As amended through May 7, 2024

BAYTOWN TOWNSHIP

ZONING ORDINANCE

Chapter One Administration

Chapter Two Zoning Regulations

Part 1: Zoning Maps, Districts and Uses

Part 2: Density and Lot Requirements

Part 3: Performance Standards

THIS PAGE LEFT BLANK INTENTIONALLY

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER ONE
ADMINISTRATION

TABLE OF CONTENTS

SECTION 1. INTENT AND PURPOSE *1*

SECTION 2. DEFINITIONS *2*

SECTION 3. RULES OF INTERPRETATION *30*

SECTION 4. COMPLIANCE *32*

SECTION 5. ADMINISTRATOR *32*

SECTION 6. VARIANCES *33*

6.1 Variances **33**
6.2 Notice and Hearing Procedure **34**
6.3 Board Findings **35**
6.4 Official Map **35**

SECTION 7. CONDITIONAL USES *36*

7.2 Notice and Hearing Procedure **38**
7.3 Criteria for Granting Conditional Use Permit. **38**
7.4 Referral to the Town Board **39**
7.5 Compliance **40**
7.6 Length of Conditional Use. **40**
7.7 Expiration of Conditional Use Permit **40**
7.8 Revocation. **40**
7.9 Records of Conditional Uses. **41**
7.10 Amended Conditional Use Permits. **41**
7.11 Reapplication **41**
7.12 Phased Developments. **41**
7.13 Existing Uses **42**

SECTION 8. CERTIFICATES OF COMPLIANCE *42*

8.1 Application. **42**
8.2 Compliance. **42**
8.3 Issuance and Conditions **42**
8.4 Record of Certificates of Compliance. **42**
8.5 Appeals to Denial of Certificates of Compliance **43**
8.6 Expiration of Certificates of Compliance. **43**
8.7 Revocation. **43**
8.8 Existing Uses **43**

SECTION 9. OTHER PERMITS *43*

9.1 Building Permits. **43**
9.2 On-Site Waste Disposal Permits. **44**
9.3 Driveway Access Permits. **44**

SECTION 10. NONCONFORMATIES
10.1 Nonconforming Situations. **44**
10.2 Nonconforming Use. **45**
10.3 Nonconforming Structure. **45**
10.4 Nonconforming Lots. **46**

SECTION 11. AMENDMENTS TO THE BAYWOWN TOWNSHIP ZONING ORDINANCE AND COMPREHENSIVE PLAN *48*

11.1 Zoning Ordinance and Comprehensive Plan Amendments **48**

SECTION 12. ENFORCEMENT *48*

12.1 Violations. **48**
12.2 Penalties. **48**
12.3 Application to Township Personnel. **48**
12.4 Equitable Relief. **49**

SECTION 13. SEPARABILITY *49*

13.1 Separability **49**

CHAPTER TWO

PART 1

ZONING MAPS, DISTRICTS AND USES

SECTION 1. ZONING MAPS *3*

1.1 Township Zoning Maps **3**

SECTION 2. AGRICULTURAL DISTRICTS AND USES *4*

2.1 Purpose and Scope. **4**
2.2 Land Uses in Agricultural District. **4**

SECTION 3. "RR," RURAL RESIDENTIAL DISTRICTS AND USES *5*

3.1 Purpose and Scope **5**
3.2 Land Uses in Rural Residential Districts. **5**

SECTION 4. "SFE," SINGLE-FAMILY ESTATE DISTRICTS AND USES *6*

4.1 Purpose and Scope 7
4.2 Land Uses in Single-Family Estates Districts. 7

SECTION 5. "TZ", TRANSITION ZONE DISTRICT AND USES 8

5.1 Purpose and Scope. 8
5.2 Land Uses in Transitional Zone Districts. 8

SECTION 6. "SCR" ST. CROIX RIVER AND SHORELAND OVERLAY DISTRICTS 9

6.1 Purpose and Scope. 9
6.2 Land Uses in the St. Croix River Overlay District 9
6.3 Performance Standards 10

SECTION 7. OPEN SPACE DEVELOPMENT (OSD)OVERLAY ZONING DISTRICT 10

7.1 Purpose and Scope. 10
7.2 Land Uses in the OSD Overlay District 10
7.3 Performance Standards 11

CHAPTER TWO

PART 2

DENSITY AND LOT REQUIREMENTS

SECTION 1. DENSITY 3

1.1 Density in Districts. 3
1.2 Determination of Density Units 4
1.3 Development Agreement 5
1.4 Transfer of Density in Units 5
1.5 Conveyance of Land 5

SECTION 2. LOT REQUIREMENTS 5

CHAPTER TWO

PART 3

PERFORMANCE STANDARDS

SECTION 1. DEVELOPMENT STANDARDS 3

1.1 General Standards 3
1.2 Accessory Structures 6
1.3 Environmental Regulations 9
1.4 Exterior Storage Along Major Highways and County Roads 13
1.5 Fences 13

1.6 Land Alteration and Grading 15
1.7 Land Clearing 22
1.8 Lighting 24
1.9 Parking 27
1.10 Signs 30

SECTION 2. STANDARDS FOR USES 38

2.1 Accessory Apartments 38
2.2 Accessory Solar Energy Systems (SES) 38
2.3 Agricultural Business - Seasonal 40
2.4 Balloon Ports – Commercial 40
2.5 Bed and Breakfast 41
2.6 Cemeteries 42
2.7 Community Residences 42
2.8 Essential Services - Government Uses, Buildings and Storage 43
2.9 Essential Services - Utility Substation 44
2.10 Fairgrounds 45
2.11 Golf Courses 46
2.12 Golf Driving Range 46
2.13 Home Occupations 49
2.14 Horse Training Facilities 50
2.15 Kennels-Commercial 51
2.16 Livestock and Livestock Operations 51
2.17 Mining 54
2.18 Multifamily Residential Developments 55
2.19 Place of Worship 56
2.20 Plant Nurseries 56
2.21 Public Recreational Facility 57
2.22 Recreation Uses 58
2.23 Resorts/Conference Facilities 58
2.24 Schools 59
2.25 Swimming Pools 60
2.26 Temporary Dwelling Unit-Care Facility 60
2.27 Temporary Farm Dwelling 64
2.28 Travel Trailer/RV Campground 65
2.29 Wind Energy Conversion Systems (WECS) 68
2.30 Wireless Communication Antennas and Towers 72
2.31 Yard Waste Facilities 80

SECTION 3. OVERLAY DISTRICTS 83

3.1 Airport Overlay District 83
3.2 St. Croix River Overlay District 83
3.3 Shoreland Management Overlay District 83

SECTION 4. OPEN SPACE DEVELOPMENT 84

4.1 Purpose and Scope 84
4.2 Definitions 84
4.3 Applicability 85

4.4 Application. 86
4.5 Uses 90
4.6 Ownership and Management of Open Space 92
4.7 Open Space 92
4.8 Homeowners' Associations 92
4.9 Density Standards 93
4.10 Performance Standards 93

SECTION 5. PLANNED UNIT DEVELOPMENT 100

4.1 Uses 100
4.2 Performance Standards 100
4.3 Exclusion from Requirements 100
4.4 Administration 101
4.5 Criteria for Granting a Planned Unit Development 101
4.6 Preliminary Review 102
4.7 Final Review 104
4.8 Method of Amending a Planned Unit Development Permit 112
4.9 Method of Cancellation of a Planned Unit Development Permit 113

Commentary/Interpretive Purposes Only

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER ONE

ADMINISTRATION

SECTION 1. INTENT AND PURPOSE

The Zoning Ordinance is intended to implement the Township's vision statement and Comprehensive Plan, and to guide development in the Township.

1.1 This Zoning Ordinance is adopted for the following purposes:

(1) To implement the policies established in the Baytown Township Comprehensive Plan.

(2) To stage development and redevelopment to coincide with the availability of necessary public services.

(3) To divide the Township into zoning districts.

(4) To define the allowable uses in zoning districts within the Township.

