

CHAPTERS V & VI
LE SAUK TOWNSHIP ZONING AND SUBDIVISION REGULATIONS

Adopted April 20, 2020
Amended October 24, 2020
Amended September 26, 2023 (Ord. No. 23-03)
Amended December 10, 2024 (Ord. Nos. 24-01; 24-02)

TABLE OF CONTENTS

	Page
Section 500 – Title and Authority	
500.01. Title; Authority; and Administration	1
500.02. Intent and Purpose	1
500.03. Additional Regulations	2
500.04. Conflicts	2
500.05. Compliance	3
500.06. Application of Regulations	3
500.07. Prior Zoning Regulations	3
500.08. Severability	3
Section 505 – Interpretation and Definitions	
505.01. Rules of Interpretation	5
505.02. Definitions	6
Section 510 – Zoning Districts and Zoning Map	
510.01. Zoning Districts	23
510.02. District Regulations	23
510.03. Official Zoning Map	23
510.04. Recording this Chapter	24
510.05. Changes on Official Zoning Map	24
510.06. Interpretation of District Boundaries	24
Section 515 – Uses Allowed Within the Districts	
515.01. Identified Uses	25
515.02. Substantially Similar Uses	25
515.03. Uses Allowed by Statute	25
Section 520 – Town Agricultural District (A-20)	
520.01. Town Agricultural District: A-20	27
520.02. Permitted Uses	27
520.03. Conditional Uses	27
520.04. Interim Uses	28

520.05.	Permitted Accessory Uses	28
Section 525 – Urban Service District (U-1)		
525.01.	Urban Service District (U-1)	30
525.02.	Permitted Uses	30
525.03.	Conditional Uses	30
525.04	Interim Use Permit Uses	31
525.05.	Permitted Accessory Uses	31
525.06.	Subdivisions	32
Section 530 – Town Residential District (R-1)		
530.01.	Town Residential District (R-1)	33
530.02.	Permitted Uses	33
530.03.	Conditional Uses	33
530.04	Interim Use Permit Uses	33
530.05.	Permitted Accessory Uses	33
530.06.	Subdivisions	34
Section 535 – Legacy Commercial District (C-1)		
535.01.	Legacy Commercial District (C-1)	35
535.02.	Existing Uses	35
535.03.	New Uses	35
535.04.	Accessory Uses	35
Section 540 – Residential Overlay District (RO)		
540.01.	Residential Overlay District (RO)	36
540.02.	Residential Overlay Subdistricts	36
540.03.	Rezoning Considerations	36
540.04.	Allowed Uses	36
Section 545 – Area, Dimensional, and Setback Requirements		
545.01.	Town Agriculture District (A-20)	38
545.02.	Urban Service District (U-1)	38
545.03.	Town Residential District (R-1)	38
545.04.	Legacy Commercial District (C-1)	39
545.05.	Building Line Established by Development	40
545.06.	Setback Exemptions	40
Section 560 – General Performance Standards		

560.01.	Off-Street Parking	41
560.02.	Required Parking Area	41
560.03.	Off-Street Loading	42
560.04.	Accessory Buildings, Residential Districts	42
560.05.	Fences	43
560.06.	Obstruction of View	43
560.07.	Removal of Topsoil	43
560.08.	Building Relocation	43
560.09.	Home Occupations	43
560.10.	Site Plan Review	45
560.11.	Land Subject to Flooding	46
560.12.	Division of Land Subject to Platting Regulations	46
560.13.	Easements	46
560.14.	Private Swimming Pools, Spas, and Hot Tubs	46
560.15.	Feedlots	48
560.16.	Mandatory Sanitary Sewer Connection	49
560.17.	Storage Containers	50

Section 565 – Signs

565.01.	Purpose and Intent	51
565.02.	Scope	51
565.03.	Sign Permits	51
565.04.	Exemptions	52
565.05.	Prohibited Signs	54
565.06.	Repairs	54
565.07.	Removal	55
565.08.	Signs Permitted in the A-20, U-1, and R-1 Districts	55
565.09.	Signs Permitted in the Legacy Commercial District	56
565.10.	General Regulations	56
565.11.	Nonconforming Signs	57
565.12.	Special Event	57

Section 570 – Solar Energy Systems

570.01.	Permit Required	62
570.02.	Residential Solar Energy Systems	62
570.03.	Commercial Solar Facilities	63

Section 575 – Tower Regulations

575.01.	Purpose	66
575.02.	Facilities within Town Right-of-Ways	66
575.03.	Permitted Towers	66
575.04.	Towers Requiring a Conditional Use Permit	66
575.05.	General Performance Standards	66

575.06.	Conditional Use Application Submittal	68
575.07.	Building Mounted Antennas	69
575.08.	Amateur Radio and Residential Television Towers	69
575.09.	Tower Setbacks	69
575.10.	Prohibitions	69
575.11.	Abandoned or Unused Towers	70
Section 580 – Shoreland Regulations		
580.01.	Adoption	71
580.02.	Shoreland Overlay District	71
580.03.	Review Procedures	71
580.04.	Additional Notices	71
580.05.	Additional Regulations	72
Section 585 – General Permitting Requirements		
585.01.	Applications	73
585.02.	Unpaid Taxes or Charges	73
585.03.	Fees	73
585.04.	Site Investigations	74
585.05.	Amended Permit	75
585.06.	Limit on Similar Applications	75
585.07.	Administration	75
Section 590 – Review Procedures		
590.01.	Intent	77
590.02.	Chart of Required Review Procedures	77
590.03.	Type 1 Review Procedure (Town Administrative)	78
590.04.	Type 2 Review Procedure (Town Final Decision)	78
590.05.	Type 3 Review Procedure (Joint Planning Board Final Decision)	79
590.06.	Type 4 Review Procedure (City Final Decision)	80
590.07.	Requests for Annexation	80
Section 595 – Conditional Use Permits		
595.01.	Conditional Uses	82
595.02.	Procedure	82
595.03.	Review Criteria	82
595.04.	Recording	82
595.05.	Expiration and Revocation	83
Section 600 – Interim Use Permits		
600.01.	Interim Uses	84

600.02.	Procedure	84
600.03.	Criteria	84
600.04.	Recording	84
600.05.	Expiration and Revocation	84
Section 605 – Variances		
605.01.	Variance Requests	85
605.02.	Authority	85
605.03.	Procedure	85
605.04.	Criteria	85
605.05.	Recording	86
605.06.	Expiration and Revocation	86
Section 610 – Text Amendments and Rezoning		
610.01.	Amendments	87
610.02.	Who May Initiate	87
610.03.	Procedure	87
610.04.	Formalities and Recording	87
Section 615 – Appeals		
615.01.	Appeals	88
615.02.	Appealable Decisions	88
615.03.	Notice of Appeal	88
615.04.	Procedure	88
615.05.	Judicial Review	89
Section 620 – Nonconforming Uses and Substandard Lots		
620.01.	Intent	90
620.02.	Nonconforming Uses and Structures.	90
Section 625 –Substandard Lots		
625.01.	Substandard Lots of Record	93
Section 630 –Subdivision Regulations		
630.01.	Purpose	94
630.02.	Compliance and Administration	94
630.03.	General Restrictions	94
630.04.	Subdivision Methods and Lot Combinations	98
630.05.	Review Criteria	98
630.06.	Lot Line Adjustments	98

630.07.	Lot Combination	99
630.08.	Minor Subdivision	99
630.09.	Major Subdivisions	101
630.10.	Concept Plan – Pre-Application Meeting	102
630.11.	Preliminary Plat Process	103
630.12.	Preliminary Plat Data Requirements	106
630.13.	Final Plat Process	111
630.14.	Final Plat Data Requirements	113
630.15.	Reserved	116
630.16	Development Agreement	116
630.17	Required Improvements	116
630.18	Costs, Development Agreement, and Financial Security	116
630.19	Design Standards	117
630.20	Drainage Standards	120
630.21	Street Standards	121

Section 635 – Enforcement

635.01.	Misdemeanor	123
635.02.	Failure to Obtain a Permit	123
635.03.	Remedies	123
635.04.	Enforcement Costs	123

CHAPTERS V & VI
LE SAUK TOWNSHIP ZONING AND SUBDIVISION REGULATIONS

Section 500 – Title and Authority

500.01. Title; Authority; and Administration.

Subdivision 1. Title. This Chapter shall be known, cited and referred to as the “Le Sauk Township Zoning and Subdivision Regulations” and shall be referred to herein as this “Chapter.”

Subd. 2. Authority. This Chapter is adopted pursuant to the Town Board’s authority under Minnesota Statutes, section 462.351 to 462.364 and such other law as may apply. This Chapter does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Chapter. The land within the Town is within a designated orderly annexation area and so this Chapter is also based on the authority in Minnesota Statutes, section 414.0325, subdivision 5, which allows the Town and City to delegate authority to a joint planning board and to otherwise establish procedures to accomplish planning and land use control within the designated area. The Town and City have negotiated differing procedures based on the particular zoning district and the type of the zoning request. This shared-authority process will enable the continued development of the Town in a manner that will not unduly interfere with the orderly and planned growth of the City.

Subd. 3. Jurisdiction. This Chapter shall apply to all areas within Le Sauk Township, except areas within the incorporated limits of any city, however organized, or as may otherwise be provided by law.

Subd. 4. Administration. The Town entered into a joint powers agreement with the City of Sartell to establish the Le Sauk Township-City of Sartell Joint Planning Board (“Joint Planning Board”). This Chapter is adopted by the Joint Planning Board and is being incorporated into this Code to maintain the Chapters in effect for the Town in the same set of regulations. This Chapter shall be administered in conjunction with the Joint Planning Board and the City as provided in the joint powers agreement and the provisions of this Chapter. The Town Board delegates to the Joint Planning Board and City, and the Joint Planning Board delegates to the Town Board, such authority as may be needed to carry out their respective roles and duties under this Chapter.

Subd. 5. Joint Planning Board Reports. The Joint Planning Board shall report to the Town Board or City Council on any matter referred to the Joint Planning Board within 45 days after such referral. After 45 days have elapsed, the Town Board or City Council may proceed as prescribed herein without the Joint Planning Board report.

500.02. Intent and Purpose. This Chapter is adopted for the purpose of:

- (a) Protecting the public health, safety, morals, comfort, convenience and general welfare;
- (b) Dividing the Town 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 within the established zoning 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 Town;
- (f) Working cooperatively with the City to plan for the orderly growth of the City in a manner consistent with the orderly annexation agreement and the City's planned extension of services;
- (g) Providing for the administration of this Chapter defining the powers and duties of the administrative officers and the respective roles of the Town, Joint Planning Board, and City in the administration of this Chapter; and
- (h) Prescribing penalties for violating the provisions of this Chapter.

500.03. **Additional Regulations**. Properties within the Town are also subject to certain regulations adopted by Stearns County. In cases where both this Chapter and the County regulations apply to the development of property, the owner must obtain all required approvals from both the Town and the County. Obtaining approval from one entity does not constitute approval by the other. The County is responsible for administering and enforcing its regulations and the Town is responsible for administering and enforcing this Chapter.

Subdivision 1. **Floodplains**. Those portions of the Town designated as floodplain areas according to the applicable FEMA maps shall be regulated by the County pursuant to its applicable ordinances and any permits required under the County's floodplain ordinance shall be obtained from the County. The designated floodplain areas within the Town shall be treated as an overlay district for the purposes of this Chapter and the land within the overlay shall be subject to the underlying regulations applicable in the primary zoning district imposed by this Chapter including, where applicable, the need to obtain one or more permits under this Chapter.

Subd. 2. **ISTS/SSTS**. The County is responsible for administering and enforcing Minnesota Rules, Chapters 7080-7083 regulations regarding individual subsurface sewage treatment systems (ISTS) or subsurface sewage treatment system (SSTS) in the Town.

500.04. **Conflicts**. It is the intent and it is hereby declared that this Chapter shall not conflict with any State Law. To the extent any provision of this Chapter conflicts with any provision in

any other Chapter of the Town's code of ordinance, the provisions of this Chapter shall prevail and be controlling.

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

500.06. **Application of Regulations.**

Subdivision 1. **Minimum Requirements.** The provisions of this Chapter, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. The provisions of this Chapter shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any powers granted the Town by law.

Subd. 2. **Stricter Regulations.** Where the standards, regulations, or requirements imposed by any provision of this Chapter are either more or less restrictive than comparable standards, regulations, or requirements imposed by any other ordinance, rule, or regulation of the Town, County, State, or Federal government, the statute, ordinance, rule, or regulation which imposes the more restrictive condition, standard, regulation, or requirement shall prevail.

Subd. 3. **Consistency.** Should any provision in this Chapter conflict with, or be found inconsistent with Minnesota Statutes, Chapter 462, the provisions of the applicable section of Minnesota Statutes, Chapter 462 shall apply, and supersede the inconsistent or conflicting terms of this Chapter. It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

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

500.08. **Severability.** If any section, subsection, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or

structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

Section 505 – Interpretation and Definitions

505.01. Rules of Interpretation.

Subdivision 1. Rules. Interpretation of the language and provisions of this Chapter shall be the responsibility of the Town Board with recommendations from the Joint Planning Board. The language set forth in the text of this Chapter shall be interpreted in accordance with the rules of construction in this section.

- (a) The word “person” includes firm, association, organization, company, partnership, cooperative, or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- (c) The word “shall” is mandatory and the word “may” is permissive.
- (d) The word “lot” shall include the words “plot,” “piece,” “parcel,” and “property” and shall be interpreted broadly to give full effect of the provisions of this Chapter.
- (e) All distances, unless otherwise specified, shall be measured horizontally.
- (f) References in this Chapter to any statutes, rules, regulations, or ordinances shall include any amendments to, or successors of, those statutes, rules, regulations, or ordinances. Furthermore, such references shall serve to incorporate those statutes, rules, regulations, or ordinances by reference to the extent necessary to achieve the intent and purposes of this Chapter. However, such incorporations are intended only to give effect to this Chapter and are not intended to make the Town responsible for the administration or enforcement of the referenced statutes, rules, regulations, or ordinances.
- (g) Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be constructed as set forth in such definition. If no set definition is given in this Chapter, the word or term shall have the meaning given it in the Minnesota Statutes, Minnesota Rules, or the most applicable Stearns County ordinance to the extent the term is given a specific definition therein. Any question as to the meaning of a word or term used in this Chapter shall be determined by the Town Board.
- (h) General words are construed to be restricted in their meaning by preceding particular words.
- (i) The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. The exception to this general rule of

interpretation is the listing of uses allowed in a district, which is intended to be limited to only those uses and the uses the Town Board finds to be substantially similar as provided in this Chapter.

- (j) General references to the Town shall include the Joint Planning Board and the City Council to the extent needed to give effect to the respective roles those bodies play in the administration of this Chapter.

Subd. 2. Restrictions on Uses. Only the uses identified as being allowed in the list of uses for a particular zoning district, and those found by the Review Authority to be substantially similar uses as provided herein, are allowed within the zoning district. References to other uses in this Chapter, such as in the performance standards, are not intended, and shall not be interpreted, as expanding the uses allowed within a particular district, with the exception of uses allowed by the Town Board as being substantially similar to uses otherwise allowed within the district.

Subd. 3. Statutorily Allowed Uses. The legislature has adopted various provisions by statute requiring local governments to treat certain uses as permitted or conditional uses within their respective jurisdictions for the purposes of zoning regulations. Notwithstanding the general prohibition contained herein of uses not expressly allowed by this Chapter, this Chapter shall be interpreted as allowing those uses the legislature expressly requires the Town to allow. Such uses shall be classified as provided in the legislative mandate and shall only be allowed in those areas described in the applicable statute, and then only to the extent and scope as prescribed in the statute. For example, Minnesota Statutes, section 462.357, subdivision 7 requires a licensed day care facility serving 12 or fewer persons to be considered a permitted single family residential use of property. As such, this Chapter shall be interpreted as allowing that specific use as a permitted residential use, but only up to a capacity of 12 persons. A proposed use that exceeds the scope described in the statute shall not be allowed unless the expanded use is expressly allowed in the particular zoning district by this Chapter. Furthermore, if the statute indicates the use is to be allowed as a conditional use, the use may only occur upon the submission of an application and receipt of a conditional use permit from the Town. All mandated uses shall obtain a land use permit and all other permits and permissions as required by this Chapter and all other applicable laws.

Subd. 4. Essential Services. Notwithstanding anything to the contrary in this Chapter, essential services shall be permitted as authorized and regulated by State law and other Chapters of the Town, it being the intention that such services are exempt from the application of this Chapter, except to the extent expressly provided otherwise herein.

505.02. Definitions. For the purposes of this Chapter, the following terms shall have the meaning given them in this section. With respect to shoreland regulations, a term not defined herein shall have the meaning given it in the County Ordinance. With respect to any other term not defined herein, it shall have the meaning given it in the City's zoning regulations and, if not defined therein, in the most applicable Minnesota statutory or rule definition.

Subdivision 1. “Abandoned Sign” means a sign which no longer identifies or advertises a bona fide business, lessor/landlord, service, owner, product or activity or for which no legal owner can be found.

Subd. 2. “Accessory Building” means a subordinate building or structure on the same lot exclusively occupied by or devoted to a use incidental to the main use.

Subd. 3. “Accessory Use” means a use subordinate to the principal use on the same lot and customarily incidental thereto.

Subd. 4. “Administrative Permits” means those permits issued by the Town as the Review Authority. The term includes building permits, sign permits, solar permits, shoreland alteration permits, certificates of compliance, and any other type of permit not specifically assigned to a specific review procedure with an identified Review Authority.

Subd. 5. “Alley” means a public right-of-way which normally affords a secondary means of access to abutting property, not used for general traffic circulation.

Subd. 6. “Alteration” means any change in a building affecting its supporting members, including, but limited to, bearing walls or partitions, beams, girders, roofs or exterior walls.

Subd. 7. “Antenna” means any structure or device used for the purpose of collecting or transmitting electrical magnetic waves, including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.

Subd. 8. “Awning Sign” means a sign painted on, printed on, or attached flat against the surface of an awning.

Subd. 9. “Balloon or Inflatable Devices” means a moveable object consisting of rubber, vinyl, plastic, or a similar material which is capable of being inflated with air or gas to enlarge, swell or distend from internal pressure.

Subd. 10. “Banner” means a sign made of fabric or any non-rigid material with no enclosing framework temporarily mounted to a building, structure, or the ground at two or more edges.

Subd. 11. “Bannerette” means a small banner not exceeding four square feet in size.

Subd. 12. “Basement” means 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.

Subd. 13. “Bench Sign” means a permanent sign consisting of durable material attached to a bench or other similar type of outdoor furniture or seating. Such signage shall not be considered to be an off-premises advertising or billboard sign.

Subd. 14. “Billboard” means an off-premises sign on which lettered, figured or pictorial matter is displayed that has a display surface area of 250 square feet or more.

Subd. 15. “Block” means an area of land within a Subdivision that is entirely bounded by streets, or by streets and exterior boundaries or boundaries of the Subdivision, or a combination of the above with a natural waterway.

Subd. 16. “Board of Appeals and Adjustments” means the board established to take final actions on variance requests and to otherwise carry out the powers and duties provided it in Minnesota Statutes, sections 462.357, subdivision 6, 462.359, subdivision 4, and this Chapter. The Review Authority serves as, and conducts the business of, the Board of Appeals and Adjustments. For Type 1 and Type 2 review procedures, the Town Board serves as the Board of Appeals and Adjustments. For Type 3 review procedures, the Joint Planning Board serves as the Board of Appeals and Adjustments. For Type 4 review procedures, the City Council serves as the Board of Appeals and Adjustments. The Review Authority shall also serve as the Board of Appeals and Adjustments for the purposes of reviewing and deciding an appeal from an alleged error in any order, requirement, decision, or determination made by an administrative officer of the Review Authority regarding a particular request on which it is the final decision-making authority. To the extent an appeal does not clearly relate to a particular zoning request for which there is an identified Review Authority, the Town Board shall serve as the Board of Appeals and Adjustments to decide the appeal.

Subd. 17. “Boundary Lines” means 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.

Subd. 18. “Buildable Area” means the space remaining on a zoning lot after the required yards and setbacks have been provided.

Subd. 19. “Building” means 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 Chapter if it is the building or structure in which the main or principal use of the lot is situated.

Subd. 20. “Building Face” means the exposed face of a building, including windows and doors, from ground level to the roof line.

Subd. 21. “Building Height” means the vertical distance from the “grade” to the highest point on the structure.

Subd. 22. “Building Setback Line” means a line within a lot or other parcel of land so designated on the plat, parallel to the street right-of-way, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.

Subd. 23. “Bulletin Board” means a sign announcing coming events or activities through the use of changeable copy that does not exceed 24 square feet in size.

Subd. 24. “Canopy Sign” means a sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

Subd. 25. “Cellar” means 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.

Subd. 26. “City” means the City of Sartell, Minnesota.

Subd. 27. “City Council” means the City Council for the City of Sartell, Minnesota.

Subd. 28. “Clearance (of a Sign)” means the shortest vertical distance between the grade of the adjacent street, highway, or street curb, and the lowest point of any sign, including framework and embellishments, extending over that grade.

Subd. 29. “Commercial Use” means the use of land for the purchase, sale, or administration of goods and services, or for the manufacture or fabrication of goods from raw materials or component parts. This term is used to describe existing uses within the Legacy Commercial District (C-1).

Subd. 30. “Commercial Wireless Telecommunications Services” means licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Subd. 31. “Conditional Use Agricultural Home Occupation” means a business, occupation or profession permitted to be conducted on an agricultural parcel that meets all conditions.

Subd. 32. “Conditional Use Permit” means a permit issued in accordance with the provisions of this Chapter to allow a particular use on a lot within a zoning district that allows the use as a conditional use. The permit runs with the land and its use is allowed to continue provided the conditions imposed on the permit are not violated.

Subd. 33. “Contour Map” means a topographic map showing the irregularities in the elevation of land surface through the use of lines connecting points of equal elevation. Contour interval is the vertical height difference between the connecting lines on a contour map.

Subd. 34. “Copy” means a print reproduction made from a tracing or transparency.

Subd. 35. “Copy, sign” means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Subd. 36. “County” means Stearns County, Minnesota.

Subd. 37. “County Ordinance” means the most current enactment of the Stearns County Land Use and Zoning Ordinance.

Subd. 38. “Cul-de-sac” means a short minor street having one open end and being permanent terminated at the other end by a vehicular turn-around.

Subd. 39. “Day Care Facility” means a state licensed residential facility serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, a group family day care facility licensed by the State of Minnesota to serve 14 or fewer children.

Subd. 40. “Deflection Angle” means the angle between a line and the prolongation of the preceding line.

Subd. 41. “Design Standard” means the specifications for the preparation of preliminary and final plans indicating minimums and maximums in the dimensions, magnitude and capacity in such features such as the layout and construction of streets, lots, blocks, drainage and other required improvements.

Subd. 42. “Development” means the act of building structures and installing site improvements.

Subd. 43. “Development Agreement” means a contract between the Subdivider and the Town requiring that the Subdivider furnish and construct necessary improvements at the Subdivider’s expense and other conditions which may be set by the Town Board.

Subd. 44. “Directional or Way Finding Sign Off-Premise” means an off-premise sign which directs the public to a parcel where a business or use is located.

Subd. 45. “Directional Sign, Off Premise” means an off-premise sign which directs the public to a parcel where a business or use is located.

Subd. 46. “Dog Kennel, Commercial” means any place where more than two dogs over six months of age are kept, raised, sold, boarded, bred, or groomed as part of a business.

Subd. 47. “Double Faced Sign” means a sign with two faces, either back-to-back, or in a V-shaped construction.

Subd. 48. “Dwelling Unit” means any building or portion thereof which is designed or used exclusively for residential purposes.

