

SECTION 1
TITLE

This Ordinance shall be known, cited and referred to as the "Le Sauk Township Zoning Ordinance", and will also be referred to hereinafter as "this ordinance", or "this Zoning Ordinance."

This Zoning Ordinance has been passed under the authority of Minnesota Statutes, Section 462.351, *et.seq.*, also known as the "Municipal Planning Act." This Ordinance also is passed under the general authority conferred on townships under Minnesota Statutes Chapter 365. In the event the provisions of Chapter 462 and Chapter 365 are in conflict or are inconsistent as applied to the terms of this ordinance, the provisions of Chapter 462 shall prevail.

SECTION 2
INTENT AND PURPOSE

This ordinance is adopted for the purpose of:

- a) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- b) Dividing the municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.
- c) Promoting protection and orderly development of the agricultural, residential, business, and industrial districts.
- d) Providing for adequate light, air, and convenience of access to property by regulating the construction of buildings to control density of population.
- e) Providing for the compatibility of different land uses and the most appropriate use of land within the municipality.
- f) Providing for the administration of this ordinance and amendments thereto defining the powers and duties of the administrative officers and governing bodies as provided hereinafter.
- g) Prescribing penalties for the violation of the provisions of this ordinance.
- h) The comprehensive amendment of this ordinance is to provide for the elimination of unnecessary text, to update the Ordinance to recognize new uses in the Township and to make the ordinance easier to read and understand.

SECTION 3 RULES AND DEFINITIONS

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

- a) The singular includes the plural and the plural the singular.
- b) The present tense includes the past and the future tense. The future tense includes the present.
- c) The word "shall" is mandatory and the word "may" is permissible.
- d) A word or term appearing in the text of this ordinance shall be interpreted as to its meaning in accordance with the definitions contained in this section.

3-010 ACCESSORY BUILDING

A subordinate building or structure on the same lot exclusively occupied by or devoted to a use incidental to the main use.

3-020 ACCESSORY USE

A use subordinate to the principal use on the same lot and customarily incidental thereto.

3-030 ALLEY

A public right-of-way which normally affords a secondary means of access to abutting property, not used for general traffic circulation.

3-040 ALTERATION

Any change in a building affecting its supporting members, including, but limited to, bearing walls or partitions, beams, girders, roofs or exteriors walls.

3-050 BASEMENT

A portion of a building located partially underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground. Basements, except portions used for garage, shall be used in arriving at total gross floor area.

3-060 BOUNDARY LINES

Any line indicating the bounds or limits of any tract or parcel of land; also a line separating the various use districts as shown on the zoning map.

3-070 BUILDABLE AREA

The space remaining on a zoning lot after the required yards and setbacks have been provided.

3-080 BUILDING

Any structure providing shelter for persons, animals or chattel of any kind which is built, constructed, or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, including porches and sunrooms; or any piece of work artificially built up and/or composed of parts joined together in some definite manner. When separated by bearing walls without openings each portion so separated shall be considered as a separate building. A building shall be the principal building on the lot for purposes of this ordinance if it is the building or structure in which the main or principal use of the lot is situated.

3-090 BUILDING HEIGHT

The vertical distance from the "grade" to the highest point on the structure.

3-100 CELLAR

That portion of a building having more than half of the clear floor to ceiling height below the average grade of the adjacent ground. Cellars shall not be included in arriving at total gross floor area.

3-110 COMMERCIAL USE

The use of land for the purchase, sale, or administration of goods and services. This does not include activities or uses which fall within the definition of industrial use as defined herein.

3-120 DAY CARE FACILITY

A state licensed residential facility serving six (6) or fewer persons, a licensed day care facility serving twelve (12) or fewer persons, a group family day care facility licensed by the State of Minnesota to serve fourteen (14) or fewer children.

3-130 DOG KENNEL

Any premises where more than two (2) dogs over six (6) months of age are kept.

3-140 DWELLING UNIT

Any building or portion thereof which is designed or used exclusively for residential purposes.

3-150 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of underground or overhead gas, electrical, telephone, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies.

3-160 FLOOD AREAS

Land which is subjected to either permanent or temporary flooding from any cause whatsoever. This shall include lands which are flooded by overflowing streams, rivers or lakes or by heavy rain storms or seasonal run-off.

3-170 FLOOR AREA

The sum of the horizontal areas of the several floors of a building measured from the exterior walls including basements, all floors and attached accessory buildings.

3-180 FRONTAGE

The width of a lot or building site measured on the line separating it from the public street or way. (For the purposes of this ordinance, the front line of corner lots shall be considered to be the shortest street line.)

3-190 GARAGE, PRIVATE

A building or accessory portion of the principal building which is intended principally for and used to store the private passenger vehicles of the family or families resident upon the premises. No garage shall exceed one thousand eighty (1080) square feet in size.

3-200 GOVERNING BODY

The body exercising the authority of a "governing body" as that term is used in Minn. Stat. § 462.351 et seq.

3-210 GROUP RESIDENCE FACILITY

A state licensed residential facility serving seven (7) through (16) sixteen persons or a licensed day care facility from seven (7) through (16) sixteen persons.

3-220 HOME OCCUPATION (INCIDENTAL)

An incidental home occupation is any occupation or profession carried on by a member of the family residing on the premises, conducted entirely within the dwelling, which use is clearly incidental and secondary to the use of the residential dwelling unit and does not change the character thereof. Incidental home occupations shall not include the employment of any persons not residing on the premises in the performance of such

occupation, nor the use of mechanical equipment, other than is usual for purely domestic or hobby purposes; and further shall not include exterior display or signs except as permitted by the sign regulations for the residence district.

3-230 INDUSTRIAL USE

The use of land or buildings for the manufacture or fabrication of goods from raw materials or component parts. Sales are not ordinarily made to the consumer on the premises.

3-240 JOINT PLANNING BOARD

A group of persons appointed by the elected bodies of the Township and the City of Sartell pursuant to a joint powers agreement and exercising authority granted hereunder and in accordance with the applicable law.

3-250 LEGAL NON-CONFORMING USE

A use lawfully in existence on the effective date of this ordinance but not conforming to the regulations for the district in which it is situated.

3-260 LIVESTOCK

Horses, cows, hogs, sheep, goats, swine, turkeys, chickens, ducks, geese, or other animals, raised or kept for agricultural or other purposes.

3-270 LOADING SPACE

A space accessible from a street, a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.

3-280 LOT

A parcel of land, abutting on or having access to a public street, being a lot designated in a recorded plat or a lot described by metes and bounds, the deed to which has been recorded prior to the effective date of this ordinance.

3-290 LOT AREA

The area of a horizontal plane within the lot lines.

3-300 LOT FRONTAGE

The front of a lot shall be, for purposes of this ordinance, that boundary abutting a public right-of-way having the least width. The lot frontage shall determine the location of the building with respect to the right-of-way line.

3-310 LOT WIDTH

The mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

3-320 MOBILE HOME

(See "Trailer").

3-330 MUNICIPALITY

The Town of Le Sauk, Stearns County, Minnesota which has jurisdiction over the area described in and governed by the provisions of this ordinance.

3-340 PARKING SPACE

An area of not less than 9 by 20 square feet net, exclusive of access or maneuvering area, to be used exclusively as a temporary storage for motor vehicles.

3-350 PERMITTED ACCESSORY USE.

(See "Accessory Use").

3-360 PERMITTED USE

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and performance standards (if any) of such district.

3-370 RESIDENTIAL FACILITY

Any facility, public or private, other than a day care facility or a group residence facility, which for gain or otherwise regularly provides one or more persons with a 24 hour per day substitute for the care, food, lodging, training, education, supervision, habilitation, rehabilitation, or treatment they need, but which for any reason cannot be furnished in the person's own home, including but not limited to, state institutions under the control of the Commissioner of Public Welfare, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, or schools for handicapped children.

3-380 SCHOOL

Any public or non-public non-profit facility wherein children receive educational services and material provided for or recognized and approved by the State of Minnesota, Department of Education, limited to grades kindergarten through 12.

3-390 SETBACK, FRONT

The minimum horizontal distance from the front of the building disregarding steps and roofs to the street right-of-way. Where a lot abuts streets on opposite sides or abuts public waters, the front, for setback purposes, shall be the side of the property abutting the street right-of-way which is recognized as the location of the property for purposes of its address or 911 location. For corner lots in a platted area, the front, for setback purposes, shall be the side of the property abutting both streets.

3-400 SETBACK, REAR

The minimum horizontal distance from the rear of the building disregarding steps and roofs to the property line opposite the street.

3-410 SETBACK, SIDE

The minimum horizontal distance from the side of the building to the property or lot line, disregarding steps and roofs.

3-420 SIGN

A name, identification, description, display, illustration, or device which is fixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

3-430 SIGN, FLASHING

Any illuminated sign on which such illumination is not kept stationary or constant in intensity or in color at times when the sign is in use.

3-440 SIGN, ILLUMINATED

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

3-450 SIGN, SURFACE AREA OF

The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural elements outside the limits of such sign and not forming an integral part of the display.

3-460 STAND, ROADSIDE

A structure used only for the display and sale of products with no space for customers within the structure.

3-470 STORY

That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story and a cellar shall not be counted as a story.

3-480 STRUCTURAL ALTERATION

Any change in a building or structure affecting its supporting members such as bearing walls or partitions, beams, girders, etc. Roofs or exterior walls are included. Incidental repairs shall not be considered as alterations.

3-490 TILLABLE LAND

Any land capable of producing small grains, row crops, or hay with normal tillage practices. Wooded land is excluded.

3-500 TOWN HOUSE

A group of three or more single family residences attached one to the other with common sidewalls. These dwellings may be one story or two-story buildings, but each unit shall be designed and constructed to house a single family.

3-510 TRAILER OR MOBILE HOME

A detached dwelling structure used for living purposes that is transportable in one or more sections and no more than 28' wide, with or without a permanent foundation.

3-520 USE

The purpose for which land, or buildings thereon, are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

3-530 UTILITY BUILDING

A detached non-permanent building not exceeding 220 square feet in size, having a non-permanent foundation and not exceeding fifteen (15) feet in height, as measured from grade to the highest point on the building.

3-540 VARIANCE

A modification of the literal provisions of this ordinance granted when strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. Variances shall be granted only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance. "Undue hardship" as used in connection with the granting of a variance

means the property in question cannot be put to a reasonable use if used under conditions allowed by this ordinance, the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and the variance, if granted, will not alter the essential character of the neighborhood. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this ordinance. District boundary lines, zoning, property use, or non-conforming use restrictions shall not be revised or amended by granting a request for variances. The Governing Body may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

3-550 YARD

An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this ordinance.

3-560 YARD, FRONT

A yard extending along the full width of the front lot line between side lot lines and from the abutting front street right-of-way line to the front building line in depth.

3-570 YARD, REAR

That portion of the yard on the same lot with the principal building, located between the rear building line and the rear lot line and extending the full width of the lot.

3-580 YARD, SIDE

A yard extending along a side lot line between the front and the rear yards.

3-590 CONDITIONAL USE AGRICULTURAL HOME OCCUPATION

A business, occupation or profession permitted to be conducted on an agricultural parcel that meets the following criteria:

- a) The parcel of agricultural property is twenty (20) acres or greater in size;
- b) The business, occupation or profession does not involve the retail sale of a product on site, with the exception of the sale of agricultural products and activities incident to the sale of agricultural products;
- c) The structure occupied by the business, occupation or profession, and all activities incidental thereto, shall be set back 200 feet from all property lines, and 300 feet from any property zoned for residential use or from any building located on adjacent property used primarily as a dwelling;
- d) No goods, inventory, raw materials, or other personal property associated with the business, occupation or profession may be maintained or stored outside of a building or

structure, unless it is properly screened by fencing or landscaping so it is not visible from adjacent property;

e) The business, occupation or profession will not result in offensive noise, odor or smoke which is detectable by human senses from adjacent property;

f) No waste or byproducts generated by the business, occupation or profession may be disposed or stored on site, except for temporary storage not to exceed twenty (20) days;

g) The business, occupation or profession shall not be of a type so as to be detrimental to the general health, safety or welfare of the Town, or result in a significant decrease in the value of adjacent properties.

h) Any building or structure used for purposes of the business, occupation or profession shall not exceed 2,000 square feet in size.

