended auctions, concerts, expositions, vehicle shows, tournaments, music or other festivals. Special events do not include non-commercial events held on private property, such as weddings, receptions, graduation parties or social parties.

Subdivision: The division or redivision of a lot, tract, or parcel of land regardless of how it is to be used, into two or more lots, parcels or tracts either by plat, by aliquot description or by metes and bounds description for the purpose of offer, sale or lease; or the division or redivision of land involving dedication of a new park, playground, road or other public right-of-way or facility; or the vacation, realignment or any other changes in existing roads, alleys, easements, recreation areas, water, or other public improvements or facilities.

Town. “Town” means Glenwood Township, Pope County, a public corporation under the laws of Minnesota.

Town Board. “Town Board” means the board of supervisors of Glenwood Township, Pope County, Minnesota.

Temporary structure: a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Variance: A modification or relief of the provisions of this ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of any provision of the local ordinance would cause practical difficulties as defined in MN Chapter 394.27 Subdivision 7.

Vehicle services: the repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

- (A) **Major repair/body work:** these establishments include towing; collision repair; other body work; and painting services; tire recapping.
- (B) **Minor maintenance/repair:** minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Vehicle storage: a service facility for the long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles, for clients. Does not include dismantling yards.

Zoning Administrator. “Zoning Administrator” means the person appointed by the Town Board to serve as the zoning administrator for the Town or the Town Board if it does not specifically identify one person to serve as the zoning administrator for the Town.

2. **Rules of Interpretation.** The language set forth in the text of this Ordinance shall be interpreted in accordance with the rules of construction:
- (A) The word “person” includes firm, association, organization, company, partnership, cooperative, or corporation as well as an individual;
 - (B) The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular;
 - (C) The word “shall” is mandatory and the word “may” is permissive;
 - (D) The word “lot” shall include the words “plot,” “piece,” “parcel,” and “property” and shall be interpreted broadly to give full effect of the provisions of this Ordinance;
 - (E) All distances, unless otherwise specified, shall be measured horizontally, and all distances expressed in feet shall be to the nearest 1/10 of a foot;
 - (F) General words are construed to be restricted in their meaning by preceding particular words;
 - (G) Specific language shall be controlling over general language;
 - (H) References in this Ordinance to any statutes, rules, regulations, or ordinances shall include any amendments to, or successors of, those statutes, rules, regulations, or ordinances. Furthermore, such references shall serve to incorporate those statutes, rules, regulations, or ordinances by reference to the extent necessary to achieve the intent and purposes of this Ordinance. However, such incorporations are intended only to give effect to this Ordinance and are not intended to make the Town responsible for the administration or enforcement of the referenced statutes, rules, regulations, or ordinances; and
 - (I) The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. The exception to this general rule of interpretation is the listing of uses allowed in a district, which is intended to be limited to only those uses and the uses the Town Board finds to be substantially similar as provided in this Ordinance.

ARTICLE III: ZONING DISTRICTS AND ZONING MAP

1. Zoning Districts.

All of the land within the Town located outside the jurisdictional boundaries of a city shall be placed within a zoning district and may also be located wholly or partially within one (1) or more overlay districts. The following zoning districts are hereby established for the Town:

- (A) Residential District (R);
- (B) Non-Intensive Agriculture District (A-1);
- (C) Agriculture Protection District (A-2);
- (D) Industrial District (I); and
- (E) Special Commercial Overlay District (SC).

2. Zoning Map.

The zoning map adopted by the County showing the location and boundaries of the zoning districts is hereby adopted by reference and incorporated herein as the Glenwood Township Zoning Map.

3. District Regulations.

- (A) **Generally.** Land within a particular zoning district shall be subject to: the general standards, regulations, and restrictions contained within this Ordinance; any specific standards, regulations, and restrictions established in this Ordinance for the particular district; any performance standards established for the particular use; the standards, regulations, and restrictions of any applicable overlay district; and any applicable standards, regulations, and restrictions imposed by any other applicable federal, state, and local laws, rules, regulations, and ordinances.
- (B) **Overlay District Regulations.** Land located within an overlay district is subject to both the regulations established herein for the primary zoning district in which it is located as well as the regulations applicable within the overlay district.
- (C) **Identified Uses.** Except as otherwise provided in this section, only those uses that are expressly identified by this Ordinance as being allowed within a district may occur within that district, and then only upon the issuance of all required permits and compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. If an owner proposes to undertake a use that is not expressly allowed in the particular district, the owner may seek a determination from the Town Board under the following subsection that the proposed use is substantially similar to an allowed use, apply for an amendment to the text of the Ordinance to add the use to those allowed within the zoning district, or seek a rezoning of the property to a district in which the use is allowed.
- (D) **Substantially Similar Uses.** Only those uses expressly allowed by this Ordinance for a particular zoning district may occur in that district. If an owner proposes to undertake a use the owner believes is substantially similar to a use expressly allowed by this Ordinance in the same zoning district, that person may submit an application to the Town to seek a determination that the use is allowed in the particular district as

being substantially similar to the expressly allowed use. Such application shall be on the form supplied by the Town and it must fully explain the proposed use and how it is similar to the allowed use. The Town Board shall act on complete applications to determine whether the proposed use is substantially similar to an allowed use in the same district. If the Town Board does find the proposed use is substantially similar, it shall also determine whether the use shall be deemed a permitted or conditional use for the purpose of this Ordinance. The owner must then apply for any required permits based on the Town Board's classification of the use and any other applicable regulations. The Town Board shall maintain a record of all uses it expressly finds to be substantially similar and will make a good faith effort to include those uses in the Ordinance the next time it is amended. If the Town Board finds the proposed use is not substantially similar to an allowed use, the owner may submit a separate application to seek an amendment to the text of this Ordinance to expressly allow the use within a district.

- (E) **Uses Allowed by Statute.** The legislature has adopted various provisions by statute requiring local governments to treat certain uses as permitted or conditional uses within their respective jurisdictions for the purposes of zoning regulations. Notwithstanding the general prohibition contained herein of uses not expressly allowed by this Ordinance, this Ordinance shall be interpreted as allowing those uses the legislature expressly requires the Town to allow. Such uses shall be classified as provided in the legislative mandate and shall only be allowed in those areas described in the applicable statute, and then only to the extent and scope as prescribed in the statute. For example, Minnesota Statute, section 462.357, subdivision 7 requires a licensed day care facility serving twelve (12) or fewer persons to be considered a permitted single-family residential use of property. As such, this Ordinance shall be interpreted as allowing that specific use as a permitted residential use, but only up to a capacity of twelve (12) persons. A proposed use that exceeds the scope described in the statute shall not be allowed unless the expanded use is expressly allowed in the particular zoning district by this Ordinance. Furthermore, if the statute indicates the use is to be allowed as a conditional use, the use may only occur upon the submission of an application and receipt of a conditional use permit from the Town. All mandated uses shall obtain all permits and permissions as required by this Ordinance and all other applicable laws.
- (F) **Prohibited Uses.** Only those uses identified as being allowed within a zoning district under this Ordinance, and those found by the Town Board to be substantially similar uses as provided herein, may occur within that district, subject to the additional restrictions and prohibitions contained in this Ordinance. References to other uses in this Ordinance, such as in the performance standards, are not intended, and shall not be interpreted, as expanding the uses allowed within a particular district, with the exception of uses allowed by the Town Board as being substantially similar to uses otherwise allowed within the district.
- (G) **Essential Services.** Notwithstanding anything to the contrary in this Ordinance, essential services shall be permitted as authorized and regulated by State law, the County Ordinance and other ordinances of the Town, it being the intention that such

services are exempt from the application of this Ordinance, except to the extent expressly provided otherwise herein.

4. Recording this Ordinance.

The Town Clerk shall record this Ordinance, and any subsequent amendments made hereto, in the office of the Pope County Recorder after adoption.

ARTICLE IV: RESIDENTIAL DISTRICT (R)

1. Residential District.

The purpose of the Residential District (R) is to establish and preserve residential development where substantial residential development has already taken place and where additional residential development is anticipated and encouraged, while prohibiting uses that are not consistent with the purpose of the district. In the Residential District (R), no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

2. Permitted Uses.

The following uses are allowed within the Residential District (R) as a matter of right:

- (A) Single-Family Dwelling (one per lot).
- (B) Two-Family Dwelling (one per lot).
- (C) Agricultural Uses, subject to ordinance standards.
- (D) Parks and Playgrounds.
- (E) Home Occupations, subject to ordinance requirements.
- (F) Antennae when mounted on a rooftop or along a building or other structure.
- (G) One vacation rental unit per parcel which meets ordinance requirements.
- (H) Accessory Solar Energy Systems: Residential/Personal, subject to ordinance standards.

3. Conditional Uses.

The following uses may be allowed in the Residential District (R) as conditional uses, subject to the provisions regarding the issuance of a conditional use permit:

- (A) Churches, chapels, temples and synagogues.
- (B) Offices of members of recognized professions.
- (C) Planned Unit Developments.
- (D) Those commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity.
- (E) Multiple family dwellings allowed at a density of one unit per 7,500 square feet. Lots intended for multiple family dwellings must identify two (2) sewage treatment sites.
- (F) Bed and Breakfast facilities
- (G) Manufactured Home Parks, subject to standards.
- (H) Other uses of the same general character as those listed above, provided they are uses that are not more concentrated or intensive than the uses listed above, produce no greater impact on the neighborhood than those listed above, and are not incompatible with existing adjacent uses.

- (I) Towers, subject to standards.
- (J) Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- (K) Vacation rental properties, subject to standards.

4. Minimum Lot Area for Lots/Structures.

Single	40,000 square feet
Duplex	80,000 square feet
Triplex	120,000 square feet
Quad	160,000 square feet

5. Setbacks.

Side Yard Setback:	10 feet
Unplatted cemetery:	50 feet
From Centerline of Public Roadways classified as:	
Arterials	225 feet
Major Collectors	150 feet
Minor Collectors	125 feet
From Centerline of Town Roads and all other legal roads or streets not classified as an arterial or collector:	100 feet
<p>Reciprocal Feedlot Setbacks: These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the Town to require separation between a planned agricultural development and residential use greater than the provisions governing setbacks in the general districts as set forth below.</p>	

<u>Structure or Use</u>	<u>Setback From</u>	<u>Setback</u>
Single Residence	Feedlot Perimeter	500 feet
Duplex	Feedlot Perimeter	500 feet

Triplex	Feedlot Perimeter	500 feet
Quad	Feedlot Perimeter	500 feet

6. Residential District Regulations.

(A) Steel Buildings, Pole Buildings and Other Dwellings.

- i. Lots smaller than five acres: The following uses, by nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.
 - (a). Placement of steel buildings, pole buildings, or metal-clad structures of larger than 1100 square feet, side wall height exceeding twelve (12) feet or galvanized surfaces shall be by conditional use.
 - (b). Placement of residential structures less than 20 feet wide over more than 25% of the residential structure area shall be by conditional use.
 - (c). Placement of any used building or structure of greater than 200 square feet in area which is to be moved on a lot of less than five acres size shall be by conditional use.
 - (d). Any structure constructed in such a manner so as to provide more than one area of kitchen facilities or having more than four bedrooms, or having more than two stories above grade shall be considered a potential multiple dwelling and shall be by Conditional Use Permit.
 - (e). In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out of place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. A temporary permit for a period of up to a five-year duration may be allowed even if the findings do not meet the described above.

7. Height of Structures. All structures, in residential districts except churches and non-residential agricultural structures must not exceed 35 feet in height.

8. Lots of Record.

- (A) Lots located in an area zoned residential which were of record in the County Recorder's office prior to December 31, 1999 and which do not meet the requirements of this section may be allowed as building sites provided:

- i. Such use is permitted in the zoning district;
 - ii. The lot was in separate ownership from abutting lots or lands prior to the date on which the area was zoned residential; and
 - iii. All sanitary, dimensional and setback requirements of this ordinance are complied with.
- (B) For parcels of less than 10,000 square feet with development existing as of the date on which the area was zoned residential and which were lots of record prior to the date on which the area was zoned residential, the following shall apply:
- i. The minimum structure from State or County Highway right-of-way is 25 feet.
 - ii. The minimum setback from other roads and streets is 20 feet.
 - iii. The minimum structure setback from side lot property is 5 feet.
 - iv. The minimum sewage system setback from property line is 5 feet.

ARTICLE V: NON-INTENSIVE AGRICULTURE DISTRICT (A-1)

1. Non-Intensive Agriculture District.

The purpose of the Non-Intensive Agriculture District (A-1) is to provide a buffer to separate more intensive agricultural production practices from incompatible recreational, residential, commercial or industrial uses. Residential development within this area is discouraged. In the Non-Intensive Agriculture District (A-1), no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

2. Permitted Uses.

The following uses are allowed within the Non-Intensive Agriculture District (A-1) as a matter of right:

- (A) Accessory On-Farm Enterprise (AOFE).
- (B) Accessory Solar Energy Systems: Agricultural/Farm Use.
- (C) Accessory structures.
- (D) Agricultural buildings.
- (E) Single-Family Dwelling (frame or manufactured homes) and their accessory buildings located on one agricultural farm. A conditional use permit shall be required when the number of single-family dwellings per farm exceeds two (2).
- (F) Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds, and existing animal feedlots. A conditional use permit shall be required for all new and expanding feedlots.
- (G) Farm drainage systems, flood control and watershed/erosion control devices meeting all County, state and federal minimum regulations.
- (H) Temporary or seasonal roadside stands with adequate off-street parking, not to exceed one stand per farm.
- (I) Forest and game management areas.
- (J) Existing golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- (K) Antennae when mounted on a rooftop or along a building or other structure.
- (L) Home occupations.
- (M) Guest cottage or guest quarter.
- (N) Vacation rental use.
- (O) Parks and playgrounds.
- (P) Recreational camping vehicles used for seasonal, intermittent recreational or guest use.
- (Q) Special events with a capacity of less than two hundred (200) people.

- (R) Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner.