Subd. 49. “Dynamic Display” means any sign, portion of a sign or characteristics of a sign that appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, waving, flashing, blinking, or animated display; or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink”, incandescent bulbs, or any other method or technology that allows a sign face, or any other device, to present a series of images or displays.

Subd. 50. “Dynamic Display Programming” means the hardware, software and all necessary equipment and operations associated with the control and programming of a dynamic display.

Subd. 51. “Easement” means a grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

Subd. 52. “Essential Services” means 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.

Subd. 53. “Excavation” means 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.

Subd. 54. “Face of Sign” means the area of a sign on which the copy is placed.

Subd. 55. “Feedlot” or “Animal Feedlot” means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots. For purposes of these parts, petting zoos, horse stalls, riding arenas, open lots and mink farms shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots. Animal feedlot shall include any manure storage structure.

Subd. 56. “Final Plat” means the drawing or map of a Subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505, and containing all elements and requirements set forth in applicable requirements adopted pursuant to Minnesota Statutes Section 462.358 and Chapter 505.

Subd. 57. “Flood Areas” means 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.

Subd. 58. “Flood Fringe Area” means that portion of the flood plain outside of the floodway.

Subd. 59. “Flood Plain” means the area adjoining a watercourse and those portions of the adjoining flood plains which has been or hereafter may be covered by the regional flood.

Subd. 60. “Floodway” means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.

Subd. 61. “Floor Area” means 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.

Subd. 62. “Freestanding Sign” means a sign supported permanently upon the ground by poles or braces and not attached to any building.

Subd. 63. “Frontage” means 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 Chapter, the front line of corner lots shall be considered to be the shortest street line.)

Subd. 64. “Fur Bearing Animal” means fox, mink, fitch, chinchilla, karakul, marten, nutria, or fisher that is the second or later generation raised in captivity.

Subd. 65. “Garage, Private” means a building, whether attached or detached to the residential dwelling, which is intended principally for and is used to store the private passenger vehicles of the family or families which reside upon the premises. If the residential dwelling on the property has an attached garage, any additional buildings on the property shall be considered accessory buildings. If the residential dwelling does not have an attached garage, one detached garage on the property shall be allowed and shall not be considered an accessory building for the purposes of the limitation on the number of accessory buildings or their combined total size.

Subd. 66. “Government Sign” means any temporary or permanent sign erected and maintained by the Town, City, County, State or federal government.

Subd. 67. “Gravel” means non-metallic natural mineral aggregate including, but not limited to sand, silica sand, gravel, building stone, crushed rock, limestone, and granite.

Subd. 68. “Ground Sign” means a sign which is anchored to the ground in a similar manner as a pylon or freestanding sign, but with a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setback requirements are the same as for freestanding signs.

Subd. 69. “Group Residence Facility” means a state licensed residential facility serving up to 16 persons or a licensed day care facility serving up to 16 persons.

Subd. 70. “Height of Sign” means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Subd. 71. “Identification Sign” means a sign attached to or adjacent to a building entrance and which is limited to the name and address of the premises being identified.

Subd. 72. “Incidental Home Occupation” means 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, not including a garage or accessory building, which use is clearly incidental and secondary to the use of the residential dwelling unit and does not change the character thereof.

Subd. 73. “Incidental Sign” means a small sign, emblem, or decal placed on the exterior of a building or attached to a freestanding structure on the premises, informing the public of hours of operation.

Subd. 74. “Indirect Sign Illumination” means an illuminated sign in which the light source is emitted by a source which is internally diffused from within the sign.

Subd. 75. “Interim Use Home Occupation” means a home occupation occurring on a parcel that does not qualify as an incidental home occupation or conditional use agricultural home occupation, and satisfies the criteria of an interim use home occupation established in this Ordinance.

Subd. 76. “Interim Use Permit” means a permit issued in accordance with the provisions of this Chapter to allow a particular use on a lot within a zoning district that allows the use as an interim use. The permit is subject to the conditions imposed on it. The permit terminates on the date or the happening of the event identified in the permit, or by a change in zoning regulations.

Subd. 77. “Joint Planning Board” means a group of persons appointed by the elected bodies of the Town and the City of Sartell pursuant to a joint powers agreement and exercising authority granted hereunder and in accordance with the applicable law.

Subd. 78. “Legal Nonconforming Use” means a use lawfully in existence on the effective date of this Chapter but not conforming to the regulations for the district in which it is situated.

Subd. 79. “Livestock” means horses, cows, hogs, sheep, goats, swine, turkeys, chickens, ducks, geese, or other animals, raised or kept for agricultural purposes.

Subd. 80. “Loading Space” means a space accessible from a street, a building or on a lot, for the use of trucks while loading and unloading merchandise or materials.

Subd. 81. “Lot” means a lawfully established 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.

Subd. 82. “Lot Area” means the area of a horizontal plane within the lot lines.

Subd. 83. “Lot Frontage” means the front of a lot shall be, for purposes of this Chapter, 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.

Subd. 84. “Lot Width” means the mean horizontal distance between the side lot lines of a lot, measured within the lot boundaries.

Subd. 85. “Manufactured Home” means a detached dwelling structure used for living purposes that is transportable in one or more sections and no more than 28 feet wide, with or without a permanent foundation.

Subd. 86. “Marginal Access Street” means minor streets parallel to and adjacent to arterial streets and highways to provide access to abutting properties and protection to through traffic.

Subd. 87. “Minerals” means 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.

Subd. 88. “Minimum Lot Size” means minimum area, width, and depth required in the Town’s zoning Chapter.

Subd. 89. “Mining” means operations involving the excavation of rock, sand, gravel, clay, silt, soil, and other like minerals for commercial purposes. “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 Chapter.

Subd. 90. “Minor Street” means a street that provides for direct access to abutting property and for local traffic movement, distinguished by its being completely local in character.

Subd. 91. “Natural Waterway” means a natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also includes all drainage structures

that have been constructed or placed for the purpose of conducting water from one place to another in order to facilitate the continuity of the natural waterway.

Subd. 92. “Overburden” means those materials which lie between the surface of the earth and the minerals to be excavated.

Subd. 93. “Parking Space” means an area of not less than 180 square feet net, exclusive of access or maneuvering area, to be used exclusively as a temporary storage for motor vehicles.

Subd. 94. “Parks and Playgrounds” means public lands and open spaces which are designated or reserved for recreational purposes.

Subd. 95. “Pedestrian Way” means a public or private right-of-way or easement through a block or providing access within a block for the use of pedestrians and which may be used for the installation of paths or trails.

Subd. 96. “Percentage of Grade” means the distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

Subd. 97. “Permitted Accessory Use” (See “Accessory Use”).

Subd. 98. “Permitted Use” means 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.

Subd. 99. “Planning Commission” means the entity, either the Town Board or the Joint Planning Board, that serves as the review and recommending body for a particular type of zoning request under this Chapter.

Subd. 100. “Plat” – See “Final Plat”

Subd. 101. “Plat, Preliminary” means a detailed drawing or map of a proposed subdivision meeting the requirements herein enumerated submitted to the appropriate government bodies for consideration, along with the required supporting data.

Subd. 102. “Processing” means 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.

Subd. 103. “Protective Covenants” means contracts which are made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of a given area.

Subd. 104. “Public Use” means a use of land owned or operated by a municipality, school district, county or state agency or the other government entity.

Subd. 105. “Public Utility” means persons, corporations, or governments supplying gas, electric, transportation, water, sewer or land lying telephone service to the general public. For the purpose of this Chapter, commercial wireless communication service facilities shall not be considered public utility uses, and are defined separately.

Subd. 106. “Recommending Review Authority” means the body designated in this Chapter to make a recommendation to the body designated the Review Authority on a particular zoning request for property located within a particular zoning district. The Town Board is the Recommending Review Authority for recommendations made by the Town.

Subd. 107. “Rehabilitation” means 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 Chapter.

Subd. 108. “Reserve Strips” means narrow strips of land between lot lines and streets to control access.

Subd. 109. “Residential Facility” means 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.

Subd. 110. “Review Authority” means the body designated in this Chapter to make the final decision on a particular zoning request for property located within a particular zoning district. The Town Board is the Review Authority for final decisions made by the Town and the City Council is the Review Authority for final decisions made by the City. If this Chapter is not clear on which entity is to serve as the Review Authority on a particular zoning request or matter, the Town Board shall serve as the Review Authority.

Subd. 111. “Right-of-way” means land dedicated for public use as a street or way or for private use such as a power line or railroad.

Subd. 112. “Road” means a public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, place or however otherwise designated.

Subd. 113. “Road Width” means the shortest distance between delineating the boundaries of the road right-of-way.

Subd. 114. “School” means 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.

Subd. 115. “Searchlight” means an apparatus for projecting a beam or beams of light from the ground into the sky.

Subd. 116. “Semi-Public Use” means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Subd. 117. “Setback, Front” means 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.

Subd. 118. “Setback, Rear” means the minimum horizontal distance from the rear of the building disregarding steps and roofs to the property line opposite the street.

Subd. 119. “Setback, Side” means the minimum horizontal distance from the side of the building to the property or lot line, disregarding steps and roofs.

Subd. 120. “Sign” means 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.

Subd. 121. “Sign Area” means the space inside a continuous line drawn around and enclosing all letters, designs, and background materials, exclusive of border, trim and structural supports. For the purpose of calculating the sign area of back-to-back signs, the stipulated maximum sign area shall refer to a single face, provided the internal radius of the sign does not exceed 45 degrees.

Subd. 122. “Sign, Flashing” means 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.

Subd. 123. “Sign, Illuminated” means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Subd. 124. “Sign, Surface Area Of” means 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.

Subd. 125. “Site Plan” means a scaled drawing which shows the uses and structures proposed for a parcel of land. It also includes information concerning the landscape features of a given parcel.

Subd. 126. “Sketch Plan” means a drawing showing the proposed general design lines of lots or suggestion for the layout of streets and lots to serve a contemplated platted area.

Subd. 127. “Snipe Sign” means any temporary sign or poster consisting of materials such as paper, plastic coated paper, cardboard that is affixed to a tree, pole, fence, permitted sign structure, light standard, or that is attached to a temporary structure or device that allows it to be placed temporarily in the ground.

Subd. 128. “Solar Energy” means the radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Subd. 129. “Solar Energy System” means a solar panel or array, or structural design feature intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generating, or water heating.

Subd. 130. “Solar Energy System – Residential” means a solar energy system established for the primary purpose of capturing energy to be used upon the property in which it is collected.

Subd. 131. “Special Event” means an event or special promotional activity that has a limited duration that involves the use of temporary signs or attention getting devices.

Subd. 132. “Solar Facility – Commercial” means a solar energy system that is either a solar garden or a solar farm.

Subd. 133. “Solar Farm” means a commercial solar array composed of multiple solar panels on ground-mounted rack or poles with a total nameplate capacity of more than one megawatt that is not directly connected to or designed to serve the energy needs of the primary use on the property but rather for the primary purpose of wholesale sales of generated electricity. A solar garden is not a solar farm.

Subd. 134. “Solar Garden” means a commercial solar energy system with a total nameplate capacity of no more than one megawatt that constitutes a community solar garden under Minnesota Statutes, section 216B.1641, which is owned and operated by a subscriber organization and that provides a bill credit to subscribers.

Subd. 135. “Stand, Roadside” means a structure used only for the display and sale of products with no space for customers within the structure.

Subd. 136. “Storage Container” means a portable, weathertight, reusable shipping vessel or receptacle designed or used for the packing, shipping, movement, or storage of goods, freight, merchandise, building materials, or personal property. The term includes portable construction

offices, construction storage containers, and rail cars. The term does not include a semitrailer, unless it is being used as a stationary storage vessel for more than 90 consecutive days.

Subd. 137. “Story” means 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.

Subd. 138. “Street” – see “Road.”

Subd. 139. “Street Width” – see “Road Width.”

Subd. 140. “Structural Alteration” means 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.

Subd. 141. “Structure” means that which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.

Subd. 142. “Subdivider” means any individual, firm, corporation, trust or other legal entity having proprietary interest in land to be subdivided and proposing the subdivision of land.

Subd. 143. “Subdivision” means the division of a parcel of land into two or more lots, outlots or parcels for the purpose of transfer of ownership or building development, including the location and dedication of necessary streets to serve such lots.

Subd. 144. “Subdivision Agreement” means a restrictive covenant which restricts development on an equivalent land area as required by the Stearns County subdivision Chapter.

Subd. 145. “Subdivision, Major” means all Subdivisions not classified as minor Subdivisions, including but not limited to Subdivisions of four or more lots, or any size Subdivision requiring any new street or extension of local government facilities, or the creation of any public improvements.

Subd. 146. “Subdivision, Minor” means any Subdivision containing not more than three lots fronting on an existing street, not involving any new public street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of an adopted plan, official map, zoning Chapter, or these Subdivision regulations.

Subd. 147. “Swinging Sign” means a sign which is made of permanent exterior material which is designed to swing in the air by hardware or some other form of attachment to an immovable object.

Subd. 148. “Tangent” means a straight line projected from the ends of a curve, which is perpendicular to a line on the curve drawn from the radii point to the end of the curve.

Subd. 149. “Temporary Sign” means a sign not constructed or intended for long-term use such as a special event or for signage for a business that has not yet obtained permanent signage.

Subd. 150. “Tillable Land” means any land capable of producing small grains, row crops, or hay with normal tillage practices. Wooded land is excluded.

Subd. 151. “Topsoil” means that portion of the overburden which lies closest to the surface of the earth and which supports the growth of vegetation.

Subd. 152. “Tower” means any ground or roof-mounted pole, spire, structure or a combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorologic device, or similar apparatus above grade.

- (a) “Amateur Radio Tower” means a tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate antennas of multiple users as required by this Chapter.
- (b) “Accessory Tower Utility Building” means all utility buildings and structures accessory to a tower.
- (c) “Building Mounted Antenna” means a wireless communications antenna mounted on or attached to the roof or wall of an existing building.
- (d) “Commercial Tower” means a tower designed or used for commercial wireless telecommunications services, public radio transmission or commercial television transmission.
- (e) “Exempted Dish” means a satellite or microwave dish that is two meters or less in diameter and used for reception of signals exclusively for the occupants of the property on which it is located.
- (f) “Multi User Tower” means a tower to which is attached the antennas of more than one commercial wireless telecommunications service provider or governmental entity.

- (g) “Residential Television Tower” means a tower used exclusively for the non-commercial reception of television signals, which is located on the same property as the television(s), and does not exceed 40 feet in height.
- (h) “Single User Tower” means a tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate antennas of multiple users as required by this Chapter.

Subd. 153. “Town” means Le Sauk Township, Stearns County, Minnesota.

Subd. 154. “Town Board” means the board of supervisors of Le Sauk Township, Stearns County, Minnesota.

Subd. 155. “Tracing” means a plat or map drawn on transparent paper or cloth which can be reproduced.

Subd. 156. “Use” means 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.

Subd. 157. “Utility Building” means a detached non-permanent building not exceeding 220 square feet in size, having a non-permanent foundation and not exceeding 15 feet in height, as measured from grade to the highest point on the building.

Subd. 158. “Variance” means a modification of the literal provisions of this Chapter granted when strict enforcement would cause practical difficulties 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 Chapter. “Practical difficulties” as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning Chapter; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statute section 216C.06, subdivision 14 when in harmony with this Chapter. The Board of Appeals and Adjustment may not permit as a variance a use that is not allowed under this Chapter for property in the zone where affected person’s land is located. The Board of Appeals and Adjustments may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Subd. 159. “Vertical Curve” means the surface curvature on a street center-line located between lines of a different percentage of grade.

Subd. 160. “Vicinity Map” means a small map drawn to a comparatively small scale which definitely shows the area proposed to be platted and the vicinity surrounding it.

Subd. 161. “Wetland” has the meaning given in Minnesota Rules, part 8420.0110, subpart 52.

Subd. 162. “Window Sign” means a sign attached to, placed upon, or painted on the interior of a window that is visible from the exterior of the building, including signs that are placed on the backs of shelving units or similar structures, or interior walls where the sign is located less than seven feet from the window’s surface.

Subd. 163. “Yard” means an open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this Chapter.

Subd. 164. “Yard, Front” means 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.

Subd. 165. “Yard, Rear” means 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.

Subd. 166. “Yard, Side” means a yard extending along a side lot line between the front and the rear yards.

Subd. 167. “Zoning District “or “District” means a geographic area within the Town identified on the zoning map as designated for particular types of uses and in which certain uses are allowed as permitted, conditional, or interim.

Subd. 168. “Zoning Map” means a map dividing the land within the Town into the zoning districts established in this Chapter. The zoning map adopted for the Town is called the Le Sauk Township Zoning Map.

Section 510 – Zoning Districts and Zoning Map

510.01. Zoning Districts.

Subdivision 1. Primary Zoning Districts. For the purpose of this Chapter, the Town is hereby divided into the following districts:

- (a) Town Agricultural District (A-20);
- (b) Urban Service District (U-1);
- (c) Town Residential District (R-1); and
- (d) Legacy Commercial District (C-1).

Subd. 2. Overlay Zoning Districts. For this purposes of this Chapter, the Town has the following overlay districts, in addition to those areas that are subject to the County’s floodplain regulations:

- (a) Residential Overlay District (RO); and
- (b) Shoreland Overlay District (SO).

Subd. 3. Entire Town. All land within the jurisdictional boundaries of the Town is located within one of the established primary zoning districts as shown on the Town’s zoning map.

510.02. District Regulations.

Subdivision 1. Generally. Land within a particular primary zoning district shall be subject to: the general standards, regulations, and restrictions contained within this Chapter; any specific standards, regulations, and restrictions established in this Chapter for the particular district; any performance standards established for the particular use; the standards, regulations, and restrictions of any applicable overlay district; and any applicable standards, regulations, and restrictions imposed by any other applicable federal, state, and local laws, rules, regulations, and ordinances.

Subd. 2. Overlay District Regulations. Land located within an overlay district is subject to both the regulations established herein for the primary zoning district in which it is located as well as the regulations applicable within the overlay district.

510.03. Official Zoning Map. The boundaries of the primary zoning districts established by this Chapter are delineated on a map known as the Le Sauk Township Zoning Map, which is hereby adopted and incorporated herein. The Town Clerk shall be responsible for maintaining the official copy of the Zoning Map and for making it available for public inspection upon

reasonable request. It shall be the responsibility of the Town Clerk to cause these maps to be amended as may be needed in accordance with law.

510.04. **Recording this Chapter.** The Town Clerk shall record this Chapter, and any subsequent amendments made hereto, in the office of the Stearns County Recorder after adoption.

510.05. **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 Chapter.

510.06. **Interpretation of District Boundaries.** Interpretation of the boundaries of the Zoning Map shall be the responsibility of the Town Board and such interpretation shall be done in accordance with this Subsection.

Subdivision. 1. **District Boundaries.** The boundaries between zoning 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.

Subd. 2. **Areas Under Water.** All areas within the corporate limits of the Town that are under water shall be subject to all of the regulations of the zoning district which immediately adjoins the water area. (This subdivision is not to be confused with areas subject to flooding as described elsewhere in this Chapter).

Subd. 3. **Public or Semi-Public Property.** Any areas shown on the Zoning Map as park, playground, school, cemetery, water, etc. shall be subject to the regulations of the zoning district in which they are located.

Subd. 4. **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 U-1 or R-1, this Subsection shall apply and shall be enforced regardless of zoned classification shown for said property. Where Stearns County ordinances are more restrictive they shall prevail.

Section 515 – Uses Allowed Within the Districts

515.01. **Identified Uses.** Except as otherwise provided in this Section 515, only those uses that are expressly identified by this Chapter as being allowed within a district may occur within that district, and then only upon the issuance of all required permits and compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. If an owner proposes to undertake a use that is not expressly allowed in the particular district, the owner may seek a determination from the Review Authority under the following Subsection that the proposed use is substantially similar to an allowed use, apply for an amendment to the text of the Chapter to add the use to those allowed within the zoning district, or seek a rezoning of the property to a district in which the use is allowed.

515.02. **Substantially Similar Uses.** Only those uses expressly allowed by this Chapter for a particular zoning district may occur in that district. If an owner proposes to undertake a use the owner believes is substantially similar to a use expressly allowed by this Chapter in the same zoning district, that person may submit an application to the Review Authority to seek a determination that the use is allowed in the particular district as being substantially similar to the expressly allowed use. Such application shall be on the form supplied by the Review Authority and it must fully explain the proposed use and how it is similar to the allowed use. The Review Authority shall act on complete applications to determine whether the proposed use is substantially similar to an allowed use in the same district. If the Review Authority does find the proposed use is substantially similar, it shall also determine whether the use shall be deemed a permitted, interim, conditional, or accessory use for the purpose of this Chapter. The owner must then apply for any required permits based on the Review Authority's classification of the use and any other applicable regulations. The Review Authority shall maintain a record of all uses it expressly finds to be substantially similar and will make a good faith effort to include those uses in the Ordinance the next time it is amended. If the Review Authority finds the proposed use is not substantially similar to an allowed use, the owner may submit a separate application to seek an amendment to the text of this Chapter to expressly allow the use within a district. The Town Board shall serve as the Review Authority to consider and act on a requested determination if the JPB or the City are not clearly the Review Authority.

515.03. **Uses Allowed by Statute.** The legislature has adopted various provisions by statute requiring local governments to treat certain uses as permitted or conditional uses within their respective jurisdictions for the purposes of zoning regulations. Notwithstanding the general prohibition contained herein of uses not expressly allowed by this Chapter, this Chapter shall be interpreted as allowing those uses the legislature expressly requires the Town to allow. Such uses shall be classified as provided in the legislative mandate and shall only be allowed in those areas described in the applicable statute, and then only to the extent and scope as prescribed in the statute. For example, Minnesota Statute, section 462.357, subdivision 7 requires a licensed day care facility serving 12 or fewer persons to be considered a permitted single family residential use of property. As such, this Chapter shall be interpreted as allowing that specific use as a permitted residential use, but only up to a capacity of 12 persons. A proposed use that exceeds the scope described in the statute shall not be allowed unless the expanded use is expressly allowed in the particular zoning district by this Chapter. Furthermore, if the statute indicates the use is to be allowed as a conditional use, the use may only occur upon the

submission of an application and receipt of a conditional use permit from the Town. All mandated uses shall obtain a land use permit and all other permits and permissions as required by this Chapter and all other applicable laws.

Section 520 – Town Agricultural District (A-20)

520.01 **Town Agricultural District (A-20)**. The purpose of the Town Agricultural District (A-20) is to preserve, promote, maintain, and enhance the use of the land in the district primarily for agricultural purposes, while allowing some residential development. This Town Agricultural District (A-20) is beyond the City's planned utility expansion area and is managed by the Town. In the Town Agricultural District (A-20) no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

520.02. **Permitted Uses**. The following uses are allowed within the Town Agricultural District (A-20) as a matter of right, but a building permit may be required.

- (a) All farming activities including the raising of livestock.
- (b) Single 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) Feedlots containing less than 200 animal units.
- (d) Roadside stands for the sale of agricultural produce raised on the premises.
- (e) Family day care facility.
- (f) Incidental home occupations.
- (g) Public or Semi-Public Uses.
- (h) Places of Worship.
- (i) Group residential facilities designated a permitted use under Minnesota Statutes, section 462.357, subdivision 7 or other applicable laws.

520.03. **Conditional Uses**. The following uses are allowed within the Town Agricultural District (A-20) with the issuance of a conditional use permit.