(5) To regulate the location, construction, reconstruction, alteration and use of structures and land within the Township.

(6) To provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.

(7) To conserve and protect natural resources and maintain a high standard of environmental quality.

(8) To regulate the placement of structures.

(9) To regulate alterations of natural vegetation and topography.

(10) To provide a variety in housing.

(11) To preserve and protect the rural character, natural landscape, and natural and scenic beauty of the Township.

(12) To limit congestion on public roads and to foster public safety and convenience in travel and transportation.

(13) To provide protection against fire, explosions, noxious fumes, and other hazards in the interest of public health, safety and comfort.

(14) To prevent environmental pollution and to protect surface and ground waters from contamination.

(15) To preserve the value of land and value of structures throughout the Township.

(16) To protect and preserve viable agricultural land.

(17) To provide for the wise use and conservation of energy resources.

(18) To provide for the gradual and equitable elimination of those uses of land and structures, which do not conform to the standards for the area in which they are located.

(19) To provide for the enforcement of this Zoning Ordinance and to define and limit the powers and duties of the administrative officers and bodies responsible therefore.

SECTION 2. DEFINITIONS

These terms or words are used in the Zoning Ordinance. This section clarifies how the Township is defining these terms or words.

2.1 For the purpose of this Zoning Ordinance, certain words and phrases are defined as follows:

(1) Accessory Apartment: A secondary dwelling unit within an existing owner-occupied single family dwelling unit for use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

(2) Accessory Building: A detached single story building greater than 120 square feet in size on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure or use, and used for the storage of personal property or for agricultural purposes.

(3) Administrator, Zoning: The Township Zoning Administrator who is appointed by the Baytown Township Board.

(4) Agricultural Building: A structure on agricultural land designed, constructed, and used to house farm implements, livestock or agricultural produce or products used by the owner, lessee or sublessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

(5) Agricultural-Business, Seasonal: A seasonal business not exceeding six months in any calendar year operated on a rural farm as defined offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.

(6) Agricultural Use: Land whose use is devoted to the production of horticulture and nursery stock, fruit of all kinds, vegetables, forage, grains, bees and apiary products, and raising domestic farm animals. This activity does not need to be the principal source of income.

(7) Alteration: To change or make different; to remodel or modify.

(8) Animal Unit: A unit of measure used to compare differences in the production of animal wastes which has a standard as the amount of waste produced on a regular basis by a slaughter steer or heifer.

(9) Animals, Domestic Farm: Cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food producing purposes.

(10) Animals, Domestic Pets: Dogs, cats, birds and similar animals commonly kept in a residence. Animals considered wild, exotic or non-domestic, such as bears, lions, wolves, ocelots and similar animals shall not be considered domestic pets.

(11) Antenna: That portion of any equipment used to radiate or receive radio frequency energy for transmitting or receiving radio or television waves. Antennas may consist of metal, carbon fiber, or other electromagnetically conductive rods or elements. Antennas are regulated to the extent the regulations are not preempted by the Federal Communications Commission.

(12) Apartment: A room or suite of rooms with cooking facilities designed to be occupied as a residency by a single family.

(13) Appraised Valuation: The market value of a structure as determined by the current records of the County Assessor.

(14) Automotive Dealership: Any place where automobiles are sold to the general public. Business activities accessory to this retail use include motor vehicle repair, fuel dispensing, and the rental of vehicles.

(15) Balloon Port, Commercial: An area of land designated for the takeoff, storage, and maintenance of hot air balloons on a commercial basis.

(16) Basement: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.

(17) Bed and Breakfast Inn: An owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

(18) Board of Adjustment and Appeals: The Town Board is

designated the Board of Adjustments and Appeals, requests for variances, and requests for building permits in Official Map Areas.

(19) Boarding House: A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three (3) or more unrelated persons, but not to exceed eight (8) persons.

(20) Buffer: A strip of land intended to create physical separation between potentially incompatible uses of land.

(21) Buildable Land: Land with a slope less than 25 percent, and outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and above any floodway, drainage way, or drainage easement.

(22) Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal or property of any kind. When any portion thereof is completely separated from every other part thereof by area separation, each portion of such building shall be deemed as a separate building.

(23) Building Code: The Minnesota State Building Code.

(24) Building Height: The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

(A) The elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.

(B) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item A above is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

(25) Building Official: The designated authority charged with the administration and enforcement of the State Building Code.

(26) Building Permit: A permit required from the responsible governmental agency before any site work, construction or alteration to structures can be started.

(27) Building Setback Line: A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluffline or a high water mark or line, behind which buildings or structures must be placed.

(28) Building Setback: The minimum horizontal distance between the building and the lot line.

(29) Business: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

(30) Camouflage Design. A wireless communication facility that is disguised, hidden, or screened, but remains recognizable as a wireless communication facility. Camouflage design facilities must be compatible with the historical, environmental, and cultural character of the surrounding area year round.

(31) Car Wash: A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.

(32) Cellar: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.

(33) Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbaria, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

(34) Certificate of Compliance: See Chapter One, Section 8.

(35) Certificate of Occupancy: A certificate issued by the building official authorizing the use or occupancy of a building or structure.

(36) Club or Lodge: A nonprofit association of persons who are members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room for the purpose of serving food and meals is available and providing further that such

serving of alcoholic beverages is in compliance with the applicable federal, state and local laws.

(37) Columbarium: A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

(38) Commercial Recreation: All uses such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment to the public.

(39) Common Open Space: Land held in common ownership used for agriculture, natural habitat, pedestrian corridors and/or recreational purposes which is protected from future development.

(40) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents' use or to be sold directly to consumers through membership in the garden.

(41) Community Residence: A facility licensed by the State of Minnesota which provides residential and services to persons with developmental disabilities. One density unit is attributed to this residence when calculating density.

(42) Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation and community facilities, including recommendations for planned execution, documented in texts, ordinance and maps which constitute the guide for the future development of the Township.

(43) Conditional Use: A use listed in the Zoning Ordinance as conditional that may be allowed with conditions or restrictions as provided in the Ordinance.

(44) Condominium: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building.

(45) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.

(46) Conservation Use: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character. Conservation uses include lands containing wetlands, hydric soils, woodlands, floodplain, native prairie, wildlife corridors, shorelands, steep slopes and their accessory uses such as interpretive centers and management facilities.

(47) Contiguous: Parcels of land which share a common lot line or boundary. Parcels which are separated by a road right-of-way, easement, or railroad right-of-way are considered contiguous for the purposes of this Zoning Ordinance.

(48) Conveyance: Conveyances shall have the meaning specified in Minnesota Statute 272.12.

(49) Cost of Renovation, Repair or Replacement The fair market value of the materials and services necessary to accomplish such renovation, repair or replacement.

(50) Crematorium or Crematory: A place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

(51) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Washington County and its people.

(52) Cutoff Angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

(53) Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated at a specific angle above the ground.

(54) Cutoff Type Luminaire: A luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

(55) Decibel: The unit of sound measured on the "A" weighing scale of a sound level meter, set on slow response, the weighing characteristics of which are specified in the a "Standards on Sound Level Meters of the USA Standards Institute".

(56) Density: The number of dwelling units permitted per acre of land.

(57) Density Units: The number of individual dwelling units that can be located on a parcel of land as established through the use of a yield plan. For the purpose of this Zoning Ordinance, a multi - family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

(58) Depth of Lot: The horizontal distance between the frontage right-of-way line and rear lot line. On a corner lot, the side with the largest frontage is its depth, and the side with the lesser frontage is its width.

(59) Depth of Rear Yard: The horizontal distance between the rear building line and the rear lot line.

(60) Development Agreement: An agreement with the owner of the whole parcel as charged on the tax lists of the County specifying the number of density units allocated amongst the parcels being created, the zoning district the particular parcels are located in, the fact that the use and development and further conveyance of the parcels is subject to the regulations contained in the Zoning Ordinance.

(61) Development Code: The official controls adopted by Baytown Township regulating the physical development of land.