SECTION 4
ESTABLISHMENT OF DISTRICTS

4-010 DISTRICTS

For the purpose of this ordinance, the municipality is hereby divided into the following districts:

- a) AGRICULTURAL DISTRICT
A-1 AGRICULTURE
- b) RURAL RESIDENCE DISTRICT
R-1 RESIDENCE
- c) SUBURBAN RESIDENCE DISTRICT
R-2 RESIDENCE
- d) BUSINESS DISTRICT
B-1 GENERAL BUSINESS
- e) INDUSTRIAL DISTRICT
I-1 INDUSTRIAL

4-020 OFFICIAL ZONING MAPS

The boundaries of the districts established by this ordinance are delineated on a set of maps consisting of each and every section included in the municipality. These maps shall be kept by the Clerk of the municipality and shall be available for public inspection.

It shall be the responsibility of the Clerk to cause these maps to be amended in accordance with law.

4-030 RECORDING THIS ORDINANCE

Notice of the effect that this ordinance including the zoning map has been adopted, stating date of adoption, and that same may be examined in the Clerk's office, shall be recorded in the office of the Stearns County Recorder by the Clerk. The recorded notice shall serve as notice to the public of authorized property uses.

4-040 CHANGES ON OFFICIAL ZONING MAP

No changes of any nature shall be made on the official zoning map except in conformity with the procedures set forth in this ordinance.

4-050 INTERPRETATION

Interpretation of the language and provisions of this ordinance shall be the responsibility of the Town Board with recommendations from the Joint Planning Board.

**SECTION 5
DISTRICT BOUNDARIES**

5-010 APPLICATION

Where uncertainty exists with respect to the boundaries of any established district, as shown on the zoning maps, the following rules shall apply.

5-020 DISTRICT BOUNDARIES

The boundaries between districts are, unless otherwise indicated, either the centerline of streets or alleys. These boundaries may also follow lot lines or other property lines as indicated on the maps and the center of streams.

5-030 AREAS UNDER WATER

All areas within the corporate limits under water shall be subject to all of the regulations of the district which immediately adjoins the water area. (This subdivision is not to be confused with areas subject to flooding as described elsewhere in this ordinance).

5-040 PUBLIC OR SEMI-PUBLIC PROPERTY

Any areas shown on the zoning map as park, playground, school, cemetery, water, etc. shall be subject to the zoning regulations of the district in which they are located.

5-050 PROTECTION OF LAKESHORE AND STREAMS

The construction of buildings other than single family dwellings and building accessory thereto shall not be permitted within 100 feet of any lakeshore, creek or waterway. Should any waterway, stream or lakeshore change or be relocated in the future in such a way that its shoreline borders upon or enters into any district other than R-1 or R-2, this section shall apply and shall be enforced regardless of zoned classification shown for said property. Where Stearns County ordinances are more restrictive they shall prevail.

5-060 PUBLIC OR SEMI-PUBLIC USE

Schools, municipal buildings, fire stations, essential services, parks, and playgrounds shall be permitted in any district.

SECTION 6
AGRICULTURAL DISTRICT

6-010 AGRICULTURAL DISTRICT: A-1

The purpose of this district is to preserve, promote, maintain, and enhance the use of the land in the district for agricultural purposes and to protect such land from excessive encroachment by non-agricultural uses. In the agricultural district no land or buildings shall be used in whole or part except for one or more of the following uses.

6-020 PERMITTED USES

- a) All farming activities including the raising of livestock.
- b) One family detached dwelling unit, limited to one per operating farm and being at least 24 feet wide and 30 feet long, and placed on a permanent foundation according to the state building code.
- c) Feed lots subject to applicable local, state and federal regulations.
- d) Roadside stands for the sale of agricultural produce raised on the premises.
- e) Day Care Facility.
- f) Incidental home occupations.
- g) Public or Semi-Public Uses.
- h) Churches.
- i) Wetlands.

6-030 PERMITTED ACCESSORY USES

- a) All buildings and structures necessary and Incidental to agricultural production.
- b) Garages and private storage.
- c) Signs as permitted elsewhere in this ordinance.
- d) Private swimming pool with surrounding fence six (6) feet in height to assist in preventing uncontrolled access.

6-040 CONDITIONAL USES

- a) Mobile homes as a temporary dwelling for a family member actively engaged in farming on the premises.

- b) Farming activities which derive the major source of revenue from the raising of fur bearing animals for the purpose of selling the fur of said animals.
- c) Farming activities which derive the major source of revenue from the raising and selling of livestock or livestock products and have a near complete concentration in one aspect of livestock raising, with any other use accessory to the principal use or the use of force feeding or confinement raising of livestock.
- d) Privately operated game farms.
- e) Essential service structures.
- f) Golf courses, tennis courts (other than for private use by the residents), and country clubs.
- g) Cemeteries.
- h) Gravel pits, reclamation plan is mandatory.
- i) Dog Kennels.
- j) Group Residential Facility.
- k) Conditional Use Permit home occupations.
- l) Uses determined by the Town Board to be of similar nature to the listed conditional uses above and found not to be detrimental to the general health, safety and welfare of the Town.
- m) Conditional Use Agricultural Home Occupations

SECTION 7
RURAL RESIDENTIAL DISTRICT

7-010 RURAL RESIDENTIAL DISTRICT: R-1

The purpose of the rural residential district is to allow for the continuation of agricultural uses and to provide for very low density residential development for those persons desiring a rural lifestyle. In the rural residential district no land or buildings shall be used in whole or part except for one or more of the following uses.

7-020 PERMITTED USES

- a) Agricultural crop production.
- b) One family detached dwelling being at least 24' wide and 30' long and placed on a permanent foundation according to the State Building Code.
- c) Day care facility.
- d) Incidental home occupations.
- e) Public or semi-public use.
- f) Churches.

7-030 PERMITTED ACCESSORY USES

- a) One private garage and parking space.
- b) Signs as permitted elsewhere in this ordinance.
- c) No more than two accessory buildings not exceeding a combined total of 2,080 square feet in size.
- d) Tennis courts.
- e) One utility building. No garage, accessory building or utility building shall be built on a vacant lot without first obtaining a conditional use permit.
- f) Private swimming pool with surrounding fence six (6) feet high to assist in uncontrolled access.

7-040 CONDITIONAL USES

- a) Town houses.
- b) Multiple family residences.

- c) Duplexes.
- d) Essential service structures.
- e) Cemeteries.
- f) Greenhouses and vegetable stands selling products grown on the premises.
- g) Conditional use permit home occupations.
- h) Fences more than six (6) feet in height.
- i) Group Residence Facility.
- j) Mobile home parks.
- k) Raising livestock.
- l) Dog kennels.
- m) Buildings, other than a private garage, accessory building or utility building necessary and incidental to agricultural production.
- n) Utility building, accessory building and private garage on a lot on which no principal building is located.
- o) Uses determined by the Town Board to be similar in nature to the listed conditional uses above and found not to be detrimental to the general health, safety and welfare of the Town.

7-050 PROHIBITED STRUCTURES

Mobile homes and trailers are prohibited except as permitted elsewhere in this ordinance.

**SECTION 8
SUBURBAN RESIDENTIAL DISTRICT**

8-010 RESIDENTIAL DISTRICT: R-2

The purpose of the suburban residential district is to provide for the orderly development of suburban residential areas close to existing municipalities and to prohibit the use of land which would be incompatible with or detrimental to the essential residential characteristics of such districts. In the suburban residential district no land or buildings shall be used in whole or part except for one or more of the following uses.

8-020 PERMITTED USES

- a) Agricultural crop production.
- b) One family detached dwellings being at least 24' wide and 30' long and placed on a permanent foundation according to the State Building Code.
- c) Incidental home occupations.
- d) Day care facility.
- e) Public and semi-public uses.
- f) Churches.

8-030 PERMITTED ACCESSORY USES

- a) One private garage and parking spaces.
- b) Signs as permitted elsewhere in this ordinance.
- c) One accessory building not exceeding 1080 square feet in size on lots up to two (2) acres in size and not exceeding 2080 square feet in size on lots over (2) acres in size.
- d) Tennis courts.
- e) One utility building. No garage, accessory building or utility building shall be built on a vacant lot without first obtaining a conditional use permit.
- f) Private swimming pool with surrounding fence six (6) feet high to assist in uncontrolled access.

8-040 CONDITIONAL USES

- a) Town houses.
- b) Multiple family residences.

- c) Duplexes.
- d) Essential service structures.
- e) Cemeteries.
- f) Green houses and vegetable stands selling products grown on the premises.
- g) Conditional use permit Home occupations.
- h) Fences more than six (6) feet in height.
- i) Group Residence Facility.
- j) Mobile home parks.
- k) Uses determined by the Town Board to be of similar nature to the listed conditional uses above and found not to be detrimental to the general health, safety and welfare of the Town.
- l) Pole barns (if the area of the subject parcel equals or exceeds two (2) acres).

8-050 PROHIBITED STRUCTURES

- a) Pole type buildings as defined by the Minnesota State Building Code shall not be permitted on parcels of less than two (2) acres, and shall only be permitted on parcels of two acres or more pursuant to a conditional use permit.
- b) Mobile homes are prohibited except as permitted elsewhere in this ordinance.

8-060 MOBILE HOME PARKS

a) Intent

The intent and purpose of this Section is to assure quality development equal to that found in other types of residential areas throughout the Town. Excellence of design, development and maintenance is the desired objective.

- b) No person shall attempt to develop or operate a mobile home park within the community without first obtaining a conditional use permit. The requirements of a conditional use permit shall prevail over all other standards and requirements notwithstanding the more restrictive sections of this ordinance. A conditional use permit for a mobile home park may contain other requirements beyond those mentioned in this section.

c) Application

The application for a conditional use permit, in addition to other requirements, shall include the name and address of the developer and a general description of the construction schedule and construction cost. The application for a conditional use permit shall be accompanied by twelve (12) copies of plans which indicate the following:

- 1) Location and size of the mobile home park.
- 2) Location, size, and character of all mobile home lots, mobile home stands, storage areas, recreation areas, laundry drying areas, central refuse disposal, roadways, parking spaces and sites, and all setback dimensions.
- 3) Detailed landscaping plans and specifications.
- 4) Location and width of sidewalks.
- 5) Plans for sanitary sewage disposal, surface drainage, water systems, electrical service, telephone service, and gas service.
- 6) Plans for overhead street lighting system shall be submitted for approval by the community engineer.
- 7) The method of disposing of garbage and refuse.
- 8) Location and size of all street abutting the mobile home park and all driveways from such streets to the park.
- 9) Plans and specifications for all road construction either within the park or directly related to park operation.
- 10) Floor plans of all service buildings to be constructed within the mobile home park.
- 11) Such other information as may be required or requested by the Town.
- 12) Detailed description of maintenance procedures and grounds supervision.

d) Performance Standards For Mobile Home Parks

- 1) All mobile homes shall be properly connected to a central water supply and a public sanitary sewer system. All water and sewer systems shall be constructed in accordance with plans and specifications approved by the Town Engineer. Where a public water supply is available to the mobile home park or at the boundary of the park, a connection to said public water supply shall be provided for each mobile home.

- 2) All mobile home parks shall have one (1) or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located. The size of such recreational area shall be based upon a minimum of ten percent (10%) of the land area (exclusive of streets), but no outdoor recreational area shall contain less than two thousand (2,000) square feet. All equipment installed in such an area shall be owned and maintained by the owner or operator at his own expense.
- 3) Each mobile home park shall maintain a paved off-street overload " parking lot for guests of occupants in the amount of one (1) space for each three (3) coach sites and located within three hundred (300) feet of the unit to be served.
- 4) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins, shall be buried to a depth specified by the Town Engineer, and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.
- 5) A properly landscaped area shall be adequately maintained around each mobile home park. All mobile home parks located adjacent to industrial or commercial land uses shall be provided with screening, such as fences or natural growth, along the property boundary lines separating the park from such adjacent nonresidential uses.
- 6) No mobile home, off-street parking space, or building shall be located within thirty (30) feet of the exterior boundary of any mobile home park. No mobile home shall be located within one hundred twenty-five (125) feet of the existing or planned centerline of a public street.
- 7) Signs shall be limited to one (1) nameplate or identification sign not to exceed twenty five (25) square feet, with lighting height and location as approved by the Town Board.
- 8) The area beneath all mobile homes shall be enclosed with a material that shall be generally uniform throughout the entire mobile home park, except that such an enclosure must be so constructed that it is subject to reasonable inspection. No obstruction shall be permitted that impedes the inspection of plumbing, electrical facilities, and related mobile home equipment.
- 9) Each mobile home lot shall be served by a central fuel supply system such as natural gas or a central LP system. No separate private fuel containers, such as fuel oil tanks or LP tanks shall be allowed in the mobile home park.
- 10) All mobile home parks shall have an area or areas set aside for dead storage. Boats, boat trailers, hauling trailers, and all other equipment not generally stored within the mobile home or within the utility enclosure, that may be provided, shall be stored in a separate place provided by the park owner. This storage place shall be screened. Such equipment shall not be stored upon

a mobile home lot which is occupied by a mobile home nor upon the streets within the mobile home park.