- (a) Manufactured 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) Feedlots containing from 200 to 400 animal units.
- (e) Privately operated game farms.
- (f) Essential service structures.
- (g) Golf courses, tennis courts (other than for private use by the residents), and country clubs.
- (h) Cemeteries.
- (i) Commercial dog kennels.
- (j) Group residential facility not qualifying as a permitted use.
- (k) Uses determined by the Review Authority 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) Conditional use agricultural home occupation.
- (m) Greenhouses.
- (n) Fences more than six feet in height.
- (o) Any number of accessory buildings with a combined size exceeding 5,000 square feet.
- (p) Utility building, accessory building or private garage on a lot on which no principal building is located.
- (q) Commercial solar facilities.
- (r) Uses determined 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.

520.04. **Interim Uses.** The following uses are allowed within the Town Agricultural District (A-20) with the issuance of an interim use permit.

- (a) Second single family dwelling.
- (b) Interim use home occupations.

520.05 **Permitted Accessory Uses.** The following accessory uses are allowed within the Town Agricultural District (A-20) as a matter of right, but a building permit may be required.

- (a) All buildings and structures necessary and incidental to agricultural production.
- (b) Utility, accessory, or private garage up to 5,000 square feet. The size of a private garage shall not exceed the square footage of the outside dimensions of the principal residential dwelling.
- (c) Signs as permitted elsewhere in this Chapter.
- (d) Private swimming pool, spa, or hot tub.
- (e) Tennis courts.
- (f) One utility building up to 220 square feet.
- (g) Residential solar energy system.
- (h) Post frame or engineered wood-frame building system.

Section 525 – Urban Service District (U-1)

525.01. **Urban Service District (U-1)**. The purpose of the Urban Service District (U-1) is to maintain agricultural uses and existing residential uses until the land is annexed into the City and developed under the City's zoning and subdivision regulations. The Urban Service District (U-1) includes those portions of the Town the City has identified as the logical areas into which the City will expand and serve as part of its utility expansion area. In order to avoid interfering with the orderly expansion of City utilities and growth of the City as contemplated in the orderly annexation agreement and Minnesota Statutes, section 414.01, subdivision 1a, the subdivision of land within this area below the 40 acre minimum is not allowed unless the property is annexed into the City. In the Urban Service District (U-1), no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

525.02. **Permitted Uses**. The following uses are allowed within the Urban Service District (U-1) as a matter of right, but a building permit may be required.

- (a) All farming activities including the raising of livestock.
- (b) Single family detached dwelling unit, limited to one per 40 acres and being at least 24 feet wide and 30 feet long, and placed on a permanent foundation according to the state building code.
- (c) Feedlots containing fewer than 10 animal units subject to applicable local, state and federal regulations, and provided the feedlot is located no closer than 300 feet from a neighboring residential structure.
- (d) Incidental home occupations.
- (e) Public or Semi-Public Uses.
- (f) Group residential facilities designated a permitted use under Minnesota Statutes, section 462.357, subdivision 7 or other applicable laws.

525.03. **Conditional Uses**. The following uses are allowed within the Urban Service District (U-1) with the issuance of a conditional use permit.

- (a) Manufactured homes as a second, 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 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.
- (c) Feedlots containing from 10 to 200 animal units.

- (d) Essential service structures.
- (e) Golf courses, tennis courts (other than for private use by the residents), and country clubs.
- (f) Cemeteries.
- (g) Commercial dog kennels.
- (h) Group residential facility not qualifying as a permitted use.
- (i) Conditional use agricultural home occupation.
- (j) Greenhouses.
- (k) Places of Worship.
- (l) Fences more than six feet in height.
- (m) Any number of accessory buildings with a combined size exceeding 5,000 square feet.
- (n) Utility building, accessory building or private garage on a lot on which no principal building is located.
- (o) Family daycare.
- (p) Uses determined by the Review Authority 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.

525.04. **Interim Use Permit Uses.** The following uses are allowed within the Urban Service District (U-1) with the issuance of an interim use permit.

- (a) Interim use home occupations.

525.05. **Permitted Accessory Uses.** The following accessory uses are allowed within the Urban Service District (U-1) as a matter of right, but a building permit may be required.

- (a) One private garage and parking space. The size of a private garage shall not exceed the square footage of the outside dimensions of the principal residential dwelling.
- (b) Signs as permitted elsewhere in this Chapter.
- (c) Private swimming pool, spa, or hot tub.

- (d) Tennis courts.
- (e) One utility building up to 220 square feet.
- (f) Residential solar energy systems.
- (g) Accessory structure up to 5,000 square feet.
- (h) Post frame or engineered wood-frame building system.
- (i) Roadside stands for the sale of agricultural produce raised on the premises.

525.06. **Subdivisions**. No subdivision of property within the Urban Service District (U-1) is allowed if it will result in any new lot or parcel that contains less than 40 acres. Lot line adjustments and lot combinations are allowed in accordance with this Chapter.

Section 530 – Town Residential District (R-1)

530.01. **Town Residential District (R-1)**. The purpose of the Town Residential District (R-1) is to recognize the smaller-lot residential development that has already occurred within certain areas of the Town. These areas are substantially developed with single-family homes and there is a minimum amount of property remaining to be developed. In the Town Residential District (R-1), no land or buildings shall be used in whole or part except for one or more of the following allowed uses.

530.02. **Permitted Uses**. The following uses are allowed within the Town Residential District (R-1) as a matter of right, but a building permit may be required.

- (a) Single family detached dwellings being at least 24' wide and 30' long and placed on a permanent foundation according to the State Building Code.
- (b) Incidental home occupations.
- (c) Day care facility.
- (d) Public and semi-public uses.
- (e) Solar residential system.
- (f) Group residential facilities designated a permitted use under Minnesota Statutes, section 462.357, subdivision 7 or other applicable laws.

530.03. **Conditional Uses**. The following uses are allowed within the Town Residential District (R-1) with the issuance of a conditional use permit.

- (a) Essential service structures.
- (b) Fences more than six feet in height.
- (c) Group residence facility not qualifying as a permitted use.
- (d) Post frame, pole type, or engineered wood-frame building system, but only if the area of the subject parcel equals or exceeds two acres.

530.04. **Interim Use Permit Uses**. The following uses are allowed within the Town Residential District (R-1) with the issuance of an interim use permit.

- (a) Interim use home occupations.

530.05. **Permitted Accessory Uses**. The following accessory uses are allowed within the Town Residential District (R-1) as a matter of right, but a building permit may be required.

- (a) One private garage and parking spaces. The size of a private garage shall not exceed the square footage of the outside dimension of the principal residential structure.
- (b) Signs as permitted elsewhere in this Chapter.
- (c) One accessory building not to exceed 3,600 square feet. All buildings must meet the lot coverage requirements for the Town Residential District.
- (d) Tennis courts.
- (e) One utility building up to 220 square feet.
- (f) Private swimming pool, spa, or hot tub.

530.06. **Subdivisions**. Except for a lot line adjustment or lot combination, no further subdivision of any lot or parcel in the R-1 District shall be permitted, except upon annexation into the City and expectation of connection to municipal water and sewer services if available as provided in Subsection 560.16, subdivision 2.

Section 535 – Legacy Commercial District (C-1)

535.01. **Legacy Commercial District (C-1)**. The purpose of the Legacy Commercial District (C-1) is to allow the continuation and expansion of existing commercial uses, while prohibiting the establishment of new commercial uses. This District recognizes the long-standing business uses existing within the Legacy Commercial District (C-1) and allows them to continue as nonconforming uses with the ability to expand as permitted under Minnesota Statutes, section 462.357, subdivision 1e(b). In the Legacy Commercial District (C-1), no land or buildings shall be used in whole or part except for the following allowed uses.

535.02. **Existing Uses**. The business and commercial uses lawfully existing within the Legacy Commercial District (C-1) as of April 1, 2020 are allowed to continue as lawful nonconforming uses. These existing nonconforming uses are allowed to expand with the issuance of a conditional use permit. Conditions may be placed on any conditional use permit issued to allow an expansion to avoid or mitigate any new or increased impacts the expanded use may have and to prevent or abate any existing nuisances or to protect public health, welfare, or safety.

535.03. **New Uses**. The establishment of, or conversion to, a new principal commercial use is not allowed within the Legacy Commercial District (C-1).

535.04. **Accessory Uses**. Accessory uses customarily (historically) incidental to the existing nonconforming uses, as reasonably determined by the Review Authority, are allowed in the Legacy Commercial District (C-1), provided a conditional use permit is obtained for the accessory use. Only those accessory uses that are in furtherance of the existing principal use of the property, and which do not constitute a change in the use, are allowed.

Section 540 – Residential Overlay District (RO)

540.01. **Residential Overlay District (RO)**. The purpose of the Residential Overlay District (RO) is to allow owners within the Town Agricultural District (A-20) to seek rezoning of their property to allow residential development on smaller lots than would otherwise be allowed in the Town Agricultural District (A-20). The boundaries of the Residential Overlay District (RO) are the same as the A-20 District, but the Residential Overlay District (RO) does not impose any additional regulations or allow any more or different uses than are allowed in the Town Agricultural District (A-20). Instead, the Residential Overlay District (RO) allows an owner to seek the rezoning of their property to one of the following RO Subdistricts in order to reduce the minimum area requirement applicable to the property. This option to seek rezoning to one of the following RO subdistricts is only available for properties within the Town Agricultural District (A-20).

540.02. **Residential Overlay Subdistricts**. An owner within the Town Agricultural District (A-20) may seek to have their property rezoned to one of the following RO Subdistricts.

Subdivision 1. **RO-10 Subdistrict**. The RO-10 Subdistrict reduces the minimum lot size for residential development to 10 acres. Properties rezoned to the RO-10 Subdistrict, shall meet the dimensional and setback requirements in Section 545.01 applicable to the Town Agricultural District (A-20), except for the minimum lot area requirement.

Subd. 2. **RO-5 Subdistrict**. The RO-5 Subdistrict reduces the minimum lot area for residential development to five acres. Properties rezoned to the RO-5 Subdistrict, shall meet the dimensional and setback requirements in Section 545.03 applicable to the Town Residential District (R-1), except for the minimum lot area requirement.

Subd. 3. **RO-1 Subdistrict**. The RO-1 Subdistrict reduces the minimum lot area for residential development to 30,000 square feet. Properties rezoned to the RO-1 Subdistrict, shall meet the dimensional and setback requirements in Section 545.03 applicable to the Town Residential District (R-1), except for the minimum lot area requirement.

540.03. **Rezoning Considerations**. The Town Board shall consider the following factors when considering a rezoning request within the Town Agricultural District (A-20) to one of the RO Subdistricts in addition to any other applicable factors:

- (a) Whether there is adequate area on the property for the resulting building sites and to comply with the applicable septic system and well standards;
- (b) Would the rezoning, and subsequent development on the smaller lots, result in unreasonable negative impacts to the surrounding properties; and
- (c) Is the public infrastructure sufficient to accommodate the proposed development.

540.04. **Allowed Uses**. The uses and accessory uses allowed within the Residential Overlay Subdistrict upon rezoning are as provided in this Subsection. The review procedures for zoning

requests made within any Residential Overlay Subdistrict shall be the same as provided for the Town Agricultural District (A-20) in Subsection 590.02.

Subdivision 1. RO-10 Subdistrict. The uses and accessory uses allowed in the RO-10 Subdistrict are the same as those allowed in the Town Agricultural District (A-20), except that feedlots shall not exceed 10 animal units.

Subd. 2. RO-5 Subdistrict. The uses and accessory uses allowed in the RO-10 Subdistrict are the same as those allowed in the Town Residential District (R-1).

Subd. 3. RO-1 Subdistrict. The uses and accessory uses allowed in the RO-1 Subdistrict are the same as those allowed in the Town Residential District (R-1).

Section 545 – Area, Dimensional, and Setback Requirements

545.01. **Town Agriculture District (A-20)**. The following requirements shall apply to structures within the Town Agriculture District (A-20):

- (a) Maximum height of any structure shall be two and one-half stories or 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 20 acres, unless the property is rezoned into one of the Rural Overlay Subdistricts provided for in Subsection 540.02. The minimum lot areas in the Rural Overlay Subdistricts shall be as follows:
 - (1) The minimum lot area in the RO-10 Subdistrict shall be 10 acres.
 - (2) The minimum lot area in the RO-5 Subdistrict shall be 5 acres.
 - (3) The minimum lot area in the RO-1 Subdistrict shall be 30,000 square feet.
- (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 25 feet.
- (f) Rear yard setbacks in all cases shall not be less than 50 feet.

545.02. **Urban Service District (U-1)**. The following requirements shall apply to structures within the Urban Service District:

- (a) Maximum height of any structure shall be two and one-half stories or 35 feet whichever is greater.
- (b) Minimum lot area shall be 40 acres.
- (c) Minimum lot width shall be 150 feet at the building setback line.
- (d) Front yard setback shall be not less than 50 feet.
- (e) Side yard setbacks shall not be less than 20 feet.
- (f) Rear yard setbacks shall not be less than 30 feet.

545.03. **Town Residential District (R-1)**. The following requirements shall apply to structures within the Town Residential District (R-1):

- (a) Maximum height of any structure shall be two and one-half stories or 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.
- (g) Impervious surface shall not exceed 40% of a lot or plot of land.
- (h) Total building coverage shall not exceed 30% of a lot or plot of land.

545.04. **Legacy Commercial District (C-1)**. The following requirements shall apply to structures within the Legacy Commercial District (C-1):

- (a) Maximum height of any structure shall be two and one-half stories or 35 feet whichever is greater.
- (b) Each building shall have a front yard setback of not less than 40 feet.
- (c) Each building shall have a side yard setback of not less than 15 feet.
- (d) Each building shall have a rear yard setback of not less than 20 feet.
- (e) Where any part of a commercial area is adjacent to a residential zone the minimum set back shall be 100 feet.
- (f) The application for a building permit in the Legacy Commercial District (C-1) shall be accompanied by a complete site 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 site plan. No building permit shall be issued for any construction in the Legacy Commercial District (C-1) until authorized by the Review Authority.
- (g) Where a commercial development abuts upon an A-20, U-1, or R-1 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. 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 Review Authority as to whether the planting or fence design is in harmony with a residential neighborhood and provides sufficient screening of the commercial area. The hedge or fence shall be not less than four feet in height.

545.05. **Building Line Established by Development.** In platted areas, where buildings have been constructed prior to the adoption of this Chapter and where those buildings have front yard setbacks different from those described in this Chapter, the setback line shall be assumed to have been established and new construction shall conform to the line-of-sight. The location of the building line shall be established as part of processing an application in accordance with the applicable zoning request review procedure.

545.06. **Setback Exemptions.** The following shall not be considered as encroachments on setback requirements:

- (a) Chimneys, flues, leaders, sills, pilasters, lintels, cornices, eaves, gutters, and the like provided they do not project more than two feet;
- (b) Fences which do not exceed 3-1/2 feet in height; and
- (c) Fences to contain farm livestock in agricultural districts.

Section 560 – General Performance Standards

560.01. **Off-Street Parking.** Off-street parking shall comply with the following.

- (a) A parking space shall be at least nine feet wide by 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 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 vehicles 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 15 feet of any street right-of-way.
- (h) The application for any building permit shall be accompanied by a site 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 C-1 for more than five motor vehicles shall have an entrance or exit within 30 feet of a residential district boundary line.

560.02. **Required Parking Area.** The following parking area shall be required:

- (a) Dwellings, two parking spaces per living unit in A-20, U-1, and R-1 zones.
- (b) Multiple dwellings, one and one half space for each living unit.
- (c) Places of worship, one space for every three seats or one space for every 50 square feet of assembly space, whichever requires more spaces.
- (d) Retail business: one space for every 100 square feet of sales area.

- (e) Other business: one space for every 150 square feet of floor area.
- (f) All commercial uses two spaces for every three employees or one 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.

560.03. **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 Chapter, loading and unloading space shall be provided as follows:
 - (1) In the Legacy Commercial District (C-1) two off-street loading and unloading spaces shall be provided for each store unit having a gross floor area of 10,000 square feet. One additional space shall be provided for each additional 15,000 square feet of floor space.

560.04. **Accessory Buildings, Residential District.** Accessory buildings in the Urban Service District (U-1), Town Residential District (R-1), and the Residential Overlay District (RO) shall comply with all of the following.

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

- (d) No accessory structure shall be allowed in the residential district without a primary structure.

560.05. **Fences.** Fences shall comply with all of the following.

- (a) Fences in residential or agricultural districts shall be limited to six feet in height except by conditional use permit.
- (b) Fences between four feet and six feet in height shall not be less than two 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.

560.06. **Obstruction of View.** 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 of those traveling on a public right-of-way.

560.07. **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 Chapter.

560.08. **Building Relocation.** To maintain a high standard of residential development, and to protect such areas from detrimental effects through insuring that both new and relocated buildings from within the Town's limits or from other areas shall comply with the following.

- (a) 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 Chapter and the building code.
- (b) The application for a permit to move a building may be granted or denied by the Town Board.

560.09. **Home Occupations.**

Subdivision 1. **Incidental Home Occupations.** Incidental home occupations shall comply with the requirements and limitations of this Subsection.

- (a) The use must be conducted solely by those residing on the premises, entirely within the dwelling.
- (b) The incidental home occupation shall not include the employment of any other person not residing on the premises.

- (c) 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.
- (d) 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.
- (e) Exterior storage of commodities, stores, equipment, or materials associated with the home occupation is prohibited.
- (f) The in-person sale of products associated with the home occupation from the premises is prohibited.
- (g) The area devoted to the incidental home occupation shall not exceed 25% of the floor area of the dwelling.

Subd. 2. Interim Use Home Occupation. An interim use permit is required for any home occupation not falling into the definition of “incidental home occupation” or a “conditional use agricultural home occupation.” Interim use home occupations shall comply with the requirements and limitations of this Subsection.

- (a) May employ persons not residing on the parcel, provided all parking associated with all employees and customers can lawfully be accommodated on the parcel.
- (b) No external operation of equipment is permitted.
- (c) Shall not utilize more the 10% of the lot area.
- (d) No exterior storage of commodities, stores, equipment, or materials is permitted.
- (e) May have limited outdoor parking of vehicles associated with the occupation, provided they are maintained in an immediately operable condition.
- (f) One identification sign for the home occupation use is allowed, but shall not exceed 4 square feet in area. All signs for Home Occupation shall be set back a minimum distance of not less than 15 feet from the curb line. If lighted, no home occupation sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.
- (g) Auto-salvage, material scrapping, and similar uses are prohibited.

Subd. 3. Conditional Use Agricultural Home Occupation. A conditional use agricultural home occupation requires the issuance of a conditional use permit, which shall not be issued unless the proposed use satisfies all of the criteria in this Subsection.

- (a) The parcel of agricultural property is 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 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 5,000 square feet in size.

560.10. **Site Plan Review.** Site plans shall be submitted and processed in accordance with the following.

Subdivision 1. **Required.** All plans for the improvement, development, operation or expanded use of any property requiring a site plan approval shall be submitted and processed in accordance with the review procedures chart in Section 590.02 and the procedures associated with the designated type of review. Site plan reviews do not require a public hearing. The applicant is required to reimburse the costs of such review.

Subd. 2. **Required Information.** 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 Review Authority or its designee.

- (a) 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.

- (b) A copy of the plans and specification for construction or remodeling of structures and for a proposed sewage disposal system.
- (c) 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 Review Authority or, in the case of construction in A-20 or R-1, the Town Building Inspector, where the parcel exceeds five acres in size and the applicant demonstrates actual boundary location to the satisfaction of the Review Authority or the Town Building Inspector.

560.11. **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 whatever 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.

560.12. **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 this Chapter. Any subdivision of property in the Urban Services (U-1) District requires platting, except for lot line adjustments.

560.13. **Easements.** Easements for the purpose of ingress and egress shall be a minimum of 33 feet wide.

560.14. **Private Swimming Pools, Spas, and Hot Tubs.** The placement, construction, or installation of a private swimming pool that has a depth of more than 24 inches or that holds over 5,000 gallons of water, or an outdoor spa or hot tub that holds over 100 gallons of water, shall comply with the requirements of this Subsection. Rented portable spas and hot tubs are exempt from the requirements of this Subsection, provided they do not remain on the property for more than 48 hours and they are secured when not in use. Such structures shall comply with the following requirements and limitations.

- (a) The pool, spa or hot tub shall be located so as to comply with all applicable structure setbacks applicable in the particular zoning district in which they are located. In no case may a swimming pool, hot tub or spa be located closer than 10 feet to any property line.
- (b) Back-flush water or water drained from the pool, spa or hot tub shall not be allowed flow onto adjacent land or into a public right-of-way.

- (c) Any lighting for the pool, spa or hot tub shall be directed at the surface of the water and shall not spill onto the adjacent property.
- (d) All pools, spas and hot tubs must be equipped with safeguards to prevent children from gaining uncontrolled access by the use of a fence, enclosure, or cover in accordance with the following.
 - (1) If a fence is used to prevent access, it must be at least six feet in height. The bottoms of the fence must not be more than four inches from the ground. Fences must be of a non-corrosive material and must be constructed so as to be not easily climbable. All fence openings or points of entry into the pool, spa or hot tub enclosure must be equipped with gates or doors. All gates or doors to swimming pools, spas and hot tubs must be equipped with self-closing and self-latching devices placed at sufficient height so as to be inaccessible to small children.
 - (2) A permanent structure with walls and a roof that completely encloses the pool, spa or hot tub and which contains a door or gate equipped with self-closing and self-latching devices placed at sufficient height so as to be inaccessible to small children.
 - (3) For an in-ground pool, spa or hot tub, as an alternative to a protective fence or other permanent structure an automatic pool cover may be utilized if it meets the American Society of Testing and Materials (ASTM) F1346-91 Standard, as such standards may be modified, superseded or replaced by ASTM. Such pool cover shall be closed when a responsible person is not present outdoors and within 25 feet of the pool.
 - (4) For an above ground pool, spa or hot tub as an alternative to a protective fence or other permanent structure the wall of the pool, spa or hot tub can serve as the fence provided the pool wall is at least six feet high measured from the ground and has an automatically retractable ladder or a removable ladder. The ladder must be removed or retracted when the pool is not being attended.
 - (5) If access to the pool, spa or hot tub is via a deck or porch, then no access from the ground is permitted to the deck areas unless the property or ground access to the deck is fenced.
 - (6) The Town Board may approve a combination of these methods or an alternative method for preventing access to a pool, spa or hot tub if the Town Board finds that such combination or alternative method will provide sufficient safeguards to prevent uncontrolled access by children.

560.15. **Feedlots.**

Subdivision 1. Intent. This Subsection is intended to comply with, add to, and be at least as restrictive than the other federal, state, and local laws, rules, regulations, and ordinances applicable to animal feedlots. This Subsection establishes regulations, through the adoption by reference of certain sections of the County's Ordinance, regarding the size, siting, and expansion of animal feedlots that are at least as strict as those imposed by the County. Where the requirements or restrictions imposed by any provision of this Subsection are either more restrictive or less restrictive than comparable requirements or restrictions imposed by any other law, statute, rule, ordinance, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. The regulations contained in this Subsection are intended to supplement, and not replace, the County's regulations. Property owners and residents within the Town remain subject to the County's regulations. Any person wishing to establish a new animal feedlot or to expand an existing animal feedlot within the Town must comply with the provisions of this Subsection and is responsible for contacting and complying with the requirements of other regulatory agencies. This Subsection does not relieve a person from having to obtain any permits or permissions that may be required from other agencies.