(62) Disposal Area, Subsurface Septic Treatment: See Washington County Ordinances, Subsurface Septic Treatment System (SSTS) Regulations.

(63) Dredging: The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

(64) Driveway Access Permit: A permit required from the responsible governmental agency which allows access onto a public road. Such permit must be acquired prior to the issuance of a building permit.

(65) Dwelling: A building or one (1) or more portions thereof occupied exclusively for human habitation, but not including rooms in hotels, motels, nursing homes, boarding houses. (Also see Dwelling Unit.)

(66) Dwelling, Duplex or Two Family: A residential building containing two (2) complete dwelling units.

(67) Dwelling, Multiple Family: A residential building, or portion of a building, containing two (2) or more dwelling

units.

(68) Dwelling, Seasonal: A residential building not capable of year-round occupancy due to non-winterized construction or inadequate non-conforming year-round on-site sewage treatment systems.

(69) Dwelling, Single: A residential building containing one (1) detached dwelling unit.

(70) Dwelling Unit: A residential accommodation including complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended for use exclusively as living quarters for one (1) family.

(71) Emergency Railroad Maintenance: Maintenance to railroad tracks, right-of-way, or rolling stock that could not be routinely anticipated and that is necessary to overcome a condition which prohibits movement of rolling stock over the track.

(72) Engineer: The Township Engineer.

(73) Equestrian Uses: Those uses commonly associated with the raising, maintaining and training of horses for riding, racing or breeding.

(74) Essential Services - Governmental Uses, Buildings and Storage: An area of land or structures used for public purposes, storage or maintenance and which is owned or leased by a governmental unit.

(75) Essential Services - Utility Substation: A utility use whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size a long distance transmission lines to small retail quantities in neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.

(76) Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

(77) Family: An individual, or two (2) or more persons each related by blood, marriage, adoption, or foster care arrangement, living together as a single housekeeping unit, or a group of not more than six (6) persons not related, maintaining a common household, exclusive of servants.

(78) Farm: Land whose use is devoted to agricultural uses or the raising and/or breeding of livestock.

(79) Farmstead: A group of buildings and adjacent service areas which support the functions of a farm. Structures may include but are not limited to homes, barns, machinery sheds, granaries, pump houses, chicken coops, and garages.

(80) Feedlot: A lot or building or combination of lots and buildings intended for the confined breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate or where concentration of animals is such that a vegetative cover cannot be maintained with the enclosure of open lots used for feeding and rearing of poultry shall be considered feedlots. Pastures are not considered feedlots.

(81) Fence: A partition, structure, wall or gate erected as a dividing marker, visual or physical barrier, or enclosure.

(82) Fill: Any act by which soil, earth, sand, gravel, rock or any similar material is deposited, placed, pushed or transported and shall include the conditions resulting there from.

(83) Final Plat: A drawing or map of an approved subdivision, meeting all requirements of the Township Subdivision Ordinance, and in such form as required by the community for purposes of recording.

(84) Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor.

(85) Flashing light: A light source which is not constant in intensity or color at all times while it is in use.

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

(87) Floor Area: The gross area of the main floor of a residential building measured in square feet and not an attached garage, breezeway or similar attachment.

(88) Floor Area, Gross: The sum or the gross area of the various floors of a building measured in square feet. The basement floor area shall not be included unless such area constitutes a story.

(89) Floor Area Ratio: The numerical value obtained through dividing the gross floor area of a building or buildings by the net area of the lot or parcel of land on which such building or buildings are located.

(90) Floor Plan, General: A graphic representation of the anticipated use of the floor area within a building or structure.

(91) Footprint: The length and width of the building's foundation and the building's height.

(92) Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

(93) Frontage: That boundary of a lot which abuts a public street or private road.

(94) Funeral Home: A building or part thereof used for funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted. This definition shall NOT include facilities for cremation.

(95) Garage, Private: A detached one-story accessory building, or portion of the principal building, including a carport, which is used primarily for the storing of passenger vehicles, trailers or farm trucks.

(96) Garage, Storage: Any premises, except those described as a private or public garage used exclusively for the storage of power-driven vehicles.

(97) Golf Course: An area of land laid out for golf with a minimum series of nine (9) holes each including a tee, fairway, and putting green and often one or more natural or artificial hazards.

(98) Governing Body: The Town Board of Supervisors of Baytown Township.

(99) Guyed Tower: A tower that is tied to the ground or other surface by diagonal cables.

(100) Hazardous Building or Hazardous Property: Hazardous buildings or Hazardous property means any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety and health.

(101) Hazardous Material: Hazardous material means a chemical or substance, or a mixture of chemicals or substances, which:

(A) Is regulated by the federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or

(B) Is either toxic or high toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

(102) Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

(103) High Power Transmission Line: A 69 kV or greater electric transmission line with towers a minimum of 75 feet in height.

(104) Historic Building or Structure: A building or structure which has been identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.

(105) Home Occupation: Use of a property zoned residential or agricultural for gainful employment which is a) clearly incidental and subordinate to the use of the property as residential; b) carried on solely within the main dwelling or an accessory building; c) does not alter or change the exterior character of appearance of the property; and d) is created and operated by the occupant of the dwelling.

Examples of potentially allowable home occupations include: office, professional service, hairdressing by occupant only, minor repair services excluding automobile or truck repair, photo/art studio, dressmaking or alterations, and teaching/tutoring limited individual lessons. Home occupations are not limited to this list and occupations on this list do not automatically qualify.

Examples of uses not allowed under this definition include: auto repair and painting, barber shops and/or beauty salons, kennels for the keeping of any domestic or non-domestic animals, medical offices, private schools with organized classes, tourist homes, restaurants, and retail sales. Prohibited uses are not limited to this list.

(106) Homeowners Association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of the development for the purpose of

owning, operating and maintaining the common open space and facilities.

(107) Homesteaded Dwelling: A dwelling that is occupied and used for the purposes of a homestead by its owner pursuant to Minnesota Statutes § 273.124.

(108) Horse show: An event where horses not boarded on the subject property are shown to the general public and guests.

(109) Horse Training Facility, Commercial: An accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show, and training.

(110) Horse Training Facility, Private: An accessory building incidental to the existing residential, principal use in which horses owned by the property owner are kept for private use and training.

(111) Individual Parcel: A parcel as a whole as charged on the tax lists, or two or more contiguous parcels under common ownership on the effective date of this Zoning Ordinance.

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

(113) Intermodal Shipping Container: "Intermodal container," "freight container," or "shipping container" is a temporary structure that is a transport and storage unit for moving products and raw materials between locations and countries. A typical container has doors fitted at one end, and is constructed of corrugated weathering steel.

(114) Inoperative: Incapable of movement under its own power.

(115) Kennel, Commercial: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are boarded, bred, trained or offered for sale.

(116) Kennel, Private: Any place where four (4) or more of any type of domestic pets, over six (6) months of age, are owned by any member of the household. Private kennels are accessory to the principal use of the property.

(117) Land Alteration: The reclaiming of land by depositing or moving material so as to alter the grade or topography.

(118) Land Clearing: The removal of a contiguous group of trees and other woody plants in an area of 20,000 square feet or more within any twelve (12) month period.

(119) Landscaping: Planting trees, shrubs and turf covers such as grasses and shrubs.

(120) Light Duty Maintenance: Railroad maintenance that does not utilize mechanized power sources other than motorized track inspection cars.

(121) Light Fixture, Outdoor: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including, but not limited to, the hardware casing. Such devices shall include, but are not limited to, search, spot and flood lights for a) buildings and structures, b) recreational areas, c) parking lot lighting, d) landscape lighting, e) billboards and other signs, f) street lighting, g) product display area lighting, and h) building overhangs and open canopies.

(122) Light Manufacturing: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of products. Such uses and products include, but are not limited to, the following: lumber yard, machine shops, products assembly, sheet meal shops, plastics, electronic, motor vehicle repair, body work and painting, contractor shops and storage yards, fabrication of food and nonalcoholic beverages, signs and displays, printing, textiles and used auto parts.