3. Conditional Uses.

The following uses may be allowed in the Non-Intensive Agriculture District (A-1) as conditional uses, subject to the provisions regarding the issuance of a conditional use permit:

- (A) Accessory On-Farm Enterprise (AOFE)
- (B) Manufacturing/Processing-light.
- (C) Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm
- (D) Educational institutions and incidental uses when situated on the same site or unit of property.
- (E) Game farms, shooting ranges and commercial hunting establishments.
- (F) Home occupations.
- (G) Motor vehicle salvage facility.
- (H) Cemeteries.
- (I) Restaurants, convenience stores, gas stations, on/off sale liquor sales.
- (J) Solid waste processing facilities and sanitary landfills provided they meet all applicable County and state laws.
- (K) Non-farm single-family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development, provided, however, that the construction of non-farm single-family residential structures is prohibited if the proposed structure will result in more than two residential structures (farm or non-farm) being located within any division, subdivision, or other “split” of any quarter quarter section (40 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.). Prior to the issuance of a conditional use permit for a non-farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an “Acknowledgement of Agriculture Protection Zone Designation” disclosure. The acknowledgement shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the Town Hall.
- (L) Residential Planned Unit Developments provided that they are partially within or adjacent to a shoreland or residential district and are so laid out as to keep the depth of extension from the boundary of that district into the A-1 district to a minimum. A person who applies for a residential planned unit development shall, not later than ten business days after the application is submitted, provide notice to each owner of agricultural real property within 5,000 feet of the perimeter of the proposed development. The notice may be delivered by first class mail, in

person, or by publication in a newspaper of general circulation within the affected area and must include information on the number of residential units. This notice shall not be required if Minnesota Statutes, section 394.305 is repealed subsequent to the effective date hereof.

- (M) New or expanded golf courses and other similar commercial recreational facilities characterized by significant open or green space provided that they are partially within or adjacent to a shoreland or residential district and are so laid out as to keep the depth of extension from the boundary of that district into the A-1 district to a minimum.
- (N) Seasonal structures used for “hunting shacks” and not used for extended occupancy.
- (O) Other uses of the same general character as those listed above, provided that their uses are not more concentrated or intensive than the uses listed above, produce no greater impact on the neighborhood than those listed above, and are not incompatible with existing adjacent uses.
- (P) Towers.
- (Q) Motor vehicle salvage facility.
- (R) Municipal wastewater treatment facilities.
- (S) A temporary single-family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member or seasonal worker housing. An annual inspection is required to validate applicable status.
- (T) Solar Energy Systems: Solar Garden equal to or less than one (1) MW, subject to ordinance standards.
- (U) Solid waste processing facilities and sanitary landfills provided they meet all applicable County and State laws.
- (V) New or expanded feedlots requiring a permit or agreement under Minnesota Pollution Control Agency rules or a Verification of Compliance from Pope County with a capacity of up to 200 animal units.
- (W) Commercial storage units.

4. Interim Uses.

- (A) A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member.
- (B) Accessory On-Farm Enterprise (AOFE)
- (C) Mining and extraction
- (D) Non-confinement feeding areas
- (E) Seasonal worker housing.
- (F) Energy Systems: Solar Garden or Farm.
- (G) Special events with a capacity of more than two hundred (200) people
- (H) Vacation rental properties

5. Minimum Lot Area for Lots/Structures.

Farm Residence	3 acres
Preserved Farm Homestead	3 acres
New Residence	3 acres

6. Setbacks.

Side Yard Setback:	10 feet
Unplatted cemetery:	50 feet
From Centerline of Public Roadways classified as:	
Arterials	225 feet
Major Collectors	150 feet
Minor Collectors	125 feet
From Centerline of Town Roads and all other legal roads or streets not classified as an arterial or collector:	100 feet
<p>Reciprocal Feedlot Setbacks: These setbacks apply to new structures or uses and do not apply to modifications or additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use</p>	

greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback From</u>	<u>Setback</u>
Non-Farm Residence	Feedlot	500 foot minimum setback increasing at the rate of 2 feet for each animal unit in excess of 50
Farm Residence	Feedlot	500 foot minimum setback increasing at the rate of 2 feet for each animal unit in excess of 50
Feedlot	Residence	500 foot minimum setback increasing at the rate of 2 feet for each animal unit in excess of 50
Feedlot	Hospitality Business	1000 foot minimum setback increasing at the rate of four feet for each animal unit in excess of 50
Hospitality Business	Feedlot	1000 foot minimum setback increasing at the rate of four feet for each animal unit in excess of 50

In the case of an unpermitted feedlot, the setback shall be estimated based upon the size and number of animals reported by the feedlot operator or observed by others, whichever is larger.

New feedlots in this district are also subject to 500 foot minimum setback, increasing at the rate of an additional two feet for each animal unit in excess of fifty, from any boundary which separates the district from a general shoreland district, general residential district, or municipality.

Notwithstanding the foregoing, the Town may grant a conditional use permit for the construction of a residence or establishment of a feedlot which does not meet the setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant's proposed use. The covenant must be in recordable form and binding on the grantor's heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.

The reciprocal setbacks established by this subpart shall not apply to feedlots which have been unused or abandoned for five years or more and also shall not apply to residential structures which have not been used as dwellings or otherwise used for human habitation for five or more years.

- 7. **Lots of Record.** Lots located in the County Recorder's office prior to December 31, 1999, which are located in an A-1 district and which do not meet the requirements of this section may be allowed as building sites provided:
 - (A) Such use is permitted in the zoning district;

- (B) The lot is in separate ownership from abutting lots or lands prior to December 31, 1999; and
- (C) All sanitary and setback requirements of this ordinance are complied with.

8. Existing Building Sites.

Existing building sites which are split from properties and converted to non-farm residential uses after the date hereof shall be nonetheless be deemed a lot of record provided the minimum lot size established for the district is met.

ARTICLE VI: AGRICULTURE PROTECTION DISTRICT (A-2)

1. Agriculture Protection District.

The purpose of the Agriculture Protection District (A-2) is to preserve and enhance agricultural land which is and has historically been farmed, and to protect agricultural use from scattered residential development and uses that conflict with the purpose of the district. In the Agriculture Protection District (A-2), no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

2. Permitted Uses.

The following uses are allowed within the Agriculture Protection District (A-2) as a matter of right:

- (A) Accessory On-Farm Enterprise (AOFE)
- (B) Accessory Solar Energy Systems
- (C) Agricultural buildings.
- (D) Single-Family Dwelling (frame or manufactured homes) and their accessory buildings located on one agricultural farm. A conditional use permit shall be required when the number of single-family dwellings per farm exceeds two (2). The sale of such dwelling or dwellings as non-farm dwellings must meet the requirements for non-farm dwellings in the district.
- (E) Agricultural, horticultural, aquacultural and silvicultural activities including the pasturing of domestic livestock and exotic animals and birds, and existing animal feedlots and new or expanded feedlot requiring a permit or agreement under Minnesota Pollution Control Agency rules or a Verification of Compliance from the County, having a capacity of few than 500 animal units, except swine facilities, which are limited to having a capacity of fewer than 300 animal units.
- (F) Farm drainage systems, flood control and watershed/erosion control devices meeting all County, state and federal minimum regulations.
- (G) Temporary or seasonal roadside stands with adequate off-street parking, not to exceed one stand per farm.
- (H) Forest and game management areas.
- (I) Existing golf courses.
- (J) Antennae when mounted on a rooftop or along a building or other structure.
- (K) Home occupations.
- (L) Guest cottage or guest quarter.
- (M) Vacation rental use.
- (N) Parks and playgrounds.
- (O) Recreational camping vehicles used for seasonal, intermittent recreational or guest use.
- (P) Special events with a capacity of less than two hundred (200) people.

- (Q) Non-commercial storage of uninhabited recreational camping vehicles, which are owned by the property owner or immediate family members of the property owner.

3. **Conditional Uses.**

The following uses may be allowed in the Agriculture Protection District (A-2) as conditional uses, subject to the provisions regarding the issuance of a conditional use permit and performance standards:

- (A) Accessory On-Farm Enterprise (AOFE)
- (B) Single family dwelling. More than two (2) single family dwelling units, provided a six (6) acre minimum lot size, located on an agricultural farm as defined.
- (C) Manufacturing/Processing-light.
- (D) Home occupations
- (E) Cemeteries.
- (F) Solid waste processing facilities and sanitary landfills..
- (G) Mining of gravel.
- (H) Non-farm single family residential dwelling units to be placed or constructed on land which is woodland, is fallow, or is otherwise untilled or unsuitable for raising crops and which is located as near as practical to existing non-farm residential development provided, however, that the construction of non-farm single family residential structures is prohibited if the proposed structure will result in more than one non-farm residential structure being located within any quarter section (160 acres plus or minus fractional amounts to account for survey anomalies, loss to public roadway use, etc.). Prior to the issuance of a conditional use permit for a non-farm dwelling, the owner of the property shall be required to sign a statement of acknowledgement containing an "Acknowledgement of Agriculture Protection Zone Designation" disclosure. The acknowledgment shall be on a form provided by the Zoning Administrator and made available to the public. The disclosure forms shall be on file in the Town Hall.
- (I) Game farms, shooting ranges and commercial hunting establishments.
- (J) New and expanded feedlots having a permitted capacity of up to 2000 animal units.
- (K) Seasonal structures used for "hunting shacks" and not used for extended occupancy.
- (L) Other uses of the same general character as those listed above, provided they are not incompatible with existing adjacent uses.
- (M) Towers.
- (N) Motor vehicle salvage facility.
- (O) Adult oriented uses.
- (P) Expansion of existing golf courses.

- (Q) Municipal wastewater treatment facilities.
- (R) A temporary single-family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member or seasonal worker housing. An annual inspection is required to validate applicable status.
- (S) Solar Energy Systems: Solar Garden equal to or less than two (2) MW.
- (T) Solid waste processing facilities and sanitary landfills.
- (U) Commercial storage units.

4. **Interim uses.**

The following uses may be allowed in the Agriculture Protection District (A-2) as interim uses, subject to the provisions regarding the issuance of an interim use permit and performance standards:

- (A) A temporary single family dwelling unit that is to be located within 300 feet of the existing residence for the purpose of home healthcare of immediate family member. An annual inspection is required to validate applicable status.
- (B) Accessory On-Farm Enterprise (AOFE).
- (C) Adult oriented use
- (D) Mining and extraction
- (E) Non-confinement feeding areas
- (F) Seasonal worker housing.
- (G) Recreational camping vehicles used either as temporary living quarters or for seasonal, intermittent recreational use greater than ninety (90) days
- (H) Solar Energy Systems: Solar Garden or Farm
- (I) Special events with a capacity of more than two hundred (200) people
- (J) Vacation rental properties.

5. **Minimum Lot Area for Lots/Structures.**

Farm Residence	3 acres
New Residence	3 acres
Preserved Farm Homestead	3 acres

6. **Setbacks.**

Side Yard Setback:	10 feet
Unplatted cemetery:	50 feet

From Centerline of Public Roadways classified as:	
Arterials	225 feet
Major Collectors	150 feet
Minor Collectors	125 feet
From Centerline of Town Roads and all other legal roads or streets not classified as an arterial or collector:	100 feet
<p>Reciprocal Feedlot Setbacks: These setbacks apply to new structures or uses and do not apply to modifications or additions to established uses. Residential structures which serve farm property upon which feedlots are located or will be located are exempt from these requirements. Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and a residential use greater than the provisions governing setbacks in the general districts as set forth below.</p>	

<u>Structure or Use</u>	<u>Setback From</u>	<u>Setback</u>
Non-Farm Residence	Feedlot	1320 foot minimum setback increasing at the rate of 2 feet for each permitted animal unit in excess of 300
Farm Residence	Feedlot	1320 foot minimum setback increasing at the rate of 2 feet for each permitted animal unit in excess of 300
Feedlot	Residence	1320 foot minimum setback increasing at the rate of 2 feet for each permitted animal unit in excess of 300
Feedlot	Feedlot	1320 foot minimum setback increasing at the rate of 2 feet for each permitted animal unit in excess of 300

In the case of an unpermitted feedlot, the setback shall be estimated based upon the size and number of animals reported by the feedlot operator or observed by others, whichever is larger.

Notwithstanding the foregoing, the Town may grant a conditional use permit for the construction of a residence or establishment of a feedlot which does not meet the setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant's proposed use. The covenant must be in recordable form and binding on the grantor's heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.

The reciprocal setbacks established by this subpart shall not apply to feedlots which have been unused or abandoned for five years or more and also shall not apply to residential structures which have not been used as dwellings or otherwise used for human habitation for five or more years.

7. **Lots of Record.** Lots located in the County Recorder's office prior to December 31, 1999, which are located in an A-2 district and which do not meet the requirements of this section may be allowed as building sites provided:
 - (A) Such use is permitted in the zoning district;
 - (B) The lot is in separate ownership from abutting lots or lands prior to December 31, 1999; and
 - (C) All sanitary and setback requirements of this ordinance are complied with.

8. Existing Building Sites.

Existing building sites which are split from properties and converted to non-farm residential uses after the date hereof shall be nonetheless be deemed a lot of record provided the minimum lot size established for the district is met.

ARTICLE VII: INDUSTRIAL DISTRICT (I)

1. Industrial District.

The purpose of the Industrial District (I) is to provide a location for industrial uses in the Town that would not be compatible with other uses and district in the Town.

2. Permitted Uses.

The following uses are allowed within the Industrial District (I) as a matter of right:

- (A) Transportation or freight terminal.
- (B) Wholesale business.
- (C) Warehouse.
- (D) Cabinet shop.
- (E) Dwelling units for security persons and their families located on the premises where they are employed.
- (F) Antennae when mounted on a rooftop or along a building or other structure.
- (G) Accessory Solar Energy Systems: Industrial facility/on-site use.
- (H) Industrial, Group I-Retail and Service Establishments:
 - i. Agricultural related equipment sales and service.
 - ii. Automotive sales and sales lots.
 - iii. Auction Facilities, vehicle and equipment.
 - iv. Building materials sales.
 - v. Equipment rental, sales and service.
 - vi. Convenience stores.
 - vii. Florist shops, plant nurseries and garden supplies sales.
 - viii. Manufactured homes and travel trailer sales.
 - ix. Motor or appliance repair shops and showrooms.
 - x. Seed, fertilizer, feed and petroleum products sales.
 - xi. Retail sales.
 - xii. Wholesale businesses with no outdoor storage.
- (I) Industrial, Group II-Professional Facilities and Services:
 - i. Athletic clubs, fitness centers, martial arts studios.
 - ii. Contractor's offices, shop, showroom and storage yards less than 50,000 square feet per storage yard.
 - iii. Daycare, commercial.
 - iv. Hotels, motels, motor lodges and resorts.