Subd. 2. Definitions, Regulations and Standards. The following sections of the County Ordinance related to animal feedlots are hereby adopted by reference and are incorporated into this Chapter:

- (a) The definitions related to animal feedlots in Section 3.2 of the County Ordinance;
- (b) The additional information required when applying for a conditional use permit for an animal feedlot in Section 4.8.1 of the County Ordinance;
- (c) The additional information required when applying for a variance related to an animal feedlot in Section 4.9.1 of the County Ordinance;
- (d) The requirement to obtain an animal feedlot permit in Section 4.14 of the County Ordinance;
- (e) The limitations of non-conforming structures and uses related to animal feedlots in Section 5.1 of the County Ordinance;
- (f) The provisions regarding nonconforming animal feedlots in Section 5.1.4 of the County Ordinance;
- (g) The setback and performance standards related to animal feedlots in Section 6.7.5 of the County Ordinance;
- (h) The animal unit density requirements in Section 6.7.6 of the County Ordinance;
and

- (i) Any other sections of the County Ordinance that are necessary to give effect to the sections expressly adopted by reference and to provide for effective regulation of animal feedlots within the scope of the Town's authority.
- (j) The sections of the County Ordinance adopted by reference herein shall automatically include all future amendments adopted by the County to those sections without requiring any further action by the Town Board or the Joint Planning Board. Additionally, all references to the County in this Subsections adopted by reference shall be to the Town and shall otherwise be read and interpreted as part of this Chapter. Nothing in this Subsection shall exclude or exempt a property owner from having to comply with all other applicable federal, state, and local laws, rules, regulations, and ordinances. Additionally, nothing in this Subsection shall be interpreted to allow a feedlot in a zoning district not specifically allowed by this Chapter.

Subd. 3. State Standards and Environmental Regulations. Nothing in this Subsection shall be interpreted as the Town regulating the environmental impacts or standards of feedlots as delegate to the County from the Minnesota Pollution Control Agency, as the Town does not have the authority to regulate such areas. All provisions related to permits issued pursuant to Minnesota Rules, chapter 7020 and Minnesota Statutes, section 116.07, subd. 7a shall remain the authority of the County.

560.16. **Mandatory Sanitary Sewer Connection**.

Subdivision. 1. Required in Certain Cases. A property located within the R-1 District or U-1 District shall be required to connect to the City sanitary sewer system, which will require annexation into the City, if any of the criteria in subdivision 3 of this Section are met and a sanitary sewer line is available for connection.

Subd. 2. Sewer Line Availability. For the purpose of determining if a property is required to connect to the City sanitary sewer system, a sanitary sewer line shall be deemed available for connection if:

- (a) The sanitary sewer line is within 100 feet of the property to be served;
- (b) The connection to the sanitary sewer line can actually be made within 90 days of the determination of the need to connect (excluding periods when the ground is frozen);
- (c) The connection to the sanitary sewer line can be accomplished without installing a pump station, blasting bedrock, acquiring an easement or right-of-way to cross an adjoining property, or crossing a watercourse, railway, major highway, or other significant obstacle; and
- (d) The property to be served is located within the designated sewer service area of the City's sewage treatment plant to which the sanitary sewer line is connected.

Subd. 3. Connection Criteria. A property within the R-1 District or U-1 District shall connect to an available sanitary sewer line if any of the following occur:

- (a) The property contains a septic system or drain field that must be replaced under state or County regulations; or
- (b) A new structure is proposed to be constructed or placed on a property that requires the installation of a new septic system or drain field.

Subd. 4. Exceptions. A property is not required to connect to the City sanitary sewer system if:

- (a) The City determines a sanitary sewer line is not available for connection; or
- (b) If all structures on the property connected to a septic system are removed and the septic system is abandoned in accordance with the applicable requirements in Minnesota Rules, part 7080.2500 and County regulations.

560.17. **Storage Containers**.

The use of a storage container in the Town Agricultural District (A-20), the Urban Service District (U-1), the Town Residential District (R-1), and in all Residential Overlay Districts (RO) are prohibited except as provided in this section. A storage container may be used as:

- (a) A temporary unit for moving purposes for a period of not more than 30 days in any 12-month period; or
- (b) As part of a temporary construction project occurring on the same property for a total period not exceeding 180 days in any 12-month period, unless the Town Board grants an extension. All such storage containers must be removed from the property within 30 days of completion of the construction project, but in no case later than the period allowed under this paragraph or any allowed extension.

Section 565 – Signs

565.01. **Purpose and Intent.** The purpose of this Section shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to provide for the safety of the traveling public by limiting distractions, hazards and obstructions; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Chapter.

Because of its unique environmental setting, it is further the intent of this Chapter to encourage quality and aesthetics in the size, design and the materials used for sign construction; to enhance the overall appearance and image of the community; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage. It is not, however, the purpose or intent of this Chapter to regulate the message displayed on any sign.

565.02. **Scope.** This Section applies to all signs intended to be viewed from any vehicular or pedestrian public right-of-way.

This Section shall not regulate government signs; the copy or message displayed on signs; signs not intended to be viewed from a public right-of-way; interior window displays; product dispensers; non-dynamic display scoreboards on athletic fields; flags; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

The owner of any sign which is otherwise allowed by this Section may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

565.03. **Sign Permits.** No sign shall be erected, altered, reconstructed, maintained or moved in the Town without first securing a permit from the Town through its Building Inspector. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. 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. Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information:

- (a) Names and addresses of the owners of the display structure and property;
- (b) The address at which any signs are to be erected;

- (c) The lot, block and addition at which the signs are to be erected and the street on which they are to front;
- (d) A complete site plan showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- (e) A letter from the owner of the property where the sign is to be located giving the owner's permission to have the sign erected on the owner's property;
- (f) Type of sign (i.e. wall sign, monument sign, etc.);
- (g) Certification by applicant indicating the application complies with all applicable requirements of this Section;
- (h) If the proposed sign is along state trunk highway or interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the state for the sign;
- (i) A statement as to whether the sign will be illuminated or if the sign will contain any type of dynamic display; and
- (j) Such other information as the Town may require to show compliance with this Section and all other applicable laws, ordinances, and regulations.

The Town shall approve or deny the sign permit in an expedited manner no more than 120 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 120 days shall be deemed approved. If the permit is denied, the Town shall prepare a written notice of within 10 days its decision, describing the applicant's appeal rights under this Section, and send it by mail or otherwise deliver it to the applicant.

565.04. **Exemptions.** The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Section or any other law or Section regulating the same.

- (a) Signs six square feet or less in size;
- (b) One non-illuminated sign with a commercial message that does not exceed 32 square feet in sign area in the Residential Districts and 48 square feet in sign area in all other zoning districts may be placed upon a construction site. The sign must be removed within 10 days after completion of construction or issuance of a certificate of occupancy, whichever occurs first;
- (c) Holiday decorations;
- (d) Identification signs of two square feet in sign area or less;

- (e) Signs authorized by Minnesota Statutes, section 211B.045;
- (f) Government signs;
- (g) One sign with a commercial message per street frontage that does not exceed four square feet in sign area may be placed on a property that is for sale or lease. One sign with a commercial message per street frontage that does not exceed 32 square feet in sign area may be placed on a commercially zoned property that is for sale or lease. All signs permitted by this paragraph must be removed within seven days after the closing date of the sale or lease of the property;
- (h) Window signs;
- (i) Incidental signs that are two square feet in sign area or less;
- (j) Flags containing non-commercial speech only. Flags may be illuminated, provided the illumination source is directed toward the flag and is not able to be seen from any adjacent public roadway or residential use;
- (k) Signs of any size on vehicles traveling or lawfully parked on operating and insured vehicles, construction trailers, or equipment which are temporarily parked on a permitted construction site, or primary business location;
- (l) Temporary or permanent signs installed or placed by public utilities to warn the public;
- (m) Outdoor scoreboards in athletic stadiums that do not include dynamic displays;
- (n) Static signs or banners adorning fences located in permitted outdoor recreational facilities, provided they are placed so as to only be viewed internal to the play field area and are not placed so as to orient a commercial message toward an adjacent public road right-of-way;
- (o) On-premise directional signs without business identification are permitted in parking lots or driveways of properties containing a multi-family residential use and in parking lots or driveways of properties located in a commercial district. Said signs shall not exceed four square feet in total directional sign area. Said signs shall not exceed five feet in height, unless they are placed on a building;
- (p) One off-premise directional sign per avenue or block leading to a commercially zoned property that has a driveway that has been permanently closed by the road authority and for which no reasonable direct access remains, as determined by the Board. Said sign shall not be illuminated, shall not exceed two square feet in sign area and eight feet in height. No more than three off-premise directional signs shall be located on a single parcel;

- (q) Point of purchase display signs not to exceed one square foot in sign area;
- (r) Handicapped parking signs; and
- (s) One sign smaller than five square feet in sign area may be posted on any parcel of land, except that such sign may not be an off-premises sign and may not be illuminated or contain any dynamic display.

565.05. **Prohibited Signs.** The following signs are prohibited in all districts:

- (a) Signs on vacant or abandoned buildings, or signs located at businesses which have ceased to operate as commercial enterprises. Such signs shall be removed by the property owner within 30 days of abandonment or business cessation;
- (b) Signs imitating or resembling official traffic or public safety signs or signals in shape, size or color;
- (c) Snipe signs or signs attached to trees, telephone or utility poles, public benches, streetlights, or placed on any public property or public right-of-way, with the exception of government signs;
- (d) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);
- (e) Signs that interfere with the safe operation of official traffic control devices;
- (f) Signs that emit sound;
- (g) Signs anchored by guy wires, chains, cables or similar devices that project down to the ground or in any way which create an unsafe condition for pedestrians or motorists;
- (h) Dynamic displays on any moving motorized or non-motorized vehicle, except as may be allowed in a parade which has been approved by a political subdivision;
- (i) Roof Signs;
- (j) Swinging or other non-secured permanent signs; and
- (k) Billboards.

565.06. **Repairs.** Any sign located in the Town which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced,

reconstructed or moved contrary to the provisions of this Section, shall be removed or otherwise properly secured in accordance with the terms of this Section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of proper notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this Section and upon a permit issued by the issuing authority.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Building Inspector shall order the repair or removal of any sign which is defective, damaged, or substantially deteriorated. Replacement of support posts, columns, pylons or other structural supports for any sign shall constitute removal of such sign, and its replacement shall be done in compliance with the terms of this Section. Banners and other temporary signs when attached to non-utility poles, stakes, tents, buildings or other structures shall be well secured so that they are not blown around uncontrollably by the wind. Banners and other temporary signs shall be maintained such that they do not become ripped, torn, faded, defaced, damaged, loose, or unsecured.

Illuminated signs, if permitted by this Section, shall be backlit or indirectly lit and shall avoid direct casting of light upon property located in any residential district, upon public waters, or onto any public right-of-way. Signs in the Legacy Commercial District (C-1) may have direct lighting, provided that the light source has a shielded decorative exterior fixture which incorporates the same architectural design motif as the sign and the building, avoids casting of light away from the sign and building and is permanently maintained in the same manner. The fixture detail information must be provided with the sign permit application.

565.07. **Removal.** In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the ground on which the sign is located, to remove or repair said sign within 60 days after the use is terminated, a notice shall be given and the sign may be removed by the Town at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

565.08. **Signs Permitted in the A-20, U-1, and R-1 Districts.** The following signs are permitted in a residential or agricultural district:

- (a) All signs mentioned above in Subsection 565.04.
- (b) One identification sign for each use other than residential. Such a sign shall not exceed four feet in width or four feet in length.
- (c) One sign identifying the entrance of a residential subdivision not exceeding four feet in width or four feet in length.
- (d) Home occupations are allowed no more than one sign not to exceed four square feet in sign area. The sign must be located in the front or side yard. Home occupation signs shall not be illuminated and shall not include a dynamic display.

- (e) All permitted freestanding signs shall have a maximum height limit of six feet and shall be set back at least 15 feet from any public right-of-way. The total width of the support structure of a freestanding sign shall not exceed the sign. There shall be landscaping or a planter that encompasses the support structure.
- (f) Dynamic displays may be approved as a conditional use for uses that do not contain any residences, subject to the provisions and standards of this Section. Appropriate restrictions on the dynamic display size may be approved by the Review Authority in order to minimize any negative impacts on the surrounding residential area.
- (g) Permitted non-residential uses with the exception of home occupations may display one banner per parcel with no sign permit being required. The banner shall not exceed 30 square feet in sign area and shall only be displayed for a maximum of 10 consecutive days in a six-month period running from January 1st to June 30th and July 1st to December 31st.

565.09. **Signs Permitted in the Legacy Commercial District.**

- (a) The following signs are permitted in Legacy Commercial District (C-1).
 - (1) Building wall signs not exceeding one square foot per lineal lot front foot or 10% of building frontage area, or 50 square feet, whichever is greater, which advertises or identifies a business located on the property.
 - (2) Free standing signs shall not exceed 50 square feet, which advertises or identifies a business located on the property.
 - (3) All signs mentioned above in Subsection 565.04.
- (b) Total square footage of all signs on a lot shall not exceed 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.

565.10. **General Regulations.** Unless expressly otherwise provided for in this Section, the following shall apply.

- (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. A sign shall not be located closer to the street or County Highway right-of-way than the required setback distance.

565.11. **Nonconforming Signs.** Existing signs which were legally erected, placed, or maintained which do not conform to the specific provision of this Section may continue in use in accordance with the following.

- (a) Any sign legally existing at the time of the passage of this Section that does not conform to the provisions of this Section shall be considered a legal nonconforming sign and may be continued through repair, replacement, restoration, maintenance, or improvement but not including, expansion. “Expansion” shall be defined as any structural alteration, change or addition that is made outside of the original sign structure or sign area, including the addition of a dynamic display.
- (b) When any legal nonconforming sign is discontinued for a period of more than one year, or is changed to a conforming sign, any future sign shall be in conformity with the provisions of this Section. Any legal nonconforming sign shall be removed and shall not be repaired, replaced, or rebuilt if it is damaged by fire or similar peril to the extent of 50 percent or less of its estimated market value at the time of damage and no sign permit has been applied for within 180 days of the date of destruction. The records of the County Assessor shall be used to determine whether a nonconforming sign has been destroyed 50 percent or less of its estimated market value at the time of destruction.
- (c) In the event a sign permit is applied for within 180 days of the date of destruction, the Board may impose reasonable conditions upon the sign permit in order to mitigate any newly created impact on adjacent properties.
- (d) A lawful nonconforming sign shall not be changed to a similar nonconforming sign or to a more restrictive nonconforming sign.

565.12. **Special Event.**

Subdivision 1. **Permit Required.** Temporary signs may not be displayed at a special event without first applying for and obtaining a special event sign permit from the Town.

- (a) All signs requiring a special event sign permit will be required to pay an application fee as specified by the Town’s fee schedule.
- (b) An application for a special event sign permit must be made on the forms provided by the Town, filed with the Town, and must include the following information:
 - (1) The name, address and telephone number of the applicant;

- (2) The address and location of the property in which the signs will be placed;
 - (3) The number and types of temporary signs that are proposed to be used during the special event, along with their dimensions;
 - (4) The duration of the special event; and
 - (5) Such other information as the Town may request to show compliance with this Section and all other applicable laws, ordinances, and regulations.
- (c) Upon the filing of a complete special event sign permit application, the Building Inspector shall review the application materials submitted. If the proposed signs comply with this Section and all other applicable laws, ordinances, and regulations, the Town Building Inspector shall issue a special event sign permit for the signs.

Subd. 2. District Requirements. A special event sign permit may be approved for a parcel within the following zoning districts in accordance with the following standards.

- (a) In the A-20 District, one special event sign permit for up to 10 consecutive days in any three month period, running from January 1st to March 31st, April 1st to June 30th, July 1st to September 30th and October 1st to December 31st.

Subd. 3. Permitted Devices. The devices described below are permitted, in addition to the maximum allowable temporary sign area, with a special event sign permit provided that they are correctly and safety installed and the following requirements are met.

- (a) Balloons.
 - (1) Small balloons, as either an individual or group of connected balloons shall not exceed four feet as the largest dimension. Balloon arches may be approved extending across private driveways, but shall not exceed 20 feet in height and may not be placed in the public right-of-way. Balloon arches over public streets are exempt from special event sign permit requirements, but the street must first be closed by the road authority.
 - (2) Balloons may be multicolored and incorporate logos and messages.
 - (3) Helium balloons must be regularly maintained and refilled.
 - (4) Helium or inflated balloons may be extended into the sky provided that they are securely attached and anchored to the ground. The length from the vertical attachment point shall not exceed a total site horizontal distance greater than any radial point of the parcel property line or any overhead utility service line. No balloon shall extend to a height greater than 100 feet from the ground.

- (b) Tents.
 - (1) Tents displaying signs, including all ties, ropes, stakes and other equipment, shall be located entirely upon the property identified by the special event sign permit and shall comply with the setback requirements for accessory structures. Tents shall also comply with all applicable building and fire code requirements, if applicable.
- (c) Bannerettes.
 - (1) Bannerettes may be placed on light standards or flagpoles.
 - (2) No more than one bannerette shall be allowed per light standard or flagpole on the parcel. Multiple bannerettes may be staked in the ground on the parcel, provided they are set back a minimum of 10 feet from the street right-of-way line and do not exceed a height of four feet.
- (d) Banners.
 - (1) Banners may be attached to non-utility poles, tents, and buildings, provided they are well secured and are prevented from being blown around uncontrollably by the wind.
 - (2) A total of two banners may be permitted. Each banner may be up to 100 square feet in sign area. For multi-tenant centers, three or more tenants may each display a banner with a special event sign permit, provided that all of the banners are attached to the building and no individual banner exceeds 30 square feet in sign area.
 - (3) Banners shall not be higher than the front wall of the principal building on the lot.
 - (4) All banners shall be maintained so that they do not become ripped, torn, defaced, damaged, loose, or unsecured.
- (e) Inflatable Devices.
 - (1) A maximum of one inflatable device may be permitted per parcel. It shall not exceed a height of 24 feet.
 - (2) Inflatable devices may be multicolored and incorporate banners, logos and non-dynamic signs.
 - (3) Individual helium inflatable devices larger than four feet in diameter shall be prohibited.

- (4) Inflatable devices must be anchored or tethered in a safe manner and must be kept in a weather tight and presentable condition.
 - (5) Inflatable devices may be located on green space or in parking lot areas, but shall not be located on rooftops.
 - (6) Inflatable devices larger than four feet in diameter shall comply with the setback requirements for accessory structures.
- (f) Searchlights.
- (1) Searchlights shall not be used for a duration of more than three consecutive nights.
- (g) Portable Dynamic Display Signs.
- (1) A maximum of one portable dynamic display may be allowed per parcel per special event sign permit. The portable dynamic display sign may be allowed in addition to any approved permanent dynamic display(s) on the parcel, unless otherwise specified by this Section.
 - (2) The temporary placement of the portable dynamic display sign shall comply with all permanent sign setbacks for the district in which the parcel is located.
 - (3) The portable dynamic display sign shall only be operated in a stationary position on the parcel and cannot be moved to and from, or upon the parcel, while in operation.
 - (4) The portable dynamic display sign shall comply with all programming requirements for dynamic displays as specified by this Section.
- (h) Off-Premises or Directional Signs.
- (1) Off-premises or directional signs shall be prohibited. Any violation of this provision shall be sufficient cause for immediate revocation of an approved special event sign permit.

Subd. 4. **Prohibited Signs for Special Events.** The devices described below are prohibited for special events:

- (a) Animated or dynamic display signs, beacons and flashing light bulb strings located in minimum required setback areas;
- (b) Displays or special features on roofs;

- (c) Swinging signs;
- (d) Large balloons exceeding four feet in diameter, or collections of small balloons exceeding four feet in diameter, except for approved balloon arches;
- (e) Any sign in the public right of way; and
- (f) Hot air inflatable devices.

Section 570 – Solar Energy Systems

570.01. **Permit Required.** The installation, placement, or expansion of any residential solar energy system shall require issuance of a permit by the Town. A site plan review shall also be required prior to the issuance of such permit.

570.02. **Residential Solar Energy Systems.**

Subdivision 1. **Allowed.** Rooftop residential solar energy systems shall be allowed on residential dwellings.

Subd. 2. **Installation.**

- (a) Rooftop residential solar energy systems shall be mounted parallel to the plane of the roof, shall not extend more than one foot above the plane of the roof, shall not be located any closer than three feet from any side, top or bottom edge of the roof, and shall not occupy more than 75% of the area of the roof plane it is affixed to.
- (b) Residential solar energy systems located on agricultural structures may include rooftop systems. Rooftop systems shall not project more than four feet above the plane of the roof nor be located closer than six feet from the outer edge of the roof top.
- (c) Ground-mounted residential solar energy systems shall be permitted on parcels of land. Ground-mounted residential solar energy systems shall not exceed fifteen feet in height, shall not be located in any required setback area, and shall not be located closer than 50 feet to an existing adjacent residence.

Subd. 3. **General Requirements and Prohibitions.**

- (a) No solar energy systems shall create or cause unreasonable glare on other property or public roadways. Unreasonable glare shall mean a degree of glare that creates a nuisance for other property owners or that creates a public safety hazard for those traveling on public roadways as determined by the Town Board or the appropriate roadway authority.
- (b) No solar energy system shall be allowed to create interference with television, cable, radio, telephone, internet, computers or other electronic devices and services on neighboring properties, or be allowed to otherwise constitute a public nuisance.
- (c) Electric power lines within all ground-mounted residential solar energy systems shall be buried underground.
- (d) All residential solar energy systems shall be consistent with applicable State Building Codes, State Electrical Codes, State Plumbing Codes and all other applicable state and federal requirements.

- (e) All applicable solar energy equipment shall be certified by either the Underwriters Laboratories (UL) or Canadian Electrical Code (CSA 22.1), or the Solar Rating and Certification Corporation (SRCC) for thermal systems.
- (f) All solar energy systems unused, abandoned or inoperable for more than twelve months shall be removed by the system owner or the property owner.
- (g) Fencing, landscaping, and other screening may be required for any ground-mounted solar energy system. Deviations from dimensional standards (including setbacks) may be considered by the Town Board for permitting, based upon mitigation of off-site impacts through fencing, landscaping, screening, or other mitigation measures.
- (h) All permit applications for ground-mounted residential solar energy systems shall include a description of the vegetation or material under the solar system components and the method of ground care and vegetative maintenance.
- (i) Residential solar energy systems lawfully installed prior to the effective date of this Section are allowed to continue without a zoning permit, except that the expansion or replacement of any such residential solar electric system shall require a zoning permit from the Town.

570.03. Commercial Solar Facilities.

Subdivision 1. Allowed; Cap. Commercial solar facilities are allowed in the Town Agricultural District (A-20) with the issuance of a conditional use permit, provided the total nameplate capacity of all commercial solar facilities located in the Town does not exceed 25 megawatts. The Town shall not issue a conditional use permit for a commercial solar facility if the facility will cause the total nameplate capacity in the Town to exceed 25 megawatts, regardless of whether the then existing commercial facilities were permitted by the Town or the Minnesota Public Utilities Commission.

Subd. 2. Setbacks. Commercial solar facilities shall comply with the following setback requirements. The setback distances shall apply to and be measured from the buildings, solar panels, and other structures on the property that are part of the facility.

- (a) The building setbacks in Subsection 545.01, except as provided in this subdivision.
- (b) At least 200 feet from any existing structure existing at the time of issuing the conditional use permit. The distance shall be measured from the property line of the proposed site of the commercial solar facility to nearest point of the structure.
- (c) At least 100 feet from any public road right-of-way.
- (d) At least 200 feet from public parks.

Subd. 3. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

Subd. 4. Standards and Codes. All commercial solar facilities shall comply with all applicable local, state, and federal regulatory standards including, but not limited to, the Minnesota State Building Code and the National Electrical Code.

Subd. 5. Power and Communication Lines. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar modules. Power and communication lines to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Town Board in the following instances:

- (a) Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines;
- (b) When required by the utility company; or
- (c) Unless otherwise determined by the Town Board.