(123) Livestock: Domestic farm animals including, but not limited to, cattle, hogs, horses, bees, sheep, goats, chickens and other animals commonly kept for commercial food production purposes.

(124) Livestock Operations: A lot or structure or combination of lots and structures intended for the breeding, raising or holding of eleven (11) or more animal units.

(125) Loading space: A space, accessible from a street, alley or way, in or outside of a building, for the use of trucks while loading and unloading merchandise or materials.

(126) Lot: A parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the Office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

(127) Lot Area: The area of a horizontal plane within the lot lines.

(128) Lot Area, Minimum Per Dwelling Unit: The minimum number of square feet or acres of lot area required per dwelling unit.

(129) Lot, Buildable: A lot which meets or exceeds all requirements of the Township's Development Code without the necessity of variances.

(130) Lot, Corner: A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of a deflection in alignment of a single street, the interior angle of which does not exceed one hundred thirty-five (135) degrees.

(131) Lot Coverage: That portion of a lot containing an artificial or natural surface through which water, air or roots cannot penetrate. This definition includes, but is not limited to, driveways, structures, patios and decks.

(132) Lot depth: The mean horizontal distance between the front and rear lines of a lot.

(133) Lot, Interior: A lot other than a corner lot, including through lots.

(134) Lot Line: A lot line is the property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line.

(135) Lot Line, Front: That boundary of a lot which abuts a public street or a private road. In the case of a corner lot, it shall be the shortest dimension of a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner. In the case of a corner lot in a non-residential area, the lot shall be deemed to have frontage on both streets.

(136) Lot Line, Rear: That boundary of a lot which is opposite to the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.

(137) Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

(138) Lot, Through: Any lot other than a corner lot which abuts more than one (1) street. On a through lot, all property lines abutting the road right-of-way shall be considered the front lines.

(139) Lot Width: The horizontal distance between the side lot lines of a lot measured at the setback line.

(140) Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

(141) Major Highway: Those highways and/or roadways which are classified as principal and minor arterials and collectors in the Township's Comprehensive Plan.

(142) Maneuvering operations: Railroad operations that involve movement of rolling stock to prepare for ordinary travel on a track, or switching of tracks in anticipation of movement of rolling stock.

(143) Manufactured Home: A structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the Minnesota Statutes Chapter 327. 31, Subd. 3. No manufactured dwelling shall be moved into the Township that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31, Subd. 3.

(144) Manure: Any solid or liquid containing animal excreta.

(145) Mining: The excavation, removal, storage or processing of sand, gravel, rock, soil, clay, or other deposits. For the purposes of this Zoning Ordinance, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

(A) Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal or storage.

(B) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.

(C) Landscaping activities on a lot used or to be used as a building site.

(D) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.

(E) The removal of excess materials in accordance with approved plats or highway construction.

(146) Motor Freight Terminal: A building or area in which freight brought by motor truck is transferred and/or stored for movement by motor truck.

(147) Motor Vehicle Repair, Major: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision service including body, frame or fender straightening or repair; overall painting and upholstering; vehicle steam cleaning.

(148) Motor Vehicle Repair, Minor: Repairs, including body and fender work, replacement of parts and motor services to passenger automobiles and trucks not exceeding 12,000 pounds gross weight, but not to include any operation specified under "Motor Vehicle Repair, Major."

(149) Motor Vehicle Service Station: A place for the dispensing, sale, or offering for sale of motor fuel directly to users of motor vehicles, together with the sale of minor accessories and the servicing of, and minor repair of, motor vehicles.

(150) Motorized track inspection vehicle: A wheeled vehicle used for track maintenance which is powered by a motor sized to propel the vehicle only and which is not designed to pull other rolling stock.

(151) Moving Permit: A permit required from the responsible governmental agency prior to the moving of any partially or wholly erected structure from one location to another.

(152) Municipality: A city or township, however organized.

(153) Natural drainage way: A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable or conducting surface water runoff from adjacent lands.

(154) Natural Resources: The physical values of the land supplied by nature including, but not limited to, animal life, plant life, soil, rock, minerals and water.

(155) Neighborhood: An area containing a contiguous group of residential lots distinguishable by some identifiable feature or point of reference, where people live in close proximity to one another.

(156) Noise, Ambient: The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

(157) Nominal Parcel: A parcel not reduced by more than ten percent (10%) of its lot area due to road right-of-way dedication.

(158) Nonconforming Lot: A separate parcel or lot of record on the effective date of this Zoning Ordinance, or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards, contained in this Zoning Ordinance or amendments thereto.

(159) Nonconforming Use: Any legal or lawful use of land or any legal or lawful use of a structure existing on the effective date of this Zoning Ordinance, or any amendments thereto, which does not conform to the regulations for the district in which it is located after the effective date of this Zoning Ordinance or such amendment.

(160) Noxious Matter: Material which is capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.

(161) Nursery, Day: A use where care is provided for three (3) or more children under kindergarten age for periods of four (4) hours or more per day for pay.

(162) Office: Those commercial activities that take place in office buildings, where goods are not produced, sold or repaired. Such activities include, but are not limited to banks, professional offices, governmental offices, insurance offices, real estate offices, telephone exchanges, utility offices, radio broadcasting, and similar uses.

(163) Official Control: Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes

and official maps and have been adopted by Baytown Township as the Zoning Ordinance.

(164) Official Map: A map adopted in accordance with the provisions of Minnesota State Statutes, 394.361.

(165) On-site septic system: An individual subsurface sewage treatment system (SSTS) or a midsized subsurface sewage treatment system (MSTS).

(166) Open Sales Lot: Lands devoted to the display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.

(167) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes that is undivided and permanently protected from future development.

(168) Open Storage: Storage of any material outside of a building.

(169) Ordinance: The Baytown Township Zoning Ordinance.

(170) Overlay District: A zoning district shown as an overlay on the zoning map.

(171) Owner: Includes all persons interested in a property as fee simple owner, life estate holder, or encumbrancer.

(172) Parking Space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one (1) standard automobile.

(173) Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season.

(174) Pedestrian Way: A public or private right-of-way across or within a block or tract, to be used by pedestrians.

(175) Performance Standards: The minimum development standards as adopted by the governing body and on file in the office of the zoning administrator.

(176) Perimeter Road: A road lying outside of and abutting the development parcel.

(177) Person: Any person, corporation or association, including governmental agencies and political entities.

(178) Place of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and used, is maintained and controlled by a religious body organized to sustain public worship.

(179) Planned Unit Development: All developments having two or more principal uses on a single parcel of land; and may include townhomes, multi-use structures, recreational uses, mixed residential and commercial type developments, commercial type developments and industrial type developments.

(180) Plant community: A grouping of plants with common environmental requirements living within the landscape type, i.e., wetlands, grasslands, boreal forests.

(181) Plant Nursery: A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display and decoration of lawns gardens and indoor plants.

(182) Plant Nursery, Commercial: A building or premises used primarily for the retail sale of trees, shrubs, flowers or other plants which may not have been grown or raised on the property.

(183) Platted Land: Lands with legal descriptions described as lot, block, and plat name.

(184) Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

(185) Principal Structure or Use: One which determines the predominant use as contrasted to accessory use or structure.

(186) Private Recreational Area: A recreation use particularly oriented to utilizing the outdoor character of an area including hiking and riding trails, interpretative areas and other passive forms of recreation and not open to the general public.

(187) Protective or Restrictive Covenant: A contract entered into between private parties constituting a restriction of the use of

a particular parcel of property.

(188) Public Land: Land owned and/or operated by a governmental unit, including school districts.

(189) Public Recreation Facility: An outdoor recreation facility owned or operated by a non-profit organization in which athletic activities are permitted to be played by the general public. Examples of such a facility would be a softball complex, soccer fields, etc.

(190) Public Waters: All lakes, ponds, streams, and similar features designated as Public Waters by the Minnesota DNR.

(191) Quarter-Quarter Section: A tract of land legally described as a full quarter-quarter section or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.