- v. Office.
- vi. Veterinary clinics or offices with no outside kennels.
- (J) Industrial, Group III-Manufacturing, Processing and Storage Facilities:
 - i. Manufacturing/Processing-light.
 - ii. Mini or seasonal storage facility..
 - iii. Warehouse.
 - iv. Feed storage/Grain elevators.
 - v. Transportation or freight terminal
- (K) Industrial, Group IV-Other:
 - i. Accessory Solar Energy Systems: Industrial facility/on-site use.
 - ii. Agriculture, including farm dwellings and agricultural structures, but not including agricultural or commercial feedlots.
 - iii. Antennae when mounted on a rooftop or along a building or other structure.
 - iv. Experimental Wind Energy Conversion Systems.
 - v. Signage structures.
 - vi. Essential services.
 - vii. Recycling Center in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.

3. Conditional Uses.

The following uses may be allowed in the Industrial District (I) as conditional uses, subject to the provisions regarding the issuance of a conditional use permit and performance standards:

- (A) Restaurants.
- (B) Retail trade.
- (C) Mining and Extraction.
- (D) Manufacturing.
- (E) Agricultural products processing.
- (F) Auto repair shops.
- (G) Towers.
- (H) Motor vehicle salvage facilities.
- (I) Solar Energy Systems: Solar Garden or Farm.
- (J) Agricultural products processing.
- (K) Alcohol fuel plants.
- (L) Animal hospitals.

- (M) Bulk liquid storage.
- (N) Car washes (when separate from Auto Service).
- (O) Contractor’s offices and storage yards greater than 50,000 square feet per storage yard.
- (P) Kennels.
- (Q) Manufacturing/Processing:
 - i. Heavy.
 - ii. Intensive.
- (R) Motor vehicle salvage facilities.
- (S) Pawn broker.
- (T) Restaurants, cafes, bars and taverns.
- (U) Sewage treatment plants.
- (V) Single-family housing.
- (W) Solid waste management facilities in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
- (X) Transfer station.
- (Y) Truck stops, gas stations, vehicle service garages and facilities

4. Interim Uses:

The following uses may be allowed in the Industrial District (I) as interim uses, subject to the provisions regarding the issuance of an interim use permit and performance standards:

- (A) Asphalt and concrete mixing plants, portable.
- (B) Dwelling units for security persons and their families located on the premises where they are employed.
- (C) Mining and extraction.
- (D) Solar Energy Systems: Solar Garden or Farm.
- (E) Wind Energy Conversion Systems.

5. Setbacks.

Side and Rear Yard Setback:	
1. Abutting residential district	80 feet
2. Abutting non-residential district	20 feet
Unplatted cemetery:	50 feet
From Centerline of Public Roadways classified as:	

Arterials	225 feet
Major Collectors	150 feet
Minor Collectors	125 feet
From Centerline of Town Roads and all other legal roads or streets not classified as an arterial or collector	100 feet

6. Lots of Record.

Lots located in an area zoned industrial which were of record in the County Recorder's office prior to the date on which an area was zoned industrial and which do not meet the requirements of this section may be allowed as building sites provided:

- (A) Such use is permitted in the zoning district;
- (B) The lot is in separate ownership from abutting lots or lands prior to the date on which the area was zoned industrial; and
- (C) All sanitary, dimensional, and setback requirements of this Ordinance are complied with.

ARTICLE VIII: SPECIAL COMMERCIAL OVERLAY DISTRICT (SC)

1. Special Commercial Overlay District.

The Special Commercial Overlay District (SC) is an overlay district within the districts identified above as set forth on the Town's Zoning Map. The purpose of the Special Commercial Overlay District (SC) is to enhance the economic growth potential of those areas sustainable for limited commercial development. In the Special Commercial Overlay District (SC), no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

2. Permitted Uses.

The following uses are allowed within the Special Commercial Overlay District (SC) as a matter of right:

- (A) Any permitted use allowed in the Residential District.
- (B) Duplex, triplex and quad residential uses provided that the requirements of the underlying district are met.
- (C) Home occupations.
- (D) Commercial, Group I-Retail and Service Establishments:
 - i. Agricultural related equipment sales and service.
 - ii. Automotive sales and sales lots.
 - iii. Auction Facilities, vehicle and equipment.
 - iv. Building materials sales.
 - v. Equipment rental, sales and service.
 - vi. Convenience stores.
 - vii. Florist shops, plant nurseries and garden supplies sales.
 - viii. Manufactured homes and travel trailer sales.
 - ix. Motor or appliance repair shops and showrooms.
 - x. Seed, fertilizer, feed and petroleum products sales.
 - xi. Retail sales.
 - xii. Wholesale businesses with no outdoor storage.
- (E) Commercial, Group II-Professional Facilities and Services:
 - i. Athletic clubs, fitness centers, martial arts studios.
 - ii. Contractor's offices, shop and showroom.
 - iii. Daycare, commercial.
 - iv. Hotels, motels, motor lodges and resorts.
 - v. Mini or seasonal storage facility.
 - vi. Office buildings.

- vii. Veterinary clinics or offices with no outside kennels.
- (F) Commercial, Group III-Recreational Facilities:
 - i. Indoor- Ballrooms, Billiard halls, Ice/Roller Skating facilities, etc.
 - ii. Outdoor-Miniature golf courses, driving ranges, go-cart tracks, water slides, etc.
- (G) Commercial, Group IV-Other Uses:
 - i. Agriculture, including farm dwellings and agricultural structures, but not including agricultural or commercial feedlots.
 - ii. Essential services.
 - iii. Hobbyist Wind Energy Conversion Systems.
 - iv. Signage structures.
- (H) Expansion, alteration or replacement of existing residential dwellings.

3. Conditional Uses.

The following uses may be allowed in the Special Commercial Overlay District (SC) as conditional uses, subject to the provisions regarding the issuance of a conditional use permit:

- (A) Manufactured Home Parks, subject to ordinance standards.
- (B) Churches, chapels, temples, and synagogues, including Sunday Schools, Convents, and Parish houses meeting the requirements of the underlying district.
- (C) Public meeting places.
- (D) Recreational camping areas (Campgrounds).
- (E) Commercial uses provided that the lot is compatible with the proposed use in matters of appearance, lighting, hours of operation, parking, building height, sewage disposal, signs and lot size; and PUD standards are met.
- (F) Commercial planned unit development.
- (G) Restaurants, Bars, lounges, clubs, lodges, and dance halls (public or private).
- (H) Car washes (when separate from Auto Service).
- (I) Gas stations, vehicle service garages and facilities.
- (J) Kennels.
- (K) New residential dwellings.
- (L) Recycling Center in accordance with the Pope County Solid Waste Disposal Ordinance No. 4.
- (M) Shopping and entertainment malls.
- (N) Towers.

4. Interim Uses.

The following uses may be allowed in the Special Commercial Overlay District (SC) as interim uses, subject to the provisions regarding the issuance of an interim use permit and performance standards:

- (A) Contractor's storage yards (not to be confused with scrap/dismantling yards).
- (B) Mining and extraction.
- (C) Solar Energy Systems: Solar Garden or Farm.
- (D) Wind Energy Conversion Systems.

ARTICLE IX: PERFORMANCE STANDARDS

1. Adoption and Incorporation of County Performance Standards.

The Town hereby adopts and incorporates herein by reference the performance standards as currently adopted by the County and set forth at Sections 10.1 (Adult Oriented Uses), 10.3 (Agricultural Use Standards), 10.5 (Communications Towers and Antennas), 10.6 (Exterior Storage), 10.9 (Home Occupations), 10.10 (Impervious Surface), 10.13 (Manufactured Home Parks), 10.14 (Motor Vehicle Salvage Facilities), 10.19 (Recreational Camping Areas), 10.22 (Soil Nutrient Application), 10.24 (Stormwater Management) of the County Ordinance, and any subsequent amendments thereto.

2. Aggregate Mining and Processing.

Mining, extraction and processing of aggregate shall comply with all of the following:

- (A) **Permit/Registration Requirements.** Current mine sites which are mining 500 cubic yards of gravel or more must provide a copy of any land use permit and annual registration required by the County. A conditional use permit is required for new or expanding mine sites mining more than 500 cubic yards of gravel.
- (B) **Compliance with State Environmental Review Requirements.** An Environmental assessment worksheet (“EAW”) or environmental impact statement (“EIS”) will be required in accordance with Minnesota law and Minnesota Rules.
- (C) **Definitions.**
 - i. **Administrator.** “Administrator” means the Zoning Administrator. If the Town Board does not specifically designate a person to serve as the Zoning Administrator, the Town Board shall serve as the Administrator and may delegate one or more of the duties of the position to one or more persons as the Town Board determines is appropriate.
 - ii. **Environmental Assessment Worksheet (“EAW”).** “Environmental assessment worksheet” or “EAW” means a brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS (Minnesota Rules, Part 4410.0200, Subpart 24).
 - iii. **Environmental Impact Statement (“EIS”).** “Environmental impact statement” or “EIS” means a detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a (Minnesota Rules, Part 4410.0200, Subpart 26).
 - iv. **Extractive Use.** “Extractive use” means the use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statute, Sections 93.44 to 93.51.
 - v. **Gravel Mining Site.** “Gravel mining site” means any site where the ground cover and top soil has been or are proposed to be removed and where any of the following activities are occurring or will occur: removal, crushing,

washing, refining, borrowing, or processing. An “active” gravel-mining site is a site where any combination of the above-identified activities resulted in the handling of more than 500 yards of material within the preceding calendar year.

- vi. **Sensitive Shoreland Area.** “Sensitive shoreland area” means shoreland designated as a special protection district pursuant to Minnesota Rules, Part 6120.3200 or shoreland riparian to any of the following types of public waters:
 - (a). Lakes or bays of lakes classified as natural environment pursuant to Minnesota Rules, Part 6120.3000;
 - (b). Trout lakes and streams designated pursuant to Minnesota Rules, Part 6264.0050;
 - (c). Wildlife lakes designated pursuant to Minnesota Statutes, section 97A.101, subdivision 2;
 - (d). Migratory waterfowl feeding and resting lakes designated pursuant to Minnesota Statutes, section 97A.095, subdivision 2; or
 - (e). Outstanding resource value waters designated pursuant to Minnesota Rules, Part 7050.0335.

- vii. **Stormwater Pollution Prevention Plan (“SWPPP”).** “Stormwater pollution prevention plan” or “SWPPP” means a plan that describes the strategies and steps that will be taken to prevent nonpoint source pollution discharging from a site. The development of a proper SWPPP is a requirement of the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater (CSW) permits.

- (D) **Aggregate Mining and Processing Performance Standards.** The removal, crushing, washing, refining, borrowing or processing of gravel within the Town must comply with all of the following:
 - i. **Compliance.** Federal, state, county and Town regulations and permitting must be adhered to and obtained prior to operation.
 - ii. **Annual Registration.** The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the Town, to decertify any permits where the activity has ceased, to monitor compliance with the conditions of approval and to review bonding requirements.
 - iii. **Application Requirements.** The following information shall be provided by the landowner requesting the conditional use permit:
 - (a). Name and address of person or agency requesting the mining permit.
 - (b). The exact legal property description and acreage of area to be mined.
 - (c). The following maps drawn at an engineer’s scale showing the following information is required:

- (1). Existing Conditions Map

- a. Topography at two (2) foot intervals and source of contour interval.
- b. Existing vegetation (list type and percent of coverage; e.g. grassland, pasture, plowed field, wooded areas, etc.).
- c. Waterways, watercourses, lakes, public water wetlands and delineated wetlands.
- d. Existing structures.
- e. Existing wells.

(2).Proposed Operations Map

- a. Structures to be erected.
- b. Location of sites to be mined, showing depth of proposed excavation.
- c. Location of machinery to be used in the mining operation.
- d. Location of tailing/stripping deposits showing maximum height of deposits.
- e. Location of storage and mined materials, showing the maximum height of storage deposits.
- f. Location of vehicle parking, access roads and local routes to truck routes.
- g. Location of storage areas for explosives.
- h. Erosion and sediment control structures.
- i. Cross-section sketch of the proposed mining operation.
- j. Location of the leak containment structure(s) for servicing trucks and machines in the event of a petrochemical leak or spill.

(3).End Use Plan Map

- a. Final grade of proposed site showing elevations and contour lines at two (2) foot intervals.
- b. Location and species of vegetation to be replanted.
- c. Reclamation staging plan.
- d. A plan for dust, noise, stormwater runoff (SWPPP) and erosion control.
- e. A full and adequate description of all phases of the proposed operation to include an estimate of duration of

the mining operation, location and approximate acreage of each stage, and time schedule for completion.

f. A Mining Operations & Reclamation Plan shall be completed and submitted to the Administrator.

(d). Any other information requested by the Planning Commission or Town Board.

(E) **Operating Standards.**

- i. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and prevent the proliferation of noxious or invasive vegetation.
- ii. All equipment used for mining and extraction operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noise, dust and vibration adversely affecting the surrounding property.
- iii. Safety fencing may be required around all or portions of the mining operation, at the discretion of the Town Board.
- iv. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may also be required between the mining site and any public road located within five hundred (500) feet of any mining or processing operation. The screening barrier shall be planted with a species of fast-growing trees.
- v. Mining and processing of minerals shall not be conducted closer than two hundred fifty (250) feet from the property line nor closer than one thousand (1,000) feet from any residential, commercial or industrial structures without the written consent of all owners and residents of said structures. Mining and processing of minerals shall not be conducted closer than two hundred fifty (250) feet from the centerline of any Town road nor closer than one thousand three hundred twenty (1,320) feet from the centerline of any Public Roadway classified as an arterial, major collector or minor collector.
- vi. Mining and processing operations shall not be conducted closer than one thousand three hundred twenty (1320) feet from another mining site.
- vii. Mining and processing operations shall not be conducted closer than one thousand three hundred twenty (1,320) feet from the boundary of any zoning district where such operations are not permitted.
- viii. Mining and processing operations shall not be conducted closer than two hundred fifty (250) feet from the ordinary high water level of any public water.
- ix. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and

according to acceptable industrial practice so as to assure that such buildings, structures and plants will not become dilapidated.

- x. All access roads from mining operations to public highways, roads or streets, or to adjoining property shall be paved or surfaced to minimize dust considerations.
- xi. Surface mining below the upper limit of the static water table is prohibited unless otherwise approved by the Town Board. The upper limit of the static water table is the higher of the following:
 - (a). the depth at which regular mining operations are so impaired by the presence of standing water not associated with precipitation so as to require continuous drainage or dewatering; or
 - (b). the depth established as a static water by a Registered Engineer.

(F) Rehabilitation & Reclamation.