11) Each mobile home lot within a mobile home park shall abut on and have access to a private road used by the inhabitants of the park and built and maintained by the owner thereof. This road shall lead to and furnish ingress and egress from a public street through controlled driveways which shall have a right-of-way at least sixty (60) feet in width.

12) Each mobile home park shall have one (1) or more central community buildings with central heating which must be maintained in a safe, clean, and sanitary condition. Said buildings shall be laundry washers, dryers and drying areas, public telephones, and public mail boxes, in addition to public toilets and lavatory. For each one hundred (100) mobile home lots or fractional part thereof, there shall be one (1) flush toilet and one (1) lavatory for each sex.

13) Every structure in the mobile home park shall be developed and maintained in a safe, approved, and substantial manner. The exterior of every such structure shall be kept in good repair, and shall be repainted or refinished when so directed by the community building inspector. All of said structures must be constructed to meet existing community codes. Portable fire extinguishers rated for electrical and liquid fires shall be kept in all service buildings and other locations conveniently and readily accessible for use by all occupants.

14) All structures shall require a building permit. It is not the intent of this section to repeal or abrogate any part of the Building Code. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.

e) Mobile Home Park Lots

1) Each mobile home site shall contain at least six thousand (6,000) square feet of land area for the exclusive use of the occupancy and shall be at least sixty (60) feet wide, which size site allows for a maximum length mobile home of fifty-five (55) feet. Larger mobile homes will require longer lots to comply with the following requirements of this ordinance.

2) Mobile homes shall be placed upon mobile home lots so that there shall be at least twenty (20) feet clearance between mobile homes and twenty (20) feet between the front of the mobile home and the front lot line and twenty-five (25) feet between the rear of the mobile home and the rear lot line. Mobile homes shall be parked no closer than ten (10) feet to a side lot line.

3) The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of a mobile home site; land may be occupied by a mobile home, a vehicle, a building, a cabana, a ramada, a carport, an awning, storage closet or cupboard, or any structure.

4) The yards shall be landscaped except for necessary driveway and sidewalk needs shall not exceed one-half ($\frac{1}{2}$) the width of-the site. Landscaping shall include at least one (1) tree, hedges, grass, fences, windbreaks, and the like. Temporary storage shall not be allowed in the lawn area.

5) Each mobile home lot shall have paved off-street parking space for at least two (2) automobiles. Each space shall be ten (10) feet by twenty (20) feet minimum or as approved by the Town Board.

6) The corners of each mobile home lot shall be clearly marked and each site be numbered.

7) Each mobile home lot shall be so designed that automobiles may not be parked within five (5) feet of the side of any mobile home or within five (5) feet of the front or back of the mobile home.

f) Mobile Home Stands

The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

1) The mobile home stands shall not heave, shift, or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration, or other forces of actions upon the structure.

(2) The mobile home stand shall be provided with anchors and tie-downs, such as cast-in-place concrete foundations or runways, screw augers, arrowhead anchors or other devices providing for stability of the mobile home.

3) Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each anchor shall be able to sustain a minimum tensile strength of two thousand eight hundred pounds or as approved by the current Minnesota State Uniform Mobile Home Standards Code, whichever is more restrictive.

**SECTION 9
BUSINESS DISTRICT**

9-010 BUSINESS DISTRICT: B-1

The purpose of the Business District is to provide for general business and commercial activities at locations where the interaction between such activities can be maximized with minimal infringement on agricultural and residential uses. In the business district no land or buildings shall be used in whole or part except for the following uses.

9-020 PERMITTED USES:

- a) Business services including banks, offices, and postal stations.
- b) Clothing services including dry cleaning and laundry establishments, laundromats, dressmaking, millinery and tailor shops, shoe repair shops.
- c) Equipment services including radio and television shops, plumbing show rooms, interior decorators, or similar trade.
- d) Food services including grocery stores, fruit, vegetable and meat markets, supermarkets, restaurants, delicatessens, candy shops, and bakeries.
- e) Personal services including drug stores, hardware stores, clothing store, stationery and book stores, retail florists, news shops, apparel shops, show rooms for similar articles to be sold at retail.
- f) Personal services including barber and beauty shops, tanning salons, health clubs, photographic shops, and funeral homes.
- g) Public transportation terminals, public utility buildings and structures, and transformer stations without storage yards.
- h) Recreational services including theaters, bowling lanes, clubs, and lodges.
- i) Hotels, motels, taverns, and private clubs.
- j) Clinics and other buildings for treatment of human beings.
- k) Agricultural crop production.
- l) Public or semi-public uses.

9-030 PERMITTED ACCESSORY USES

- a) Accessory uses customarily (historically) incidental to the uses permitted in this section.

9-040 CONDITIONAL USES

- a) Other commercial uses determined to be of the same character and, with the addition of conditions, will not be detrimental to the general public health, safety, and welfare.
- b) Farm and barn equipment dealers.
- c) Greenhouses and nurseries.
- d) Research and testing laboratories.
- e) Uses determined by the Town Board to be of a similar nature to the listed conditional uses above and found not to be detrimental to the general health, safety and welfare of the Town.

**SECTION 10
INDUSTRIAL DISTRICT**

10-010 INDUSTRIAL DISTRICT: I-1

The purpose of this district is to provide for and allow a range of industrial, warehousing, and bulk commercial activities, with a minimal infringement upon neighboring residential or commercial districts. In the industrial district no land or building shall be used in whole or part except for the following uses.

10-020 PERMITTED USES

- a) Wholesale businesses.
- b) Warehousing with inside storage only.
- c) Machine shops.
- d) Manufacturing and fabrication of any finished product from manufactured component parts.
- e) Agricultural crop production.
- f) Public or semi-public uses.

10-030 PERMITTED ACCESSORY USES

- a) Offices accessory to a principal use.
- b) Off-street parking and loading.
- c) Other accessory uses customarily (historically) incidental to the uses permitted in this section.

10-040 CONDITIONAL USES

- a) Contractors equipment and storage yards.
- b) Building materials storage yards (inside only).
- c) Ready-mix concrete operations.
- d) Any industrial use not allowed as a permitted use which does not have heavy odors, smoke or other obnoxious or distasteful smells or appearances or excessive noise.
- e) Uses determined by the Town Board to be similar in nature to the listed conditional uses above and found not to be detrimental to the general health, safety and welfare of the Town.

10-050 PERFORMANCE STANDARDS

Every applicant for a permit to develop any industrial property in the municipality shall be required to submit a complete and accurate statement concerning the specific nature of the use to which the property is to be put. It shall be required by the Town Board that the entire community and surrounding communities shall be protected from any nuisance brought about by an excess of smoke, noise, odors, vibrations or any other activity that might be detrimental to the public health, safety or general welfare of surrounding inhabitants.

**SECTION 11
NON-CONFORMING USE**

11-010 INTENT

Within the districts established by this ordinance or amendments that may later be adopted, there may exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit the non-conformities to continue until they are removed, but not to encourage their survival.

11-020 NON-CONFORMING USES OF STRUCTURES

If a lawful use of a structure exists at the effective date of adoption or amendment of this ordinance which would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No existing structure devoted to uses other than the Agriculture A-1, Rural Residential R-1, or Suburban Residential R-2, but not permitted by this ordinance in the district in which it is located, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- b) Any non-conforming use may be extended throughout any part of a building which is arranged or designed for the use at the time of adoption or amendment of this ordinance, but that use shall not be extended to occupy any additional land outside the building;
- c) If no structural alterations are made, a non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Town Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district in the non-conforming use. In permitting such a change, the Town Board, acting upon the recommendations of the Joint Planning Board, may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
- d) When a non-conforming use is superseded by a permitted use, the non-conforming use may not thereafter be resumed;
- e) When a non-conforming use is discontinued for six months during any three (3) year period, such use shall not thereafter be resumed except in conformance with the regulations of the district in which it is located;
- f) Where non-conforming use status applies to a structure or structure and premises in combination, removal or destruction of the structures shall eliminate the non-conforming status of the land.

g) Setbacks for an expansion of a building in an agricultural district shall be permitted at the existing setbacks of the Town zoning ordinance effective on 9-23-87, as follows:

- 1) Front yard setbacks for farm buildings shall not be less than 65 feet from the right-of-way. Setbacks for residences and garages shall be the same as the residential area.
- 2) Side yard setbacks shall not be less than 30 feet, however, the setbacks for farm buildings shall be 65 feet.
- 3) Rear yard setbacks in all cases shall not be less than 15 feet.

11-030 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10% of the current replacement value of the buildings, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

11-040 NON-CONFORMING STRUCTURES

Where a lawful structure exists after the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance or by reason of restrictions on area, lot coverage, height, yard, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such structure may be enlarged or altered in a way which increases its non-conformity.
- b) Should such structure be destroyed by fire, collapse, explosion or act of God to an extent of more than fifty percent of its market value as computed by County Tax Officials, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform with the regulations for the district in which it is located after it is moved.

11-050 NON-CONFORMING USES OF LAND

Whereon the effective date of adoption or amendment of this ordinance, should lawful uses of land exist that are no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of any adoption of an amendment of this ordinance;
- b) No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
- c) If any such non-conforming use of land ceases for any reason for a period of more than thirty (30) days any subsequent use of such land shall conform to the regulation specified by this ordinance for the district in which such land is located;
- d) Any non-conforming use of land not involving a building or structure and any non-conforming use involving a building or structure with an adjusted market value at the date of enactment of this ordinance of \$500.00 or less may be continued for a period of 12 months after the enactment of this ordinance, whereupon such non-conforming use shall cease. The above regulation shall apply to sign boards and billboards which, if not brought into conformance shall be moved from the site.

11-060 ABANDONMENT

A non-conforming use of a building or premises which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when the characteristic equipment and the furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment within six (6) months.

11-070 USES UNDER CONDITIONAL USE PERMITS

Any use for which a conditional use permit has been issued as provided in this ordinance shall not be deemed a non-conforming, and shall, without further action, be deemed a conforming use.

11-080 USES UNDER CONDITIONAL USE OR SPECIAL PERMIT

Conditional uses or uses allowed under conditional or special use permits issued prior to the effective date of this ordinance, shall be deemed non-conforming.

11-090 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by State law and other ordinances of the municipality, it being the intention that such are exempt from the application of this ordinance.

11-100 CONSTRUCTION STARTED PRIOR TO THIS ORDINANCE

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction

was lawfully begun prior to the effective date of this ordinance and upon which actual building construction has been diligently carried on.

11-110 NON-CONFORMING LOTS OF RECORD

Lots within a subdivision or plat recorded prior to the enactment of this ordinance which are smaller in width or in area than the minimum as set forth in this ordinance and separately owned may be utilized for a single family detached dwelling if the measurements of such widths or area are at least fifty (50%) of the minimum requirements of this ordinance.

Where two or more contiguous vacant lots are held in single ownership in a subdivision or plat recorded prior to the effective date of this ordinance and where the lots are not of the required minimum width and/or area building permits may be issued for each of the lots or fractions thereof, provided the fifty (50%) rule is followed.

SECTION 12
CONDITIONAL USES AND VARIANCES

12-010 CLASSIFICATION

A classification of conditional uses is hereby established to provide for the location of certain uses, specifically mentioned and authorized in certain specified districts, such uses to be allowed through the issuance of a "CONDITIONAL USE PERMIT".

12-020 CONDITIONAL USES

Conditional Uses, as shown in specified districts, are uses which, because of unique characteristics, cannot be classified as a permitted use in any particular district. Conditional Uses, as shown in this ordinance may be permitted in those districts where uses are deemed essential or desirable to the public convenience, welfare, and are in harmony with the various objectives of the comprehensive plan, and if their location, plan and character of development are first considered by the Joint Planning Board following the procedure set forth in this ordinance. In the exercise of its approval, the Town Board may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the furtherance of the purposes of this ordinance.

12-030 PROCEDURE

Application for conditional use permits and variances shall be accepted by the Clerk upon the payment of a fee by the applicant in an amount to be set from time to time by resolution of the Town Board. All applications shall be referred by the Clerk to the Town Board for consideration. The Town Board shall refer all applications to the Joint Planning Board for consideration and recommendation, except where an application for a conditional use permit or variance is submitted in conjunction with an application seeking rezoning of the same property, in which case referral to the Joint Planning Board is not required. When such referral is made, the Joint Planning Board shall report to the Town Board within forty-five (45) days thereafter.