Subd. 6. Screening. Solar facilities shall be screened from residential dwelling units and other land uses as required by the Town Board. Screening shall minimally meet the requirements of this Chapter and be set back twenty (20) feet from the property line for ease of maintenance. The screening plan shall show the location of fences and residential dwelling units on contiguous lots. Fences installed as part of the project shall be screened. The type and location of the required screening shall comply with conditions placed on the conditional use permit and are subject to Town Board approval. When screening is required, the applicant shall submit a financial guarantee in the form of a cash escrow or letter of credit in a form acceptable to the Town Board in the amount of 125% of the cost to implement the screening plan prior to any construction activities.

Subd. 7. Vegetation Requirements and Management. The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Town Board.

- (a) Large-scale removal of mature trees on the site is discouraged. Restrictions on tree clearing, or mitigation for cleared trees may be required by the Town Board.
- (b) The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642, and the guidance as set by the Minnesota Board of Water and Soil Resources.
- (c) A cash escrow or letter of credit in a form acceptable to the Town Board in the amount of 125% of the cost to vegetate the project area is required. A work and

material list shall be submitted to determine the amount of the required security. The Town shall retain the security for a minimum of three years or longer if the vegetation is not sufficiently established after three years.

- (d) The ground cover shall be maintained for the life of the project and continue meeting Habitat Friendly Solar Standards, which includes filling out the established project assessment form every three years.
- (e) A seeding plan review and inspection fee must be paid to the Town prior to the start of any construction. The Town Board shall determine the amount of the fee, which is intended to cover the Town's review of the seeding plan, inspections for the first three years after planting, and every third year after that to ensure the ground cover is being maintained.
- (f) The Town shall be notified when the site is seeded and the person the Town is to contact to coordinate inspections of the site.

Subd. 8. Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet all applicable federal, state, and local requirements.

- (a) The applicant shall submit a financial guarantee in the form of a letter of credit or cash deposit in favor of the Town in an amount determined by the Board to ensure proper decommissioning of the commercial solar facility.
- (b) The permittee shall notify the Town at least one year prior to decommissioning of the commercial solar facility. At such time, an updated decommissioning estimate shall be provided. The permittee is required to submit a financial guarantee as required by the Town Board to supplement the original letter of credit or cash escrow.

Section 575 – Tower Regulations

575.01. **Purpose.** The purpose of this Section is to accommodate the communication needs of residents and businesses while protecting public health, safety and general welfare of the community. The Town finds that these regulations are necessary in order to:

- (a) Facilitate the provision of wireless communication services to residents and businesses;
- (b) Minimize adverse visual effects of towers through careful design and site standards;
- (c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- (d) Maximize the use of existing and approved towers and buildings to accommodate new wireless communication antennas in order to reduce the number of towers needed to serve the community.

575.02. **Facilities within Town Right-of-Ways.** The placement of small wireless facilities and wireless support structures within Town road right-of-ways is regulated by Chapter III, Section 305 of the Le Sauk Township Code.

575.03. **Permitted Towers.** The construction and maintenance of an amateur radio tower, residential television tower or exempted dish is a permitted use within any zoning district.

575.04. **Towers Requiring a Conditional Use Permit.** The construction and maintenance of a tower shall be permitted within the following zoning districts, pursuant to a conditional use permit granted in accordance with this Section.

Subdivision. 1. Agricultural District (A-20). All permitted towers and antennas.

Subd. 2. Urban Services District (U-1). All permitted towers and antenna.

Subd. 3. Residential District (R-1). All permitted towers and antennas.

Subd. 4. Legacy Commercial District. Building mounted antennas, and antennas not attached to a tower.

575.05. **General Performance Standards.** All towers shall comply with the performance standards set out in this Subsection.

Subdivision 1. Multi-User Requirements. A proposal for a new commercial wireless communication tower shall not be approved unless the Review Authority finds that the telecommunications equipment plans for the proposed tower cannot be accommodated by an

existing or approved tower or building within a two mile search radius of the proposed tower due to one or more of the following reasons:

- (a) The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be re-enforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
- (b) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower as documented by a qualified and licensed professional engineer, and the interference cannot be prevented at a reasonable cost.
- (c) Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- (d) Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

Any proposed commercial wireless telecommunication service tower shall be designed (structurally and electronically) in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. The tower must be designed to allow for future re-arrangement of antennas upon the tower and to accept antennas mounted at various heights.

Subd. 2. Tower and Antenna Design Requirements. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Commercial wireless telecommunication service towers shall be of a monopole design unless the Review Authority determines that an alternative design would better blend in the surrounding environment or allow for greater future multi-use.

Subd. 3. Landscaping and Screening. The Review Authority may establish, as a condition of approval of a commercial tower, reasonable requirements relating to landscaping and screening to improve the aesthetic appearance of the base of the tower and accessory buildings. Existing on-site vegetation should be preserved to the maximum extent possible.

Subd. 4. Fencing. All commercial towers and accessory buildings shall be enclosed within a galvanized chain link fence with a locked gate to prevent unauthorized entry. The fence shall be at least six feet, but not greater than ten feet, in height. Any fence less than eight feet in height shall be constructed with at least three strands of barb wire strung along the top of the fence.

Subd. 5. Construction Standards. All towers shall be constructed and maintained in accordance with the Electronic Industry Association Standards and all applicable building codes.

Subd. 6. Minimum Spacing. Minimum spacing between commercial tower locations is one-half mile.

575.06. **Conditional Use Application Submittal**. In addition to the information generally required to accompany a request for a conditional use permit as found in this Section, applications for towers shall include the following supplemental information:

- (a) A report from a qualified and licensed engineer which:
 - (1) Describes the tower height and design, including a cross section and elevation.
 - (2) Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distance between antennas.
 - (3) Describes the towers capacity, including the number and type of antennas it can accommodate.
 - (4) Describes how the applicant will take to avoid interference with established public safety communication.
 - (5) Includes the engineer's stamp and registration number.
 - (6) Includes other information necessary to evaluate the request.
- (b) Letter of intent committing the tower owner, and successors, to allow the shared use of the tower if any additional user agrees in writing to meet reasonable terms and conditions for shared use.
- (c) Proof that the proposed tower complies with regulations administered by the Federal Aviation Administration.
- (d) A report from a qualified professional engineer which demonstrates the tower compliance with all applicable structural and electrical standards.
- (e) A site plan showing the boundaries of the property on which the tower is located, adjacent land uses, the location of the tower and any accessory buildings within the property, distance setbacks from property lines for the tower and accessory buildings, fence locations, and proposed landscaping or screening.
- (f) A bond or other form of security approved by the Review Authority, posted for the purpose of reimbursing the Review Authority for cost of removal of the tower in the event its use is discontinued.

575.07. **Building Mounted Antennas.** The placement of a wireless telecommunication antennas on roofs of walls of existing buildings or structures shall be approved by the Review Authority as a conditional use provided that the antennas meet the requirements of this Section, after submittal of a final site and building plan, and a report prepared by qualified professional engineer indicating the existing building or structures suitability to accept the antenna as well as a proposed method for affixing the antenna to the structure. Complete details of all fixtures, couplings, and the precise point of attachment shall be indicated.

575.08. **Amateur Radio and Residential Television Towers.** Amateur Radio Towers, Residential Television Towers and antennas are subject to the standards and conditions established by this Section, except for those specific to commercial towers. The Review Authority may waive strict compliance with this Section if it finds that the stated purpose of this Section is met.

575.09. **Tower Setbacks.** All towers shall conform with the following minimum setback requirements.

Subdivision 1. **Property Lines.** All towers shall be set back from property lines a minimum of 125% of the height of the tower, including all antennas and attachments. The height of the tower shall be measured from the average grade of the property on which it is located or the actual tower height, whichever is greater.

Subd. 2. **Accessory Buildings.** Buildings accessory to a tower shall comply with the setback requirements of the zone in which the tower is located.

Subd. 3. **Schools and Dwellings.** Commercial towers shall be set back a minimum of 500 feet from schools or structures used as dwellings and a minimum of 300 feet from property zoned for residential use. A change in the use of the property adjacent to an existing commercial tower does not render the tower a nonconforming use, if the tower was in conformance with this Section when constructed.

Subd. 4. **Alterations.** A tower setback may be reduced or varied, at the sole discretion of the Review Authority, if the variance will facilitate the integration of the tower into an existing or proposed structure, such as a church steeple, light standards, power line support device or similar structure.

575.10. **Prohibitions.**

Subdivision 1. **Tower Lighting.** A tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other state or federal authority for a particular tower. When incorporated into the design standards of the tower, light fixtures to illuminate ball fields, parking lots or similar areas may be attached to the tower.

Subd. 2. Signs and Advertising. The use of any portion of a tower for signs other than a warning or equipment informational signs is prohibited.

Subd. 3. Interference of Public Safety Communications. No new or existing telecommunication service shall interfere with public safety communications. All applications for a conditional use permit for new service shall be accompanied by an intermodulation study which provides the technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of a new service or change in existing service, telecommunication providers shall notify the Review Authority at least 48 hours in advance of such changes and allow the Review Authority to monitor interference levels during the testing process.

575.11. **Abandoned or Unused Towers**. Abandoned, unused towers or portions of towers shall be removed as follows:

Subdivision 1. Timeline. All abandoned, unused towers, and associated facilities shall be removed within 12 months of the cession of operations at the site unless a time extension is approved by the Review Authority. In the event the tower is not removed within 12 months of cession of operations at the site, the tower and the associated facilities may be removed by the Review Authority and the cost of removal assessed against the property.

Subd. 2. Unused Portions. Any unused portions of towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new conditional use permit.

Section 580 – Shoreland Regulations

580.01. **Adoption.** Towns are authorized, but not required, by Minnesota Statutes, section 103F.221 and Minnesota Rules, part 6120.3900, subpart 4a to adopt and regulate shorelands within their respective jurisdictions. If a town does not adopt shoreland regulations, Minnesota Statutes, section 103F.215 makes the county responsible for adopting and administering shoreland regulations. In order to ensure at least a certain level of uniform protections for shorelands, the Minnesota Department of Natural Resources has established certain regulations that must be part of local shoreland regulations. The County has established shoreland regulations that have applied to the Town since adoption. However, once the County worked to eliminate the memorandum of understanding it had with the Town, and the other towns in the County, the County indicated a desire to have the Town administer shoreland regulations locally. In furtherance of that request, the following shoreland regulations are adopted for the Town. However, in order to avoid simply restating the County’s shoreland regulations in this Section, the following adopts the County’s shoreland regulations by reference. The regulations adopted by reference are limited to those applicable to shorelands within the jurisdictional boundaries of the Town and references therein to the County or to any of its commissions or staff shall be to the Town, the Joint Planning Board, the City and their respective staffs as appropriate. The regulations adopted by reference include those additional provisions of the County Ordinance needed to give effect to those specifically identified as being adopted. To the extent the regulations adopted by reference are in anyway less strict than the other applicable regulations contained in this Chapter, the stricter provisions of this Chapter shall control. The adoption by reference of the County’s shoreland regulations does not expand the uses allowed in the shoreland overlay district.

580.02. **Shoreland Overlay District.** The following sections of the County Ordinance related to shoreland regulations, including those parts of the County Ordinance required to make them operative, are hereby adopted by reference and incorporated into this Section within respect to shoreland areas within the Town.

- (a) Section 4.15, addressing shoreland alteration permits.
- (b) Section 10.2, regarding the shoreland overlay district.

580.03. **Review Procedures.** Applications for zoning approvals within the shoreland overlay district shall be subject to the review procedure identified in Subsection 590.02 for the particular type of request in the primary zoning district in which the property is located.

580.04. **Additional Notices.** When processing a zoning request requiring a public hearing for a property located within the shoreland overlay district, the Town shall provide the Minnesota Department of Natural Resources the following notices.

Subdivision 1. **Hearing Notice.** A copy of the hearing notice, which shall be postmarked at least 10 days before the date of the hearing.

Subd. 2. Final Action. A copy of the final action on conditional use permits, variances, and amendments to the shoreland regulations, which shall be postmarked within 10 days of the final decision on such matters.

580.05. **Additional Regulations**. Properties located within the shoreland overlay district are subject to the following additional regulations.

Subdivision. 1. Feedlots. The establishment or expansion of a feedlot is prohibited.

Subd. 2. County Prohibitions. A use not allowed by the County Ordinance in the shoreland overlay district is prohibited in the Town's shoreland overlay district.

Section 585 – General Permitting Requirements

585.01. Applications.

Subdivision 1. **Form.** All applications must be on the form approved for the particular type of zoning approval being sought and must contain all of the information required on the form and this Chapter. Any application that is not submitted on the correct form shall be rejected and shall not be processed.

Subd. 2. **Completeness.** An applicant shall provide, as part of the application, all of the information required on the form and by this Chapter. Applications shall be submitted to the Town. If an application is not complete, the Town shall provide the applicant written notice of what information is needed in order to make the application complete within 15 business days of its receipt of the application. If all of the required information is not submitted within 30 days from the date of the written notice, the application shall be deemed withdrawn, shall not be processed, and shall be returned to the applicant together with the submitted fee.

Subd. 3. **Fees.** An application shall be immediately rejected if it is not accompanied by the required application fee. If an escrow is required, the applicant shall submit the required amount for escrow to the Review Authority within five days of the submission of the application or the application shall be deemed incomplete and shall not be processed.

585.02. **Unpaid Taxes or Charges.** Any application for a zoning request related to property in which there are delinquent property taxes, special assessments, penalties, interest, or past due public utility fees shall not be considered complete and shall not be processed until the owner certifies, with adequate supporting documentation, that all such delinquent or past due amounts, interest, and penalties have been paid in full. Furthermore, any person that submits an application for a zoning request that has any outstanding amounts owed for past zoning related fees or costs, or if the application relates to property on which there are zoning related fees or costs are owed, the application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full. No permit or variance shall be issued to any of the above described properties until all past due amounts, penalties, and interest have been paid in full. Any unpaid any zoning related fees, charges, or costs owed may be collected by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity owing the amount owns in the State. The certifying authority shall provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

585.03. Fees.

Subdivision 1. **Application Fee.** Applicants shall be required to pay an application fee when submitting an application under this Chapter. Application fees shall be in the amount established by fee schedule and are intended to defray the administrative costs of processing

requests. Application fees submitted as part of a complete application are not refundable, regardless of whether the application is approved, denied, or withdrawn;

Subd. 2. Escrow. In order to defray the additional costs the Review Authority may incur to process a request made under this Chapter, applicants may also be required to reimburse the Review Authority for all consulting costs it incurs related to the particular request. Consulting costs include, without limitation, all attorney, planner, and engineering fees incurred related to the request. An applicant may be required to escrow cash with the Town in the amount determined by the Town from which the Review Authority will reimburse itself for the consulting costs it incurs. The applicant remains responsible for all such costs and shall promptly escrow additional funds if the Town Board determines the existing escrowed amount will not be sufficient to fully reimburse the Town for its costs. Failure to promptly provide additional funds or to otherwise fully reimburse the Review Authority for its consulting cost shall be a sufficient basis on which to delay the processing of a request or to deny a request.

Subd. 3. Reimbursement in Full Required. Upon the termination of the application, by an approval, denial, withdrawal, or any other means, all costs incurred by the Review Authority shall be immediately payable by the applicant. If no escrow was required, or if the Review Authority's costs exceed the escrowed amount, the Review Authority will provide the applicant a written statement of the amount to be reimbursed. The stated amount shall be paid in full within 30 days from the date of the written statement. If the escrowed amount exceeds the Review Authority's costs, the excess shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property pursuant to the zoning request shall be made until all fees and costs are paid in full. In the event that payment of costs is not made within a reasonable time after demand, the Review Authority may take such steps as are available to it under law to collect the unreimbursed amounts, including collection costs. The steps the Review Authority may take to recover its costs include, but are not limited to, placing the amount on any property the person owns in Minnesota as a service charge pursuant to Minnesota Statutes, section 366.012, filing a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, or taking such other action as may be deemed appropriate to obtain full reimbursement for the Review Authority for all costs it incurs related to the application.

Subd. 4. Fees Established. The Town Board shall establish the amount of application fees, escrows (if required), and such other fees and charges as provided by this Chapter in a separate resolution or ordinance that shall be kept on file with the Town Clerk.

585.04. Site Investigations. The Review Authority may conduct one or more site investigations of the property as part of processing a zoning request. If a quorum or more of the Review Authority conducts a site investigation, notice shall be posted at its posting places at least three days before the date of the inspection unless the inspection is being conducted as part of the hearing. The Review Authority may also conduct one or more site investigations after a zoning approval has been issued to review an alleged or potential violation of the applicable conditions or of this Chapter. Submission of an application and acceptance of a zoning approval constitutes consent on the part of the owners of the property to the conditions imposed on the zoning approval and to allow the Review Authority to conduct inspections of the property at reasonable

times to determine eligibility to receive the requested zoning approval and then related to the administration and enforcement of the approval.

585.05. **Amended Permit.** Any change involving structural alterations, enlargement, intensification of the use or similar change not specifically permitted by the zoning approval shall require that the approval be amended. An application to amend an existing zoning approval shall be administered in the same manner that is required for a new zoning approval. All application and review procedures shall apply.

585.06. **Limit on Similar Applications.** No application of an owner for an amendment to the text of this Chapter or the Zoning Map shall be considered by the Review Authority within a one-year period following a denial of such request, except that a new application may be allowed if, in the opinion of the Review Authority, there is new evidence or a sufficient change of circumstances to warrant additional consideration of the proposal.

585.07. **Administration.**

Subdivision 1. **Authority.** The Town Clerk, Building Inspector, and Town Attorney are authorized to carry out their respective duties with respect to the administration and enforcement of this Chapter.

Subd. 2. **Town Clerk.** In addition to all other duties assigned to the Town Clerk in this Chapter, the Town Clerk shall be authorized to do each of the following:

- (a) Determine if an application is complete and, if not, to identify the material needed in order to make it complete;
- (b) Provide notices required under this Chapter;
- (c) Keep and record documents as provided under this Chapter, including keeping the official copy of this Chapter;
- (d) Incorporate any amendments made to this Chapter, which shall be executed and kept as the official copy of this Chapter;
- (e) Collect fees and escrows, including administering escrows and returning any unused balance;
- (f) Track the application of the 60 day rule and provide notices and extension as may be needed and;
- (g) Consult with the Town Attorney as may be needed to assist in the administration of this Chapter.

Subd. 3. **Notices.**

- (a) Mailed notices provided for under this Chapter shall be mailed using the same address indicated on the Stearns County website for the mailing of property tax statements.
- (b) This Chapter provides for the giving of notices that are in excess of the notices required by law. These additional notices are provided for in an attempt to keep residents informed and the Town will use good faith efforts to give such notices, but its failure to provide such notices, or a residents failure to receive them, shall not invalidate any action on the matter to which it relates.

Section 590 – Review Procedures

590.01. **Intent.** The following review procedures are established to give effect to the different procedures and final decision-making authority negotiated between the Town and the City for how best to process requests from within the different zoning districts established in this Chapter.

590.02. **Chart of Required Review Procedures.** The zoning requests identified on the left side of the following chart shall be submitted and processed in accordance with the type of review procedure identified for the particular zoning district in which the property is located. The procedures established for the different types of reviews are described following this Subsection, but are summarized as follows:

- **Type 1:** Town Administrative;
- **Type 2:** Town Final Decision;
- **Type 3:** Joint Planning Board Final Decision; and
- **Type 4:** City Council Final Decision.

	Town Agricultural District (A-20)	Urban Services District (U-1)	Town Residential District (R-1)	Legacy Commercial District (C-1)
Administrative Permits	Type 1	Type 1	Type 1	Type 1
Site Plans*	Type 1	Type 3	Type 2	Type 2
Conditional Use Permits	Type 2	Type 4	Type 2	Type 3
Interim Use Permit	Type 2	Type 3	Type 2	N/A
Variances	Type 2	Type 4	Type 2	Type 2
Ordinance Text Amendments	Type 2	Type 3	Type 3	Type 3
Rezoning	Type 2	Type 4	Type 2	Type 3
Subdivision of parcels containing 40 or more acres	Type 1	Type 3	N/A	N/A
Subdivision of parcels containing less than 40 acres	Type 2	Type 4**	Type 2	N/A

Lot line adjustment / Lot combination	Type 1	Type 3	Type 2	Type 2
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* A public hearing is not required for review and action on a site plan.

** A variance is required to allow a subdivision that results in any lot containing less than 40 acres.

590.03. **Type 1 Review Procedure (Town Administrative)**. Applications for zoning requests subject to a Type 1 review procedure shall be submitted, processed, and decided upon in accordance with this Subsection.

Subdivision 1. **Application**. The applicant shall submit its application for the zoning approval to the Town Clerk. The Town Clerk shall forward complete applications to the Town Board, with a copy to the City.

Subd. 2. **Hearing**. Except when specifically required by law or this Chapter, the Town Board is not required to conduct a hearing before taking final action on a zoning request subject to a Type 1 review. When a hearing is required, the Town Board will provide at least 10 days published notice and hold a hearing before taking final action on the request.

Subd. 3. **Decision**. The Town Board shall review the application, consider the applicable provisions and criteria in this Chapter, and decide whether to approve the application. The Town Board may place conditions on its approval. The Town will provide the applicant written notification of its decision, which may be in the form of a permit.

590.04. **Type 2 Review Procedure (Town Final Decision)**. Applications for zoning requests subject to a Type 2 review procedure shall be submitted, processed, and decided upon in accordance with this Subsection.

Subdivision 1. **Application**. The applicant shall submit its application for the zoning approval to the Town Clerk. The Town Clerk shall forward complete applications to the Joint Planning Board to conduct a hearing.

Subd. 2. **Notice**. At least 10 days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed by first-class mail to all property owners of record, according to the county auditor's property tax records, within 1,320 feet of the property to which the application relates. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results.

Subd. 3. **Hearing; Recommendation**. The Joint Planning Board shall conduct a public hearing, discuss, and then act to forward the application to the Town Board with a written recommendation on whether the application should be approved or denied. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Joint Planning Board's questions. In reviewing the request and developing its recommendation, the Joint Planning Board shall consider the applicable criteria set out in this Chapter and such

other factors as it determines are appropriate to evaluate the application. If the Joint Planning Board recommends approval of the application, its written recommendation shall include any conditions it recommends be placed on the approval. The Joint Planning Board shall forward its recommendation, together with its supporting findings, to the Town Board.

Subd. 4. Town Board. The Town Board shall make the final decision on the application after receipt of the Joint Planning Commission's written recommendation, or after 45 days from receipt of the complete application if the Joint Planning Board fails to make a recommendation in that time. The Town Board shall not approve the application unless it determines the particular request satisfies the applicable criteria established in this Chapter. The Town Board may impose such conditions on its approval as it determines is appropriate. The Town will provide the applicant written notification of its decision, which may be in the form of a permit. An applicant shall be deemed to have agreed to the conditions imposed on the approval unless the applicant expressly rejects the entire approval in writing within 10 days of the Town Board's action to approve.

590.05. **Type 3 Review Procedure (Joint Planning Board Final Decision)**. Applications for zoning requests subject to a Type 3 review procedure shall be submitted, processed, and decided upon in accordance with this Subsection.

Subdivision 1. Application. The applicant shall submit its application for the zoning approval to the Town Clerk. The Town Clerk shall forward complete applications to the Town Board to conduct a hearing.

Subd. 2. Notice. At least 10 days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed by first-class mail to all property owners of record, according to the county auditor's property tax records, within 1,320 feet of the property to which the application relates. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results.

Subd. 3. Hearing; Recommendation. The Town Board shall conduct a public hearing, discuss, and then act to forward the application to the Joint Planning Board with a written recommendation on whether the application should be approved or denied. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Town Board's questions. In reviewing the request and developing its recommendation, the Town Board shall consider the applicable criteria set out in this Chapter and such other factors as it determines are appropriate to evaluate the application. If the Town Board recommends approval of the application, its written recommendation shall include any conditions it recommends be placed on the approval. The Town Board shall forward its recommendation, together with its supporting findings, to the Joint Planning Board.