(192) Radio-Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

(193) Recreation Equipment: Play apparatus such as swing sets and slides, sandboxes, poles for nets, unoccupied boats and trailers not exceeding twenty-five (25) feet in length, picnic tables, lawn chairs, barbecue stands and similar equipment or structures, but not including tree houses, swimming pools, play houses exceeding twenty-five (25) square feet in floor area, or sheds utilized for storage of equipment.

(194) Recreation Use, Active: All uses, such as tennis, racquet ball clubs, amusement centers, bowling alleys, golf driving ranges, miniature golf, movie theaters, and similar activities which are used as a commercial enterprise.

(195) Recreation Use, Passive: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.

(196) Recreation Vehicle: Any vehicle or structure designed and used for temporary, seasonal human living quarters which meets all of the following qualifications (a) is not used as the permanent residence of the owner or occupant; (b) is used for temporary living quarters by the owner or occupant while engaged in recreation or vacation activities; (c) is towed or self-propelled on public streets or highways incidental to such recreation or vacation activities; (d) examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pick-up campers, camping buses, and self-contained self-propelled truck chassis mounted vehicles providing living accommodations.

(197) Recyclable Materials: Materials that are separated from mixed municipal solid waste for the purpose of recycling. For the purpose of this Zoning Ordinance, these materials are limited to paper, glass, plastics and metals. Refuse derived fuel (RDF) is not a recyclable material under the provisions of this Zoning Ordinance.

(198) Recycling: The process of collecting and preparing recyclable materials and reusing the materials in their original form, or using them in manufacturing processes that does not cause the destruction of recyclable materials in a manner that precludes further use.

(199) Refuse: Putrescible and non-putrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

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

(201) Research: Medical, chemical, electrical, metallurgical or other scientific research and quality control, conducted in accordance with the provisions of this Zoning Ordinance.

(202) Resort: Any structure or group of structures containing more than two (2) dwelling units or separate living quarters designed or intended to serve as seasonal or temporary dwellings on a rental or lease basis for profit with the primary purpose of said structure or structures being recreational in nature. Uses may include a grocery store for guests only, fish cleaning house, marine service, boat landing and rental, recreational area and equipment, and similar uses normally associated with a resort operation.

(203) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and view sheds, and physical characteristics.

(204) Restaurant: A business establishment whose principal business is the preparation and selling of unpackaged food to the customer in a ready-to-consume state.

(205) Retail business: Stores and shops selling personal services or goods over a counter.

(206) Road, Approved Private: A private road which has been

approved by resolution of the Town Board of Supervisors. Such resolution must specify the road, indicate the road is capable of supporting emergency vehicles and specify that provisions exist for the ongoing maintenance of the road.

(207) Road, Public: A road owned and maintained by a governmental jurisdiction.

(208) Roadside Sales Stand: A structure used only for the display and sale of products with no space for customers within the structure, on a seasonal basis.

(209) Rolling Stock: Wheeled vehicles utilized on a railroad track.

(210) Runway: A surface of an airport landing strip.

(211) Runway Instrument: A runway equipped with air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

(212) Scenic Resources: That part of the landscape which provides a picturesque view and may contain outstanding recreational, natural, historic, scientific and manmade values.

(213) School: A facility that provides a curriculum of pre-school, elementary, secondary, post-secondary or other instruction including, but not limited to, child day care centers, kindergartens, elementary, junior high, high schools and technical or college instruction.

(214) Screening: Screening includes earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers); used in combination or singularly, so as to block direct visual access to an object throughout the year.

(215) Security Lighting: Outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

(216) Self-contained Pole: A tower that is self-supporting with a single shaft of wood, steel or concrete that has the same diameter throughout or tapers to the top and has no platform or racks.

(217) Self-Service Storage: A structure or structures containing separate storage spaces of varying sizes which are leased or rented individually.

(218) Septic Permit: A permit required from the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

(219) Setback: The minimum horizontal distance between a structure and street right-of-way, lot line or other reference point as provided by Ordinance. Distances are to be measured perpendicularly from the property line to the most outwardly extended portion of the structure.

(220) Shielding: A technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture.

(221) Shopping Center: Any grouping of two (20 or more principal retail uses whether on a single lot or on abutting lots under multiple or single ownership.

(222) Sign: Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed, or constructed, which is displayed outdoors for informational or communicative purposes.

(223) Sign, Accessory: A sign that is related in its subject matter to the use(s) or activities at the premises on which it is located.

(224) Sign Area: The entire area within a continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside of such sign and not forming an integral part or border of the sign.

(225) Sign, Billboard: A large, off-site sign mounted on one or more legs and designed to display posters or other composite graphics

(226) Sign, Height: The vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

(227) Sign, Dynamic Display: A sign that appears to have movement or that appears to change, 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, flashing, blinking, or animated display and any display that incorporates rotating panels,

LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of images or displays.

(228) Sign, Illuminated: Any sign which is illuminated by an artificial light source, which shall include all electronic signs utilizing internal light sources and any sign that makes use of electric lighting.

(229) Sign, Monument: A freestanding sign with its sign face mounted on the ground or mounted on a base anchored directly to the ground and is equal to at least fifty percent (50%) of the width of the sign.

(230) Sign, Non-accessory: A sign that is not related in its subject matter to the use(s) or activities at the premises on which it is located.

(231) Sign, Off-Premises: A sign that directs attention to a use that is not located upon the premises where the sign is located or to which it is attached.

(232) Sign, Pedestal: A ground sign usually erected on one (1) central shaft or post which is solidly affixed to the ground.

(233) Sign, Pylon: A freestanding sign greater than twenty (20) feet in height, located on highways or freeways.

(234) Sign, Roof: A sign erected upon or above a roof or parapet of a structure.

(235) Sign, Wall: A sign attached to or erected against the wall of a structure with the exposed face of the sign a plan parallel to the plane of said wall.

(236) Sign, Warning: A sign that indicates a hazard.

(237) Solar Energy System (SES), Accessory: A Solar Energy System (SES) established for the primary purpose of meeting all or part of the electric energy needs of a building or use located on the same site.

(238) Solar Energy System (SES), Building Integrated Accessory: An Accessory Solar Energy System (SES) that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are mounted to a roof or a building.

(239) Solar Energy System (SES), Ground-Mounted Accessory:

An Accessory Solar Energy System (SES) that is freestanding and mounted to the ground.

(240) Special Events: The celebration or recognition of an occasion or activity that typically occurs no more than two times annually and is no longer than 14 consecutive days.

(241) Spillage: Any reflection, glare or other artificial light emission onto any adjoining property or right-of-way above a defined maximum illumination.

(242) Stealth Tower Design. A tower designed to look like something else in the built environment. Examples include: silo, tree, utility pole, bell tower, fire tower, flagpoles, and monuments.

(243) Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than 6 feet above the grade as defined in the Building Code for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in the Building Code any point, such usable or unused under-floor space shall be considered as a story.

(244) Street: A public right-of-way which affords a primary means of access to abutting property.

(245) Street, Collector: A roadway which serves or is designed to serve as a traffic way for a neighborhood or as a feeder to a major road.

(246) Street, Intermediate or Minor Arterial: A roadway which serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic generating areas.

(247) Street, Local: A roadway intended to serve primarily as an access to abutting properties.

(248) Street Pavement: The wearing or exposed surface of the roadway used by vehicular traffic.

(249) Street Width: The width of the right-of-way measured at right angles to the centerline of the street.

(250) Structural Alteration: Any change, other than incidental repairs, which would affect the supporting members of a building, such as bearing walls, columns, beams, girders or

foundations.

(251) Structure: Something built or constructed on the ground or attached to the ground; used interchangeably with "building" for purposes of this Zoning Ordinance. Structures do not include aerial or underground utility lines or supporting facilities.

(252) Structure, Nonconforming: Any structure lawfully or legally existing on the effective date of this Zoning Ordinance, or any amendment thereto, which does not conform to the regulations, including the dimensional standards, for the district in which it is located after the effective date of this Zoning Ordinance or amendments thereto.