The Town Board shall within sixty (60) days after receipt of the application by the Clerk and with or without a recommendation from the Joint Planning Board consider the application at a public hearing following publication as prescribed elsewhere in this ordinance. The Town Board may grant or deny applications for Conditional Use Permits by a majority vote of its membership.

12-040 TOWN BOARD MAY STIPULATE

In granting a request for a conditional use permit, the Town Board may stipulate any conditions considered necessary to protect the public health, safety, or welfare.

12-050 TIME LIMIT

A conditional use permit, when not used, shall expire after 180 days following date of issuance unless written application for renewal or time extension is received and granted by the Town Board prior to the expiration date.

12-060 VARIANCE

The Town Board shall have the power, in a specific case to permit a variance from the provisions of this ordinance. A variance, when not used, shall expire after ninety (90) days following date of issuance unless written application for time extension is received and granted by the Town Board prior to such expiration date. For purposes of the consideration of Variance applications, the Town Board shall be and hereby is authorized to act as the Board of Adjustments for the Town.

SECTION 13
OFF-STREET PARKING AND OFF-STREET LOADING

13-010 OFF-STREET PARKING

- a) A parking space shall be at least nine (9) feet wide by twenty (20) feet long. In considering parking lots, a standard of 300 square feet per parking space shall be used to compute total requirements including maneuvering areas.
- b) Off-street parking will not be permitted in any front yard or side yard in residential districts where such yards border on a street.
- c) Any off-street parking area containing four (4) or more parking spaces must be screened from any adjacent residential area by proper plantings.
- d) Spaces for residential parking shall be on the same lot as the principal building.
- e) Off-street parking in residential districts shall be used only for the parking of vehicles. No commercial repairs will be permitted.
- f) All off-street parking areas shall be provided with a dustless surface, adequate drainage and if lighting is used, it shall be directed away from adjacent residential property.
- g) There shall be no off-street parking within fifteen (15) feet of any street right-of-way.
- h) The application for any building permit shall be accompanied by a plot plan which, in addition to other information, shall show the location of the off-street parking area provided for such building.
- i) No entrance to or exit from the parking area shall be more than 24 feet in width and under no circumstances will off-street parking areas be designed so that vehicles must back into the street or public way.
- j) No public or private parking lot in business or industrial district for more than five (5) motor vehicles shall have an entrance or exit within thirty (30) feet of a residential district boundary line.

13-020 REQUIRED PARKING AREA

The following parking area shall be required:

- a) Dwellings, two parking spaces per living unit in A-1, R-1 and R-2 zones.
- b) Multiple dwellings, one and one half space for each living unit.
- c) Churches, one space for every three (3) seats or one (1) space for every five (5) feet of pew length.

- d) Retail business: one (1) space for every 100 square feet of sales area.
- e) Other business: one (1) space for every 150 square feet of floor area.
- f) All industrial uses two (2) spaces for every three (3) employees or one (1) space for each 1,000 square feet of floor area, whichever is greater.
- g) For any and all uses of structures not specifically provided for in the foregoing, such parking space as the Town Board shall determine to be necessary, considering all the parking generating factors involved.
- h) In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the Town Board may consider the joint use of a parking area (other than residential) where it is known that because of a time element, the parking facilities will not be needed by more than one of the users at one time.

13-030 OFF-STREET LOADING

- a) On the same premises with every building devoted to retail trade, wholesale or manufacturing or other buildings where large amounts of goods are received or shipped, erected in any district after the effective date of this ordinance, loading and unloading space shall be provided as follows:
- b) In the business and industrial district two (2) off-street loading and unloading spaces shall be provided for each store unit having a gross floor area of 10,000 square feet. One (1) additional space shall be provided for each additional 15,000 square feet of floor space.

SECTION 14
AREA, HEIGHTS, FRONTAGE AND YARD REQUIREMENTS

14-010 AGRICULTURE DISTRICT

- a) Maximum height shall be two and one-half (2½) stories or thirty-five (35) feet whichever is greater. This shall not apply to silos, grain storage or drying equipment, and other farm structures.
- b) Minimum lot area shall be ten (10) acres. If a parcel of property in an Agricultural District is split or subdivided so as to create one or more parcels of less than ten (10) acres, until the property is rezoned, the parcel(s) of less than ten (10) acres shall be subject to the rules, restrictions, conditions and uses herein established for a Rural Residence District.
- c) Minimum lot width shall be 250 feet at the building setback line.
- d) Front yard setbacks shall not be less than 50 feet from the right-of-way.
- e) Side yard setbacks shall not be less than 50 feet.
- f) Rear yard setbacks in all cases shall not be less than 50 feet.

14-020 RURAL RESIDENCE DISTRICT

- a) Maximum height shall be two and one-half (2½) stories or thirty-five (35) feet whichever is greater.
- b) Minimum lot area shall be five (5) acres.
- c) Minimum lot width shall be 250 feet at the building setback line.
- d) Front yard setback shall be not less than fifty (50) feet.
- e) Side yard setbacks shall not be less than fifty (50) feet.
- f) Rear yard setbacks shall not be less than fifty (50) feet.

14-030 SUBURBAN RESIDENCE DISTRICT

- a) Maximum height shall be two and one-half (2½) stories or thirty-five (35) feet whichever is greater.
- b) Minimum lot area shall be 30,000 square feet.
- c) Minimum lot width shall be 100 feet at the building setback line.
- d) Front yard setback shall be 30 feet.

- e) Side yard setbacks shall not be less than 10 feet. Corner lots shall be 15 feet.
- f) Rear yard setbacks shall not be less than 15 feet.

14-040 DUPLEX AND MULTIPLE FAMILY RESIDENCE (by Conditional Use Permit).

In considering conditional use permits for duplex and multiple family residences, the Town Board shall not increase density over that normally allowed in single family areas unless full municipal sanitary sewer and water are available. Full services multiple family units will be allowed with an area requirement of not less than 2500 square feet per unit. With full services for duplexes, 10,000 square feet per unit shall be required. Setback requirements used for single family residences shall apply to duplexes and multiple family structures.

14-050 BUSINESS AND INDUSTRIAL DISTRICTS

- a) Maximum height shall be two and one-half (2½) stories or thirty-five (35) feet whichever is greater.
- b) Each building shall have a front yard setback of not less than forty (40) feet.
- c) Each building shall have a side yard setback of not less than fifteen (15) feet.
- d) Each building shall have a rear yard setback of not less than twenty (20) feet.
- e) Where any part of an industrial area is adjacent to a residential zone the minimum set back shall be 100 feet.
- f) No conditional use permits shall be granted for business or industrial uses away from the areas zoned business or industrial.
- g) The application for a building permit in B-1 or I-1 districts shall be accompanied by a complete plot plan showing the proposed building or buildings and also the proposed use of the balance of the property. The plan shall show waste disposal, water supply, drainage, ingress and egress, landscaping, screening and other pertinent data. Distances to surrounding buildings must also be shown on the plot plan. The Town Board shall submit these plans to the Joint Planning Board for consideration and recommendation. In any event, no building permit shall be issued for any construction in a business district until authorized by a majority vote of the Town Board.
- h) Where a business or industrial development abuts upon an A-1, R-1, or R-2 district, or is separated from such district only by an alley, there shall be a protective strip of not less than 25 feet in width established as a buffer zone and within the setback requirement in Section (i) This buffer zone shall contain no structures, shall not be used for parking, off-street loading, or storage and shall be landscaped. The landscape treatment shall contain a compact evergreen hedge or fence but such hedge or fence shall not extend within 15 feet of a street right-of-way. The planting or fence design must be approved by the Town Board after review by the Joint Planning Board as to whether the planting or fence design is in harmony with a residential neighborhood and provides

sufficient screening of the business or industrial area. The hedge or fence shall be not less than four (4) feet in height.

14-060 BUILDING LINE ESTABLISHED BY DEVELOPMENT

In platted areas, where buildings have been constructed prior to the adoption of this ordinance and where those buildings have front yard setbacks different from those described in this ordinance, the setback line shall be assumed to have been established and new construction shall conform to the line-of-sight.

SECTION 15
GENERAL REQUIREMENTS

15-010 APPLICATION

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following regulations and terms.

15-020 ACCESSORY BUILDINGS, RESIDENTIAL DISTRICTS

- (a) No accessory building, other than a garage, shall be located within any yard other than rear yard.
- (b) Accessory buildings shall not exceed twenty-five (25) feet in height, such buildings shall conform with all the setback regulations as set forth in this ordinance except that garages, detached and constructed in rear yards may have a side yard setback of not less than ten (10) feet.

15-030 SETBACK EXEMPTIONS

The following shall not be considered as encroachments on setback requirements:

- a) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, cornices, eaves, gutters, and the like provided they do not project more than two (2) feet.
- b) Fences which do not exceed 3½ feet in height.
- c) Fences to contain farm livestock in agricultural districts.

15-040 FENCES

- a) Fences in residential or agricultural districts shall be limited to six (6) feet in height except by conditional use permit.
- b) Fences in residential districts shall not be over seventy-five percent (75%) opaque, except by conditional use permit.
- c) Fences between three and one half (3½) feet and six (6) feet in height shall not be less than five (5) feet from the property line, unless a common fence is erected by two property owners in which case the property owners may erect the fence on the property line.

15-050 OBSTRUCTION OF VIEW

On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained which may cause danger to traffic on a street or public way by obscuring the view.

15-060 REMOVAL OF TOPSOIL

No person shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on said premises and excavation or grading incidental thereto, except as provided elsewhere in this ordinance.

15-070 BUILDING RELOCATION

- a) To maintain a high standard of residential development, and to protect such areas from detrimental affects through insuring that both new and relocated buildings from within the municipal limits or from other areas shall meet the following specified requirements:
- b) Each relocation of a building shall require a conditional use permit from the Town Board and all such buildings shall conform with and be situated in a properly zoned area in accordance with all of the provisions of this ordinance and the building code.
- c) The application for a permit to move a building may be granted or denied by the Town Board.

15-080 HOME OCCUPATIONS

a) Rules and Regulations for Incidental Home Occupations.

- 1) The use must be conducted solely by a member or members of the immediate family residing on the premises, entirely within the building.
- 2) The incidental home occupation shall not include the employment of any other person not residing on the premises, excluding temporary seasonal help.
- 3) Incidental home occupations shall not include any over-the-counter retail businesses, manufacturing businesses, or repair shops that require the exterior parking or storage of automobiles or machinery.
- 4) Incidental home occupations shall not require external major alterations or involve construction features not customarily found in or which are normally accessory to dwellings, except as are necessary for safety purposes.
- 5) Incidental home occupations involving commodities, stores, equipment, or materials, shall be stored or stockpiled so that they are not visible from the road or any point outside the property. They may not be sold from the premises, except for those products that are accessory to an incidental home occupation. The interior or exterior of the building may not be changed except as provided for in paragraph 2(d) above.
- 6) There shall not be any exterior display or exterior sign that the dwelling is being used for the incidental home occupation other than one (1) unanimated,

nonilluminated flat, or window sign having a total area of not more than 144 square inches.

7) The area devoted to the incidental home occupation shall not be the dominant use of the dwelling.

a) Conditional Use Permit Required.

A conditional use permit is required for any home occupation not falling into the definition of "incidental home occupation".

15-090 APPROVAL OF TOWN BOARD

a) All plans for the improvement, development, operation or expanded use of any property situated in any district other than the A-1, R-1 and R-2 districts shall be examined and approved by the Town Board prior to the issuance of any permit whatsoever. Costs of such review by the Town shall be paid or reimbursed by the applicant.

b) Prior to issuance of a building permit for construction in any district of the Town, each applicant for a permit shall as part of the permit application, submit the following information for consideration by the Town Board or building inspector:

1) A site plan of the parcel on which the construction or remodeling shall be located showing the location of any proposed or existing buildings, the location of all wells and water distribution pipes, the location, size, and design of all sewage disposal systems, and building setbacks from the property line.

2) A copy of the plans and specification for construction or remodeling of structures and for a proposed sewage disposal system.

3) A certificate of survey for the boundaries of the parcel where said parcel is unplatted provided, however, that this requirement may be waived by the Town Board or, in the case of construction in A-1, R-1 or R-2, the Town Building Inspector, where the parcel exceeds five acres in size and the applicant demonstrates actual boundary location to the satisfaction of the Town Board or Town Building Inspector.

15-100 PUBLIC HEARINGS

All public hearings referred to in this ordinance shall be held by the Town Board after notice of the time and place of such hearings has been published in accordance with the legal requirements of the municipality. In all cases, the Town Board may act upon a majority vote of all its members.