Subd. 4. Joint Planning Board. The Joint Planning Board shall make the final decision on the application after receipt of the Town Board's written recommendation, or after 45 days from receipt of the complete application if the Town Board fails to make a recommendation in that time. The Joint Planning Board shall not approve the application unless it determines the

particular request satisfies the applicable criteria established in this Chapter. The Joint Planning Board may impose such conditions on its approval as it determines is appropriate. The Joint Planning Board will provide the applicant written notification of its decision, which may be in the form of a permit. An applicant shall be deemed to have agreed to the conditions imposed on the approval unless the applicant expressly rejects the entire approval in writing within 10 days of the Joint Planning Board's action to approve.

590.06. **Type 4 Review Procedure (City Final Decision)**. Applications for zoning requests subject to a Type 4 review procedure shall be submitted, processed, and decided upon in accordance with this Subsection.

Subdivision 1. **Application**. The applicant shall submit its application for the zoning approval to the City's Planning and Community Development Department. The City shall forward complete applications to the Joint Planning Board to conduct a hearing.

Subd. 2. **Notice**. At least 10 days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed by first-class mail to all property owners of record, according to the county auditor's property tax records, within 1,320 feet of the property to which the application relates. The notice shall state the time, place, and purpose of the hearing. Failure of any property owner to receive notice of the hearing shall not in any way affect the validity of the hearing or its results.

Subd. 3. **Hearing; Recommendation**. The Joint Planning Board shall conduct a public hearing, discuss, and then act to forward the application to the City Council with a written recommendation on whether the application should be approved or denied. The owner, or its authorized agent, is expected to attend the hearing to explain the application and to answer the Joint Planning Board's questions. In reviewing the request and developing its recommendation, the Joint Planning Board shall consider the applicable criteria set out in this Chapter and such other factors as it determines are appropriate to evaluate the application. If the Joint Planning Board recommends approval of the application, its written recommendation shall include any conditions it recommends be placed on the approval. The Joint Planning Board shall forward its recommendation, together with its supporting findings, to the City Council.

Subd. 4. **City Council**. The City Council shall make the final decision on the application after receipt of the Joint Planning Commission's written recommendation, or after 45 days from receipt of the complete application if the Joint Planning Board fails to make a recommendation in that time. The City Council shall not approve the application unless it determines the particular request satisfies the applicable criteria established in this Chapter. The City Council may impose such conditions on its approval as it determines is appropriate. The City Council will provide the applicant written notification of its decision, which may be in the form of a permit. An applicant shall be deemed to have agreed to the conditions imposed on the approval unless the applicant expressly rejects the entire approval in writing within 10 days of the City Council's action to approve.

590.07. **Requests for Annexation**.

Subdivision 1. Policy. This Chapter reflects several policy decision, including that the subdivision of property within the Urban Services (U-1) District that results in lots containing less than 40 acres, which normally occurs as part of a residential or commercial development, needs to occur within the City and be subject to the City's subdivision and other applicable regulations. This policy position was arrived at through extensive negotiations with the City, recognizes the U-1 District is the area in which it is logical for the City to expand into, is the area in which the City has planned for the extension of its utilities, and helps to avoid development within the U-1 District that interferes with the orderly development of the City and the cost-efficient extension of services. Therefore, those seeking to develop their land in the U-1 District in less than 40-acre parcels are encouraged to discuss their plans with the City and, if it appears the proposed development is feasible and supported by the City, to submit a request for annexation to the City.

Subd. 2. Request. An owner within the Town desiring to request annexation of their property into the City is required to submit a petition for annexation in accordance with the procedures established by the City and in accordance with the terms of the most current version of the Orderly Annexation Agreement in effect between the City and the Town.

Section 595- Conditional Use Permits

595.01. **Conditional Uses.** 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. No use requiring a conditional use permit shall be initiated or expanded except upon issuance of a conditional use permit from the Review Authority pursuant to this Section.

595.02. **Procedure.** An application for a conditional use permit shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review.

595.03. **Review Criteria.** The following criteria shall be considered when reviewing and acting on a conditional use permit request.

- (a) Whether the use will be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the Town.
- (b) Whether the use will be designed, constructed, operated, and maintained to be consistent with other allowed uses in the area and is compatible with the neighborhood.
- (c) Whether the use will unreasonably interfere with or devalue surrounding properties.
- (d) Whether the use will create an excessive burden on roads or other public infrastructure, or create an unreasonable cost to the public.
- (e) Whether the use involves activities, processes, materials equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, scenic blight, glare or odors.
- (f) Whether the use will have sufficient available parking.
- (g) Whether the use will cause traffic hazards or congestion.
- (h) Whether the use will be in conformance with the provisions of this Chapter, and will not unreasonably interfere with the health, safety, and welfare of the surrounding owners and the public, if conducted in compliance with the conditions imposed on the permit.

595.04. **Recording.** If the application is approved, the conditional use permit shall be recorded in the office of the County Recorder or Registrar at the owners' expense.

595.05. **Expiration and Revocation**. A conditional use permit shall expire and become void if the use or structure to which it relates is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Review Authority may revoke a conditional use permit it has issued if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit have been violated.

Section 600 – Interim Use Permits

600.01. **Interim Uses**. A classification of interim uses is hereby established to provide for the location of certain temporary uses, specifically mentioned and authorized in certain specified districts, such uses to be allowed through the issuance of an interim use permit that terminates on a particular date or upon the occurrence of a particular event. No use requiring an interim use permit shall be initiated or expanded except upon issuance of an interim use permit as provided in this Section.

600.02. **Procedure**. An application for an interim use permit shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review.

600.03. **Criteria**. The following criteria shall be considered when reviewing and acting on an interim use permit request.

- (a) Whether the proposed use meets the applicable standards set forth for conditional use permits.
- (b) Whether the use will terminate upon a date or event that can be identified with certainty.
- (c) Whether the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

600.04. **Recording**. Interim use permits are temporary in nature and are not required to be recorded. The Review Authority may elect to record an interim use permit if it determines the anticipated term of the permit makes it reasonable to put future owners of the property on notice of the permit.

600.05. **Expiration and Revocation**. An interim use permit shall expire and become void if the use or structure to which it relates is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Review Authority may revoke an interim use permit it issued if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit have been violated.

Section 605 – Variances

605.01. **Variance Requests.** Requests for a variance from the strict application of the requirement of this Chapter shall comply with this Section.

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

605.03. **Procedure.** An application for a variance shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review.

605.04. **Criteria.** The following criteria shall be considered when reviewing and acting on a variance request.

- (a) The strict enforcement of this Chapter would cause practical difficulties because of circumstances unique to the individual property under consideration. “Practical difficulties” as used in connection with the granting of a variance means the property owner proposes to use the property in a reasonable manner not permitted by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, the variance is in harmony with the general purposes and intent of the Chapter, and the variance, if granted, will not alter the essential character of the Town. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction when in harmony with this Chapter.
- (b) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property have had no control.
- (c) Literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter.
- (d) The special conditions or circumstances do not result from the actions of the applicant.

- (e) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to others of other lands, structures, or buildings in the same district.
- (f) The variance shall not allow any use that is not permitted under the Chapter for a property in the district where the affected applicant's land is located.

605.05. **Recording.** The Review Authority will record, at the owners' expense, the variances it issues.

605.06 **Expiration and Revocation.** A variance shall expire and become void if the use or structure to which it relates is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Review Authority may revoke a variance if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the variance have been violated.

Section 610 – Text Amendments and Rezoning

610.01. **Amendments**. An amendment to the text of this Chapter or of the land use map, including requests to rezone property, may only occur as provided in this Section. The various types of amendments to the text of this Chapter or of the Zoning Map are referred to collectively in this Section as an amendment.

610.02. **Who May Initiate**. An amendment may be initiated by any Review Authority or by application of an affected property owner. An amendment initiated by a Review Authority shall be by resolution submitted to the Town Clerk. The Review Authority authorized to make the final decision on a proposed amendment shall not take final action until it has been processed as provided in Subsection 590.02 and the Recommending Review Authority has provided its recommendation, or until at least 60 days after the proposed amendment was submitted to the Recommending Review Authority.

610.03. **Procedure**. An application for a text amendment or rezone property shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review. If a proposed amendment is not limited to a particular zoning district so as to identify a particular Review Authority, it shall be subject to a Type 2 review procedure.

610.04. **Formalities and Recording**. Approved amendments shall be forwarded to the Town Clerk, shall be subject to the ordinance formalities applicable to towns, and shall be recorded.

Section 615 – Appeals

615.01. **Appeals**. Zoning decisions may only be appealed as provided in this Section.

615.02. **Appealable Decisions**. Only alleged errors in an order, requirement, decision, or determination made by staff in the enforcement of this Chapter are appealable to the Review Authority, which serves as the Board of Appeals and Adjustments for the purpose of deciding appeals from an alleged error in any order, requirement, decision, or determination made by an administrative officer of the Review Authority regarding a particular request on which it is the final decision-making authority. To the extent an appeal does not clearly relate to a particular zoning request for which there is an identified Review Authority, the Town Board shall serve as the Board of Appeals and Adjustments to decide the appeal. The decisions of a Review Authority on matters that it is the final decision maker are final and are not appealable to the Board of Appeals and Adjustments. Recommendations made by a Recommending Review Authority are not final decisions and are not appealable to the Board of Appeals and Adjustments.

615.03. **Notice of Appeal**. In order to bring an appeal, a person shall file a written notice of appeal with the Town Clerk, or the City Clerk if the City Council is the Review Authority, within 20 days of the date of the order or decision being appealed together with the required fee. The notice of appeal must, at a minimum, contain all of the following information:

- (a) The name, mailing address, and phone number of the person making the appeal;
- (b) The name and mailing address of all property owners of record, according to the county auditor's property tax records, within 1,320 feet of the property to which the appeal relates;
- (c) Describe the specific order or decision being appealed, the date of the order or decision, and identify the person who issued the order or made the decision;
- (d) A detailed explanation of the grounds for the appeal; and
- (e) Identify the specific relief being sought by the appeal.

615.04. **Procedure**. Notices of appeal shall be submitted and processed in accordance with this Subsection.

Subdivision 1. **Submitting the Notice**. The Clerk shall review the notice of appeal to determine if it contains all the required information and is otherwise complete. If a notice of appeal is not complete, the order or decision to which it relates is not appealable, or if it was not filed in a timely manner, the Clerk shall reject the notice of appeal. The Clerk shall provide a written notice of the rejection to the person that filed the appeal. The Clerk may seek legal assistance as needed to make a determination as to whether a notice of appeal is complete, proper, and filed in a timely manner. The Clerk shall forward complete, proper, and timely

notices of appeals to the Board of Appeals and Adjustments to conduct a hearing. The Clerk shall also provide a copy of the notice of appeal to the Joint Planning Board.

Subd. 2. Notice. At least 10 days before the date of the hearing, notice shall be published in the Town's official newspaper and mailed by first-class mail to the person bringing the appeal. The notice shall state the time, place, and purpose of the hearing. In scheduling the hearing, the Board of Appeals and Adjustments shall allow a reasonable time, not to exceed 45 days, for the Joint Planning Board to review and report on the notice of appeal.

Subd. 3. Joint Planning Board. The Joint Planning Board may review and provide a report to the Board of Appeals and Adjustments on a notice of appeal. The Joint Planning Board is not authorized to conduct a hearing on the notice of appeal. If the Joint Planning Board develops a report it shall provide it to the Board of Appeals and Adjustments prior to the scheduled hearing.

Subd. 4. Board of Appeals and Adjustments. The Board of Appeals and Adjustments shall conduct a public hearing on the notice of appeal. The appellant, or its authorized agent, is expected to attend the hearing to explain the appeal and to answer the Board of Appeals and Adjustments' questions. The Board of Appeals and Adjustments shall make the final decision regarding the matter being appealed. The Board of Appeals and Adjustments may reverse or affirm, wholly or partly, or modify the order or decision being appealed, and issue such orders, requirements, decisions, permits, or determinations, or provide such other relief as it deems appropriate. The Board of Appeals and Adjustments shall issue its decision in a written order which contains its findings. It shall provide a copy of its order to the appellant within 10 days of its issuance.

615.05. Judicial Review. Appeals from the final decisions of a Review Authority, including when acting in its capacity as the Board of Appeals and Adjustments, may be brought to district court as provided in Minnesota Statutes, section 462.361, provided such request for review is filed with the district court and properly served on the Review Authority and the Town, if it is not the Review Authority, within 30 days of the date of the decision or order being appealed.

Section 620 – Nonconforming Uses and Substandard Lots

620.01. **Intent.** Within the zoning districts established by this Chapter or amendments that may later be adopted, there may exist lots, structures, and uses of land and structures which were lawful before this Chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendments. It is the intent of this Chapter to permit the lawfully established nonconformities to continue until they are removed, but not to encourage their survival. Notwithstanding the following restrictions on nonconforming uses, this Chapter expressly allows the expansion of existing uses within the Legacy Commercial District (C-1) within the limitations set out in the Section discussing the C-1 District.

620.02. **Nonconforming Uses and Structures.**

Subdivision 1. **Allowed to Continue.** Any use or structure in existence prior to the date of enactment of this Chapter which does not conform with the use restrictions of this Chapter, or any use or structure that was subsequently rendered nonconforming by an amendment to this Chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the restrictions in this Section.

Subd. 2. **Expansions.** A nonconforming use or structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record except as expressly allowed in this Section. A prohibited expansion, enlargement, or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the nonconforming use. The Town Board may allow an expansion or extension of a nonconforming structure without a variance if the expansion or extension does not increase the nonconforming aspect of the structure. To the extent the expansion or enlargement of a nonconforming principal or accessory structure is allowed by this Section, no such expansion or enlargement may occur except upon issuance of the appropriate permits and provided that the use of the property conforms to the zoning district regulations, that the expansion or enlargement meets current zoning district regulations, and no other nonconformities are created. No other expansions of nonconforming uses or structures shall be allowed except as expressly provided in this Chapter or upon adoption of an ordinance by the Town Board. A request to expand an existing nonconforming use or structure must be submitted to the Town in writing that explains in detail the proposed expansion and identified the potential impacts of the expansion. The Town Board shall, in its sole discretion, determine whether to adopt such an ordinance and, if adopted, which conditions it shall place on the allowed expansion. Because an ordinance to allow an expansion of an existing lawful nonconforming use does not constitute a zoning ordinance or an amendment to this Chapter, the Town Board can process and act on the request and the ordinance, if one is adopted, without needing to process the request as an amendment to this Chapter. The Town Board shall seek input on the request from the Joint Planning Board and may hold a hearing on the request or request the Joint Planning Board to hold a hearing before making its recommendation.

Subd. 3. Maintenance. Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this Section prevents the placing of a structure into a safe condition after it has been declared unsafe by the Town.

Subd. 4. Alterations. Alterations may be made to a structure containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the structure. Such alterations must be approved by the Town.

Subd. 5. Burden. The burden of establishing that a nonconforming use or structure lawfully exists under this Chapter shall, in all cases, be on property owners and not the Town.

Subd. 6. Damage to Nonconforming Structures. Whenever a nonconforming structure or use is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy or to the extent of 50% or less of its estimated market value as indicated in the assessor's records at the time of damage, it may be reconstructed. The nonconforming structure or use shall not be permitted to be reconstructed if the damage is greater than 50% of the estimated market value as indicated in the assessor's records at the time of damage and no zoning and land use permit has been applied for within 180 days of when the property was damaged. If a permit is applied for within 180 days, the Town may impose reasonable conditions upon any such zoning and land use permit it may issue in order to mitigate any newly created impact on adjacent property.

Subd. 7. Replacing Nonconforming Uses. When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Chapter and it shall not thereafter be changed to any nonconforming use or structure.

Subd. 8. Discontinued Uses. If the nonconforming use of property or a structure is discontinued for a period of 12 months, the subsequent use of the property or the structure shall be in conformity with the provisions of this Chapter.

Subd. 9. Replaced Use or Structure. When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Chapter and it shall not thereafter be changed to any nonconforming use or structure.

Subd. 10. Public Nuisances. Nonconforming uses or structures which are declared by the Town to be public nuisances shall not be allowed to continue as legal nonconforming uses or structures.

Subd. 11. Nonconformities in Floodplains. No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National

Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.

Section 625 – Substandard Lots

625.01. Substandard Lots of Record.

Subdivision 1. Buildable. All lots of record, existing as of the date of this Chapter and all prior zoning and land use ordinances in the Town, that do not meet the minimum lot area and lot width requirements, may be allowed as building sites without a variance from lot size or width requirements provided that it satisfies all of the following:

- (a) The use is permitted in the particular zoning district;
- (b) The lot was created compliant with official controls in effect at the time;
- (c) The setback requirements of this Chapter are met; and
- (d) The applicable ISTS/SSTS (Individual Sewage Treatment System/Subsurface Sewage Treatment System) regulations are met.

Subd. 2. Shoreland Lots. Nonconforming lots within a designated shoreland shall be regulated in accordance with Minnesota Statutes, section 462.357, subdivision 1e, paragraphs (d) through (j) as applicable.

Section 630 – Subdivision Regulations

630.01. **Purpose.** Each new subdivision or plat of land becomes a permanent and integral part of the physical structure of the Town, the design and the development of plats subdividing property establishes a pattern for the future development of the entire community and adherence to this pattern by future subdividers becomes mandatory. Planning of subdivisions in a piecemeal manner, without proper consideration being given to the overall development of Town would lead to a chaotic patchwork of community development, making future improvements difficult, if not impossible and certainly very costly. The lack of regulations and mismanagement of subdivisions and platting of land would have a disastrous effect upon the distribution of population and would actually create areas contrasting so greatly in their environment as to provide for future so-called blighted areas from the start. Additionally, certain restrictions need to be imposed on the subdivision of land located within the Urban Services District (U-1) in order to plan for the orderly growth of the City and the extension of City services. To provide for the orderly and equitable development of both the Town and City, all subdivisions and plats of land within the limits of the Town shall, in all respects, comply with the regulations set forth in this Section.

630.02. Compliance and Administration.

Subdivision 1. **Required.** Except as hereinafter provided, no land shall be subdivided, platted, rearranged, or combined in any way which is not in conformity with these subdivision regulations. The conveyance or recording of any such land that has been subdivided, platted, rearranged, or combined shall not be allowed unless all required approvals have been obtained as provided in this Section. The rules and regulations governing plats and subdivision of land contained in this Section shall apply within the boundaries of the Town. Every division of land for the purpose of lease or sale into two or more lots, parcels or tracts within the Town or any combination of two or more lots shall proceed in compliance with this Section.

Subd. 2. **Exceptions.** The requirements of this Section shall not apply to the following:

- (a) A cemetery or burial plot while used for that purpose; or
- (b) Conveyances expressly exempt under Minnesota Statutes, section 462.358, subdivision 4b(b).

Subd. 3. **Administration.** This Section shall be administered by the Town and requests to subdivide, combine, or plat land shall be processed and acted on in accordance with this Section, the review procedures chart in Subsection 590.02, and the procedures associated with the designated type of review.

630.03. General Restrictions.

Subdivision 1. **Protection of Natural Resources.** A request to plat land may be denied if due regard is not shown for the preservation of all natural features such as large trees,

watercourses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness, stability and value to the property.

Subd. 2. Land Suitability for Subdivision. The Review Authority must find each lot created through subdivision suitable for land subdivision in its normal state for the proposed use with minimal alteration. Suitability analysis shall consider flooding, existence of wetlands, inadequate drainage, steep slopes, rock formations or other features with severe limitations for development, severe erosion potential, steep topography, important fish and wildlife habitat, near-shore aquatic conditions unsuitable for water-based recreation, presence of significant historic sites or any other feature of the natural land likely to be harmful to the safety, welfare or general health of future residents, or land which could not be adequately served by utilities or other public facilities or public access; such land shall not be subdivided unless adequate methods are provided for overcoming such conditions; or the land is platted as outlots.

Subd. 3. Flood Prone Areas. No plan shall be approved for a subdivision which is subject to periodic flooding, or which contains poor drainage facilities and which would make adequate drainage of the roads, streets, and lots not reasonably possible. However, if the subdivider agrees to make improvements which will, in the opinion of the Review Authority's engineer, make the area safe for residential occupancy, and provide adequate road, street, and lot drainage, the Review Authority may approve the requested subdivision. The approval of a subdivision does not imply that the land so divided will be free from flooding or flood damages. This Section shall not create liability on the part of the Review Authority or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decisions lawfully made hereunder.

Subd. 4. Approvals Necessary for Acceptance and Recording of Subdivision. Before any plat or subdivision of land shall be recorded or be of any validity, it shall be approved by the Review Authority as having fulfilled the requirements of this Chapter. No plat or subdivision shall be entitled to be recorded in the Stearns County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Chapter.

Subd. 5. Restrictions on Filing and Recording Conveyances. No conveyance of land to which these regulations apply shall be filed or recorded with the County Recorder's Office if the land is described by metes and bounds, by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after the regulations became effective. The foregoing provision does not apply to a conveyance if the land described:

- (a) Was a separate parcel of record prior to the effective date of adoption of subdivision regulations within the Town;
- (b) Was the subject of a written agreement to convey that which was entered into prior to such date;
- (c) Was a separate parcel of not less than two and one-half acres in area and 150 feet in width on January 1, 1966;

- (d) Was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980;
- (e) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or
- (f) Is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.

Subd. 6. Certificate of Compliance. To the extent a parcel may be conveyed by metes and bounds under one of the exceptions, such transfer shall require a certificate of compliance duly executed by the Town Clerk after approval of the Town Board prior to recording of the land transfer in the County Recorder's Office. The Town Board may refuse to take over tracts as streets or roads or to improve, repair, or maintain any tracts which have not been subdivided in accordance with this Section.

Subd. 7. Waivers. In any case in which compliance with the conveyance restrictions in this Subsection will create practical difficulties and failure to comply does not interfere with the purpose of the subdivision regulations, the Town Board may waive such compliance by adoption of a resolution and issuance of a certificate of compliance to that effect allowing the conveyance to be filed or recorded.

Subd. 8. Penalties. It shall be unlawful for an owner or agent of an owner who conveys a lot or parcel in violation of this Subsection. Such person is subject to civil and criminal penalties as provided in this Chapter and Minnesota Statutes, section 462.358, subdivision 4b.

Subd. 9. Building Permits. No building permits shall be issued by the Town for the construction of any building, structure or improvement to the land or to any lot in a subdivision as defined herein, until all requirements of this Section have been fully met. The Town may allow the installation of foundations after the aggregate base course is applied to streets. The Town may allow the placement of structural members following the installation of the first lift of bituminous surfacing providing street signs have been placed. Except otherwise provided by this Section, all electric and gas distribution lines or piping, roadways and other similar improvements shall be constructed only on a street, alley or other public way or easement which is designated on an approved plat, or properly indicated on the Official Map of the Town, or which has otherwise been approved by the Town Board. Upon adoption of an Official Map, no permit for the erection of any building shall be issued unless the building is to be located upon a parcel of land abutting on a street or highway which has been designated upon an approved plat or on the official map or which has been otherwise approved by the Town Board and unless the buildings conform to the established building line. No permit shall be issued for the construction of a building on any lot or parcel conveyed in violation of the provisions of this Section.

Subd. 10. Established Monuments. All federal, state, county and other official monuments, bench marks, triangulation points, and stations shall be preserved in their precise location; and it shall be the responsibility of the Developer to insure that these markers are maintained in good condition during construction and development. All section, quarter section, and sixteenth section covers shall be duly described and tied.