- i. All mining sites shall be rehabilitated immediately after mining operations cease. Rehabilitation shall be complete within one (1) year. The following standards shall apply:
 - (a). The peaks and depressions of the area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall. No finished slopes shall exceed twenty-five (25) percent in grade.
 - (b). Reclaimed areas shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least three (3) inches. The topsoil shall be seeded, sodded, or planted with legumes and grasses. Such plantings shall adequately retard soil erosion.
 - (c). The applicant or the owner of the property on which the mineral extraction is occurring must provide the Town a copy of the bond, letter of credit or cash escrow required by the County. The Town may require the applicant or owner of the property to post such additional bond, letter of credit or cash escrow in such form and sum as determined by the Town Board as part of the permit. The security shall be sufficient to reimburse the following costs:
 - (1). Costs of bringing the operation into compliance with the Town's Conditional Use Permit requirements, including site monitoring and enforcement costs.
 - (2). Costs of repairing Town roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the Town Engineer.
 - (3). Site restoration.

(4). Costs the Town may incur in enforcing the terms of the Conditional Use Permit, including attorney's fees.

3. Wind Energy Conversion Systems ("WECS").

Wind energy conversion systems shall comply with all of the following:

- (A) **Purpose.** The purpose of this Ordinance is to set forth a process for permitting wind energy facilities with a rated capacity of less than 5,000 kilowatts (or five megawatts). MN Statutes 116C.697 pre-empts all local authority over permitting or regulating the construction or operation of wind power facilities of five megawatts (five million watts) of name plate generator capacity or greater.
- (B) **Definitions.** All definitions shall be recognized by the language referenced in Minnesota Rules, Chapter 4401 and Minnesota Statutes, Section 116C.697.
- (C) **Classification.** WECS shall be divided into the following categories and shall meet the respective requirements:
 - i. **Hobbyist.** This type of system is designed for a nameplate rating not to exceed 40 kilowatts. The system may be connected to the commercial electrical grid and electricity sold. Several small owned turbines joined together are or may be considered to be commercial application.
 - (a). Require a Conditional Use Permit, including a site plan.
 - (b). Towers are free standing or guyed, and do not exceed 75 feet in height.
 - (c). Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).
 - (d). Applications for WECS that directly connect to the commercial electrical grid shall be accompanied by a Net Excess Generation (NEG) contract with the respective electrical power company.
 - ii. **Residential Commercial.** These systems are designed not to exceed 500 kilowatts of electrical output. The system may be connected to the commercial electrical grid and electricity sold. Applications for this use also require notification to the Minnesota Department of Commerce.
 - (a). Require a Conditional Use Permit for towers not exceeding 170 feet in height, including a site plan.
 - (b). Non-free standing, guyed or non-lattice towers shall not exceed 120 feet in height. Guyed lattice towers shall not exceed 170 feet in height.
 - (c). Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 - (d). Systems that directly connect to the commercial electrical grid shall conform to National Electrical Code (NEC).

- (e). Power Purchase Agreement (PPA) or other acceptable contract for the use or sale of power with the respective electrical power company is required as a condition of the Conditional Use Permit before the turbine is operable.
 - iii. **Commercial.** These systems are designed exclusively to be connected to the commercial electrical grid and electricity sold with a nameplate rating exceeding 500 kilowatts. Applications for this use also require notification to the Minnesota Department of Commerce before any approval is granted.
 - (a). Require a Conditional Use Permit.
 - (b). Towers shall not exceed 350 feet in height excluding the rotor blades.
 - (c). Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 - (d). Commercial systems shall conform to National Electrical Code (NEC).
 - (e). A Power Purchase Agreement (PPA) or other acceptable contract for use or sale of power with the respective electrical power company is required as a condition of the Conditional Use Permit before the turbine is operable.
 - iv. **Experimental.** These systems are designed and operated exclusively for research, testing, prototyping, education, demonstration, and development to supply electricity to loads isolated from the commercial grid.
 - (a). Require a Conditional Use Permit for towers 170 feet or less in height, including a site plan.
 - (b). Require a Conditional Use Permit for towers more than 170 feet in height, including a site plan.
 - (c). Non-free standing, guyed non-lattice towers shall not exceed 120 feet in height.
 - (d). Guyed lattice towers shall not exceed 170 feet in height.
 - (e). Wind energy structural and mechanical systems engineering plan including soil investigation shall be developed by a qualified and licensed professional engineer to conform to applicable structural and mechanical standards.
 - (f). Commercial systems shall conform to National Electrical Code (NEC).
- (D) **Districts and Setbacks.**
- i. Except for the Hobbyist system or those with a nameplate rating that does not exceed 40 kilowatts, WECS's are allowed only in the Agricultural (A-1 and A-2), Industrial (I) and the Special Commercial Overlay (SC) Districts. WEC's are prohibited in the Residential and other districts.

- ii. In the Non-Intensive Agriculture District (A-1), WEC's with a nameplate rating exceeding one (1) megawatt are prohibited.
- iii. WEC's with a nameplate rating that does not exceed 40 kilowatts can be located within the shoreland zone of Natural Environment lakes that have less than 500 surface acres contingent that there is no adverse impact upon state and federal easements or related policies.
- iv. Except for the Hobbyist system, towers shall be located no closer than 750 feet from the nearest residence other than the applicant.
- v. All towers shall be located no closer than five (5) rotor diameter (RD) from any other wind tower project.
- vi. Towers shall be set back from all residential structures, property lines, public road and railroad rights-of-way an amount equal to the height of the tower plus 25 feet. Guy wires for towers shall be set back 25 feet from all property lines and public road rights-of-way. Notwithstanding the foregoing, the Town may grant a conditional use permit for the construction of a residence or establishment of a WECS which does not meet these setback requirements provided that the permit is conditioned upon the applicant obtaining a covenant from the owner of record of each existing use from which the proposed use must be set back, which waives the protection of the setback and consents to the applicant's proposed use. The covenant must be in recordable form and binding on the grantor's heirs and assigns, and must be recorded by the applicant before the conditional use permit is effective.

(E) **Additional Standards.**

- i. Towers shall be constructed of, and/or treated with corrosive resistant material.
- ii. WECS towers and electrical equipment shall be maintained and inspected according to manufacture's requirements by qualified personnel. Annual tower inspection reports shall be provided to the Town.
- iii. WECS electrical and mechanical equipment that is connected to a commercial electrical grid shall be maintained and inspected according to manufacturer's requirements by qualified personnel. Annual electrical equipment inspection reports shall be provided to the Town on forms provided and shall include total annual energy generated, total annual energy sold, average daily generation, and instantaneous maximum generation. A copy of these reports must be filed with the Minnesota Department of Commerce.
- iv. The use of any portion of a WECS tower for signs/placards other than warning, identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet or exceed 20 feet from ground. The manufacturer's or owner's name/logo printed on the nacelle is exempt from this standard.
- v. The addition of any non-WECS's equipment to a WECS's tower is prohibited. Towers that do not exceed 75 feet in height are exempt from this requirement.

- vi. All towers must be painted a solid, natural tone color.
- vii. For lattice structures or towers with external ladder access or towers over 75 feet tall, a suitable protective anti-climbing solution must be approved by the Town.
- viii. The Permittee shall not operate a turbine so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (“FCC”) regulations or other law. In the event the turbine and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.
- ix. Noise is regulated by the Minnesota Pollution Control Agency under Minnesota Rules, Chapter 7030. Any WECS shall not exceed 50 dB(A), as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- x. Each WECS permit or conditional use permit may include a utility building for protection of associated equipment not to exceed 100 square feet.
- xi. All towers shall utilize minimal lighting. No tower lighting other than normal security lighting shall be permitted except as may be required by the Federal Aviation Administration. It may be appropriate to allow for some infrared lights or heat lamps to prevent icing of sensors.
- xii. All towers must have a decommissioning plan which shall include a description of:
 - (a). When and how a facility is to be decommissioned.
 - (b). Estimated cost of decommissioning.
 - (c). If the WECS isn’t removed within 12 months after cessation of the operations at a site, the Town may remove the tower and associated facilities and assess the costs of removal against the property, subject to the County’s removal and assessment of such costs.
 - (d). The following provisions must be followed to ensure that facilities are properly decommissioned upon the end of the project life or facility abandonment. Towers that have not been used for a period of twelve months must be decommissioned unless awarded an extension by the Town Board and shall follow the following requirements:
- xiii. Remove all structures and debris to a depth of four (4) feet.
- xiv. Restoration of the soil.
- xv. Restoration of vegetation (consistent and compatible with surrounding vegetation).

4. Solar Energy Systems (“SES”).

- (A) **Purpose.** This ordinance permits SES as either primary or accessory uses, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where general standards and specific criteria overlap, specific criteria shall supersede general standards. This Ordinance does not address utility-scale SES.
- (B) **Classification.**
 - i. **Accessory (<250 kW).** Accessory to the primary use of the land, designed to supply energy for onsite residential use.
 - (a). Rooftop SES are allowed accessory uses in all districts in which buildings are permitted. No land use permit is required.
 - (b). Ground-mount SES are permitted accessory uses in all districts in which buildings are permitted. Ground-mount systems require a County land use permit, a copy of which must be provided to the Town, and are subject to the standards for the district in which it is located, including setback, height, and impervious surface coverage limits. The collector surface of a ground-mount system is not considered impervious surface, but any foundation, compacted soil, or other component of the solar installation that rests on the ground is considered impervious surface.
 - ii. **Solar Garden (250 kW - < 2 MW).** Roof or ground-mount SES, may be either accessory or primary use.
 - (a). Rooftop SES are permitted in all districts in which buildings are permitted. No land use permit is required.
 - (b). Ground-mount Solar Gardens require a conditional use permit in all districts.
 - (c). All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - (d). Ground-mount Solar Gardens must comply with all required standards for structures in the district in which the system is located.
 - iii. **Solar Farm (2 MW - < 50 MW).** Roof or ground-mount SES, generally a primary use, designed for export to the wholesale market or connection to the electric transmission grid.
 - (a). Rooftop SES are permitted in all districts in which buildings are permitted.
 - (b). Ground-mount Solar Farms require a conditional use permit in all district.
 - (c). All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

- (d). Ground-mount Solar Farms must comply with all required standards for structures in the district in which the system is located.
 - (e). Utility (≥ 50 MW). Large scale SES of equal to or greater than 50 MW are reviewed and permitted by the State.
- (C) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:
- i. **Accessory Use.** “Accessory use” means a use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.
 - ii. **Administrator.** “Administrator” means the Zoning Administrator. If the Town Board does not specifically designate a person to serve as the Zoning Administrator, the Town Board shall serve as the Administrator and may delegate one or more of the duties of the position to one or more persons as the Town Board determines is appropriate.
 - iii. **Building-Integrated Solar Energy System.** “Building-integrated solar energy system” means an active SES that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems are contained within roofing materials, windows, skylights and awnings.
 - iv. **Electricity Generation.** “Electricity generation” means the amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (“kWh”) or megawatt-hours (“MWh”).
 - v. **Kilowatt-hour (“kWh”).** “Kilowatt-hour” or “kWh” means a unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.
 - vi. **Megawatt-hour (“MWh”).** “Megawatt-hour” or “MWh” means a unit of energy equivalent to one Megawatt (1 MW) of power expended for 1 hour of time.
 - vii. **Electrical Equipment.** “Electrical equipment” means any device associated with an SES, such as an outdoor electrical unit/control box, that transfers the energy from the SES to the intended on-site structure.
 - viii. **Mounting.** “Mounting” means the manner in which a solar PV system is affixed to the roof or ground (i.e. roof mount, ground mount).
 - ix. **Roof-Mount System.** “Roof-mount system” means an SES consisting of solar panels installed directly on the roof of a home, commercial building, or an accessory structure, such as a garage, pergola, or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.

- x. **Ground-Mount System.** “Ground-mount system” means an SES that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or agriculture structure. Ground-mount systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.
- xi. **Power.** “Power” means the rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
 - (a). A kilowatt is equal to 1000 Watts; a measure of the use of electrical power.
 - (b). A Megawatt is equal to 1000 Kilowatts; a measure of the use of electrical power.
- xii. **Racking.** “Racking” means SES that are attached securely and anchored to structural sections of the roof-mount or ground-mount systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.
- xiii. **Solar Access.** “Solar access” means the ability of one property to continue to receive sunlight across property lines without obstruction from another’s property (buildings, foliage or other impediment). Solar access is calculated using a sun path diagram.
- xiv. **Solar Array.** “Solar array” means multiple solar panels combined together to create one system.
- xv. **Solar Collector.** “Solar collector” means a device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
- xvi. **Solar Energy.** “Solar energy” means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- xvii. **Solar Energy System (“SES”).** “Solar energy system” or “SES” means a system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation.
- xviii. **Solar Glare.** “Solar glare” means the effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- xix. **Substation.** “Substation” means any electrical facility containing power conversion equipment designed for interconnection with power lines. Part of the electrical transmission system converting high voltage to low voltage or converting low voltage to high voltage for incorporation into the electrical power grid.

xx. **Tilt.** “Tilt” means the angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun’s rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky. SES can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

(D) **Solar Energy System Performance Standards.**

i. **Setbacks.**

- (a). Accessory SES must meet minimum structure setbacks for the corresponding zoning district.
- (b). Non-residential Accessory SES, Solar Gardens and Solar Farms must meet minimum structure setbacks for the corresponding zoning district and be located a minimum of five hundred (500) feet from a residential dwelling not located on the property. Setbacks shall be measured to the nearest solar array or other structure within the SES, excluding security fencing, screening or berm.
- (c). Solar Gardens and Solar Farms must be setback from the centerline of public roadways in all zoning districts as per the following:
 - (1). One thousand three hundred twenty (1,320) feet from the centerline of Arterial, Major Collector and Minor Collector roads; and
 - (2). Two hundred fifty (250) feet from the centerline of Town roads and other local roads.
- (d). Solar Gardens and Solar Farms must be setback one thousand, three hundred twenty (1,320) feet from another Solar Garden or Solar Farm.

ii. **Maximum Height.** Ground-mount systems shall not exceed twenty-five (25) feet in height at maximum ground tilt. Roof-mount SES shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, SES other than building-integrated SES shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed, except that SES shall not be required to be screened.

iii. **Impervious Surface.** Impervious Surface includes any foundation, poles, compacted soil and other impervious components of the solar installation that rests on the ground. Vegetated ground under the collector surface can be used to mitigate stormwater runoff.

iv. **Vegetation.** All conditional use permit projects are required to meet the following vegetation standards:

- (a). The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, Section 216B.1642, or successor statutes and

guidance as set by the Minnesota Board of Water and Soil Resources, which includes but is not limited to:

- (b). The DNR Prairie Establishment & Maintenance Technical Guidance for Solar Projects, BWSR Sample Specifications for the Establishment of Native Vegetation as Part of Habitat Friendly Solar Projects, and/or any successor guidance shall be utilized.
- (c). BWSR Solar Site Pollinator Habitat Assessment Form for Project Planning must be completed and submitted, a minimum score of 70 must be attained to receive “Habitat Friendly Solar” status.
 - (1). Beneficial habitat standards shall be maintained onsite for the duration of operations, until the site is decommissioned.
 - (2). To ensure beneficial habitat standards are maintained the site shall be inspected by an independent, third-party professional each year until year 3, then on a triennial basis. BWSR Solar Site Pollinator Habitat Assessment Form for Established Plantings (after year 3) shall be completed by an appropriately trained ecologist every 3 years to ensure maintenance of the beneficial habitat standards.
- v. **Stormwater and Erosion Control.** Systems shall be in compliance with Section 10.24 of the County Ordinance, and any subsequent amendments thereto. Best Management Practices shall be utilized for managing erosion control.
- vi. **Slope.** Structures may not be placed on slopes over 12%.
- vii. **Floodplain.** Structures may not be placed in the floodway. If the floodway is not shown on the official maps, an analysis is required to demonstrate the structures are outside the floodway.
- viii. **Signage.** The use of any portion of a SES for signs/placards other than warning, identification, or equipment information sign/placards is prohibited. Signs or placards for warning, identification, or equipment information shall not exceed six square feet or exceed 20 feet from ground.
- ix. **Aviation.** Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration (FAA) may be necessary.
- x. **Glare.** Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. All SES using a reflector to enhance solar production shall minimize glare from the reflector that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, screening on the north side of the solar array, reducing use of the reflector system, or other remedies that limit glare.
- xi. **Other Standards and Codes.**

- (a). All power transmission lines from a ground-mount SES to any building or other structure shall be located underground.
- (b). Systems shall be designed and operated in a manner that protects public safety.
- (c). Systems shall be in compliance with any applicable local, state and federal regulatory standards, including, but not limited to, the State of Minnesota Uniform Building Code, as amended, and the Minnesota and National Electric Code, as amended.
- (d). Electric SES components that are connected to a building electric system must have an Underwriters Laboratory (UL) listing.
- (e). The installation and ongoing maintenance of the SES shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), or other similar certifying organizations, and shall comply with all other applicable fire and life safety requirements.
- (f). Upon completion of installation, all components of the SES shall be maintained in good working order in accordance with standards of the codes under which it was constructed. Failure of the property owner to maintain the SES in good working order is grounds for appropriate enforcement.

(E) **Application Requirements.** The following requirements are for SES conditional use permit applications.

- i. A site plan of existing conditions drawn at an engineer's scale showing the following:
 - (a). Existing property lines and property lines extending three hundred (300) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
 - (b). Existing public and private roads, showing widths of the roads and any associated easements.
 - (c). Location and size of any existing or abandoned wells, and sewage treatment systems.
 - (d). Existing buildings and any impervious surface.
 - (e). Topography at two (2) foot intervals and source of contour interval. A contour map of surrounding properties may also be required.
 - (f). Existing vegetation (list type and percent of coverage; e.g. grassland, pasture, plowed field, wooded areas, etc.).
 - (g). Waterways, watercourses, lakes, public water wetlands and delineated wetlands.

- (h). The one Hundred (100) - year flood elevation and Regulatory Flood Protection Elevation, if applicable.
 - (i). Floodway, flood fringe and/or general flood plain district boundary, if applicable.
 - (j). The County shoreland district boundary, if any portion of the project is located within a County shoreland district.
 - (k). In the shoreland district, the ordinary high water level and the highest known water level.
 - (l). In the shoreland district, the toe and top of any bluffs within the project boundaries.
 - (m). Surface water drainage patterns.
 - (n). Mapped soils according to the USDA NRCS Web Soil Survey.
- ii. A site plan of proposed conditions drawn at an engineer's scale showing the following:
- (a). Topography at two (2) foot intervals and source of contour interval.
 - (b). Location and spacing of solar panels.
 - (c). Location of access roads.
 - (d). Planned location of underground electric lines connecting the SES to the building, substation or other electric load.
 - (e). New electrical equipment other than at the existing building or substation that is the connection point for the SES.
 - (f). Sketch elevation of the premises accurately depicting the proposed SES and its relationship to structures on adjacent lots (if any).
 - (g). To determine the existence of wetlands, a Level 2 wetland delineation is required. Other levels may be appropriate if approved by the Administrator.
 - (h). Verification, by the local Wetland Conservation Act Specialist, that the proposed project will not negatively impact or be located in an identified wetland.
 - (i). Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks.
 - (j). Number of Solar Collectors to be installed.
- iii. A description of the method of connecting the array to a building or substation.
- iv. Ground-mount system applications shall identify existing vegetation on installation site (list type and percent of coverage; e.g. grassland, plowed field,

wooded areas, etc.), and provide a maintenance plan for controlling vegetative growth onsite upon installation of the SES.

- v. A Preliminary Stormwater Pollution Prevention Plan (SWPPP) will be required, designed as per the Minnesota Stormwater Manual.
- vi. An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts.
- vii. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.
- viii. Decommissioning Plan & Escrow.
 - (a). Solar Garden and Solar Farm scale SES require a Decommissioning Plan in accordance with the following Section.
 - (b). The Town Board requires the owner and/or operator of the Solar Garden or Solar Farm scale SES to provide the Town a copy of the financial surety required by the County. In order to ensure that decommissioner shall be completed if the applicant or operator for any reason fails to meet the requirements of the Decommissioning Plan, the Town may require the owner and/or operator to post a bond, letter of credit or the establishment of a cash escrow in an amount equal to the cost estimate provided in accordance with the Decommissioning Plan.
 - (c). Any financial surety arrangement shall be approved by the Town Attorney as to form and issuing bank (the issuing bank must be an FDIC insured bank and must be available in its entirety to fulfill the obligations of the surety arrangement). Any letter of credit to the Town shall contain language requiring its automatic renewal prior to December 31 of each calendar year, unless cancellation of the letter of credit is specifically approved in writing by the Town Board.

(F) **Decommissioning.** A decommissioning plan shall be submitted with all applications for Solar Garden and Solar Farm scale SES.

- i. Decommissioning plans shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon it becoming a discontinued use. The cost estimates shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The salvage or resale value of the infrastructure shall not be used in calculating any offset or credit against the estimate of the total cost to remove the

infrastructure and reclaim the property to its original condition. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system.

- ii. Decommissioning of the system must occur within ninety (90) days of either of the following:
 - (a). The end of the system's serviceable life; or
 - (b). The system becomes a discontinued use.
- iii. A system shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Administrator outlining the steps and schedule for returning the system to service.
- iv. If a ground-mount SES is removed, any earth disturbance as a result of the removal of the ground-mount SES shall be graded and reseeded.
- v. If a ground-mount SES has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Administrator, the SES shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Administrator. If the owner fails to remove or repair the defective or abandoned SES, the Administrator may pursue legal action to have the system removed at the owner's expense.

5. Guest Cottage & Guest Quarters

(A) Guest Cottage

One guest cottage may be permitted on lots meeting or exceeding the duplex lot area and width dimensions according to this Ordinance, provided the following standards are met:

- i. The guest cottage shall meet all requirements, including impervious surface standards, setbacks, adequate septic system capacity or ability to connect to the city sewer system.
- ii. For lots exceeding the minimum lot dimensions of duplex lots, the guest cottage must be located within an area equal to the smallest duplex-sized lot that could be created including the principal dwelling unit;
- iii. A guest cottage, including any attached covered structures, must not cover more than 700 square feet of land surface and must not exceed 15 feet in height. Basements are prohibited.
- iv. A guest cottage must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

- v. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest cottage.

(B) Guest Quarters

One guest quarter per lot shall be permitted provided the following standards are met:

- i. Guest quarters shall meet all requirements, including but not limited to adequate septic system capacity or ability to connect to the city sewer system.
- ii. Guest quarters shall not exceed 700 square feet in size, regardless of the size of the accessory structure wherein they are located.
- iii. Existing boathouses and other detached accessory structures which do not comply with the minimum structure setback standards shall not be converted to a guest quarters.

6. Recreational Camping Vehicles

The purpose of this section is to provide standards for recreational camping vehicles (RV) utilized as temporary living quarters during recreational/vacation or other activities without the infringement upon and/or depreciation of neighborhood or adjacent properties.

(A) This section applies to the following types of RVs:

- i. Travel Trailer – A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified “travel trailer” by the manufacturer of the trailer.
- ii. Pick Up Campers – A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation. Examples of these would include horse trailers with sleeping area or “goose neck” trailers.
- iii. Motor Home – A portable, temporary structure to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- iv. Camping Trailer – A folding structure mounted on wheels and designed for travel, recreation and vacation uses.
- v. Slide-In-Campers – A structure designed to be mounted into a pickup truck in the pickup box, either by bolting through the floor of the pickup box or firmly clamping to the side of the pickup box.
- vi. Park Trailers – A structure not exceeding 8.5 feet in width but which is no larger than 400 square feet when the collapsible components are fully extended or at maximum horizontal width. Park trailers must be licensed for over the road.

(B) General Provisions:

RVs may be allowed in any zoning district, subject to the following provisions:

- i. One (1) RV per lot is permitted by right for intermittent recreational or guest use, provided the following criteria are met:
 - (a). For periods no longer than ninety (90) consecutive days.
 - (b). Minimum building setbacks are maintained as required by Ordinance for the applicable zoning district.
 - (c). All wastewater must be disposed of at a dumping station or wastewater treatment facility and sanitation standards set forth in this Ordinance must be complied with.
 - (d). The current year and class of vehicle license in accordance with State regulations shall be displayed and maintained.
 - (e). All tires necessary for safe highway transport must remain mounted and inflated at all times.
- ii. A second RV per lot is permitted by right for seasonal intermittent recreational or guest use for periods no longer than fourteen (14) consecutive days, provided the following provisions are met:
 - (a). All wastewater must be disposed of at a dumping station or wastewater treatment facility and sanitation standards set forth in this Ordinance must be complied with.
 - (b). The current year and class of vehicle license in accordance with State regulations shall be displayed and maintained.
 - (c). All tires necessary for safe highway transport must remain mounted and inflated at all times.
- iii. Any RV which is used as temporary living quarters for more than ninety (90) consecutive days or that does not conform to the duration limitation prescribed above shall require an **interim use permit**, be appropriately sited and adequately sewered in accordance with Section 10.20 of this Ordinance.
- iv. The parking of an uninhabited RV by the property owner for strictly storage purposes is allowed. However, it shall not be hooked up to sewer and water.
- v. Any RVs parked on a parcel for seventy-two (72) hours or less shall be exempt from any of the provisions of Section 10.15, excepting the provision regarding wastewater disposal.
- vi. RV siting in excess of two (2) units, except as provided for in Section 10.15.B.5 above, shall require an interim or conditional use permit, be deemed a campground, and are subject to Section 10.19 of this Ordinance.

7. Vacation Home Rental (VHR)

The purpose of this section is to establish performance standards and licensing requirements for vacation home rentals (VHR's) in allowed zoning districts, to protect the safety and welfare of adjacent and surrounding land uses

(A) Definitions: The following terms and phrases, when used in this Article and Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

- i. Administrator: The Administrator is the Township Zoning Administrator.
- ii. Resort: any buildings, structures, or enclosures kept, used maintained or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and primarily to those seeking recreation, for periods of one day to one week or longer, and having for rent three or more resort cabins, rooms, or enclosures.
- iii. Vacation Home Rentals (VHR's): A single family dwelling and/or related structure that is rented out on a transient basis for a charge. A transient basis shall be any period of time less than thirty (30) consecutive days.

(B) Performance Standards

- i. All VHR's shall be licensed by Horizon Public Health and shall meet the ordinance requirements.
- ii. Permit Requirements:
 - (a). Administratively Issued Land Use Permit Required:
 - (1). Limited to one (1) vacation rental unit per parcel.
 - (2). Maximum overnight guest occupancy shall not exceed the lesser of the following limits:
 - a. For properties with subsurface sewage treatment systems, the maximum number of overnight guests shall not exceed the total treatment capacity of the system in gallons per day divided by 45 gallons per overnight guest (i.e. 450 gal per day / 45 gallons = 10 overnight guests); or
 - b. Not more than 12 overnight guests.
 - (b). Conditional Use Permit Required:
 - (1). More than one vacation rental unit on the same parcel or single units on contiguous parcels under common ownership.
 - (2). Overnight guest occupancy exceeds 12 guests.
 - (c). Sanitation: The VHR shall be connected to either a central sanitary sewer or a compliant subsurface sewage treatment system as per MN Rules Chapter 7080, or successor rules.
 - (1). The subsurface sewage treatment system shall be designed and constructed with a design flow of forty-five (45) gallons of

water per person per day to handle the maximum number of guests for which the facility is permitted.

- (2). The use of holding tanks for VHR's shall be prohibited.
 - (3). An operating permit for the septic system shall be obtained from the Land & Resource Management department.
- (d). All advertisements or web-based reservation service pages shall include:
- (1). License number issued by Horizon Public Health.
 - (2). The total permitted overnight guest occupancy.
 - (3). The total number of persons permitted on the property.
- (e). Garbage, refuse, or recycling shall be stored completely enclosed within designated refuse containers. The owner or operator of the rental unit shall provide sufficient trash storage containers and service to accommodate the demand of the occupants.
- (f). Noise levels shall not exceed the standards established in MN Rules, chapter 7030, or successor rules. Noise levels shall not exceed 50 dB for more than 30 minutes, as measured at the property line of the rental property, between the hours of 10 pm and 8 am.
- (g). Guest parking shall be on a designated onsite area.
- (h). No free-standing signs shall be allowed. Signage less than twelve (12) square feet may be attached flush with the outside wall of a residential structure.
- (i). All outside lighting must be hooded and directed straight down.
- (j). The boundaries of the rental property shall be visually demarcated by a fence, vegetation, landscaping, or other method as approved by the Administrator.
- (k). The use of detached or temporary sleeping accommodations such as recreational vehicles, tents, fish houses, campers or others to increase the overnight guest capacity shall be prohibited.
- (l). The rental owner, operator, or manager shall provide the name and phone number of a local contact at the time of licensing to the County, Horizon Public Health, local Police Department and display a placard on the residential structure with local contact information. Any change of contact or contact information shall be noticed to the above parties within 10 days of the change. The local contact must:
- (1). Be available 24 hours per day, seven days per week.
 - (2). Be able to respond by phone within 60 minutes and in-person within 120 minutes of notification.
 - (3). Have administrative authority over the property and guests.