15-110 LAND SUBJECT TO FLOODING

Land which is subject to periodic or seasonal flooding shall not be used for the location or construction of buildings or structures of any kind except those which might require such land for a specific purpose. Certain uses of such land not requiring a structure may be permitted by the Town Board provided that such use does not cause a change in natural drainage and does not in any way add pollutants or noxious material to the area. This provision shall not apply to farming operations, either existing or new except that the construction of any new farm building for what-ever purpose shall be accomplished on ground which is at least two feet above the highest known high water mark and no floor or entrance shall be constructed below this level. Where Stearns County ordinances are more restrictive they shall apply.

15-120 DIVISION OF LAND SUBJECT TO PLATTING REGULATIONS

Any transfer of less than the entire parcel of land owned shall be deemed to be a subdivision of said parcel subject to the rules and regulations contained in the Township Platting Regulations except as provided in section 15-130 for exempt subdivisions.

15-130 PLATTING OF LAND IN AGRICULTURAL DISTRICT

Land which is found by the Town Board to be exempt from platting under the provisions of the Town Platting Regulations, shall be exempt from the provisions of Section 15-120 above.

15-140 EASEMENTS

Easements for the purpose of ingress and egress shall be a minimum of thirty-three (33) feet wide.

15-150 TOWER REGULATION:

The construction and maintenance of transmission towers is governed by a separate ordinance, "The Tower Regulation Ordinance". To the extent the Tower Regulation Ordinance contradicts the provisions of the Zoning Ordinance, the Tower Regulation Ordinance shall govern.

**SECTION 16
SIGNS**

16-010 SIGN PERMITS.

Unless otherwise provided herein, no sign or advertising device shall be erected, maintained, or hung without a permit from the Building Inspector. Such permits shall be issued upon the submission of an application to the building inspector together with the payment of a permit fee to be set by the Town Board from time to time by resolution and which fee shall be non-refundable.

The following signs may be erected, hung, placed or painted without a permit from the Building Inspector.

- a) One (1) unlighted or indirectly illuminated name plate not exceeding two (2) square feet in area announcing only the name of occupants and/or location of a residence.
- b) One (1) bulletin board not exceeding twenty-four (24) square feet in area for churches, schools, hospitals or public or semi-public institutions. Any illumination shall be diffused or indirect and the sign shall be set back at least one-third the distance of any required side yard or set back from any property line.
- c) One (1) unlighted real estate "For Sale" or "For Rent" sign not exceeding four (4) square feet.
- d) In business and industrial districts, one "For Rent" or "For Sale" sign not exceeding thirty-two (32) square feet in area shall be permitted; a corner lot may have two (2) such signs.
- e) Political campaign lawn signs not exceeding four (4) square feet, if placed no earlier than sixty (60) days prior to the election and removed within three (3) days following the election. Political campaign lawn signs may not be placed upon public property or upon private property unless permission is granted by the owner.

16-020 SIGNS PERMITTED IN THE AGRICULTURAL AND R-1 AND R-2 RESIDENTIAL DISTRICTS.

The following signs are permitted in a residential or agricultural district:

- a) All signs mentioned above in Section 16-010 (a), (b), (c) and (e).
- b) One identification sign for each use other than residential shall not exceed four (4) feet in width or four (4) feet in length.
- c) One sign identifying the entrance of a residential subdivision not exceeding four (4) feet in width or four (4) feet in length.

16-030 SIGNS PERMITTED IN THE BUSINESS DISTRICT.

- a) The following signs are permitted in business districts.
 - 1) Building wall signs not exceeding one (1) square foot per lineal lot front foot or ten percent (10%) of building frontage area, or fifty (50) square feet, whichever is greater, advertising or identifying a business located on the property.
 - 2) Free standing signs shall not exceed fifty (50) square feet, advertising or identifying a business located on the property.
 - 3) All signs mentioned above in 16-010 (a), (b), (c), (d) or (e).
- b) Total square footage of all signs on a lot shall not exceed one hundred (100) square feet.
- c) Signs may be attached to or erected flat against the wall of buildings. If free standing, they shall observe all setback and side yard lines. Sign structures may be single face, double face, or "V" type. All signs shall be subject to the same setback and height limitations as other buildings or structures in the districts in which they are located and such signs shall not be erected within 50 feet of any abutting residential district if designed to face directly into such district.

16-040 SIGNS IN THE INDUSTRIAL DISTRICT.

- a) Any sign permitted in the agricultural, residential or business districts is permitted in an industrial district.
- b) The total square footage of sign area for each lot shall not exceed one (1) square foot per lineal lot front foot or ten (10%) percent of the building frontage area, or fifty (50) square feet, whichever is the greatest.

16-050 GENERAL REGULATIONS.

Unless otherwise provided for in this ordinance:

- a) No sign shall be erected or maintained so as to prevent free ingress or egress from any door or window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- b) All signs are required to follow the setback and side yard requirements for other structures in the district where located, provided that where a drive-in service or parking is permitted, one (1) ground identification sign not exceeding thirty-five (35) square feet in area may be erected in any required front yard or setback area; however, it may not be located closer to the street or highway right-of-way than the required setback distance.

c) Billboards or other business signs advertising a commercial business conducted at a location other than the property on which the sign is located, are prohibited.

d) The Town Board may grant a variance expanding the quantity or size of signs permitted in a business or industrial zone if the lot contains several different businesses, as found in a shopping mall, office building or warehouse.

16-010 SIGNS

Unless otherwise provided herein no sign or advertising device shall be erected, maintained or hung without a permit from the Building Inspector. Such permits shall be issued upon the submission of an application to the building inspector together with the payment of a permit fee to be set by the Town Board from time to time by resolution and which fee shall be non-refundable.

The following signs may be erected, hung, placed or painted without a permit from the Building Inspector.

a) One (1) unlighted or indirectly illuminated name plate not exceeding two (2) square feet in area announcing only the name of occupants and/or location of a residence.

b) One (1) bulletin board not exceeding twenty-four (24) square feet in area for churches, schools, hospitals or public or semi-public institutions. Any illumination shall be diffused or indirect and the sign shall be set back at least one-third the distance of any required side yard or set back from any property line.

c) One (1) unlighted real estate "For Sale" or "For Rent" sign not exceeding four (4) square feet.

d) In business and industrial districts, one "For Rent" or "For Sale" sign not exceeding thirty-two (32) square feet in area shall be permitted; a corner lot may have two (2) such signs.

16-020 SIGNS IN THE AGRICULTURAL AND R-1 AND R-2 RESIDENTIAL DISTRICTS

a) All signs mentioned above in Paragraphs (a), (b), and (c).

b) One identification sign for each use other than residential shall not exceed four (4) feet in width or four (4) feet in length.

16-030 SIGNS IN THE BUSINESS DISTRICT

a) Building wall signs shall not exceed one (1) square foot per lineal lot front foot or ten percent (10%) of building frontage area, or fifty (50) square feet, whichever is greater.

b) Free standing signs shall not exceed fifty (50) square feet.

d) Advertising signs may be attached to or erected flat against the wall of buildings. If free standing, they shall observe all setback and side yard lines. Advertising sign structures may be single face, double face or "V" type. All advertising signs shall be subject to the same setback and height limitations as other buildings or structures in the districts in which they are located and such signs shall not be erected within 50 feet of any abutting residential district if designed to face directly into such district.

16-040 SIGNS IN THE INDUSTRIAL DISTRICT

- a) Any sign permitted in the Agricultural, Residential or Business Districts.
- b) The total square footage of business sign area for each lot shall not exceed one (1) square foot per lineal lot front foot or ten (10%) percent of the building frontage area, or fifty (50) square feet, whichever is the greatest.
- c) No more than one (1) advertising structure may be erected on any lot having a frontage of fifty (50) feet or less and one (1) additional advertising structure for each additional fifty (50) feet of lot frontage.

16-050 GENERAL REGULATIONS

Unless otherwise provided for in this ordinance:

- a) No sign shall be erected or maintained so as to prevent free ingress or egress from any door or window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- b) All signs are required to follow the setback and side yard requirements for other structures in the district where located, provided that where a drive in service or parking is permitted one (1) ground identification sign not exceeding thirty-five (35) square feet in area may be erected in any required front yard or setback area; however, it may not be located closer to the street or highway right-of-way than the required setback distance.

SECTION 17
COMMERCIAL MINING AND GRAVEL PIT OPERATIONS

17-010 DEFINITIONS

Unless the context clearly indicates otherwise, the following words, as used in this Ordinance, shall have the meaning set forth herein:

- a) Commercial Mining - The extraction or mining for sale or resale of 500 cubic yards or more of aggregate materials, rock, sand, gravel, clay, silt, soil or any other like minerals or combination thereof. The term "500 cubic yards or more" as used above means a cumulative total for a single mining operation and not an annual total.
- b) Excavation - The digging, removal, filling with, or storage of any naturally occurring rock, sand, gravel, clay, silt, soil, or other like mineral(s) being conducted within the Town of Le Sauk. See Section 18-030 for exceptions.
- c) Gravel - Non-metallic natural mineral aggregate including, but not limited to sand, silica sand, gravel, building stone, crushed rock, limestone, and granite.
- d) Minerals - The non-metallic materials found naturally in the earth including, but not limited to rock, sand, gravel, clay, silt, and soil which may be covered by overburden.
- e) Mining - Operations involving the excavation of rock, sand, gravel, clay, silt, soil, and other like minerals. "Mining operations" does not include hot mix bituminous or ready mix concrete operations which require a separate operating permit or conditional use permit consistent with this Ordinance.
- f) Overburden - Those materials which lie between the surface of the earth and the minerals to be excavated.
- g) Permittee - The recipient of the Le Sauk Town Board's conditional use permit or a permit to conduct a mining/processing operation at a specific site.
- h) Processing - Operations involving the crushing, screening, washing, compounding or treatment of rock, sand, gravel, clay, silt, soil, and other like minerals being conducted within the Town of Le Sauk, including the production of asphalt compositions for pavement, ready mix concrete, and the recycling of previously used concrete and asphalt.
- i) Rehabilitation - To renew the land with the purpose of returning it to a self-sustaining, long-term use which is compatible with contiguous land uses in accordance with the standards set forth in this Ordinance.
- j) Topsoil - That portion of the overburden which lies closest to the surface of the earth and which supports the growth of vegetation.

17-020 PERMITS REQUIRED

a) An owner of land on which commercial mining or processing operations will take place shall first apply for a conditional use permit under Section 11 of this Ordinance. The conditional use permit shall contain such provisions, conditions, and limitations as the Town Board finds are required to protect the public health, safety, and general welfare. The conditional use permit shall be valid for a period to be determined by the Town Board.

b. Any person or entity intending to conduct commercial processing operations on property where such operations are permitted as a conditional use, shall apply for a commercial processing operation permit.

1) A commercial processing operation permit shall be valid for a two (2)-year period, unless it is revoked, expires, or is otherwise terminated earlier.

2) The holder of a validly issued and current conditional use permit issued under paragraph (a) above, may apply for a commercial processing operation permit without any additional fee.

3) A commercial processing operation permit is not transferable or assignable without the prior written consent of the Town Board.

c) Any person or entity conducting commercial mining or processing operations as of the effective date of this Ordinance and for which the Ordinance requires a permit may temporarily continue such operations, but within thirty (30) days of the effective date hereof, shall make the required application for a conditional use permit and/or a commercial processing operation permit. Additionally, within said thirty (30) day time period, the owner of the underlying land shall apply for a conditional use permit from the Town Board authorizing the commercial or processing operations on the owner's land.

d) Upon request and for cause, the Town Board may extend the time for initial application for the commercial processing operation permit and for the underlying conditional use permit to sixty (60) days of the effective date hereof.

e) The fee for a conditional use permit or a commercial processing operation permit issued under this Ordinance shall be as established from time to time by the Town Board. Any person or entity requesting a permit shall submit the prescribed fee to the Town Clerk together with all the information required in Section 17-050 below. The applicant shall provide three (3) copies of the required information.

f) The Town Board, in determining whether to grant the applicant(s) a conditional use or a commercial processing operation permit, shall apply the criteria for granting conditional use permits set forth in Town ordinances and policies.

g) If the request for a permit is denied, no reapplication shall be effective for a period of six (6) months.

17-030 EXCEPTIONS

A permit as described in Section 17-020 shall not be required for any of the following:

- a) Excavation for the purpose of the foundation, cellar, or basement of a structure to be erected, built, or placed thereon contemporaneously with or immediately following such excavation, provided that a building permit for that structure has first been issued.
- b) Excavation less than one (1) foot in depth.
- c) Excavation required for completion of a septic system and drain field(s), provided that a building permit for the septic system and/or drain field(s) has first been issued.
- d) Watering pits for livestock.
- e) Mining or processing that does not fall within the definition of "commercial mining" and "processing" found in Section 17-010.