Subd. 11. Effect of Subdivision Approval. For one year following preliminary approval and for two years following final approval, unless the subdivider and the Review Authority agree otherwise in writing, no amendment to an official control shall apply to or affect the use, development density, lot size, lot layout, or dedication or platting required or permitted by the approved application. Thereafter, pursuant to these regulations, the Review Authority may extend the period by agreement with the subdivider subject to all applicable performance conditions and requirements, or it may require submission of a new application unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned staged development, the Review Authority may by resolution or agreement grant the rights referred to herein for such periods of time longer than two years which it determines to be reasonable and appropriate.

Subd. 12. Legal Descriptions. The applicant shall be responsible for providing, at its own cost, all legal descriptions and surveys required for the particular approval being sought under this Section. The applicant is responsible the accuracy of the legal descriptions and for making any corrections, or providing any additional information, that may be required by the County to record the subdivision or plat.

Subd. 13. Review Expenses. All of the survey, engineering, legal, administrative and planning expense incurred by the Town and the Review Authority as a result of the plat review and inspection shall be paid by the subdivider prior to acceptance of the final plat. Any expense involving the Town Engineer in performing any work ordered by the Review Authority or by the Subdivider shall be made a part of the construction expense and paid for from the funds deposited by the Subdivider. Administrative expenses shall include any and all expenses incurred by the Review Authority in the review and inspection of the plat including, but not limited to mileage, compensation for time spent by Review Authority officials and any costs in excess of the public hearing fee related to the conducting of a public hearing or hearings.

Subd. 14. Resubdivisions. Whenever an existing plat is resubdivided, the subdivider shall comply with all of the requirements of this Chapter deemed applicable by the Review Authority.

Subd. 15. Zoning. Prior to the approval of the preliminary plat, the subdivider shall proceed to rezone any or all plats to the proper zoning classification. Rezoning shall require a formal petition to be submitted by the owner in accordance with the applicable provisions of this Chapter.

630.04. **Subdivision Methods and Lot Combinations.** The methods of subdividing and combining land are as follows:

- (a) Lot line adjustments regulated under Subsection 630.06;
- (b) Lot combination regulated under Subsection 630.07;
- (c) Minor subdivision regulated under Subsection 630.08; and
- (d) Major subdivision regulated under Subsection 630.09.

630.05. **Review Criteria.** The Review Authority shall consider the following factors, together with any additional criteria established for the particular approval being requested, when reviewing a requested subdivision under this Section.

- (a) The proposed subdivision of land will not result in more lots than allowed under the particular method of subdivision;
- (b) All necessary utility and drainage requirements are fulfilled and easements are provided for;
- (c) All lots to be created by the subdivision conform to lot area and width requirements;
- (d) All Town zoning requirements are met;
- (e) Lots created have direct access onto a public street;
- (f) Unless waived by the Review Authority, the property has not been divided through the provisions of this Section within the previous five years;
- (g) The subdivision meets all design and dedication standards as specified elsewhere in this Chapter;
- (h) All basic improvements required by this Chapter are installed in accordance with Town standards; and
- (i) No subdivision of any parcel of land or portion thereof shall result in buildings and/or uses becoming nonconforming.

630.06. **Lot Line Adjustments.**

Subdivision 1. **Lot Line Adjustment.** The division of land made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between adjacent lots which does not create any new lots, tracts, parcels or sites; nor does a boundary adjustment create any lot, tract, parcel or site which contains insufficient area

and dimensions to meet minimum requirements for width, lot size, and area for building as required by this Chapter. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.

Subd. 2. Procedure. An application for a lot line adjustment shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review.

Subd. 3. Submittals. In addition to a completed application form, a request for a lot line adjustment shall include the following submittals:

- (a) Legal descriptions of the original parcels and of the resulting parcels; and
- (b) A certificate of survey showing the original parcels and the resulting parcels, including the lot dimensions.

Subd. 4. Recording. The Town will record, at the owners' expense, the lot line adjustment approval.

630.07. **Lot Combination**.

Subdivision 1. Lot Combination. The combination of two or more lots into a single lot shall require approval as provided in this Subsection.

Subd. 2. Procedure. An application for a lot combination shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review.

Subd. 3. Submittals. In addition to a completed application form, a request for a lot combination shall include the following submittals:

- (a) Legal descriptions of the original parcels and of the resulting parcel; and
- (b) A certificate of survey showing the original parcels and the resulting parcel, including the resulting lot dimensions.

Subd. 4. Recording. The Town will record, at the owners' expense, the lot combination approval.

630.08. **Minor Subdivision**.

Subdivision 1. Minor Subdivision. A minor subdivision is any subdivision containing three or less lots fronting on an existing public street, or approved private driveway, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provisions of this Chapter. Minor subdivisions are subject

to Minnesota Statutes, section 462.358 and shall be platted in accordance with Minnesota Statutes, chapter 505.

Subd. 2. Sketch Plan. The Town recognizes the fact that a preliminary study and evaluation may save the subdivider considerable expense should the property in question be undevelopable or the subdivision as proposed be unfeasible. Before submitting an application the subdivider may submit a sketch plan showing the general layout as proposed for the subdivision. This sketch plan shall be submitted to the Town Clerk who in turn shall submit the sketch to the Recommending Review Authority and the Review Authority for study to determine whether such a plan is feasible and in compliance with the general rules and regulations of the Town. The subdivider is not required to submit a sketch plan. If a sketch plan is submitted, the report and determinations of the Recommending Review Authority and the Review Authority of a sketch plan are not be binding on the Review Authority and they shall not affect subsequent consideration of the preliminary or final plats. This service is offered to subdividers in an effort to acquaint them with the fundamental principles of the platting property in the Town.

Subd. 3. Procedure. Requests for a minor subdivision shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures applicable to subdivisions. Unless the Review Authority directs otherwise, the preliminary and final approvals for a minor subdivision may be granted at the same time.

Subd. 4. Submittals. In addition to a completed application form, a request for a minor subdivision shall include the following submittals:

- (a) Legal description of the original parcel and of the resulting lots;
- (b) A plat prepared by a Minnesota licensed land surveyor showing all information required by Minnesota Statutes, chapter 505 and the following:
 - (1) Scale, one (1) inch equals fifty (50) feet or less and North point;
 - (2) Existing zoning district, existing site improvements, and existing boundaries with lot dimension and area;
 - (3) All encroachments;
 - (4) Easements of record;
 - (5) Legal description of the property;
 - (6) Ponds, lakes, springs, rivers, wetlands, floodplains, or other waterways bordering on or running through the subject property;
 - (7) The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided along with proposed zoning;

- (8) The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least six (6) feet in width for interior lots, twelve (12) feet in width for corner lots must be provided along all property lines. A drainage and utility easement may also be required over wetland, ponds, lakes and drainage channels and tributaries. Dedication of roadway easements consistent with Town, county, and regional plans may also be required; and
 - (9) Additional information determined necessary by the Town and the Review Authority to ensure compliance with the Town's requirements.
- (c) Drainage, grading, and erosion control plans;
 - (d) Wetland delineation report and map;
 - (e) Topographic data at ten (10) foot contour intervals;
 - (f) Buildable area on the proposed lots;
 - (g) Driveway access points; and
 - (h) Other information as may reasonably be required by the Review Authority.

Subd. 5. Recording. The Town will record, at the owners' expense, the minor subdivision approval.

630.09. **Major Subdivisions**.

Subdivision 1. Major Subdivision. All subdivisions not classified as a lot line adjustment or minor subdivision including, but not limited to, a subdivision of four or more lots, or any size subdivision requiring any new street or extension of an existing street, shall constitute a major subdivision. All major subdivision shall be platted in accordance with Minnesota Statutes, chapter 505.

Subd. 2. Platting Procedure. A request for a major subdivision shall be submitted and processed in accordance with the following Subsections. The following steps are involved in seeking approval for the platting of a major subdivision:

- (a) Concept plan;
- (b) Preliminary plat; and
- (c) Final plat.

For a major subdivision, the Review Authority must separately review and approve the preliminary plat as provided in Subsection 630.12 and then the final plat as provided in

Subsection 630.13. An applicant shall not apply for final plat approval until the Review Authority has approved the preliminary plat and the applicant has satisfied all conditions imposed on the preliminary approval.

630.10. Concept Plan – Pre-Application Meeting.

Subdivision 1. Pre-Application Meeting. Prior to the preparation of a preliminary plat an applicant is required to present a concept plan to the Review Authority for review and comment. Review of the concept plan provides the Review Authority an opportunity to determine whether the proposed subdivision is premature, based on criteria established in this Section. An applicant shall prepare and submit for the concept plan review five large-scale copies and five reduced scale (11” x 17”) copies of a concept plan of the proposed subdivision to include future phases and an estimated timetable for development. One copy of the concept plan shall also be submitted electronically.

Subd. 2. Not Formal Filing. Submission of a concept plan shall not constitute formal filing of a plat with the Review Authority. Instead, it provides the applicant an opportunity to discuss the proposed plat with the Review Authority and its staff to receive input and direction. The Review Authority may refer the concept plan to the Recommending Review Authority for review and comment as part of the informal review process. Such referral shall not constitute formal filing of a plan with the Review Authority, but rather shall allow for a non-binding review of the proposal to ensure compliance with design standards and to identify possible modifications necessary to secure approval. Any advice, comments, or recommendations for modification made by the Recommending Review Authority and the Review Authority are advisory only and shall not constitute approval or a commitment to approve.

Subd. 3. Compliance. As far as may be practical on the basis of a concept plan, the Review Authority will informally advise the developer as promptly as possible of the extent to which the proposed subdivision conforms to the design standards of this Chapter and will discuss possible plan modifications necessary to secure conformance.

Subd. 4. Required Contents. All concept plans required by this Subsection shall contain, at a minimum, the following information:

- (a) Plat boundaries;
- (b) North arrow and scale of plan (engineering scale only – one inch equals 100 feet);
- (c) Street names and the layout on adjacent to the proposed plat;
- (d) Designation of land use, current and proposed zoning and current land cover (cultivated areas, paved areas, and the like), all buildings and structures on the land and all encumbrances or covenants;
- (e) Significant topographical or physical features;

- (f) General lot locations and layout;
- (g) Proposed playgrounds and parks;
- (h) Potential ponding sites;
- (i) Soil type locations and identification of soil type characteristic such as hydric soils and depth to bedrock as determined by the Natural Resource Conservation Service (NCRS);
- (j) Preliminary evaluation by the applicant that the subdivision is not classified as premature based upon criteria established in this Chapter;
- (k) Additional written data shall include approximate number of lots, typical lot width and depth, and any proposed zoning changes; and
- (l) In addition to the required paper copy submittals, the Review Authority may require that the information also be submitted in an electronic format designated by the Review Authority.

630.11. Preliminary Plat Process.

Subdivision 1. Purpose. The preliminary plat is intended to illustrate proposed subdivision of properties within the Town. Such approval shall be required for all subdivisions of land not specifically exempted within this Section.

Subd. 2. Application. Following the pre-application meeting and following review of the concept plan, the applicant shall prepare a request for approval of the preliminary plat for the subdivision and submit it to the Town Clerk. The Town Clerk shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fees. If an application is not complete, the Town Clerk shall provide the applicant written notice of what information is needed in order to make the application complete within 15 business days of the Town's receipt of the application.

Subd. 3. Required Submittals. An application for preliminary plat approval shall be accompanied by five large-scale and five reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Section. One copy of the preliminary plat shall also be submitted electronically. If, in the opinion of the Town Clerk, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The applicant shall also supply proof of title and the legal description of the property for which the subdivision is requested, consisting of an abstract of title or registered property abstract currently certified together with any unrecorded documents whereby the petitioners acquire a legal or equitable ownership interest and as applicable, supply documented authorization from the owner(s) of the property in question to proceed with the requested subdivision. The applicant shall also submit any necessary applications for variances

from the provisions of this Section. The Town Clerk shall forward a complete application to the Recommending Review Authority to conduct a hearing.

Subd. 4. Technical Reports. The Town Clerk shall instruct the staff as appropriate to prepare technical reports and provide general assistance in preparing a recommendation on the action to the Review Authority. This may include the Town Engineer, Building Official, Town Attorney, and public or private utilities, among others. The presence of any of the above, which may be considered an employee of the Town, will not preclude the Review Authority from obtaining a recommendation from an independent contractor performing similar duties and responsibilities if, in the opinion of the Review Authority, the independent contractor possesses a set of skills and abilities required for a fair evaluation of the request.

Subd. 5. Additional Review. The Town Clerk shall also refer copies of the plat map to the following individuals or bodies:

- (a) Town Engineer;
- (b) Town Attorney;
- (c) School District, if applicable;
- (d) County Engineer if the proposed subdivision includes land abutting a County or County State-Aid Highway;
- (e) State Commissioner of Natural Resources if the proposed subdivision adjoins a public body of water;
- (f) The Watershed District Board, if applicable; and
- (g) Review Authority.

Subd. 6. Additional Information. The Recommending Review Authority, the Review Authority, and their staff shall have the authority to request additional information from the applicant concerning the proposed subdivision and its operational factors or impact, or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors or impacts, when said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter. Failure on the part of the applicant to supply all necessary supportive information may be grounds for denial of the request.

Subd. 7. Review Procedure. An application for preliminary plat approval shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with subdivisions. The entity designated as the Review Authority shall make the final decision on both the application for preliminary plat approval and on the application for final plat approval.

Subd. 8. Findings for Preliminary Plat. The Recommending Review Authority and the Review Authority shall consider the following factors before recommending or granting preliminary plat approval.

- (a) The proposed preliminary plat conforms to the requirements of this Chapter and the applicable zoning district regulations.
- (b) The proposed subdivision is consistent with the Town's official controls and any other adopted land use studies and is compatible with the platting or approved preliminary plat on adjoining lands.
- (c) The physical characteristics of the site, including but not limited to topography, vegetation, wetlands, ground water elevation, susceptibility to erosion and siltation, susceptibility to flooding, water storage and retention, are such that the site is suitable for the type of development or use contemplated.
- (d) The design or improvement of the proposed subdivision complies with applicable plans of the County and the state of Minnesota.
- (e) The design or improvement of the proposed subdivision is not likely to cause environmental damage or health problems.
- (f) The completion of the proposed development of the subdivision can be achieved in a timely manner so as not to cause an undue economic burden upon the Town for maintenance, repayment of bonds or similar burden.
- (g) That permits applicable to the site/project as required by local, state and federal law have been applied for and/or have been approved. The applicant is required to prove compliance with all local, state and federal law. The Town and/or its assigns may determine if whether an application for approval is sufficient.

Subd. 9. Notice of Decision. The Town Clerk shall notify the applicant of the Review Authority's decision together with the conditions and requirements that must be met in order to submit the plat for final approval. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.

Subd. 10. Amending Preliminary Plat. Should the applicant desire to amend a preliminary plat as approved, an amended preliminary plat may be submitted. The Review Authority may require the applicant to follow the same procedure as a new preliminary plat. No public hearing will be required unless the amendment, in the opinion of the Review Authority, is of such scope as to constitute a new preliminary plat. A filing fee as established by the Town Board shall be charged for processing the amendment.

Subd. 11. Denial; Effect on Resubmission. Preliminary plats that have been denied shall not be reintroduced for a period of one year unless substantial changes have been made. The Review Authority may waive this limitation by a simple majority vote.

630.12. **Preliminary Plat Data Requirements.** An applicant shall prepare and submit a preliminary plat, together with any necessary supplementary information as may be required by the Review Authority, that complies with the requirements of this Subsection. Upon specific request, the Town Clerk may exempt an applicant from the submission of data which is not considered relevant to the application.

Subdivision 1. Contents. In addition to any information required by Minnesota Statutes, chapter 505, the preliminary plat shall comply with and contain all of the following:

- (a) The proposed name of the subdivision; names shall not duplicate or be alike in pronunciation to the name of any plat theretofore recorded in Stearns County;
- (b) Location of boundary lines in relation to a known section, quarter section or quarter-quarter section lines comprising a legal description of the property;
- (c) Name, address, phone number, and where applicable license number of the record owner(s), any agent having control of the land, the applicant, land surveyor, engineer and designer of the plan;
- (d) Graphic scale of one (1) inch to fifty (50) feet;
- (e) North point and key map of the area, showing well-known geographical points for orientation including streets within a one-half mile radius;
- (f) Date of preparation;
- (g) The legal description of the land contained within the subdivision including the total acreage of the proposed subdivision. The legal description shall also be provided in an electronic form at the time of the application;
- (h) An indication as to which lands are registered torrens property or abstract property. If land is registered property, a registered land survey shall be required;
- (i) A list of any liens or encumbrances;
- (j) Elevation benchmarks used for the topographic survey and datum on which they are based;
- (k) Reference to the coordinate system used for the survey;
- (l) Results of site evaluation, including percolation tests and soil borings.

- (m) Existing zoning district, existing site improvements, and existing boundaries with lot dimension and area;
- (n) All encroachments;
- (o) Easements of record;
- (p) Ponds, lakes, springs, rivers, wetlands, floodplains, or other waterways bordering on or running through the subject property.
- (q) The boundary(ies) and legal description(s) of the lots as they are proposed to be subdivided along with proposed zoning.
- (r) The boundary and legal description of any proposed easements on the property. A drainage and utility easement at least six (6) feet in width for interior lots, twelve (12) feet in width for corner lots must be provided along all property lines. A drainage and utility easement may also be required over wetland, ponds, lakes and drainage channels and tributaries. Dedication of roadway easements consistent with Town, county, and regional plans may also be required; and
- (s) Additional information determined necessary by the Town and the Review Authority to ensure compliance with the Town's requirements.

Subd. 2. Existing Conditions. The following are a list of existing conditions which must be shown:

- (a) Boundary lines to include bearings, distance, curve data, and total acreage of proposed plat, clearly indicated;
- (b) Existing zoning classifications for land in and abutting the subdivision;
- (c) Total area of the proposed plat;
- (d) Location, right-of-way width, and names of existing or platted streets or other public ways, parks and other public lands, permanent buildings and structures, easements and section, corporate and school district lines within the plan, to a distance of 150 feet beyond the plat;
- (e) Location size, and elevations of existing sewers, water mains, culverts or other underground facilities within the preliminary plat area and to a distance of 150 feet beyond. Such data as top grades and locations of catch basins, manholes, elevations, invert elevations, hydrants and the street pavement width and type also shall be shown;

- (f) Boundary lines of adjoining un-subdivided or subdivided land, within 150 feet of the plat, identified by name and ownership, including all contiguous land owned or controlled by the applicant;
- (g) Topographic data, including contours at vertical intervals of not more than one foot shown on a contour/topographic map. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features also shall be shown. U.S.G.S. datum shall be used for all topographic mapping;
- (h) Base flood elevations, the regulatory flood protection, and boundaries of floodway and flood fringe areas, if known, taking into consideration the Flood Insurance Study and Flood Insurance Rate Map.
- (i) Geotechnical data prepared by a qualified soils engineer showing surface and subsurface soils and groundwater elevations in sufficient detail to show the site to be suitable for the development proposed;
- (j) A vicinity map at least 4" x 4" in size on the full size plans showing the relationship of the proposed subdivision to adjacent properties, roads, rights-of-way, and other property and subdivisions within 350 feet of the proposed subdivision, and the relation of the plat to the surrounding zoning districts;
- (k) All existing survey monuments that have been found; and
- (l) Areas in the plat which have been designated as shoreland, delineated wetlands and/or floodplains by the Department of Natural Resources, including the high water level of all wetlands.

Subd. 3. Proposed Design Features. The following are a list of proposed design features:

- (a) Layout of proposed streets showing the right-of-way widths, centerline gradients, roadway widths, typical cross-sections, and proposed names of streets in conformance with Town street identification policies, if applicable. The name of any street heretofore used in the Town or its vicinity shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used;
- (b) Locations and widths of proposed alleys and pedestrian ways;
- (c) Location, dimension, and purpose of all easements;
- (d) Layout, numbers, lot areas, and preliminary dimensions of lots, blocks, and outlots. The total number of proposed lots, their minimum, maximum, and average size in square footage;
- (e) Minimum front and side street building setback lines;

- (f) When lots are located on a curve, the width of the lot at the building setback line;
- (g) Building pads intended for construction, including the type of structure and low floor, low opening, and garage floor elevations and driveway slope percentages;
- (h) Areas, other than streets, alleys, bikeways, pedestrian ways, and utility easements, intended to be dedicated or reserved for public use, including the size of such an area or areas in acres;
- (i) Preliminary grading plan prepared and signed by a licensed engineer with minimum one foot contours which shall include the proposed grading and drainage of the site: prior to, during and post-construction. The preliminary grading plan shall include, but not be limited to, the illustration of provisions for erosion control, hydrology calculations and drainage. Also to be stipulated are the garage floor, first floor, lowest opening and lowest floor elevations of all structures;
- (j) The location, size and proposed improvements for proposed parks, playgrounds and public open spaces; churches or school sites or other special uses of land to be considered for dedication to public use or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation;
- (k) Proposed pedestrian ways, sidewalks, trails, drainage easements, and utility easements;
- (l) Drainage calculations for two, 10, and 100-year storm events and 10-day snow melt events in a HydroCad format;
- (m) Proposed plan for surface water management, ponding, drainage, and flood control, including normal water level and high water level of all ponds and watercourses;
- (n) Emergency overflow elevations and overland overflow routes;
- (o) In addition to the paper copy submittals, all information shall be submitted in electronic format to allow the Town to review it electronically. All drawings shall be provided in AutoCAD or MicroStation format and a scalable PDF format; and
- (p) The items listed in this Subsection shall be in conformance with all other applicable sections of this Chapter and the Town's Zoning Code.

Subd. 4. Supplementary Information. The following are a list of items which the Applicant shall consider or the Review Authority may require be provided:

- (a) A build-out plan as defined by the Review Authority and/or its assigns;

- (b) Proposed protective covenants or private restrictions;
- (c) Proposed phasing/staging plan for any project involving more than one construction season which sets forth the chronological order of construction and relates to the proposed uses and structures to the construction of various service facilities and gives estimated completion dates;
- (d) A listing of all required federal, state, and local permits and status of all such applications. This includes a wetland permit if the proposed plat indicates any impacts to a wetland area;
- (e) A plat overlay on an aerial photo, illustrating the relationship of the proposed subdivision to the surrounding area;
- (f) An analysis prepared by a qualified person identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing. A vegetation preservation and protection plan that shows those trees proposed to be removed, those to remain, the types and locations of trees and other vegetation that are to be planted may also be required;
- (g) A statement of the proposed use of lots stating type of buildings with number of proposed dwelling units or type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population. The Review Authority may require the applicant to have formal traffic or other studies performed to the Review Authority's satisfaction which show the effect of the proposed development on traffic, fire hazards, congestion, or other matters of public concern;
- (h) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions, shall be shown. Such proposed zoning plan shall be for information only and shall not vest any rights in the Applicant;
- (i) A plan for soil erosion and sediment control both during construction and after development has been completed. The plan shall include gradients of waterways, design of velocity and erosion control measures, design of sediment control measures, and landscaping of the erosion and sediment control system. Such plans are to be in accordance with the technical standards and specifications of the Soil Conservation Service, as provided by Stearns County Soil and Water Conservation District Office;
- (j) An environmental review shall be submitted if the Review Authority, Review Authority's consultants, or other groups or agencies determine that one is required by law or if it is determined that a discretionary review is appropriate;

- (k) Applications, statements, and supporting documentation and plans for rezoning, variances, or conditional use permit approvals being sought for the subdivision; and
- (l) Such other applicable information as may be required by the Review Authority.