- (4). Have knowledge of the VHR, the property, rental and County rules, standards, and procedures.
- (m). The following shall be posted within the rental unit in a prominent location to be readily available to guests:
 - (1). License issued by Horizon Public Health.
 - (2). Full name and phone number of owner or operator.
 - (3). Full name and phone number of local contact or local management agent.
 - (4). Local emergency contact information (police, fire, ambulance, septic maintainer).
 - (5). Emergency evacuation plan.
 - (6). Aerial image of the property clearly showing property boundaries, parking areas, shore recreational facilities, garbage receptacles, septic treatment system (if private system).
 - (7). The maximum number of overnight guests and the total guest capacity of the property.
 - (8). The maximum number of parking spaces.
 - (9). Any applicable County or Township ordinances governing noise, parking, pets, or lakes (AIS laws, water surface zoning, etc.).
- (n). The licensee shall keep a report (which shall be provided to the Administrator upon request), detailing use of the home by recording, at a minimum:
 - (1). The full name, address, phone number and vehicle license plate number of all guests using the property.
 - (2). The number of guests.
 - (3). Dates of rental.
- (o). The owners of VHR's shall, at a minimum, comply with Minnesota Statutes, chapter 504B; or successor statute and make available to all tenants the Minnesota Attorney General's annual statement summarizing the significant legal rights and obligations of landlords and residential tenants, as described in Minnesota Statutes, section 504B.275; or successor statute.

8. Signs

- (A) **Purpose and Intent.** It is not the purpose or intent of these sign standards to regulate the message displayed on any sign; nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from the outside of a building. The purpose and intent of this Section is to:

- i. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Township in order to protect and promote the public health, safety, and welfare.
- ii. Maintain, enhance, and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community.
- iii. Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees and the Township's goals of public safety and aesthetics.
- iv. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
- v. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
- vi. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
- vii. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the Township.

(B) Definitions.

The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning – see “Canopy”

Balloon sign - a sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Cabinet sign - any wall sign that is not of channel or individually mounted letter construction.

Canopy - a roof-like cover, including an awning, often of fabric, plastic, metal or glass, which projects from the wall or roof of a building- usually over a door,

entrance, or window; or a freestanding or projecting cover above an outdoor service area, such as at a gasoline service station. A marquee is not a canopy.

Canopy sign - any sign attached to the underside or constructed upon a canopy or awning.

Changeable copy sign, Non-electronic - A non-electronic sign or portion of a sign which is characterized by interchangeable letters and figures.

Changeable copy sign, Electronic - An electronic sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Such signs include, but are not limited to, signs using cathode-ray tubes (CRT), light-emitting diode (LED) displays (including organic LED screens), plasma displays, liquid-crystal displays (LCD), projection screens or other similar technologies.

Commercial Speech - speech advertising a business, profession, commodity, service or entertainment.

Digital sign - see "Changeable copy sign, Electronic"

Directional Sign - A sign whose message is intended to guide the circulation of persons and motorists within a site or to a particular off-site location.

Flag - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole - which is itself either freestanding or attached to a building, awning, canopy or other structure - so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign - any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Hanging sign - any sign that is suspended from the underside of a horizontal plane surface and is connected to this surface and/or to the surface of structural elements supporting that surface.

Illuminated sign - any sign which contains or uses an element designed to emanate light or any sign which has lighting directed upon it to increase its visibility.

Legally established nonconforming sign - any sign and its support structure lawfully erected prior to the effective date of this Ordinance which fails to conform to the requirements of this Ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this Ordinance and which does not comply with this Ordinance shall be deemed to be a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee sign - any sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument sign - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Motion sign – any sign which in part or in total rotates, moves, or creates the appearance of movement through changing light or color effect or intermittent illumination or animation, or appears to quiver or vibrate in light or while reflecting heat waves.

Non-commercial speech – dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-premises sign – a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at a location not on the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

On-Premises sign - a commercial speech sign which directs the attention of the public to a business, service or product sold or offered at the same parcel where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

Pole sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Portable sign - any sign which is manifestly designed to be transported by vehicle or moved by hand, including those placed or mounted on a vehicle, by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground. Portable signs include sandwich and other signs designed to be easily carried or worn by a person, signs pulled, placed in or on a vehicle and signs on the side of semi-trailers, box trucks or other such equipment.

Principal building or structure - the building or structure in which the primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings or structures, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign - any sign which is affixed to a building, wall, awning or canopy in such a manner that it displays more than one (1) sign surface or where its leading edge extends more than twelve (12) inches beyond the surface of such building or wall face.

Roof line - the upper-most edge of the roof or in the case of an extended facade or parapet, the upper-most height of said facade.

Roof sign, Constructed - any sign erected and constructed wholly on and above the roof of a building.

Roof sign, Painted – any sign painted on the roof surface of a building

Sign – any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed in the public view for informational or communicative purposes.

Sign face - the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure - any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Wall sign - any sign attached parallel to the outside wall of a building, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Water-Oriented Business Sign – A sign which is directed and placed by a permitted or legal nonconforming business so as to be visible to boaters, swimmers or other recreational users of a waterbody.

Window sign - any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

- (C) **Permits Required.** No sign, unless specifically exempted by this Ordinance, shall be erected, altered, reconstructed, or moved without first securing a sign permit from the Township. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- (D) **Exemptions.** The following signs shall not be counted against the maximum square footage of signage allowed per parcel. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the size, height, location and other provisions of this Ordinance or any other law or ordinance regulating the same.
- i. The changing of the display surface on a previously approved or legal nonconforming painted or printed sign provided that no structural changes are made, and the sign face does not increase in size; or provided that the replacement sign is consistent with a previously issued permit, unless such sign has been deemed abandoned.
 - ii. Individual signs not exceeding one (1) square foot in size.
 - iii. Up to three (3) unilluminated signs per parcel which are each six (6) square feet or less in size.

- iv. Signs which are:
 - (a). Located no closer than seventy-five (75) feet to the edge or curb of any traveled road surface; and
 - (b). Not greater in size than six (6) square feet with any letters or numbers not greater than three (3) inches in height.
- v. Public and Traffic Signs: Any public sign (directional, safety, danger, trespassing, traffic, warning, public information or public organization) erected by, or on the order of, a duly constituted public office of City, Township, County, State, or Federal governments.
- vi. Integral Signs: Signs of any size carved into stone, concrete or similar material and an integral part of the structure and not larger than 32 square feet.
- vii. Certain Signs Attached to Non-Building Structures: Signs up to two (2) square feet in size which are made of bronze, aluminum, plastic, wood or other permanent type construction and which are attached to a non-building structure and do not exceed the height of the structure.
- viii. Private Traffic Direction Signs: Signs directing traffic movement onto a premises or within a premises, not exceeding eight (8) square feet in area for each sign.
- ix. The established or official flag, pennant or insignia of any nation, organization of nations, state, province, county, city, any religious, civic or fraternal organization, or educational institution: provided, however, that a flag used in connection with commercial promotion or as an advertising device shall be regulated as a sign under this Ordinance. Exempt flags may be of any height or size.
- x. Roof signs, Painted
- xi. Canopies or awnings which are supported by a building, extend no further than three feet from the façade of the building, and which have a minimum clearance of eight (8) feet above ground level. Signs which are painted on, hanging from, or otherwise affixed to a canopy or awning shall be subject to the requirements of a wall sign.
- xii. Temporary signs listed elsewhere in this Ordinance.
- xiii. Any signs which are required to be posted by state or federal law.

(E) **Prohibited Signs.** The following signs are prohibited signs:

- i. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal. Private traffic direction signs shall not be subject to this prohibition.

- ii. Signs attached to public street/traffic signs, utility poles, bridges, towers, or similar public structures or property. Signs in violation of this subdivision may be removed by authorized personnel at the Township's discretion, without advance notice to the sign owner.
- iii. Any other structure, banner, balloon, trailer, building, portable device, or anything visible from a public road which is used as an advertising device is prohibited unless specifically authorized or exempted by this Ordinance.
- iv. No sign shall be permitted to obstruct any door, fire escape, stairway or other opening intended to provide ingress or egress of any building or structure.
- v. Signs which use highly reflective surfaces and that may create a blinding effect when exposed to light.
- vi. Signs shall not be permitted within public right-of-way or easements nor shall a sign extend into the airspace over such a right-of-way or easement, except with the express permission of the regulatory authority.
- vii. Signs which are affixed to wireless telecommunication or other tower structures, except as are necessary or required for safety and/or maintenance.
- viii. Portable signs (unless exempted as a temporary sign), motion signs and inflatable signs in all zoning districts except Commercial/Industrial districts.
- ix. Any sign which is prohibited by other local, state or federal law.

(F) **Temporary Signs.** All temporary signs, whether permitted or exempt, shall meet the following specifications and any applicable requirements of section 8 (General Provisions) of this Ordinance.

- i. General:
 - (a). Height: Shall not exceed 15 feet, except when attached to the wall of a building.
 - (b). Setbacks: May be placed up to, but not extend over, a property line, except where greater setbacks are required from a lake or stream by this Ordinance.
 - (c). Anchoring: Shall be securely anchored to the ground or to a structure so as to prevent damage or displacement during winds of 80 miles per hour or greater.
- ii. The following shall be considered temporary signs:
 - (a). One (1) sign, up to the maximum size allowed in the relevant zoning district, per subdivision or development which has undeveloped lots actively listed for sale, except where such subdivision or development fronts more than one (1) public road, it may have one sign per public road frontage.
 - (b). Up to one (1) portable sign, up to thirty-two (32) square feet in size, shall be considered a temporary sign when located on a property for no more than fourteen (14) days in any ninety (90) day period.

(c). All signs shall be considered temporary signs when located on a property from August 1 to ten (10) days following a general election, and thirteen (13) weeks prior to any special or township election until ten (10) days after said election, or when otherwise exempted from local sign ordinances by state law during election season, as defined by the state.

iii. Temporary signs that have not been removed within the specified period may be ordered removed by the Township, unless permitted as a permanent sign, where allowed.

(G) General Provisions.

i. On-Premises/Off-Premises signs. Except where specifically noted otherwise, all non-exempt signs referred to in this Ordinance shall be regulated without regard as to whether the sign has an on-premises or off-premises message.

ii. Spacing. Signs located within twenty-five (25) feet of any other sign may be considered one (1) sign for the purposes of this Ordinance if they are placed in such a way as to circumvent the size limitations imposed on any one (1) sign, as determined by the Township.

iii. Setbacks. All sign setbacks as required by this Ordinance shall be measured to the furthest horizontal extent of the sign.

(a). Side and rear yard minimum setbacks, in all zoning districts shall be ten (10) feet or 110% the height of the sign, whichever is greater.

(b). Public road and railroad minimum setbacks, in all zoning districts, shall be at least two (2) feet from the right-of-way or 110% the height of the sign from the edge of the road surface, whichever is greater.

(c). Ordinary high water level (lake or river) minimum setbacks shall be no less than 50% of the minimum structure setback applicable to a dwelling.

iv. Height. All heights as required by this Ordinance shall be measured to the furthest vertical extent of the sign.

v. Sign Area Calculation. The area within the frame shall be used to calculate the square footage (rounded to the nearest foot), regardless of whether or not more than one side is used. If such letters or graphics are mounted directly on a wall or fascia or in such way as to be without a frame, square footage shall be calculated as the area within the periphery around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, awnings, free-standing structures, suspended by balloons or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage. Double-faced signs which have a 90 degree angle or less between the two faces need only count one face for the purpose of calculating area. Three or more faces on a sign shall be counted against the maximum size allowed.

- vi. Illumination. Where allowed, illumination for signs, whether internal or external, shall be so constructed and maintained so that the source of light is diffused and not directly visible by a motorist or pedestrian viewing the sign.
- vii. No sign shall be placed in such a way that it creates a safety hazard by obstructing lines of sight for motorists or pedestrians or physically blocks a pedestrian corridor.
- viii. Electronic Changeable Copy Signs – Where allowed, electronic changeable copy signs shall meet the following requirements, in addition to any other requirements that would otherwise apply:
 - (a). Any electronic changeable copy sign capable of displaying pictures, graphics, video or scrolling words/numbers, whether such displays are permitted or not, shall be limited to a total of thirty-two (32) square feet of display area.
 - (b). Messages or graphics displayed on an electronic changeable copy sign must be presented in a static manner, with the message changing no more than once every five (5) seconds. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
 - (c). Electronic changeable copy signs which scroll, flash, strobe, blink, pulse, fade, illuminate with varying light intensity or changing colors, or create the illusion of movement (including video displays) are prohibited.
 - (d). Any electronic changeable copy sign designed for the sole purpose of displaying printable characters (letters, numbers, punctuation marks or symbols) in a static format shall be regulated as a non-electronic changeable copy sign, provided that the digital display may change its message not more than once per hour.
 - (e). No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. Electronic changeable copy signs shall automatically dim by at least 50 percent between one-half hour after sunset and one-half hour prior to sunrise.
 - (f). No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
 - (g). Electronic changeable copy signs must be designed to freeze the display or turn the display completely off if it malfunctions.
 - (h). Sign owners must immediately turn off an electronic changeable copy sign when notified by the Township that it is not complying with the standards of this Ordinance.
 - (i). Messages displayed on electronic changeable copy signs may not be of an off-premises commercial nature.

- (j). Electronic changeable copy signs must be turned off between 10 p.m. and 5 a.m., unless otherwise permitted by conditional use permit.
- ix. Sign Lettering: All lettering or numbering shall be such that it is readable by a passing motorist at a glance. Unless otherwise required/allowed by this Ordinance or by the requirements of a conditional or interim use permit, all letters, numbers and symbols (except periods, commas, dashes or other punctuation marks typically smaller than letters) shall be at least six (6) inches in height (capital letters) and four and one-half (4.5) inches in height (lowercase letters). This requirement shall not apply to signs identified in Section 5 (Exemptions) or Section 7 (Temporary Signs), above.
- x. Freestanding Canopies or Awnings: A freestanding canopy, such as above an outdoor service area, or a freestanding awning, when permanently or semi-permanently affixed to the ground, shall be permitted as a structure and are not considered signs for the purposes of this Ordinance. Signs that are an integral part of, or which are attached to, a freestanding canopy or awning shall be regulated as a wall or projecting sign.

(H) Fees.

Sign permit fees are as established by the adopted fee schedule.