17-040 EXPIRATION/REVOCAION OF PERMIT

- a) A commercial processing operation permit shall expire automatically two (2) years after issuance; however, if no excavation or processing is conducted at the site by the permittee within a twelve (12)-month period, the operation permit shall terminate automatically at the end of the twelve (12)-month period.
- b) The Town Board may revoke a commercial processing operation permit and/or a conditional use permit for violation of any section of this Ordinance or violation of any condition of the permit.
- c) To revoke a permit, the Town Clerk shall give notice by U.S. Mail (certified mail addressed to the permittee at the address of the permittee on file with the Town Clerk) of the violation or other cause for revocation, along with the directive of the Town Board that the condition be remedied. If the condition has not been corrected or otherwise remedied within the time set forth by the Town Board, but not less than ten (10) days, the Town Board shall determine, at a regular or special Town Board meeting, whether the commercial processing operation permit and/or conditional use permit should be revoked.
- d) If a permit is revoked or expires pursuant to this Section, the operation shall be discontinued immediately. However, such revocation or expiration shall not nullify the obligation of the permittee to undertake rehabilitation of the land as defined under this Ordinance.

17-050 INFORMATION REQUIRED

The following information shall be provided by a permit applicant. If an owner is applying for a conditional use permit at the same time as an applicant wishing to conduct a commercial or processing operation on the owner's land, the owner may refer

the Town Board to the information supplied by the applicant for the commercial processing operations permit. If said applications are not being processed concurrently, such as where a commercial processing operation will be conducted by a separate person or entity, the applicant must provide all of the information required under this section.

- a) The name and address of the applicant requesting a commercial processing operation permit and/or the name and address of the owner of the land applying separately to receive a conditional use permit authorizing commercial mining and/or processing operations on the owner's land.
- b) The legal description and acreage of the proposed commercial mining and/or processing operation site, together with proof of the applicant's ownership or leasehold interest.
- c) The specific purpose of the proposed operation.
- d) The estimated duration of the operation.
- e) Specifications, using appropriate maps, photographs, and surveys revealing:
 - 1) The physical relationship of the proposed operation site to the neighborhood and existing development in the area; including photographs depicting adjacent and on-site buildings and land uses.
 - 2) Site analysis information such as vegetation and depth of topsoil; photographs depicting the existing condition, vegetation, and screening, etc., of the site; a topographical map showing detailed site elevations; and other site analysis information as requested by the Town Board.
- f) A detailed soil erosion and sediment control plan.
- g) A full and adequate description of all phases of the proposed operation, including an approximation of the amount of excavation to take place as well as the plan of operation (including processing, if any), the nature of the processing and equipment, location of the processing plant, source of water, disposal of water, reuse of water, and the use of explosives.
- h) A comprehensive rehabilitation plan showing suitable provisions for rehabilitation of the site to a condition compatible with the adjacent land, such that it will not create a health or safety hazard or nuisance.
 - 1) Where the Town Board deems practical and necessary, such plans shall also include adjoining related areas where excavations have previously been made which remain under the control of the applicant or the owner of the land on which the mining or processing is proposed.
- i) Any other information requested by the Town Clerk or the Town Board.

17-060 USE RESTRICTIONS

Commercial mining and processing operations shall be allowed as a conditional use only in areas zoned as agricultural districts ("A-1") and/or industrial districts ("I-1").

17-070 PERFORMANCE STANDARDS

The following performance standards shall be required of all permit holders:

- a) Weeds. Weeds and any other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance, to prevent seeding on adjoining property, and to comply with the requirements of the Minnesota Statutes.
- b) Equipment. All equipment used for commercial mining and processing operations shall be kept operational and shall be maintained and operated in such a manner as to minimize as far as practicable noises and vibrations which are annoying to persons living in the vicinity.
- c) Debris and Refuse. Abandoned machinery, rubbish, and other debris and refuse shall be removed from the site regularly and shall not be allowed to accumulate.
- d) Water Resources. The operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the site.
- e) Surface Water. Surface water originating outside and passing through the site shall, at its point of departure from the site, be of equal quality to the water at the point where it enters the site. The permittee shall perform any water treatment necessary to comply with this provision, and shall, at a minimum, meet the requirements specified in paragraph "o" hereinafter.
- f) Safety Fencing. Any commercial mining or processing operation within three hundred (300) feet of two (2) or more residential structures or a residential district shall be bound by the following standards:
 - 1) Collections of water that are one and one-half (1½) feet or more in depth, existing for any period of at least one (1) week, and which occupy an area of seven hundred (700) square feet or more, shall be barred from outside access by a fence or similarly effective visual barrier, such as a snow fence of at least four (4) feet in height with support posts spaced no farther apart than ten (10) feet.
- g) Mining Access Roads. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient length of the public road in view so that any turns onto the public road can be completed safely.
- h) Screening Barrier. The permittee shall not cause trees and ground cover existing at the time of issuance of the initial permit and present within the depth of the roadside

setback to be harmed or destroyed, except where traffic safety requires that said trees and/or ground cover be cut and/or trimmed, or except where alteration or destruction of the trees and/or ground cover is necessary for a rehabilitation plan approved by the Town Board.

i) Setback. All commercial mining or processing operations shall be conducted within the confines of the site described in the permit(s) issued for such operations, and as follows:

1) Processing shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential or commercial structures existing prior to the commencement of the operation(s) without the written consent of the owner or residents of said structure(s). Said consent(s) or a copy thereof, shall be filed by the permittee with the Town Clerk.

2) Excavation shall not be conducted closer than thirty (30) feet to the boundary line of any zone where commercial mining or processing operation(s) are not allowed, nor shall such excavation be conducted closer than thirty (30) feet to the boundary of an adjoining property line, unless the written consent of each of the owners in fee simple of each of such adjoining property is first secured Clerk.

3) Commercial mining operations shall not be conducted closer than thirty (30) feet from the right-of-way line of any existing or platted street, road or highway, or any other right-of-way, except that commercial mining, if not otherwise prohibited, may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, highway or other right-of-way.

4) Commercial mining operations shall not be conducted on shoreland, as defined in the Stearns County Shoreland Management Ordinance, as amended.

j) Appearance. All buildings, structures, plants, equipment, and machinery used for commercial mining or processing operations shall be maintained in such a manner as is practicable, and according to acceptable commercial and industrial practices, so as to assure that such buildings, structures, plants, equipment, and machinery will not become unsafe or dangerously dilapidated.

k) Dust and Dirt. Permittees shall use all practicable means to reduce the amount of fugitive dust generated by the commercial mining or processing operation. In any event, the amount of dust or other particulate matter generated by the commercial mining or processing operation shall not exceed air pollution control standards established by the Minnesota Pollution Control Agency, including those set forth in Minnesota Rules, Chapter 7005, or any amendments thereto.

l) Roads. All access roads from the operation to public highways, roads or streets, or to adjoining property, shall be maintained to minimize dust conditions.

m) Noise. Maximum noise levels at the site shall comply with the limits or standards established by the Minnesota Pollution Control Agency, including those set forth in Minnesota Rules, Chapter 7010, or any amendments thereto.

n) Hours. No commercial mining or processing operation shall be conducted during restricted hours specified in the applicable permit.

o) Water Pollution.

1) Permittees shall comply with all applicable Minnesota Pollution Control Agency regulations, including those set forth in Minnesota Rules, Chapters 7001, 7050, and 7060; Department of Natural Resources regulations, including those set forth in Minnesota Statutes Sections 103G.221 and 103G.245, et seq.; Minnesota Rules 6115.0600, et seq.; all applicable United States Environmental Protection Agency regulations for the protection of water quality; and any amendments to said sections or any additional applicable statutes and regulations of the state and federal governments.

2) In addition, no material shall be deposited in any public (i.e. protected) waters or wetlands of Le Sauk Township (as designated by the Minnesota Department of Natural Resources pursuant to Minnesota Statutes Section 103G.210, subd. 1 or as amended thereto), without a permit from the proper agency or agencies.

p) Topsoil Preservation. Sufficient topsoil shall be retained at the site to ensure completion of rehabilitation in accordance with the rehabilitation plan.

q) Slopes During Mining/Processing Operations. During the entire period of operation, all excavation other than the working face shall be sloped on all sides to a maximum ratio of one (1) foot horizontal to one (1) foot vertical, unless a steeper slope is approved by the Town; or, in the alternative, the permittee shall install an effective barrier enclosing the site. The barrier shall be no less than a snow fence four (4) feet in height with support posts spaced no farther than ten (10) feet apart. In any event, where operations are adjacent to a public roadway or other right-of-way, the terrain shall have a maximum slope of four (4) feet horizontal to one (1) foot vertical. Slopes adjacent to waterways shall not exceed six (6) feet horizontal to one (1) foot vertical.

r) Reports. The permittee shall comply with the reporting requirements, if applicable, mandated in Minnesota Statutes Section 298.75, subd. 3, as the statute shall prescribe at the time of reporting.

s) Investigations. In order to ensure compliance with the performance standards set forth above, the Town Board, after being presented with information alleging the permittee's violation of this Section of the ordinance, may require the permittee to have completed such investigations and tests as may be required to show adherence to the performance standards. Such investigation and tests as are required to be made shall be carried out by an independent testing organization as may be selected by the Town

Board. All investigations and tests as required by the Town Board shall be at the sole expense of the permittee.

t) Surety Bond or Security Deposit. The permittee shall post a surety bond executed by a corporate surety company acceptable to the Town and authorized to do business in the State of Minnesota, or cash escrow, letter of credit, or other security acceptable to the Town Board, in whatever sum the Town Board in its discretion deems necessary to protect the public health, safety, or welfare. Said bond or other security deposit shall run in favor of the Town, and shall remain in full force and effect for a minimum period of one (1) year after the expiration or revocation of the permit, which bond or other security deposit shall guarantee the required rehabilitation as well as all other requirements of this Ordinance, and pay, up to its face value, all expenses the Town may incur by reason of having to do anything required of the permittee which the permittee has failed to do.

u) Insurance. The permittee shall also furnish to the Town Board certificates of insurance evidencing insurance coverage as follows:

1) A single limit or combined limit or excess umbrella motor vehicle liability insurance policy, if applicable, covering all owned, agency-owned, non-owned, or hired vehicles used regularly in the course of the mining/processing operation in an amount of not less than \$600,000 per accident for property damage, \$600,000 for bodily injury and/or damages to any one person, and \$600,000 for total bodily injuries and/or damages arising from any one accident.

2) A single limit or combined limit or excess umbrella general liability insurance policy of an amount of not less than \$600,000 for property damage arising from one occurrence, \$600,000 for total bodily injury and/or damages arising from one occurrence, and \$600,000 for total personal injury and/or damages arising from one occurrence.

3) Workers' Compensation insurance, if applicable, in such amounts as may be required by Minnesota law.

4) If any policy obtained and/or maintained under this clause is canceled, materially changed, or not renewed, such cancellations or changes may be grounds for provoking or not renewing the conditional use or operating permit.

v) Non-Assignment. Any person or entity issued a permit under this Ordinance shall not allow any other person or entity to conduct commercial mining or processing operations at the site, other than hauling to or from the Pit, without: (1) obtaining the prior written consent of the Town Board, (2) receiving written acknowledgement of said other person or entity's agreement to be bound by the requirements of the operating permit(s) in effect, and (3) has obtained a surety bond or other security and certificate of insurance guaranteeing the other person's or entity's performance as a permittee.

w) Additional Requirements. The Town Board may impose additional performance standards as part of the owner's conditional use permit and/or the permittee's commercial processing operation permit.

17-080 VARIANCE

When the owner or operator believes that strict compliance with any of the provisions of this Ordinance will cause undue hardship, either the owner or operator may apply for a variance under the procedures set forth in Section 11 of the Town Zoning Ordinance.