(253) Structure, Temporary: a building or shelter that is erected on a seasonal or other temporary basis for more than fourteen (14) days or up to one hundred and eighty (180) days. Temporary structures include structures commonly called "hoop" or "tarp" buildings and Intermodal Shipping Containers. Temporary structures do not include camping tents, events tents or other tent structures erected on a short-term basis.

(254) Subdivision: The process of dividing land into two or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, re-platting, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.

(255) Subdivision, Major: All subdivisions not classified as minor subdivisions including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of an existing street.

(256) Subdivision, Minor: Any subdivision containing three (3) or less lots fronting on an existing street, 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 or portion of the Comprehensive Plan, Official Map, Zoning Regulations or these regulations.

(257) Subsurface Sewage Treatment System (or SSTS): An individual sewage treatment system or part thereof, as set forth in Minnesota Statutes, that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of 5,000 gallons per day or less. SSTS includes the holding tanks and

privies, but does not include any pump tanks used in as sewage collection system.

(258) Tavern or Bar: A building with facilities for the serving of beer, liquor, wine, set-ups, and short-order foods.

(259) Temporary Dwelling, Care Facility: A manufactured home which temporarily serves as a residence for an infirm relative of the occupants residing in the primary single family residence on the property where such relative requires care by the family.

(260) Temporary Dwelling, During Construction: A mobile home which temporarily serves as a residence for the present or potential occupant which the primary single family residence is being constructed, reconstructed or altered.

(261) Temporary Dwelling, Farm: A mobile home located in an agricultural district which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises and meeting other criteria specified in the Zoning Ordinance.

(262) Tower: Any pole, spire, structure, or combination thereof in excess of 35 feet in height including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of holding antennas for wireless communication.

(263) Tower Accessory Structure: A structure located at the base of the tower housing base receiving/transmitting equipment.

(264) Transportation/Motor Freight Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor or trailer units and other rucks are parked or stored.

(265) Transportation Terminal: A truck, taxi, air, bus, train, or mass transit terminal and storage area, including motor freight (solid and liquid) terminal.

(266) Travel Trailer/RV Campground: An area or premises operated as commercial enterprise on a seasonal basis and generally providing space for seasonal accommodations for transient occupancy or use by transients occupying camping trailers, self-propelled campers and tents.

(267) Truck Stop: A motor fuel station devoted principally to the needs of tractor trailer units and trucks, and which may include eating and/or sleeping facilities.

(268) Use: The function for which property can be used.

(269) Use, Accessory: A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.

(270) Use, Open Space: The use of land without a structure or including a structure incidental to the open space use.

(271) Use, Primary: That use which is the normal use for property within a district. Primary uses do not require a certificate of compliance or a conditional use permit. Also referred to as 'Principal Use'.

(272) Vegetation, Natural: Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

(273) Veterinary: Those uses concerned with the diagnosis, treatment and medical care of animals, including animal or pet hospitals.

(274) Warehousing: A use that includes storing, packing and/or crating of materials or equipment within an enclosed building or structure.

(275) Waterfront Uses, Residential: Boat docks and storage, fish house, fish cleaning, water recreation equipment and other uses normally incidental to a lakeshore residence, provided such uses are for the exclusive use of the occupants and nonpaying guests.

(276) Wetland: As defined in Minnesota Rules 7050.0130, subpart F, those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Constructed wetlands designed for wastewater treatment are not waters of the state. Wetlands must a) have a predominance of hydric soils; b) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and c) under normal circumstances, support a prevalence of hydrophytic vegetation.

(277) Wind Energy Conversion System (WECS): A wind energy conversion system is defined as one (1) tower with rotors and motors with one (1) conversion generator.

(278) Wireless Communication Facility: Hardware that provides wireless communication services, including antennas, towers, and all associated equipment.

(279) Yard: The open space on an occupied lot which is not covered by any structure.

(280) Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest building line.

(281) Yard, Rear: A yard extending across the rear of the lot between the inner side yard lines and lying between the rear line of the lot and the nearest building line.

(282) Yard, Required: A yard area which may not be built on or covered by structures because of the dimensional setbacks for said structures within the zoning district.

(283) Yard, Side: A yard between the side line of the lot and the nearest building line.

(284) Yield Plan: A subdivision plan drawn to scale, containing sufficient information showing the maximum number of lots that could be permitted using the performance standards for lots in a conventional subdivision in accordance with the Baytown Township Zoning Ordinance.

(285) Zoning District: An area or areas within the county in which the regulations and requirements of this Zoning Ordinance are applied.

SECTION 3. RULES OF INTERPRETATION

Zoning Regulations can be complex to understand and administer. These are the rules that the Zoning Administrator will use to interpret and enforce the Zoning Ordinance.

Of particular importance to note is that rules in several chapters may apply to your situation.

3.1 In the event of conflicting provisions within the Chapters of the Baytown Township Zoning Ordinance, statute, resolution or regulation of any kind, the more restrictive provision shall apply.

3.2 In the application of this Zoning Ordinance, the provisions shall be interpreted to be the minimum requirements necessary to accomplish the general and specific purposes of the Zoning Ordinance.

3.3 Properties which lie in an overlay district are subject to regulations for that overlay district as well as the regulations in the other Chapters of this Zoning Ordinance.

3.4 The words and phrases used in this Zoning Ordinance shall be construed in their plain, ordinary and usual sense except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical definition.

3.5 Unless the context clearly requires otherwise, the use of either past, present or future tense shall include the other tenses.

3.6 Whenever this Zoning Ordinance requires an act to be done and when such act may legally be done by an agent or employee as

well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

3.7 The rules of statutory construction established for the State of Minnesota by statute or case law shall apply in the construction of this Zoning Ordinance.

3.8 Nothing contained in this Zoning Ordinance shall be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure, or to carry on any trade, industry, occupation or activity.

3.9 Except as provided herein, the provisions of this Zoning Ordinance are cumulative and in addition to the provisions of other laws and ordinances, heretofore passed or which may be passed hereafter, governing the same subject matter as this Zoning Ordinance.

3.10 The explanations contained on the left-hand side of the Zoning Ordinance are there as interpretive purposes and are not part of the Zoning Ordinance for the purpose of enforcement and administration.

SECTION 4. COMPLIANCE

4.1 Except as this chapter specifically provides:

(1) No structure shall be erected, moved, or altered unless in conformity with the regulations specified in this Zoning Ordinance.

(2) No structure or land shall be used or occupied for any purpose or in any manner which is not in conformity with all the regulations contained in this Zoning Ordinance.

The following sections identify Baytown Township's process and requirements for various planning requests. Washington County may also conduct a separate review process within Shoreland Districts, the St. Croix River Districts, floodplain areas, and for Mining uses. Applicants should contact the County to obtain information on the County's procedures and requirements.

SECTION 5. ADMINISTRATOR

5.1 The Town Board shall be the Zoning Administrator who shall enforce this Zoning Ordinance and be responsible or delegate responsibilities including:

(1) Issue any approvals required by this Zoning Ordinance.

(2) Review all matters pertaining to applications and enforcement of this Zoning Ordinance.

(3) Review all building permits issued for structures in the Township to ensure compliance with the regulations contained in this Zoning Ordinance.

(4) Conduct inspections of structures and use of land to determine compliance with the terms of this Zoning Ordinance.

(5) Maintain permanent and current records as required by this chapter, including but not limited to all maps, amendments, and conditional uses, variances, appeals, and applications thereof.

(6) Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.

(7) Notify in writing persons responsible for violations, indicating the nature of the violation and the action necessary

to correct it.

(8) Institute any appropriate legal actions or proceedings against a violator as provided for in this Zoning Ordinance based on the advice of the Township's Attorney.

(9) Recommend appropriate fees for applications, permits or other matters processed under this Zoning Ordinance.

(10) To collect fees, as set by resolution of the County Board, for all applications, permits or other matters covered under the provisions of this Zoning Ordinance.

(11) Issue stop work orders for violations of this Zoning Ordinance.