(I) Non-Conforming Signs

It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that legal nonconforming signs and supporting structures shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs and supporting structures existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs or supporting structures provided such signs are safe, are maintained so as not to be unsightly, and the sign has not been abandoned or removed subject to the following provisions.

- i. No sign or supporting structure shall be enlarged or altered in a way which increases its nonconformity.
- ii. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no permit has been applied for within one hundred eighty (180) days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- iii. Should such sign or supporting structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- iv. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved

except in changing the sign to a sign permitted in the zoning district in which is it located.

(J) Inspection, Maintenance, Removal

i. Inspection

Any sign for which a permit is required may be inspected periodically by the Township for compliance with this Ordinance and all other applicable laws.

ii. Maintenance

- (a). The owner, lessee or manager of any monument 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.
- (b). All signs shall contain current information. Outdated signs or signs with information that is outdated shall be removed by the property owner.
- (c). Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is required to protect the sign and prevent its deterioration and maintain its neat appearance. Such maintenance is allowed without permit unless a structural change is made.
- (d). Any sign located in the Township which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

iii. Removal

- (a). Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises.
- (b). Illegally erected signs shall be removed by the owner or lessee of the premises upon which the sign is located upon notice by the Township of its illegal status.
- (c). If the owner or lessee fails to remove an abandoned or illegally erected sign, the Township shall remove it in accordance with this section. These removal provisions shall not apply to abandoned signs where a succeeding owner or lessee conducts the same type of business and agrees to maintain the signs as provided in this Ordinance or changes copy on the signs to advertise the type of business being conducted on

the premises and provided the signs comply with the other provisions of this Ordinance.

- (d). Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety must be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which the sign is located.
- (e). The Township shall order the removal of any sign erected or maintained in violation of this Ordinance. Ten (10) days notice in writing shall be given to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the Township may remove the sign. The Township may remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any costs of removal incurred by the Township shall be assessed to the owner of the property on which such sign is located and may be collected in the manner of ordinary fee collection or in the manner of taxes and all costs shall be assessed against the property. Signs located within the right-of-way of County or Township Roads may be removed by the County or Township at any time without notice.

ARTICLE X: NONCONFORMING USES, STRUCTURES, AND LOTS

1. Purpose.

It is the purpose of this Article to provide for the regulation of nonconforming buildings, structures, and uses and to specify those requirements, circumstances, and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. This Ordinance establishes separate zoning districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that nonconforming buildings, structures, and uses will not be permitted to continue without restriction. Furthermore, it is the intent of this section that all nonconforming uses shall be eventually brought into conformity.

2. Nonconforming Uses and Structures.

Except as otherwise provided by law or this Ordinance, any use or structure lawfully existing on the effective date of this Ordinance may be continued at the size and in the manner of operation existing upon such date, subject to the following conditions:

- (A) Except as expressly allowed by this Ordinance, a nonconforming use or structure shall in no way be expanded, enlarged, or extended, either on the same property or onto an adjoining lot of record. Prohibited expansion, enlargement, or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use or structure that increases the height, volume, or area dimensions of the non-conforming use or structure;
- (B) Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this Section will prevent the placing of a structure into a safe condition after it has been declared unsafe by the appropriate official;
- (C) Alterations may be made to a building containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. Such alterations must be approved by the Zoning Administrator;
- (D) Whenever a nonconforming structure or use is damaged by fire or other peril to the extent of 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, it may be reconstructed. The nonconforming structure or use shall not be permitted to be reconstructed if the damage is greater than 50 percent of the estimated market value as indicated in the records of the County Assessor at the time of damage and no building permit has been applied for within 180 days of when the property was damaged. When a nonconforming structure in a shoreland area with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the County Assessor at the time of damage, the structure setback may be increased by the Town or County, if practical. In that event, conditions will be placed on the

building permit in order to mitigate created impacts on adjacent properties and the water body;

- (E) Whenever any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any nonconforming use or structure;
- (F) If the nonconforming use of land is discontinued for a period of more than one year, the subsequent use of the land or the structure shall be in conformity with this Ordinance;
- (G) Nonconforming uses or structures which are declared by the Town Board to be public nuisances shall not be allowed to continue as legal nonconforming uses or structures; and
- (H) No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.

ARTICLE XI: ADMINISTRATION

1. Zoning Administrator.

The Town Board may appoint a person to serve as the Zoning Administrator for the Town. If the Town Board does not specifically designate a person to serve as the Zoning Administrator, the Town Board shall serve as the Zoning Administrator and may delegate one or more of the duties of the position to one or more persons as the Town Board determines is appropriate. Such person or persons shall be fully authorized to carry out the delegated duties on behalf of the Town.

- (A) **Duties.** The Zoning Administrator shall have the following duties, which shall be conducted in a manner which is consistent with this Ordinance, applicable laws, and the directions and instructions of the Town Board:
- i. Administer the provisions of this Ordinance;
 - ii. Determine whether a permit application is complete and complies with the terms of this Ordinance;
 - iii. Receive, and forward to the Planning Commission, Board of Appeals and Adjustments, or Town Board applications and other zoning materials as is appropriate;
 - iv. Issue permits once they have been approved as provided in this Ordinance;
 - v. Issue notices of denial to applicants;
 - vi. Maintain permanent and current records of permits and approvals issued pursuant to this Ordinance, including, but not limited to, amendments to this Ordinance, issuance of conditional use permits, variance approvals, and appeals;
 - vii. Conduct inspections to determine compliance with the provisions of this Ordinance and institute in the name of the Town, any appropriate actions or proceedings against a violator as provided by this Ordinance or law;
 - viii. Serve as an ex-officio member of the Planning Commission;
 - ix. Collect all fees required by this Ordinance and pay the same to the Town;
 - x. Track the application of the 60-day rule to land use requests, provide notices to applicants as may be needed, and to keep the Town informed of the applicable deadlines for actions with respect to individual land use requests;
 - xi. File for record with the Pope County Recorder or Registrar of Titles all zoning related documents required to be filed by law;
 - xii. To enforce this Ordinance, including through the issuance of violation notices, stop work orders, cease and desist orders, or corrective orders as determined appropriate, and to work with the Town Attorney as needed to administer and enforce this Ordinance; and
 - xiii. To perform such other duties and responsibilities as provided in this Ordinance or as assigned by the Town Board.

2. Board of Appeals and Adjustments.

The Town Board shall serve as the Glenwood Township Board of Appeals and Adjustments.

- (A) **Rules and Procedures.** The Board of Appeals and Adjustments may adopt rules and procedures related to how it conducts its meetings and hearings, provided such rules and procedures are consistent with the provisions of this Ordinance and applicable laws.
- (B) **Meetings and Hearings.** The Board of Appeals and Adjustments will hold meetings and hearings as needed to conduct its duties. Meetings of the Board of Appeals and Adjustments may be held as part of the regular or special meetings of the Town Board.
- (C) **Powers and Duties.** The Board of Appeals and Adjustments shall have the following powers and duties:
 - i. To grant variances from the strict enforcement of the standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed in this Ordinance;
 - ii. To hear and decide appeals. Appeals shall only be heard and considered in conformance with the procedures prescribed in this Ordinance;
 - iii. To interpret the provisions of this Ordinance and of any district boundary on the land use map; and
 - iv. Perform such other duties as provided in this Ordinance.

ARTICLE XII: ZONING REQUESTS

1. Conditional and Interim Use Permits.

(A) **Description:**

- i. A Conditional Use Permit (CUP) or Interim Use Permit (IUP) shall be required for the establishment of each use permitted by ordinance as a CUP or IUP. An IUP may be granted in lieu of a CUP to regulate land use activities that the Glenwood Township Board, at its sole discretion, determines should be permitted for a limited duration.
- ii. Expansion of a permitted CUP/IUP shall require an amendment to the CUP/IUP, except that minor development activities determined by the Administrator to not increase the scale or intensity of the CUP/IUP may be allowed with the issuance of a Land Use Permit.
- iii. An interim use is granted to a particular individual or other applicant and does not accrue to the subject property.
- iv. Structures and other improvements allowed by interim use shall be of a size and nature such that they can be easily removed from the property or will conform to zoning regulations for permitted or conditional uses should the Interim Use Permit expire.

(B) **Criteria for Granting Permits.** In determining whether to grant a conditional or interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall consider the following criteria in determining whether to approve a permit request:

- i. The use will not create an excessive burden on existing parks, schools, roads, and other public facilities and utilities which serve or are proposed to serve the area;
- ii. The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land;
- iii. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties;
- iv. The use, in the opinion of the Planning Commission and Town Board, is reasonably related to the existing land use;
- v. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use;
- vi. The use is not in conflict with the Land Use Plan of the Town; and
- vii. The use will not cause traffic hazards or congestion.

- (C) **Conditions of Approval.** In permitting a new conditional or interim use or the alteration of an existing conditional use, the Planning Commission may recommend, and the Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions considered necessary to protect the best interest of the surrounding area or the community as a whole. These conditions include, but are not limited to, the following:
- i. Increasing the required lot size or yard dimension;
 - ii. Limiting the height, size or location of buildings;
 - iii. Controlling the location and number of vehicle access points;
 - iv. Increasing the road width;
 - v. Increasing the number, size, location or lighting of signs;
 - vi. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
 - vii. Designation of open space;
 - viii. Annual review if deemed appropriate by the Town Board; and
 - ix. Such other conditions as deemed necessary to eliminate or reduce the negative impacts of the use.

(D) **Procedure.**

The following requirements are for Conditional or Interim Use Permit applications where applicable:

- i. Applications for conditional use permits will not be accepted from anyone who is not an owner of land for which the application is made.
- ii. The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use permit application form and application fee.
- iii. The Zoning Administrator shall refer the application to the Planning Commission for review.
- iv. The Planning Commission shall hold a public hearing on the application. At least ten (10) days' published notice shall be provided of the public hearing. The Planning Commission shall forward its recommendation to either deny or approve the conditional use permit to the Town Board together with any recommended conditions. The Town Board will take final action on the request. A written record of conditions of approval shall be made at the time of the decision by the Town Board.
- v. The applicant or his representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use;

- vi. If the Planning Commission recommends granting the conditional use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
- vii. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. Amended conditional use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
- viii. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of denial.
- ix. Granted conditional use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, where applicable. To proceed substantially means to make visible improvement to the property. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause.
- x. If the land use does not conform to the conditions of the permit, the conditional use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution of the Town Board to that effect.
- xi. All conditional use permits that are granted by the Town Board must be recorded at the office of the Pope County recorder at the applicant's expense.
- xii. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission and Town Board, time limits, review dates, and such other information as may be appropriate.
- xiii. A certified copy of any Conditional or Interim Use Permit shall be filed with the County Recorder for record. The Conditional or Interim Use Permit shall include the legal description of the property involved.
- xiv. Any conditional or interim use shall comply with all reasonable conditions deemed necessary to protect the public health safety, and general welfare. In connection with ordering the issuance of a conditional or interim use permit the designated approval authority may impose such additional restrictions or conditions as it deems necessary to protect the public interest, including but not limited to matters relating to appearance, lighting, hours of operation and performance characteristics. Interim use permits will be limited to a specific timeframe or event, may be terminated by a change in zoning regulations and may require an annual inspection fee if deemed necessary by the Board.
- xv. Should there be any cause for revocation of a Conditional or Interim Use Permit, as in the case of violation of a conditional requirement, the Administrator shall require a hearing on revocation of said Conditional or Interim Use Permit. The hearing shall be conducted under the same procedures specified above. If the matters of concern are not resolved at the hearing or subsequent thereto, a Conditional or Interim Use Permit may be revoked and the use for which the permit was originally issued shall cease. Each Order of

the Board which revokes a Conditional or Interim Use Permit shall be effective upon adoption or such other date as the Board may specify and shall be promptly recorded in the office of the Pope County Recorder upon it taking effect.

xvi. A Conditional or Interim Use Permit shall take effect upon recording and shall be in effect perpetually or for a shorter period as fixed by the Board unless revoked by the Order of the Board for failure to observe conditions or other violations of law provided that nothing in this section shall prevent the Board from enacting or amending official controls to change the status of conditional or interim uses.

xvii. In the event that there is a need to renew a Conditional or Interim Use Permit, the Planning Commission shall review the request for renewal under old business and may decide to: either renew or extend the validity of said permit, or schedule a public hearing on the question of whether the permit shall be renewed.

xviii. No application for a Conditional or Interim Use Permit shall be resubmitted for a period of 1 year from the date of said order of denial.

xix. An Interim Use Permit shall terminate on the happening of any of the following events, whichever comes first:

- (a). The date or event stated in the permit.
- (b). Upon violation of conditions under which the permit was issued.
- (c). Upon change in the County's zoning regulations where the use is no longer permitted.
- (d). The Interim Use Permit shall expire if the approved use is inactive for one year or longer as determined by the Administrator and/or tax records indicating the use was inactive.

xx. Granted Interim Use Permits shall become void if the applicant does not proceed substantially on the work within one year of the date the permit is granted. To proceed substantially means to make visible improvement to the property and to have had applied to the property at least 40% of the man hours which it is reasonably estimated will be necessary for completion of the project. The Town Board may at their discretion grant an extension of not more than one year in order to establish the use.

(E) **Amended Conditional or Interim Use Permit.** Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

2. Variances.

In any case where, upon application of any responsible parties it appears, that by reason of exceptional circumstances, the strict enforcement of any provision of the standards would cause unnecessary hardship or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Board of Adjustments may permit a variance therefrom upon such conditions as it may prescribe consistent with the general purposes of this ordinance.

No variances shall be granted by the Town except in conformance with this Section.

- (A) **Authority:** The Board of Appeals and Adjustments may grant a variance from the provisions of this Ordinance in order to promote the effective and reasonable application and enforcement of this Ordinance. A variance is a modification or variation of the provisions of this Ordinance as applied to a specific property. The Board of Appeals and Adjustments may not grant a variance for any use that is not allowed by this Ordinance for property in the zoning district in which the property is located. The Board of Appeals and Adjustments may grant a variance for the temporary use of a one family dwelling as a two family dwelling and may grant a variance for an earth sheltered construction as defined in Minnesota Statutes, section 216C.06, subdivision 14 when such construction would be in harmony with this Ordinance.

In the case of the applicant's request for deviation from standards, a variance may be requested on items of height, bulk, density and yard requirements.