17-090 LAND REHABILITATION

a) The permittee shall reslope the site annually at the end of the operating season, or, in the alternative, install an effective barrier enclosing the site. The barrier shall be no less than a snow fence four (4) feet in height with support posts spaced no farther than ten (10) feet apart. In addition, all sites must be rehabilitated by the permittee immediately after commercial mining or processing operations cease pursuant to Section 18-040. Unless otherwise allowed in this Section, no resloped surface or rehabilitation slope shall be steeper than four (4) feet horizontal to one (1) foot vertical. If the commercial mining or processing operation is not conducted for a period of twelve (12) consecutive months, the operation shall be deemed to have ceased and rehabilitation shall be immediately undertaken by the permittees, or a new permit application shall be brought therefor.

b) Within a period of three (3) months after the termination of commercial mining or processing operations, or immediately after abandonment of such operations for a period of twelve (12) months, or within three (3) months after expiration or revocation of a permit, all buildings, structures, plants, equipment, and machinery incidental to such operations shall be dismantled and removed by and at the expense of the permittees.

c) The peaks and depressions of the site shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity with the land area immediately surrounding, and which will minimize erosion due to rainfall. Overall, the finished grade shall be such that it will not adversely affect the adjacent land.

d) Reclaimed areas shall be surfaced with soil of quality at least equal to the topsoils of adjacent land prior to commencement of the operation and to a depth of at least three (3) inches. The finished reclaimed areas shall be planted with legumes and grass upon all parts where re-vegetation is possible. Trees and shrubs may also be planted, but not as a substitute for legumes and grass. Such ground cover shall be sufficient to hold the topsoil in place and shall be tended to by the permittee(s) as necessary until ground cover is self-sustaining.

e) Excavation completed to a water-producing depth need not be back-filled; however, banks shall be sloped to a grade of no steeper than four (4) feet horizontal and one (1) foot vertical.

**SECTION 18
ENFORCEMENT AND ADMINISTRATION**

18-010 ENFORCEMENT AND PENALTIES

This Ordinance shall be administered by the Building Inspector. The Building Inspector shall require that the application for a building or commercial mining or processing permit and the accompanying plot plan shall contain all of the information necessary to enable him/her to determine whether the proposed building complies with the provisions of this Ordinance. No building permit shall be issued until the Building Inspector has certified that the proposed building or alteration complies with all provisions of this Ordinance.

A violation of any provision of this Ordinance or a permit issued pursuant to this Ordinance is a misdemeanor and upon conviction thereof shall be punished by a fine and costs of prosecution, or by imprisonment, or both, up to the maximum allowed under state law.

Any violation of this Ordinance or a permit issued under this Ordinance may also be enforced by a civil action, injunction, action to compel performance, restoration, abatement, or other appropriate action or remedy as determined by the Town Board and allowed by state law.

18-020 VALIDITY

If any section, paragraph, subsection, clause, or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole nor any of the parts not invalidated.

18-030 CONFLICTING ORDINANCES

It is the intent and it is hereby declared that this ordinance shall not conflict with any County Ordinances or State Law.

18-040 JOINT PLANNING BOARD REPORT

The Joint Planning Board shall report to the Town Board on any matter referred to said Joint Planning Board within forty-five (45) days after such reference. After forty-five (45) days have elapsed, the Town Board may proceed as prescribed herein without said Planning Board report.

18-050 FEES

To defray the administrative costs of processing requests for amendments to this ordinance, the zoning map, or the consideration of conditional use permit and variance requests, a fee shall be paid by the applicant. The amount of such fees as are required by this ordinance shall be set from time to time by resolution of the Town Board.

Fees shall be payable at the time applications are filed with the Clerk and are not refundable unless application is withdrawn prior to the date of the first regular Town Board meeting thereafter. The applicant shall also be subject to an additional fee, as set from time to time by the Town Board, if a meeting or hearing is requested for the purpose of review of an application under this section, if such meeting or hearing is requested for a time other than during a regular Town meeting.

18-060 REZONING AND AMENDMENT PROCEDURE (BY APPLICATION)

a) The Town Board shall, upon receipt of a complete written application of any property owner, fix a date for public hearing for rezoning or amendment of this ordinance. The application is to be filed with the Clerk. Where a rezoning of property is requested, notices of the public hearing shall be mailed by the Clerk to all property owners of record within one thousand three hundred twenty (1320) feet of the outside boundaries of all parcels owned by the applicant as of the date of application, which are adjacent to the parcel proposed to be rezoned, at least ten (10) days before said public hearing. Land separated by a public right-of-way shall be deemed to be adjacent for the purposes of this section. Notice of the public hearing for rezoning or an amendment of this ordinance shall be posted by the Clerk and published in the Town's official newspaper at least ten (10) days prior to the public hearing.

(b) The Town Board shall hold at least one public hearing on any application after notice of the time and place of the hearing has been published and in the case of rezoning after notices have been sent to owners of the adjacent land. Upon completion of the public hearing, the Town Board shall make a recommendation to the Joint Planning Board.

c) Upon receipt of the recommendation of the Town Board, but no later than sixty (60) days of the receipt of the written application, the Joint Planning Board shall by resolution grant or deny the application by a two-thirds (2/3) vote.

18-070 BY INITIATIVE OF THE TOWN BOARD OR JOINT PLANNING BOARD

The Town Board or Joint Planning Board, by resolution on its own initiative, may recommend amendment of this ordinance, change boundaries of a district or a use, height, or area regulation of any district. Such amendment may be made only after a public hearing and a two-thirds (2/3) vote of the Joint Planning Board pursuant to Section 18-060.

18-080 FINAL ACTION

The Joint Planning Board may take final action upon the application or it may continue the hearing from time to time for further investigation and hearing. The Joint Planning Board may also request further information and report from the Town Board.

18-090 JOINT PLANNING BOARD TO ACT

The Joint Planning Board shall not rezone any land or area in any zoning district without having first referred it to the Town Board for recommendation. Any other proposed amendment to this ordinance shall be referred to the Town Board.

18-100 REZONING TO BE RECORDED

Any Joint Planning Board resolution rezoning any area after the effective date of this ordinance shall be recorded and inscribed upon the Official Zoning Map by the Clerk.

18-110 RECORDING AMENDMENTS

Any action by the Joint Planning Board amending this ordinance after the effective date of this ordinance shall be recorded with the Stearns County Recorder.

SECTION 20
COMPREHENSIVE DESIGN ZONE

20-010 PURPOSE AND INTENT.

The purpose of this section is to allow for the creation of comprehensive design zones which allow flexibility in the grouping of various land uses within a single development, to achieve the following:

- a) The development of land parcels in an integrated, coordinated unit.
- b) Provide for community health, welfare and safety needs.
- c) Provide for land use compatible with adjacent uses, protect and enhance land values and achieve a high aesthetic standard.
- d) Preserve natural vegetation, topography, geological and environmental features.
- e) Provide for more efficient land development and eventual savings in utility and street costs.
- f) Coordinate transportation facilities and community facilities so as to meet the objectives of the Comprehensive Plan.
- g) Encourage commercial and industrial development within designated areas and in a manner so as to assure compatibility with surrounding land uses.

20-020 DEFINITIONS

The definitions contained in Section 2 of this Ordinance shall be applicable within the Comprehensive Design Zone, except to the extent modified by provisions of this section. In addition to the definitions contained in Section 2, the following definitions shall apply to Comprehensive Design Zone:

- a) Antenna. Equipment located on the exterior of or outside of any public building or structure and used for transmitting or receiving telecommunications.
- b) Commercial/Retail Business Use. Concentrated business activities, at locations where the interaction between such activities can be maximized with minimal infringement on residual neighborhoods.
- c) Commercial Office Park Use. Minimally light industrial activities, however, primarily targeted for office space and office building development.
- d) Comprehensive Design Development or "Development". A plan for the improvement of a portion of a Comprehensive Design Zone, presented in plat form, which designates lots, streets, permitted land use areas and other information as required by this Section.

e) Light Industrial Use. Industrial activities which produce a minimum degree of refuge, by-products, air pollution and noise pollution, and which require a relatively low level of on-premises processing.

f) Shopping Center. A group of commercial establishments planned, developed, owned and managed as a unit related in location, size and types of shops the unit serves.

20-030 DESIGN ZONE DESIGNATION PROCEDURE.

The Town Board may designate areas of the Town for development of a Comprehensive Design Zone in accordance with this section. Designation of an area as the Comprehensive Design Zone shall occur after the Town Board solicits input from the Joint Planning Board and conducts a public hearing with ten (10) days published notice and written notice sent by United States mail to any property owners within the area proposed as a Comprehensive Design Zone. This process may be initiated by action of the Town Board, the Joint Planning Board or the owners of more than fifty (50%) percent of the land area within the proposed comprehensive design zone. An area may be designated as a Comprehensive Design Zone upon a finding by the Town Board that the designation is consistent with the purposes and intent of this section.

20-040 PROCEDURE FOR A COMPREHENSIVE DESIGN DEVELOPMENT APPROVAL.

A developer or property owner, seeking approval of a specific Comprehensive Design Development, within a Comprehensive Design Zone, shall secure approval by presentation of a plat of the area which will comprise the Development, pursuant to the following procedure:

a) Pre-Application Meeting. Before submitting a formal application and preliminary plat for a Development, the developer shall meet with the Joint Planning Board. The purpose of this meeting is for an early and informal discussion of the purpose and effect of the Development, the criteria and standards contained in this ordinance, and to familiarize the developer with the Town's general plans for the Comprehensive Design Zone within which the Development will occur.

b) Application. An application for approval of a Development shall be filed with the Town Clerk by all owners of the property for which the Development is proposed. For purposes of this Section, contract for deed vendors shall be considered an owner, but a party holding only a mortgage interest shall not be considered an owner. The application shall be accompanied by a filing fee as may be established by resolution of the Town Board, and from time to time amended by resolution. The application shall comply with the requirements for submission of a preliminary plat as required by the LeSauk Subdivision Ordinance, and also including the following additional information:

1) A vicinity map showing property lines, streets, existing zoning and such other items as the Joint Board may require to show the relationship of the proposed Development to the adjacent property uses and other community facilities and services.

- 2) A preliminary plat of the entire area in such detail as to show the proposed area uses within the Development, the densities being proposed where applicable, the system of collector streets and off-street parking system.
- 3) A written statement and supporting documentation explaining in detail the specifics of the proposed Development as it relates to the type of uses proposed, the result in population, the extent and nature of nonresidential development, resulting traffic generated and parking demands created.
- 4) A proposed schedule for the construction of improvements and development of lots.
- 5) A proposal for open space use and other amenities.
- 6) Areas proposed for common ownership, cross easements or other private shared spaces.
- 7) Proposed landscaping and signage.
- 8) Any other information requested by the Town or Joint Planning Board at the pre-application meeting.

c) Consideration of the Joint Planning Board Preliminary Plat. The Joint Planning Board shall review the proposed Development and recommend approval or disapproval of the proposed Development with any changes or conditions as they may suggest and transmit to the Town Board. In its recommendations to the Town Board, the Joint Planning Board shall determine whether the proposed Development is consistent with the objectives of this Ordinance and the comprehensive use plan of the Town; whether the proposed development will enhance the general welfare of the area and Town; and whether the benefits, the combination of various land uses, and the relationship with the land uses in surrounding areas justify the deviation from standard district regulations allowed in a Comprehensive Design Zone.

d) Consideration of Town Board - Preliminary Plat. Upon receipt of the recommendation of the Joint Planning Board, the Town Board shall consider the application, conduct a public hearing, and approve or disapprove the application with such changes or conditions, if any, it deems appropriate. The Board action shall include findings on matters on which the Joint Board made a determination. The applicant shall pay the cost of the public hearing.

e) Consideration of Town Board - Final Plat Recommendation. An application for final approval and final plat review shall be filed by the applicant with the Town Board within twelve months of date of approval of the preliminary plat. If application for approval is not made within the time required, the Development shall be considered abandoned unless a written extension is granted by the Town Board. A final application and its supporting documentation shall contain the same information as is required of plats under the Subdivision Ordinance of the Town, in addition to such other information as required by this section and by the Town Board as a condition for approval of the

preliminary plat. In addition, the application shall be accompanied by such other documentation, such as restrictive covenants, incorporation papers, bylaws of property owners associations, dedications, engineering studies and environmental impact studies as specifically required by the Town Board for the particular Development. Following consideration of the final plat, the Town Board shall provide a recommendation to the Joint Board who shall consider the matter for final approval.

f) Consideration of Joint Board Final Plat Approval. The Joint Planning Board shall approve or disapprove the final plat of the Development. As part of any final plat approval, the developer shall be required to execute the development agreement governing issues relative to the construction of improvements and such other matters as deemed necessary by the Town Board and/or Joint Board to serve the purpose and intent of this section. The developer shall be responsible for the cost of recording the final plat and developer's agreement.

20-050 USES WITHIN AREA DESIGNATIONS.

A Comprehensive Design Development shall provide for districts allowing various uses of the property. The districts permitted within a Comprehensive Design Development are limited to the following:

- a) Single residential dwelling area.
- b) Multiple residential dwelling area.
- c) Commercial/retail business area.
- d) Corporate office park area.
- e) Light industrial business area.