SECTION 6. VARIANCES

Variances are defined as a modification or variation to the rules contained in the Zoning Regulations. Variances can be approved under some limited conditions. Requests for a variance are decided by the Town Board acting as the Board of Adjustment and Appeals.

6.1 Variances

(1) A variance is the modification or variation of the Zoning Regulations where it is determined that, by reason of exceptional circumstances, the strict enforcement of the Zoning Regulations would cause practical difficulties. An administrative deviation under this Chapter does not constitute a variance.

(2) No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located.

(3) An application for a variance shall be filed with the Zoning Administrator; the application shall be accompanied by development plans showing such information as the Zoning Administrator may require for purposes of this Zoning Ordinance. If the application does not contain all required information, the Zoning Administrator shall send notice within ten (10) business days of receipt of the request, telling the applicant what information is missing.

(4) Variances within Shoreland Districts, floodplain areas, the St. Croix River District and for aggregate mining uses may also require a separate application process and approval by Washington County. Applicants shall contact the County regarding its requirements.

(5) Variances shall only be permitted when they are in harmony with the general purpose and intent of the Official Controls in cases when there are practical difficulties in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the

Comprehensive Plan.

(6) "Practical difficulties" as used in connection with the granting of a variance means:

(A) The property owner proposes to use the property in a reasonable manner not permitted by an official control; and

(B) The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and

(C) The variance, if granted, will not alter the essential character of the locality.

(D) Economic conditions alone shall not constitute a practical difficulty if a reasonable use for the property exists under the terms of the Zoning Ordinance.

(E) The Board may consider practical difficulties to include inadequate access to direct sunlight for solar energy systems in the granting of the variance.

(7) Variances shall be granted for earth sheltered construction as defined in Minnesota Statute 216C.06, Subd. 2: when in harmony with the County and Township Ordinances.

(8) Where, in the opinion of the Town Board, a variance may result in a material adverse effect on the environment, the applicant may be requested by the Board to demonstrate the nature and extent of that effect.

(9) The Town Board 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.

(10) No application for the same variance as ruled upon by the Town Board shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request.

6.2 Notice and Hearing Procedure

(1) Upon receipt of an application that contains all required information ("complete" application), the Town Planner shall refer the matter to the Town Clerk, who will establish a time for the hearing on the application. From the date the

Township receives the application containing all required information, the Town Board has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator or Town Board may extend this time line for another sixty (60 days by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. The timeline may also be waived by the Applicant.

(2) Notice of the time, place and purpose of all public hearings shall be given by publication in the Township's Official Newspaper at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.

(3) Notice shall also be mailed to each of the owners of all property located within five (500) feet of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners.

(4) Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant's information to the Minnesota Department of Natural Resources for review and comment.

(5) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

6.3 Board Findings

(1) The Town Board shall make written findings in any case of an appeal or application for a variance and shall state therein the reasons for its decision; the order issued by the Board shall include the legal description of the land involved. The Zoning Administrator shall mail a copy of the findings, bearing the notation of the filing date, to the appellant or applicant.

(2) A copy of any order issued by the Town Board acting upon a variance shall be filed with the County Recorder or Registrar of Titles for record. Said filing shall be made by the applicant.

6.4 Official Map

(1) Whenever a building permit is denied pursuant to an official mapping regulation enacted by the Town Board, the Town Board shall, upon appeal filed by the owner of the land hold a public hearing upon the appeal. After receiving the advice

and recommendations of the Zoning Administrator, the Town Board may authorize the issuance of a permit pursuant to subparagraph (2) herein, for building in an area designated on an Official Map in any case in which the Board finds, upon the evidence and arguments presented to it:

(A) That the entire property of the applicant, of the area designated for public purposes forms a part, cannot yield a reasonable return to the owner unless such a permit is granted, and

(B) That balancing the interest of the Town in preserving the integrity of the Official Map and of the Comprehensive Plan and the interest of the property owner in the use of the property and in the benefits of the ownership, the granting of such permit is required by considerations of justice and equity.

(2) If the Board authorizes issuance of a permit, it shall specify the exact location, ground area, height and other details as to the extent and character of the building for which the permit is granted.

SECTION 7. CONDITIONAL USES

Certain uses, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a conditional use permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person or firm.

(1) Whenever this Zoning Ordinance requires a conditional use permit, an application therefore in writing shall be filed with the Zoning Administrator.

(2) Conditional uses within Shoreland Districts and the St. Croix River District may require a separate application and approval by Washington County. Applicants should contact the County regarding its zoning requirements.

(3) The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Zoning Administrator or by the Town Board.

(A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps

and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent mylar copy of the final general development plans, should they be approve, shall be filed with the Planning Commission within sixty (60) days of such approval.

(B) Certificate of Survey

(C) Site plan drawn to scale showing the following information:

(A) Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.

(B) Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas and any other proposed improvements.

(C) Landscape Plan with the following information: Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition and ground cover.

(D) Grading and Drainage Plan

(E) Soil Conditions

(F) Building Floor Plan

(G) Building Elevations

(H) General Location Map

(I) Principal land uses within 200 feet of the property.

(J) Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney's Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership.

(K) Type of business or activity and proposed number of employees.

(L) Septic system and well location.

7.2 Notice and Hearing Procedure

(1) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for hearing on the application. From the date the Township Clerk receives the application containing all required information, the Planning Commission has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this timeline for sixty (60) days by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. The applicant may also waive the timeline.

(2) Notice of the time, place and purpose of all public hearing shall be given in the Township's official newspaper at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.

(3) Notice shall also be mailed to each of the owners of all property located within one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners.

(4) Within Shoreland Districts and the St. Croix River District the Zoning Administrator shall send notice and copies of the applicant's information to the Minnesota Department of Natural Resources for review and comment no less than twenty (20) days prior to the public hearing.

(5) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

7.3 Criteria for Granting Conditional Use Permit.

(1) The Planning Commission may recommend that the Town Board grant a conditional use permit in any district, provided the proposed use is listed as a conditional use for the district and upon a showing that the standards and criteria stated in this Zoning Ordinance will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Planning Commission shall

consider:

(A) The impact of the proposed use on the health, safety and general welfare of the occupants of the surrounding lands.

(B) Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.

(C) The effect of the proposed use on utility and school capacities.

(D) The effect of the proposed use on property values and scenic views in the surrounding area.

(E) The effect of the proposed use on the Comprehensive Plan.

(F) The ability of the proposed use to meet the standards of the Zoning Ordinance.

(G) The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.

(H) The effects of the proposed use on groundwater, surface water and air quality.

(I) That the proposed use is allowed with a conditional use permit in the designated zoning district in which it is proposed.

The Planning Commission can impose conditions when they grant a conditional use permit.

(2) In connection with the issuance of Conditional Use Permits to nonconforming situations, the Planning Commission may recommend conditions to conform to the zoning regulations or as it deems necessary to protect the public health, safety and welfare. When appropriate, restrictive covenants may be entered into regarding such matters.

(3) The Town Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

7.4 Referral to the Town Board

Upon receipt of the planning Commission recommendations or after 60 days of the public hearing, if no recommendation has been received, the Town Board shall consider the request. A decision on

the Conditional Use Permit shall include findings of fact. The Town Board may impose any conditions it considers necessary to protect the public health, safety and welfare of the community.

7.5 Compliance

The use shall conform to the applicable sections of this Zoning Ordinance.

7.6 Length of Conditional Use.

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Conditional Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the Town Board from acting or amending Official Controls to change the status of conditional uses.

7.7 Expiration of Conditional Use Permit.

A conditional use permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established.

Violations of conditions imposed by the Town Board can cause the conditional use permit to be revoked.

7.8 Revocation.

(1) A violation of any condition set forth in a conditional use permit shall be a violation of this Zoning Ordinance, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.

(2) Revocation shall not occur earlier than ten (10) working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Town Board action has been served on the permittee.

(3) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.

(4) The hearing request shall be in writing, stating the grounds for appeal and served personally or by mail on the Township

Clerk or Zoning Administrator by midnight of the tenth working day following service.