- (B) **Application:** Application for a variance shall be made by the property owner, or its authorized agent, on the Town's application form, be accompanied by the required application fee and escrow (if required), and must, at a minimum, contain all of the following information:
- i. The name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the application relates;
 - ii. The name of the applicant and of all owners of the property to which the application relates;
 - iii. A description of the proposed use or structure to which the variance relates; and
 - iv. An explanation of the specific conditions and circumstances that give rise to the practical difficulties in strictly complying with the provisions of this Ordinance and the specific provisions of this Ordinance from which a variance is being sought.
- (C) **Procedure.** Requests for a variance shall comply, and shall be processed in accordance, with the following:

- i. **Zoning Administrator.** An application for a variance must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fees. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within 15 days of the Town's receipt of the application. The Zoning Administrator shall forward complete applications to the Planning Commission to conduct a hearing.
- ii. **Notice.** At least ten days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed by first-class mail to all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the application relates. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results.
- iii. **Site Investigation.** The Town may conduct one or more site investigations of the property as part of processing a variance application. If a quorum or more of the Planning Commission or the Board of Appeals and Adjustments conducts a site investigation, notice shall be posted at the Town's posting places at least three days before the date of the inspection unless the inspection is being conducted as part of the hearing. The Town may also conduct one or more site investigations after a variance has been issued to review an alleged or potential violation of the conditions of the variance or of this Ordinance. Submission of an application, and acceptance of a variance, constitutes consent on the part of the owners of the property to the conditions imposed on the variance and to allow the Town to conduct inspections of the property at reasonable times to determine eligibility to receive a variance and then related to the administration and enforcement of the variance.
- iv. **Planning Commission.** The Planning Commission shall conduct a public hearing on the proposed variance and develop a recommendation to the Board of Appeals and Adjustments regarding the proposed variance. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Planning Commission's questions. In reviewing the request and developing its recommendation, the Planning Commission shall consider the criteria set out in this Section and such other factors as it determines are appropriate to evaluate the proposed use. It is the owner's burden to demonstrate it is eligible to receive the requested variance. If the Planning Commission recommends approval of the variance, its recommendation shall include the conditions it recommends be placed on the variance. The recommendation shall include any conditions the Planning Commission determines are appropriate and reasonable to address anticipated impacts of the proposed use in order to protect the public health, safety, and welfare. The Planning Commission shall forward its recommendation,

together with its supporting findings, to the Board of Appeals and Adjustments.

- v. **Board of Appeals and Adjustments.** The Board of Appeals and Adjustments shall make the final decision regarding the requested variance after conducting a public hearing. The Board of Appeals and Adjustments shall not issue a variance unless it determines that the particular request satisfies the criteria set out in this Section. The Board of Appeals and Adjustments may impose such conditions on the variances it issues as it determines are reasonable. All such conditions must be directly related to and bear at least a rough proportionality to the impact the Board of Appeals and Adjustments determines will be created by the variance.
- (D) **Criteria.** The owner has the burden of demonstrating that sufficient practical difficulties exist, based on the following criteria, with respect to its property to justify the issuance of a variance. The Board of Appeals and Adjustments shall consider the following criteria in determining whether to issue a variance:
- i. The variance is in harmony with the general purposes and intent of this Ordinance;
 - ii. The variance is consistent with the Land Use Plan;
 - iii. The owner proposes to use the property in a reasonable manner not permitted by this Ordinance;
 - iv. The plight of the owner is due to circumstances unique to the property that were not created by the owner;
 - v. If granted, the variance will not alter the essential character of the locality; and
 - vi. Economic considerations are not the sole basis for the requested variance.
- (E) **Recording.** The Town Board will record, at the owners' expense, the variances it issues.
- (F) **Expiration and Revocation.** A variance shall expire and become void if the use or structure to which it relates is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Board of Appeals and Adjustments may revoke a variance if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the variance have been violated.

3. Amendments.

An amendment to the text of this Ordinance or of the land use map, including requests to rezone property, may only occur as provided in this Section.

- (A) **Who May Initiate:** An amendment to this Ordinance or the land use map may be initiated by the Town Board, the Planning Commission, or by application of an affected property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's

recommendations, or until at least 60 days after the proposed amendment was submitted to the Planning Commission.

- (B) **Application.** An owner seeking an amendment, including a request to rezone property, shall complete the Town's application form, together with the required application fee and escrow (if required), and the application must, at a minimum, contain all of the following information:
- i. If the application involves a request to change district boundaries affecting an area of five acres or less, the name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the application relates;
 - ii. The name of the applicant and of all owners of the property to which the application relates; and
 - iii. A description of the specific provisions of the Ordinance, or the proposed change in zoning, and proposed change.
- (C) **Procedure.** Applications for an amendment, including rezoning, shall comply, and shall be processed in accordance, with the following:
- i. **Zoning Administrator.** An application for an amendment must be submitted to the Zoning Administrator. The Zoning Administrator shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fee. If an application is not complete, the Zoning Administrator shall provide the applicant written notice of what information is needed in order to make the application complete within 15 days of the Town's receipt of the application. The Zoning Administrator shall forward complete applications to the Planning Commission to conduct a hearing.
 - ii. **Town Initiated Amendments.** An amendment proposed by the Planning Commission shall be forwarded in writing to the Town Board for review. If the Town Board authorizes the Planning Commission to proceed with the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with the Town Board's authorization and this Section. If the Town Board initiated the amendment, the Planning Commission shall hold a hearing on the proposed amendment in accordance with this Section.
 - iii. **Notice.** At least ten days before the date of the hearing, notice shall be published in the Town's official newspaper. If the application involves a request to change district boundaries affecting an area of five acres or less, the notice shall also be mailed by first-class mail to all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the application relates at least ten days before the hearing. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results.

- iv. **Planning Commission.** The Planning Commission shall conduct a public hearing on the proposed amendment and develop a recommendation to the Town Board regarding the proposed amendment. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Planning Commission's questions. The Planning Commission shall forward its recommendations regarding a proposed amendment to the Town Board for final action.
 - v. **Town Board.** The Town Board shall take action on the proposed amendment at a Town Board meeting. Approval of an amendment shall be by ordinance amending this Ordinance. If the amendment was initiated by application of an owner, the Town shall inform the property owner of the Town Board's decision.
- (D) **Limit on Similar Applications.** No application of an owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Town within a one-year period following a denial of such request, except that a new application may be allowed if, in the opinion of the Zoning Administrator, there is new evidence or a sufficient change of circumstances to warrant additional consideration of the proposal by the Town.

4. Appeals.

As of the effective date of this Ordinance, no appeal shall be heard except in accordance with the following.

- (A) **Appealable Decisions:** Only alleged errors in an order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance are appealable to the Board of Appeals and Adjustments. The decisions of the Town Board and the Board of Appeals and Adjustments are final and are not appealable to the Board of Appeals and Adjustments. Recommendations of the Planning Commission are not final decisions and are not appealable to the Board of Appeals and Adjustments.
- (B) **Notice of Appeal:** In order to bring an appeal, a person shall file a written notice of appeal with the Town Clerk within 15 days of the date of the order or decision being appealed together with the required fee. The notice of appeal must, at a minimum, contain all of the following information:
 - i. The name, mailing address, and phone number of the person making the appeal;
 - ii. The name and mailing address of all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the appeal relates;
 - iii. Describe the specific order or decision being appealed, the date of the order or decision, and identify the person who issued the order or made the decision;
 - iv. A detailed explanation of the grounds for the appeal; and
 - v. Identify the specific relief being sought by the appeal.

- (C) **Procedure:** Notices of appeals shall comply, and shall be processed in accordance, with the following:
- i. **Town Clerk.** The Town Clerk shall review the notice of appeal to determine if it contains all the required information and is otherwise complete. If a notice of appeal is not complete, the order or decision to which it relates is not appealable, or if it was not filed in a timely manner, the Town Clerk shall reject the notice of appeal. The Town Clerk shall provide a written notice of the rejection to the person that filed the appeal. The Town Clerk may consult the Board of Appeals and Adjustments and the Town Attorney as needed to make a determination as to whether a notice of appeal is complete, proper, and filed in a timely manner. The Town Clerk shall forward complete, proper, and timely notices of appeals to the Board of Appeals and Adjustments to conduct a hearing. The Town Clerk shall also provide a copy of the notice of appeal to the Planning Commission.
 - ii. **Notice.** At least ten days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed by first-class mail to the person bringing the appeal and to all property owners of record, according to the county auditor's property tax records, within one-half mile of the property to which the appeal relates. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results. In scheduling the hearing, the Board of Appeals and Adjustments shall allow a reasonable time, not to exceed 60 days, for the Planning Commission to review and report on the notice of appeal.
 - iii. **Planning Commission.** The Planning Commission may review and provide a report to the Board of Appeals and Adjustments on a notice of appeal. The Planning Commission is not authorized to conduct a hearing on the notice of appeal. If the Planning Commission develops a report it shall provide it to the Board of Appeals and Adjustments prior to the scheduled hearing.
 - iv. **Board of Appeals and Adjustments.** The Board of Appeals and Adjustments shall conduct a public hearing on the notice of appeal. The appellant, or its authorized agent, is expected to attend the hearing to explain the appeal and to answer the Board of Appeals and Adjustments' questions. The Board of Appeals and Adjustments shall make the final decision regarding the matter being appealed. The Board of Appeals and Adjustments may reverse or affirm, wholly or partly, or modify the order or decision being appealed, and issue such orders, requirements, decisions, permits, or determinations, or provide such other relief as it deems appropriate. The Board of Appeals and Adjustments shall issue its decision in a written order which contains its findings. It shall provide a copy of its order to the appellant within 10 days of its issuance.
 - v. **Judicial Review.** Appeals from the final decisions of the Town Board or of the Board of Appeals and Adjustments may be brought as provided in Minnesota Statutes, section 462.361, provided such appeal is served on the

Town and filed in District Court in Pope County within 30 days from the date of the decision being appealed.

5. Fees.

This section sets out the general requirements for fees related to the administration of, and for zoning requests made pursuant to, this Ordinance. The amount of the fees shall be established by a fee schedule in a resolution or ordinance adopted by the Town Board.

- (A) **Application Fee.** Applicants shall be required to pay an application fee when submitting an application under this Ordinance. Application fees shall be in the amount determined by the Town Board and are intended to defray the administrative costs of processing requests. Application fees submitted as part of a complete application are not refundable, regardless of whether the application is approved, denied, or withdrawn;
- (B) **Escrow.** In order to defray the additional costs the Town may incur to process a request made under this Ordinance, applicants may also be required to reimburse the Town for all consulting costs it incurs related to the particular request. Consulting costs include, without limitation, all attorney, planner, and engineering fees incurred related to the request. An applicant may be required to escrow cash with the Town in the amount determined by the Town Board or Zoning Administrator from which the Town will reimburse itself for the consulting costs it incurs. The applicant remains responsible for all such costs and shall promptly escrow additional funds if the Town Board or Zoning Administrator determines the existing escrowed amount will not be sufficient to fully reimburse the Town for its costs. Failure to promptly provide additional funds or to otherwise fully reimburse the Town for its consulting cost shall be a sufficient basis on which to delay the processing of a request or to deny a request.
- (C) **Reimbursement in Full Required.** Upon the termination of the application, by an approval, denial, withdrawal, or any other means, all costs incurred by the Town shall be immediately payable by the applicant. If no escrow was required, or if the Town's costs exceed the escrowed amount, the Town will provide the applicant a written statement of the amount to be reimbursed. The stated amount shall be paid in full to the Town within 30 days from the date of the written statement. If the escrowed amount exceeds the Town's costs, the excess shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property pursuant to the zoning request shall be made until all fees and costs are paid in full. In the event that payment of costs is not made within a reasonable time after demand, the Town Board or Zoning Administrator may take such steps as are available to the Town under law to collect the unreimbursed amounts, including collection costs. The steps the Town may take to recover its costs include, but are not limited to, placing the amount on any property the person owns in Minnesota as a service charge pursuant to Minnesota Statutes, section 366.012, filing a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, or taking such other action as may be deemed appropriate to

obtain full reimbursement for the Town for all costs it incurs related to the application.

ARTICLE XIII: PENALTIES AND ENFORCEMENT

1. Enforcement and Penalties.

- (A) **General Offense:** Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. A violation of this Ordinance shall include, but is not limited to, any of the following: failing, neglecting, or refusing to comply with the provisions of this Ordinance; violating any condition placed on a permit or variance issued by the Town; exceeding the scope of a permit; or knowingly making any false statements in any document required to be submitted under the provisions of this Ordinance. Each day that a violation continues shall constitute a separate offense. In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate criminal and/or civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations. A criminal prosecution for a violation shall not be a bar to a civil remedy.
- (B) **Enforcement.** The Town Board, Zoning Administrator, and Town Board's appointed representatives have the authority to enforce this Ordinance by issuing notices of violation, cease and desist orders, citations, and taking or instituting such other lawful actions as may be needed to enforce this Ordinance and to bring a property into compliance. A violation of this Ordinance can occur regardless of whether a permit is required for a regulated activity. If a cease and desist order or stop work order is issued to stop an activity, the activity may not be resumed until the reason for the work stoppage has been completely satisfied and the cease and desist order lifted.
- (C) **Costs of Enforcement.** The cost of enforcement may be added to any fines or other penalties imposed as provided in Minnesota Statutes, section 366.01, subdivision 10. The Town may also collect such other reasonable costs it incurs to enforce this Ordinance by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity subject to the enforcement action owns in the Town. The Town will provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.
- (D) **After the Fact Applications.** Any application for a permit or variance required under this Ordinance that is submitted to the Town after the use was initiated or the work has commenced shall be required to pay an after-the-fact application fee, which is a multiple of the permit or variance fee as indicated in the Town's current fee schedule.

This Ordinance shall be in effect as of the first day of publication after adoption.

Adopted on the 12th day of September, 2023.

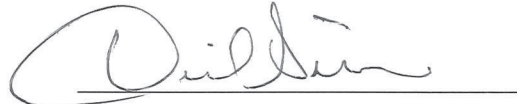
BY THE TOWN BOARD



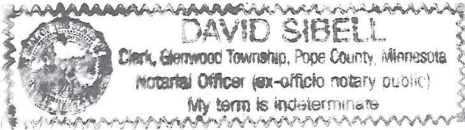
Town Chairperson

STATE OF MINNESOTA)
) ss.
COUNTY OF POPE)

The foregoing was acknowledged before me this 13th day of September, 2023, by Matt Laubach, Town Chairperson of Glenwood Township, and the foregoing was executed on behalf of Glenwood Township as the free act and deed of the same.



Notary Public



NOTARY STAMP OR SEAL

THIS INSTRUMENT DRAFTED BY:

Hometown Planning
324 Broadway Street, Suite 101
Alexandria, MN 56308
(320) 759-1560