Uses permitted within each district shall be as provided below:

- a) Single Residential Dwelling Area: Permitted uses, conditional uses and accessory uses as allowed in a suburban residential district in accordance with Section 8 of this Ordinance.
- b) Multiple Residential Dwelling Area: Apartment buildings, town houses and other styles of multiple dwelling structures.
- c) Commercial/Retail Business Area: Permitted uses, condition uses and accessory uses as provided for business districts in accordance with 9 of this Ordinance and commercial/retail business uses.
- d) Commercial Office Park Area. Commercial office park uses.
- e) Light Industrial Business Area: Light industrial uses.

20-060 STANDARDS WITHIN AREA DESIGNATIONS.

Areas designated for a specific use shall be subject to standards as described below. In the absence of a statement of a specific standard within an area, the general standards of this ordinance, as may otherwise govern and apply to the use existing in this Ordinance, shall apply.

a) Single Residential Dwelling Area.

Front yard setback	30 feet
Side yard setback	10 feet
Rear yard setback	30 feet
Lot coverage	35%
Height limitation	35 feet
Minimum lot size	15,000 feet

Signage as permitted for suburban residential district as defined in Section 8 of this ordinance.

b) Multiple Residential Area.

Front yard setback	30 feet for town house construction 30 feet for multiple family residential construction
Side yard setback	10 feet for town house construction 15 feet for apartment construction
Rear yard setback	30 feet for town house 30 feet for multiple family
Lot coverage	35%
Height limitation	35 feet for town house construction 40 feet for multiple family
Minimum lot size	6,000 square feet per dwelling unit for town house 2,000 square feet for apartment, efficiency unit 2,500 square feet for one bedroom unit 3,000 feet for two bedroom unit 3,500 square feet for three bedroom unit

Signage - One unlighted identification sign for each use, other than residential shall not exceed four square feet in area. One unlighted sign for this area not exceeding 24 square feet in area and not exceeding eight square feet per vehicle entrance identifying each town house association.

One area identification sign for each multiple residential unit group consisting of three or more structures. Such sign shall have a surface area not exceeding 75 square feet.

(c) Commercial/Retail Business Area.

Front yard setback	30 feet
Side yard setback	15 feet
Rear yard setback	25 feet
Lot coverage	40 percent
Height limitation	two stories or 36 feet

Minimum lot size .75 acres

Sign requirements - Those requirements set forth in section 16 of this ordinance as applicable to a Business District. One area identification sign per shopping center may be erected without reducing the square footage allowance for businesses in the center. The sign may be up to one square foot for each lineal front footage of all buildings within the shopping center, up to a maximum of 100 square feet. Group signage shall be encouraged.

(d) Corporate Office Park Area.

Front yard setback	40 feet
Side yard setback	25 feet
Rear yard setback	30 feet
Lot coverage	45 percent
Height limitation	100 feet
Minimum lot size	3 acres

Sign - Those requirements set forth in section 16 of this ordinance as applicable to a business district. Wall signs shall not be project above a point where the vertical exterior wall meets the horizontal projection of the roof. No sign shall be allowed on the roof of any building. Free standing pile-on signs shall not exceed 20 feet in height. One "for sale" or "for lease" sign shall be permitted, but may not exceed 32 square feet. All business signs shall be located within all setback areas, except as noted below. If the bottom of the business sign is at least eight feet above the ground or sidewalks and the business sign does not interfere with traffic visibility crossing a street or around a corner. If a business sign does not have above-mentioned eight foot clearance, the setback is ten feet. If the district boundary is adjacent to a residential district boundary, the sign setback shall be 20 feet.

(e) Light Industrial Business Area Standards.

Front yard setbacks	50 feet
Side yard setback	30 feet
Rear yard setback	40 feet
Lot coverage	50 percent
Height limitation	50 feet
Minimum lot size	5 acres

Signage - Those requirements set forth in section 16 of this ordinance as applicable to a business district. Wall signs shall not be project above a point where the vertical exterior wall meets the horizontal projection of the roof. No sign shall be allowed on the roof of any building. Free standing pile-on signs shall not exceed 20 feet in height. One "for sale" or "for lease" sign shall be permitted, but may not exceed 32 square feet. All business signs shall be located within all setback areas, except as noted below. If the bottom of the business sign is at least eight feet above the ground or sidewalks and the business sign does not interfere with traffic visibility crossing a street or around a corner. If a business sign does not have above-mentioned eight foot clearance, the setback is ten feet. If the district boundary is adjacent to a residential district boundary, the sign setback shall be 20 feet.

20-070 GENERAL REQUIREMENTS.

Off-site advertising signs (billboards) are prohibited in all areas.

a) Landscaping.

1) All open areas of any site, tract or parcel shall be upgraded to provide proper drainage. Except for areas used for parking, driveways or storage, all open space shall be landscaped with trees, shrubs or planted ground cover. It shall be the owner's responsibility to maintain landscaping in an attractive and well-kept condition. All vacant lots, tracts or parcels shall also be properly maintained.

2) Any off-street areas consisting of more than five parking spaces, which abuts a residential zone or area, shall be screened to a height of at least three and a half feet above parking grade. Such screenage shall be accomplished through the use of earth berming and/or plant materials.

3) Where a parking lot is located adjacent to a public right-of-way, a strip of landscaping shall shield views of parked cars to passing motorists and pedestrians. Such parking lots are required to have a six foot landscaped strip with a minimum three-foot grade drop from the right-of-way to the parking lot. One shade tree and five shrubs are required for every thirty-five (35) linear feet.

b) Sidewalks. Sidewalks shall be six (6) feet in width and placed at least six (6) feet from the edge of the finished portion of any road.

c) Trees. Any species of genus ulmus (elm) are prohibited from use as landscaping, except that such species may be allowed if proof, acceptable to the Town, is submitted showing that the proposed trees are resistant to Dutch Elm Disease. The following trees are also prohibited for use in landscaping: Box Elder; Any female Ginkgo; willow and cottonwood (unless seedless).

20-080 BUILDING STRUCTURE REQUIREMENTS.

The following building structure requirements lie within any Comprehensive Design Zone:

a) Pole Barn. The construction of a pole barn shall be prohibited in all areas of the Comprehensive Design Zone. A pole barn is defined as a structure, the basic support and framework of which is provided by wooden poles inserted into the ground vertically similar to the telephone pole.

b) Materials in Single Residential/Multiple Residential Dwelling Areas. Materials used in construction in single residential and multiple residential areas shall be restricted to those as allowed by the Uniform Building Code as adopted in the State of Minnesota.

c) Materials in Commercial/Retail Business Area, Corporate Office Park and Light Industrial Business Areas.

1) The exterior of all buildings located within these areas shall consist of brick, decorative precast concrete, decorative and/or colored concrete masonry units, stone, glass or any combination thereof, or a decorative synthetic material approved by the Town Board, but may not include such things as metal (except for use in soffit or fascia material) or standard smooth-faced concrete masonry units or unfinished pan formed precast concrete. All other materials, unless allowed by the foregoing exceptions or variance shall be prohibited.

2) Prefinished architectural metal panels may be utilized for accent and/or architectural components of a building such as entry or entry appendage, or a required enclosure or screen (unless expressly prohibited by this section) or architectural roofing as an intended design accent or a mandatory component of a pro-type national or regional building program. In no case, shall the extent of the prefinished metal area exceed 15% of the exposed wall area on any two visible sides of the building when viewed from any viewing point.

20-090 TOWERS.

No ground-mounted tower within a Comprehensive Design Zone shall exceed fifty (50) feet in height. Towers mounted on a building or structure shall not extend more than twenty-five feet above the highest point of the roof of the building or structure. Setback requirements for towers and antennas are to follow the standards otherwise provided for each area and the general provisions of the LeSauk Tower Regulation Ordinance. Height limitations shall not apply to church spires, cupolas, water towers. Flag poles are limited to a height of fifty (50) feet.

20-100 ENVIRONMENTAL REGULATIONS.

The following environmental regulations shall apply to all areas within the Comprehensive Design Zone.

- a) Hazard. Every operation shall be carried on with reasonable precautions against fire and explosion.
- b) Air Pollution. All activities or operations shall conform with the Town and State regulations relating to ambient air quality standards and air pollution control regulations.
- c) Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise emanating from land use shall be in compliance with and regulated by the Minnesota Pollution Control Agency Standards and the Minnesota Regulation NPC, as amended.

d) Odors. The emission of odor by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Agency Standards and the Minnesota Regulation APC-1-15, as amended.

e) Dust and Other Particulated Matter. The emission of dust, fly, ash and other particulated matter by any use or operation shall be in compliance and regulated by the State of Minnesota Pollution Control Agency Standards, Minnesota Regulation APC-1-15, as amended.

f) Smoke. The emission of smoke by any use shall be in compliance with and regulated by the State of Minnesota Pollution Control Agency Standards, Minnesota Regulations APC-1-15, as amended.

g) Glare. Any lighting used to illuminate off-street parking, sign accent lighting, building accent lighting or other artificial lighting, whether direct or reflected, shall be arranged so as not to be visible from beyond the site of origin of any property line. No building shall be constructed so as to cause a reflection or glare of sunlight which adversely affects the vision of drivers on a public highway, or unreasonably interfere with the use of adjacent property.

h) Waste. All solid waste material, debris, or other refuse shall be contained within an enclosure as specified herein. All liquid wastes containing organic or toxic materials shall be discharged in a manner described by the Minnesota Pollution Control Agency. Any temporary storage of any such materials shall be contained in an approved manner complying with the state and federal offices of Fire Marshall, Pollution Control Agency and Department of Agriculture.

i) Radiation and Electrical Emission. All activities that emit radioactive and/or electrical emissions shall be in strict compliance with the Minnesota Pollution Control Agency Act, Federal Communications Commission and other applicable regulatory agencies.

20-110 SCREENING AND ENCLOSURES.

The following screening and enclosure requirements shall apply to any commercial/retail business area, corporate office park area and light industrial business area:

a) Rooftop Enclosures. All rooftop units and/or mechanical rooftop extensions, which are visible from ground level viewing outside the building lot, shall be enclosed or screened with a four wall structure utilizing the approved materials, so as to cause the object to be non-visible.

b) Refuse Enclosures. All refuse containers shall be kept in a four-sided enclosure constructed of brick, stone, decorative concrete material, or of weather resistant wood material, compatible with the finish of the principal structure to which it is accessory, at a minimum height of five feet.

c) Loading Dock and Garage Entrance Screening. Loading docks and garage entrances and exits shall be screened to provide minimum visibility from any public street and/or any other adjacent building structures front yard viewing area or from any adjacent residential area.

d) Outdoor Storage Screening. No outdoor storage of products, non-movable equipment or inventory shall be allowed. Any enclosed storage shall be limited to materials allowed under this ordinance.

20-120 PARKING.

The parking requirements per lot within the Comprehensive Design Zone are as follows:

a) Single Residential Dwelling Area. The requirements established for an R-1 Zone by Section 13-020(a) of this Ordinance.

b) Multiple Residential Dwelling Area. The requirements established for a multiple dwelling by Section 13-030(b) of this Ordinance, except where town house construction occurs. The parking requirements shall be as established for an R-1 Zone by Section 13-020(a) of this Ordinance.

c) Commercial/Retail Business Area. The requirements established for a retail business as established by Section 13-020(d) of this Ordinance.

d) Commercial Office Park Area. The requirements established for an industrial use by Section 13-020(f) of this Ordinance.

e) Light Industrial Business Area. The requirements established for an industrial use by Section 13-02(f) of this Ordinance.

As a condition of approval of a Development, the Joint Planning Board may require off-street parking in excess of the minimum standards established herein if a proposed lot use so justifies.

20-130 COMPREHENSIVE DESIGN ZONE VARIANCE PROCEDURE.

a) The conditions and regulations of this section shall be subject to variance. A request for and consideration of a variance shall be in accordance with Section 12 of this ordinance, except that the standards to be considered by the Town Board in granting the variance shall be set forth as below:

b) A variance shall be granted upon a demonstration that the granting of a variance shall not alter the essential character or high standards which have been established for the Comprehensive Design Zone, nor will the granting of a variance circumvent or reduce the intent and purpose of this section. The applicant must demonstrate that the granting of the variance shall not adversely affect the use and value of adjacent properties. In granting a variance, the Town Board may place conditions or restrictions upon the property to address concerns arising because of the grant of the variance.

20-140 INTERPRETATION.

The provisions of the remainder of the Zoning Ordinance and/or the Subdivision Ordinance of the Town of LeSauk shall apply to any property lying within a Comprehensive Design Zone, except to the extent any issue is addressed in this Section. When a provision of this Section contradicts or is inconsistent with a provision of the remainder of this Zoning Ordinance or the Subdivision Ordinance, the provisions of this Section shall govern.

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