630.13. **Final Plat Process.**

Subdivision 1. Purpose. A final plat is a drawing representing the proposed subdivision of land within the Town and serves as the document for recording purposes, as required by the County Recorder's Office. Once a preliminary plat has been approved by the Town Board, and all conditions imposed on the preliminary plat approval are satisfied, the developer may submit a request for final plat approval.

Subd. 2. Application. After the preliminary plat has been approved, a final plat shall be submitted for review as set forth in the following Subsections. The applicant shall prepare a request for approval of the final plat for the subdivision, as provided within this Section, and submit it to the Town Clerk within 12 months of the preliminary plat approval. If an applicant fails to submit a completed application for final plat approval within 12 months, the preliminary plat approval shall expire and the applicant shall be required to restart the process with a new application process. The Town Clerk shall review the application to determine if it contains all the required information and is otherwise complete, including payment of the required fees. If an application is not complete, the Town Clerk shall provide the applicant written notice of what information is needed in order to make the application complete within 15 business days of the Town's receipt of the application. The Town Clerk shall forward a complete application to the Recommending Review Authority.

Subd. 3. Required Submittals. An application for final plat approval shall be accompanied by three large-scale and five reduced scale (not less than 11"x17") copies of a preliminary plat and supportive information in conformity with the requirements of this Chapter. If, in the opinion of the Town Clerk, reduced scale drawings (11"x17") are determined to be illegible, the submission of larger scale materials shall be required. The scale of such materials shall be the minimum necessary to ensure legibility. The final plat shall incorporate all changes, modifications and revisions required by the Review Authority, otherwise, it shall strictly conform to the approved preliminary plat. All final plats shall comply with the provisions of Minnesota Statutes, the requirements contained in this chapter, and all other applicable law. An applicant shall submit with the final plat a current Abstract of Title or Registered Property Certificate, along with any unrecorded documents, and a Certificate of Title.

Subd. 4. Review Process. An application for final plat approval shall be submitted and processed in accordance with the review procedures chart in Subsection 590.02 and the procedures associated with the designated type of review. The Recommending Review Authority and the Review Authority shall be the same entities as those who served those roles in the processing of the application for preliminary plat approval.

Subd. 5. Required Findings for Final Plat. The Recommending Review Authority and the Review Authority shall consider the following factors before recommending or granting final plat approval.

- (a) The final plat conforms to the approved preliminary plat and any/all conditions for approval of the preliminary plat.
- (b) All submission requirements have been satisfied.
- (c) The plat conforms to all applicable requirements of this Chapter, subject only to approved exceptions.

Subd. 6. Notice of Decision. The Town Clerk shall notify the applicant of the Review Authority's decision on the final plat together with the reasons for its decision.

Subd. 7. Development Agreement. Prior to approval of a final plat, the applicant shall have executed a development agreement with the Town that is in a form acceptable to the Town Board. The development agreement shall address the installation and maintenance of any required public improvements, the standards to which they shall be built, the payment of any fees, and such other matters as the Town determines are appropriate related to the platting and development of the subdivision. The applicant shall be responsible for the costs the Town incurs to prepare, finalize, and record the development agreement. If the Town is not the Review Authority for the plat, the Review Authority shall be a party to the development agreement and the applicant shall reimburse the Review Authority the costs it incurs related to the development agreement.

Subd. 8. Signing the Plat. Upon receiving an approved final plat in conformance with the requirements of the approvals the Town Chairperson and Town Clerk shall sign the plat, and the applicant, as a condition of approval, shall record the approved and signed final plat with the County Recorder within 180 unless otherwise determined and indicated within the executed development agreement.

Subd. 9. Release of Plat for Recording. The final plat shall not be released by the Town for recording with the County Recorder's office until all of the following have been completed:

- (a) The recording of signatures upon the plat as specified in this Section;
- (b) Execution of the development agreement;
- (c) The submittal of necessary financial guarantees and development fees to the Town;
- (d) Payment of all outstanding costs and fees by the applicant;
- (e) The provision of easements or deed as may be required by the Town for trailways, ponding, parks, utilities, or similar purposes in a form prescribed by the Town Attorney; and

(f) Final evidence of Title ownership.

Subd. 10. Recording of Final Plat. Upon approval of the final plat, it shall be the responsibility of the applicant to file the plat with the County Recorder's office. The plat shall be recorded within 60 days after the date of final approval by the Review Authority. Failure to record the plat within the required period shall render the approval null and void.

Subd. 11. Evidence of Recording. The applicant shall, within 30 days of recording, furnish the Review Authority with three blue or black line prints and one mylar of the final plat showing evidence of the recording. The applicant shall provide an electronic copy of the approved final plat in a format acceptable to the Review Authority and consistent with the Stearns County coordinate system. Failure to furnish such copies shall be grounds for refusal to issue building permits for lots within a plat.

Subd. 12. Public Dedications. All dedications of land to the public within a plat for streets, parks, drainage, utilities, or for any other purpose shall be to the Town, regardless of which entity serves as the Review Authority regarding the subdivision. Dedicated areas shall transfer to the City upon annexation in accordance with Minnesota Statutes, chapter 414.

Subd. 13. Continuation of Approval. Upon receiving approval of a final plat for a portion of an approved preliminary plat, a continuation or the recognition of the preliminary plat is not required to maintain its approval. In the event an amendment to this Section is adopted which requires a larger minimum lot size for land not yet platted and recorded, the larger minimum lot size may be required for any additional platting. If the applicant is unable to file a final plat application within the required one year, such person shall file a written request for an extension of the final plat approval with the Town Clerk and receive approval of the Review Authority 30 days prior to the lapse of approval. Said applicant's request shall specify and the Review Authority shall, if approved, determine the length of time for filing and for the preliminary plat to remain in full force and effect.

630.14. Final Plat Data Requirements.

Subdivision 1. Final Plat. As required herein, the applicant shall submit a final plat together with any necessary supplementary information that may be required. The final plat, prepared for recording purposes, shall be prepared in accordance with the applicable provisions of Minnesota Statutes and Stearns County regulations, and such final plat or accompanying submittals shall contain the following information:

- (a) Name of the subdivision, which shall not duplicate or too closely approximate the name of any existing plat theretofore recorded in the Town or its vicinity and which shall be subject to Review Authority approval;
- (b) Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision;

- (c) The location of monuments shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments on the nearest established street lines, including true angles and distances to such reference points or monuments. The applicant shall provide coordinating data on all subdivision documentation in a format approved by the Town Engineer;
- (d) Location of lots, outlots, streets, public highways, alleys, and parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground shall be shown. Dimensions shall be shown from all angle points of curve to lot lines;
- (e) Lots shall be numbered clearly, blocks are to be numbered, with numbers shown clearly in the center of each block;
- (f) A drawing or listing of total square footage per lot, acreage per block, square footage or acreage of each land use proposed (where applicable) and total acres in the plat;
- (g) The exact locations, widths, and names of all streets to be dedicated;
- (h) The location, purpose, and width of all easements to be dedicated;
- (i) The name, address, and phone number of the surveyor making the plat;
- (j) A scale of the plat to be 1"=100', date, and north arrow;
- (k) A current abstract of title or a registered property certificate along with any unrecorded documents that are subject to review and approval by the Town Board;
- (l) Copies of any protective or restrictive covenants affecting the subdivision or any part thereof;
- (m) A statement dedicating to the public all easements;
- (n) A statement dedicating to the public all streets, alleys, and other public areas not previously dedicated;
- (o) Such other information that shall be required by the Review Authority following final plat approval, including but not limited to the following:
 - (1) A signed development agreement approved by the Review Authority which includes provisions for a financial guarantee of cash escrow or letter of credit, as provided for in this Section;

- (2) A complete set of construction plans and specifications to construct the required public improvements and to make the subdivision suitable for development, which conform to the Town requirements. The construction plans for the required improvements shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota and shall conform in all respects to the standards of the Town and the applicable ordinances. Such plans together with the quantity of construction items shall be submitted to the Town Engineer for approval;
 - (3) A certified mylar copy of the plat evidencing filing of the plat with the County within 60 days after approval by the Review Authority. No building permits shall be approved for construction of any structure on any lot in said plat until the Review Authority has received evidence of the plat being recorded by Stearns County;
 - (4) Three complete sets of 11" x 17" reproducible as-built construction drawings for any public improvements constructed in the subdivision shall be furnished to the Review Authority and the Town Engineer, within 120 days after the construction is complete and approved by the Review Authority. In addition one digital GIS formatted copy and one scanned copy for imaging shall be submitted to the Town;
 - (5) Upon adoption and filing of a final plat, the Review Authority shall prepare a street address map and distribute it to the applicant, utility companies, police department, ambulance, fire department, post office and County; and
 - (6) A digital disk of the recorded plat consistent with the Stearns County coordinate system in a format specified by the Review Authority and/or the Town Engineer for inclusion in the Town's base map.
- (p) The following information is also required:
- (1) Certification by a registered surveyor in the form required by Minnesota Statutes, section 505.03;
 - (2) Execution by all owners of any interest in the land and holders of a mortgage thereon of the certificates required by Minnesota Statutes, section 505.03, and which certificate shall include a dedication of the utility easements and other public areas in such form as approved by the Town Board; and
 - (3) Space for a certificate of approval and review to be filled in by the signatures of the Town Chairperson and Town Clerk in the following form:

FOR APPROVAL OF THE TOWN OF LE SAUK:

This plat of (name of plat) was approved and accepted by the Town of Le Sauk, Minnesota, at a regular meeting thereof held this ____ day of _____.

TOWN BOARD OF LE SAUK, MINNESOTA

By _____, Chairperson

By _____, Clerk

630.15. **Reserved.**

630.16. **Development Agreement.** The Review Authority may condition its approval of a minor subdivision, and shall condition the approval of a major subdivision, on the owner and subdivider entering into a development agreement with the Review Authority, or exclusively with the Town. The Town shall be a party to every development agreement for subdivisions occurring within the Town, regardless of which entity serves as the Review Authority. The development agreement must be in a form acceptable to the Review Authority and the Town Board.

630.17. **Required Improvements.** All required improvements shall be made by the subdivider in accordance with the plans and specifications approved by the Town Board and in accordance with the requirements of this Section. Required improvements shall be those improvements deemed necessary by the Town Board for completion of the plan and may include, but are not limited to, drainage improvements, grading, and road improvements. If the Town Board is not the Review Authority, it shall consult with the Review Authority regarding the required improvements. All improvements must be approved by the Town Engineer who shall be responsible only to the Town Board. The Town Board may, upon the request of the subdivider, allow the improvements of any part of the roads and utilities in a subdivision at one time provided, however, that such portion of the total required construction shall have been agreed to by the Town Board and the subdivider prior to approval of the final plat. Any agreement permitting partial improvements shall include a stipulation that no building permits will be requested or issued for lots in the plat except on lots having access to roads on which the required improvements have been completed or arranged for in accordance with the requirements of this Section.

630.18. **Costs, Development Agreement, and Financial Security.**

Subdivision 1. Costs. The required improvements to be furnished and installed by the subdivider are to be furnished and installed at the sole expense of the subdivider and at no expense to the Town or the Review Authority. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the Town Board may assess a portion of the cost of the improvement, representing the benefit to those lands outside the subdivision. In the alternative, the Town Board may choose to pay the increased cost, and assess for improvements when future development takes place. In such cases the subdivider will be required only to pay for such portions of the whole cost if said future development takes place, and in such case the subdivider will be required to pay for such portions of the whole cost of said improvements as will represent the benefit to the property within the subdivision.

Subd. 2. Development Agreement. If the subdivider has requested final approval of the final plat prior to installation of required improvements, the subdivider shall first enter into a development agreement requiring the Subdivider to furnish and construct said improvements at the Subdivider's expense and in accordance with plans and specifications to be approved by the Town Engineer and Town Board. If the Town Board is not the Review Authority, the Review Authority shall be a party to the agreement. The agreement shall stipulate the type and extent of the improvements to be constructed, the cost of construction, the construction time schedule, the Town's authority to inspect the construction, the amount of the escrow deposit or performance bond to be furnished in accordance with subdivision 3 of this Subsection, and such other requirements as the Town Board deems appropriate.

Subd. 3. Financial Security. The subdivider shall be required to provide the Town financial security in the form of an escrow deposit or letter of credit in an amount equal to one and one-half (1-1/2) times the total estimated construction cost of the improvements as estimated by the Town Engineer, and including the cost of engineering and inspection by the Town. A letter of credit must be in a form, and from a bank, acceptable to the Town Board. Any such financial security shall accrue to the Town in case of default by the subdivider. In case of default, the Town shall appropriate any such financial security as may be needed to complete the improvements. The term of the financial security shall be specified by the Town. Escrow deposits shall be made with the Town Treasurer. The Town may agree in the development agreement to provide for the reduction of the amount of the financial security as work is completed. Nothing herein shall preclude the Town from making special assessments against benefited property for improvements made on it. The subdivider shall provide evidence that all construction costs have been paid and, further, all costs incurred by the Town shall be paid in full before release of the financial security by the Town Board.

630.19. Design Standards. The subdivider shall comply with the design standards in this Subsection.

- (a) Minimum right-of-way width shall be sixty-six (66) feet.
- (b) Street intersections, insofar as practical, shall be at right angles and in no case shall be at an angle of less than eighty (80) degrees.

- (c) Street jobs with center-line offsets of less than 125 feet shall be avoided.
- (d) Where horizontal street lines deflect from each other at one point more than ten (10) degrees, there shall be a connecting curve with a radius adequate to ensure a sight distance of not less than 500 feet, and of such greater radii as the Town Board or the Town Engineer may determine for special cases.
- (e) A tangent of at least 100 feet shall be introduced between reverse curves on streets.
- (f) Cul-de-sac streets designed to be so permanently, shall not be longer than 600 feet, measured along the center-line from the intersection of origin to the end of the right-of-way. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of 120 feet and a minimum outside roadway diameter of 100 feet.
- (g) Half streets shall be prohibited except where the Town Board finds it to be practical to require the dedication of the other half when the adjoining property is subdivided. In such event, access to the half street shall be prohibited until such adjoining property is subdivided.
- (h) Street names or numbers shall be used and shall not duplicate or be similar to names of existing streets and they shall be subject to the approval of the Town Board and Stearns County.
- (i) Local roads and streets should be planned so as to discourage their use by non-local traffic. Dead-end roads and streets shall be prohibited, however cul-de-sacs will be permitted where topography or other conditions justify their use.
- (j) All proposed streets shall be offered for dedication. No private roads or streets shall be permitted.
- (k) The street arrangements shall not be such so as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.
- (l) Subdivisions showing unplatted strips or private streets controlling access to public ways shall not receive approval.
- (m) Reserve strips controlling access to public streets are prohibited.
- (n) Blocks shall not exceed 1,320 feet in length measured along the greatest dimension of the enclosed block area.
- (o) Driveways shall be constructed from the pavement line to the property line. Where ditches parallel the road surface, driveways shall span the ditch and culvert

of adequate size and length shall be installed by the subdivider to ensure proper drainage.

- (p) All utilities, whether public or private, shall be installed underground so as to enhance the visual appearance of the area.
- (q) The arrangement of streets shall conform as nearly as possible to the applicable standards. Except for permanent cul-de-sacs, roads and streets normally shall connect with roads and streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of roads and streets in the nearest subdivided tracts. The arrangement of streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to run-off of storm water, to public conveyance and safety, and in their appropriate relation to the proposed area to be served.
- (r) All roadways and other improvements shall be subject to review by both the Town Board and the Town Engineer. The Town Board shall not accept any road or street dedicated by private owners until all specifications have been met. Specifications are subject to any modifications deemed necessary by the Town Board in consultation with the Town Engineer. Additional requirements may be found during the course of construction.
- (s) Alleys are not permitted in residential areas unless it can be shown that their use is essential to a proper plan. Where alleys are used in a proposed commercial or industrial area, they shall not be less than 24 feet in width.
- (t) Pedestrian ways shall be prohibited except in cases where their use is deemed a necessity.
- (u) All platted lots shall conform to this Chapter.
- (v) Easements of at least 12 feet wide centered on lot lines shall be provided where necessary. Easements for storm sewers shall be at least 20 feet wide. They shall have continuity of alignment from block to block and at deflection points. Temporary construction easements may be required where necessary.
- (w) Lot remnants which are below the minimum lot size shall be added to adjacent or surrounding lots rather than be allowed to remain as an unusable outlot or parcel unless the subdivider can show plans for the future use of such remnants and how such remnant will be maintained.
- (x) The Town Board may require soil tests prior to the approval of any plat. Such test holes when ordered by the Town, shall be performed at the sole expense of the developer. The information disclosed shall be furnished to the Town Board together with a copy of the proposed plat showing the location of each test hole.

The information required by the Town Board shall include a report as to the various types of soil encountered and their depths, the level of ground water, and any other information deemed pertinent. The number of test holes and their location on the property which is proposed to be platted shall be as directed by the Town Board or their authorized representative. Such soil tests shall be performed by a recognized engineering laboratory and shall include a report as to the safety and practicality of the use of the area for building construction, including the feasibility for installation of sewage facilities.

- (y) Headwalls at driveway culverts shall be prohibited. Driveway side slopes shall be a minimum of two and one half feet horizontal to one foot vertical.
- (z) These standards are not meant to be all-inclusive. Where the Town Board determines, that due to special conditions, additional requirements are needed, they may be imposed.

630.20. **Drainage Standards.** The subdivider shall comply with the drainage standards in this Subsection.

- (a) Where ditches are used for drainage, minimum depth shall be 2 feet and minimum ditch width shall be 3 feet.
- (b) Culverts shall be placed to maintain drainage as required. All culverts shall be steel or reinforced concrete. Minimum diameter shall be 15 inches. No plastic, fiberglass, or P.V.C. pipe shall be allowed. Minimum cover from top of culvert to top of base shall be 12 inches. Minimum culvert length shall be 2-1/2 feet each way from the driving surface or equal to the vertical difference between the driving surface or equal to the vertical difference between the driving surface and the invert of the culvert (whichever is greater). Any variance from these culvert standards must be specifically approved by the Town prior to construction.
- (c) It is the responsibility of the subdivider to maintain existing drainage courses in substantially the same manner as they existed prior to the construction. Further, the developer shall comply with all applicable federal, state, county, watershed, and any other local regulations, and shall obtain all necessary permits prior to beginning construction. When a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water courses, and with such further width or construction as may be determined necessary.
- (d) Surface water may not be carried across or around any intersection.
- (e) Drainage easements shall be furnished by the owner at no cost to the Town.

- (f) Where necessary, in the opinion of the Town Board and the Town Engineer, drainage will be accomplished through the construction of underground storm sewers complete with catch basins properly placed to catch surface water.
- (g) These standards are not meant to be all inclusive. Where the Town Board and the Town Engineer determine, that due to special conditions, additional requirements are needed, they shall be imposed.

630.21. **Street Standards.** The subdivider shall comply with the street standards in this Subsection.

- (a) Minimum roadway width shall be 30 feet. This shall consist of a minimum pavement width of 24 feet and a minimum compacted base width of 30 feet.
- (b) Minimum cleared right-of-way width of 66 feet to facilitate snow removal.
- (c) All roads shall be constructed so as to be free of flooding, have adequate drainage, and have no snow traps.
- (d) Minimum inslopes shall be no less than 3 feet horizontal in 1 foot vertical (3:1). In areas with fill depths over 3 feet, minimum slopes shall be no less than 4 feet horizontal in 1 foot vertical (4:1).
- (e) Streets shall be graded to the full width of the right-of-way in accordance with the grades submitted to and approved by the Town Board and the Town Engineer. All street grading and gravel base construction shall be in accordance with the plans and specifications approved by the Town Board and the Town Engineer. Grading shall be completed prior to the installation of applicable underground utilities, either private or public in nature. Gravel base construction shall be undertaken after the completion of the installation of underground utilities.
- (f) No trees shall be planted within the right-of-way, nor shall other structures be constructed within the right-of-way.
- (g) Roads and streets, as a minimum, shall be designed in accordance with Minnesota Department of Transportation Standard Specification for Construction (latest edition), and shall be a minimum of a 7-ton axle load. All pavements shall be plant-mixed bituminous and shall comply with all applicable MNDOT specifications. All pavement shall be paver placed in accordance with MNDOT specifications.
- (h) After placement of bituminous pavement, roadway shoulders shall be built up with Class 5 gravel to the same thickness as the bituminous pavement.
- (i) There shall be no extreme sharp curves, blind corners, or steep inclines.

- (j) The approach level of the roadway shall be no more than 12 inches below the center of the existing public road and shall have a minimum of a 50 foot level pad from the edge of the existing public road.
- (k) All finish grades shall be reasonable and justifiable. In no case shall grades be steeper than 8.5%. Wherever feasible street and road grades shall not exceed 7.5% and in no case shall they be less than 0.4%.
- (l) Grades shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall be 30 times the algebraic difference in the percent of grade of the two adjacent slopes. This standard is based upon a design speed of 30 mph. Any increase in design speed shall be compensated for as according to the MNDOT Design Manual, latest edition.
- (m) All roadway devices shall be marked with the required traffic control devices and markings. Any expenses for this shall be the sole responsibility of the developer.
- (n) Roadway designs and pavement designs are based on areas which have good granular sub-grade material. Any other material will necessitate a change in the design. All improvements including, but not limited to roadways, shall be designed by a Registered Professional Engineer licensed under the laws of the State of Minnesota. All engineering fees are the sole responsibility of the developer.
- (o) The owner shall furnish all necessary slope easements at no cost to the Town.
- (p) These design and construction standards are not meant to be all-inclusive. Where the Town Board and/or the Town Engineer determine, that due to special conditions, additional requirements are needed, they shall be required.

Section 635 – Enforcement

635.01. **Misdemeanor.** Any person who violates any of the provisions of this Chapter or who makes any false statements on any application shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a maximum fine or maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03. Criminal prosecution of a violation shall not bar the Town from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar criminal prosecution of a violation.

635.02. **Failure to Obtain a Permit.** In the event any person commences any land use activity requiring a permit prior to the issuance of such permit or otherwise violates this Chapter, the Town, its building official, and attorney may issue a written cease and desist order, stop work order, corrective order, or similar order to prohibit continuation of the activity until the required permits are obtained or until the property is otherwise brought into compliance with this Chapter. If the required permits are not obtained, or if the work or use is not allowed by this Chapter, the person shall be ordered to permanently cease such activities. The order may require the person to restore the property including, but not limited to, the removal of all structures or buildings constructed in violation of the provisions of this Chapter.

635.03. **Remedies.** In the event any land is used or is proposed to be used in such a manner as to be in violation of this Chapter, or if any building, structure, alteration thereof or part thereof is, or is proposed to be, used or erected in violation of this Chapter, the Town may, in addition to issuing orders to prevent, abate, or correct a violation, seek an injunction, mandamus, abatement, or other appropriate civil and criminal actions as it determines appropriate to prevent, enjoin, correct, abate, or remove such unlawful use, construction, reconstruction, alteration, or maintenance. The Town Board shall determine whether to initiate a civil or criminal action regarding a violation. Upon the Town Board's decision to initiate a legal action, the Town's attorney shall be authorized to take such actions as may be necessary to carry out such enforcement action.

635.04. **Enforcement Costs.** In the event of a violation of this Chapter, the cost of prosecution may be added to the penalty as allowed by Minnesota Statutes, section 366.01, subdivision 10. Furthermore, the administrative and legal expenses incurred by the Town related to an enforcement action may be assessed by court order against the party found to have violated this Chapter. Upon court approval, the Town Clerk shall prepare a bill for the expenses incurred and shall mail a copy to the owner/violator by mail. The amount therein shall be immediately due and payable to the Town. Failure to pay any such amounts may result in them being certified and collected against the property as a service charge as provided in Minnesota Statutes, section 366.012, or may be collected by any other means available to the Town under law.