(5) Following the receipt of a request for hearing, the Town Board shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Ordinance.

Records of Conditional Uses are maintained by the Zoning Administrator and filed with the County Recorder.

7.9 Records of Conditional Uses.

(1) A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.

(2) The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, conditions imposed by the Town Board, time limits, review dates and such other information as may be appropriate.

(3) A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.

7.10 Amended Conditional Use Permits.

Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.

7.11 Reapplication.

No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

7.12 Phased Developments.

In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he or she progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.

7.13 Existing Uses.

All legal uses existing at the time of adoption of this Zoning Ordinance that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this Zoning Ordinance. The Zoning Administrator may require a conditional use permit for the use. Any enlargement, structural alteration or intensification of use shall require a conditional use permit as provided for above. The Town Board may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 7.2.

SECTION 8. CERTIFICATES OF COMPLIANCE

The Zoning Administrator shall issue a certificate of compliance in any district for a proposed use listed in Chapter Two, Part 1, if the proposed use will not be contrary to the provisions of this Zoning Ordinance. The certificate shall be granted for a particular use and not for a particular person or firm.

8.1 Application.

Whenever this Zoning Ordinance requires a certificate of compliance, a written application shall be filed with the Township Clerk. The application shall be accompanied by a site plan for the proposed use showing such information as may be reasonably required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

8.2 Compliance.

The use shall conform to the regulations specified in this Zoning Ordinance.

8.3 Issuance and Conditions.

Zoning Administrator can issue a certificate of compliance if the use meets the conditions of this Zoning Ordinance. No public hearing is required for certificates of compliance.

If the Zoning Administrator determines that the use is in compliance with the condition contained in this Zoning Ordinance then the Zoning Administrator shall issue the certificate. Conditions required by this Zoning Ordinance shall be applied to the issuance of the certificate of compliance and a periodic review of the certificate and proposed use may be required.

8.4 Record of Certificates of Compliance.

The Zoning Administrator shall maintain a record of all certificates of compliance issued including information on the use, location and conditions imposed as part of the permit such as time

limits, review dates and such other information as may be appropriate.

An appeal to a decision by the Zoning Administrator about a certificate of compliance is heard by the Town Board.

8.5 Appeals to Denial of Certificates of Compliance.

If the request for a certificate of compliance is denied, if conditions are imposed, or if revoked, the applicant may appeal the decision to the Town Board. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the Zoning Administrator.

8.6 Expiration of Certificates of Compliance.

A Certificate of compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.

8.7 Revocation.

A violation of any condition set forth in a certificate of compliance shall be a violation of this Zoning Ordinance and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the certificate of compliance. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 7.8 of this Chapter.

8.8 Existing Uses.

All legal uses existing at the time of adoption of this Zoning Ordinance that now require a certificate of compliance may continue in the same manner of operation as the use did upon the effective date of this Zoning Ordinance. The Zoning Administrator may require a certificate of compliance for the use. Any enlargement, structural alteration or intensification of use shall require a certificate of compliance as provided for above. The Zoning Administrator may impose additional, reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the Zoning Ordinance.

Landowners need to have a valid building permit before doing any site work or construction/alteration to structures, unless specifically exempt from the permit requirements by State Statute or the Zoning Ordinance.

SECTION 9. OTHER PERMITS

9.1 Building Permits.

(1) No structure shall be erected, moved in or structurally altered until a statement has been issued by the Zoning Administrator, indicating that the existing or proposed structure and the use of the land comply with this Zoning Ordinance.

(2) No site preparation work, including rough grading, driveway construction, footing excavation, tree removal or other

physical changes to the site shall occur prior to the issuance of a building permit and other zoning use permits, unless the work is subject to a development contract with the Town.

Areas not served by public sewer require a permit for an on-site waste system from Washington County. On-Site Waste Disposal permits must be issued before a building permit is issued.

9.2 <u>On-Site Waste Disposal Permits.</u>

(1) In areas without public sewer facilities, no building permit for any use requiring on-site waste treatment and disposal shall be issued until an on-site waste disposal permit has first been issued by Washington County.

(2) An on-site waste disposal permit shall be issued only after proof is furnished by the applicant that a suitable on-site waste treatment and disposal system can be installed on the site. Such system shall conform to all of the requirements of the County's Subsurface Sewage Treatment System Regulations, including percolation tests and borings.

Driveway access onto a County Road requires a permit from Washington County Public Works.

A driveway permit from the Township is required for access onto a local road under Township jurisdiction.

9.3 <u>Driveway Access Permits.</u>

Access drives onto local or County roads shall require an access permit from the appropriate road authority. This permit shall be issued prior to the issuance of any building permits. The Township or County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

SECTION 10. NONCONFORMITIES

Upon adoption of these rules, an existing lot, structure or use may not conform to the new regulations. This section details how those nonconforming uses, structures and lots will be treated under this Zoning Ordinance.

10.1 <u>Nonconforming Situations.</u>

Within the districts established by this Zoning Ordinance or amendments that may later be adopted, situations may occur where as a result of the regulations contained in this Zoning Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations contained in this Zoning Ordinance. It is the intent of this Zoning Ordinance to regulate such nonconforming situations in such a way that they can continue but will ultimately be phased out by prohibiting their enlargement, expansion or alteration, re-establishment after discontinuance or abandonment, or restoration after damage or destruction.

The term "Nonconforming Use" means any legal or lawful use of land or any lawful or legal use of a structure existing on the effective date of this Zoning Ordinance, or any amendment thereto, which use does not conform with the regulations for the district in which it is located after the effective date of this Zoning Ordinance or such amendment.

10.2 Nonconforming Use.

(1) Any use lawfully existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be allowed to continue, subject to the following conditions:

(A) No such use shall be expanded, enlarged or altered, including any increase in the volume, intensity, frequency or use of property where a nonconforming use exists. A change from one nonconforming use to another nonconforming use is not permitted.

(B) A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that use involving the removal of natural materials, such as sand or gravel. This one use may be expanded within the boundaries of the parcel where the use was established at the time it became nonconforming, subject to the standards contained in this Zoning Ordinance and Washington County Mining Regulations.

(C) A nonconforming use which has been discontinued for a period of twelve (12) consecutive months shall not be re-established and any further use shall be in conformity with the regulations of this Zoning Ordinance.

(D) If a structure used for a nonconforming use is damaged to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised valuation of the damaged structure, then the damaged structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance.

(2) All nonconforming projects on which a building permit has been issued may be completed in accordance with the terms of their permit as long as the permit is valid.

(3) The Town Board may require that a conditional use permit be issued for the nonconforming use.

The term "Nonconforming Structure" means any structure lawfully or legally existing on the effective date of this Zoning Ordinance or any amendment thereto which does not conform to the regulations, including the dimensional standards for the district in which it is located after the effective date of this Zoning Ordinance or amendments thereto.

10.3 Nonconforming Structure.

(1) Any structure lawfully existing on the effective date of this Zoning Ordinance which is not in conformity with the regulations contained in this Zoning Ordinance shall be

allowed to continue, subject to the following conditions:

(A) No such structure shall be expanded, enlarged or altered, without first obtaining a variance, provided however, that a nonconforming structure may be enlarged, altered or expanded without the necessity of obtaining a variance as long as each of the following conditions can be met for the district in which the structure is located:

(A) This enlargement, alteration or expansion itself does not violate any other provisions of this Zoning Ordinance, other than the provision that made the structure nonconforming in the first place.

(B) Long-term sewage disposal needs can be met.

(B) A nonconforming structure which is destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be restored, repaired or replaced, except in conformity with this Zoning Ordinance. If a structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of this Zoning Ordinance the term "Appraised Value" shall mean the market value of the property as determined by the current records of the County Assessor for the year in which damage was done.

(C) Nothing in this Zoning Ordinance shall prevent repair of a structure when said structure is declared unsafe by a certified Building Inspector, providing the cost of the repairs shall not constitute more than fifty percent (50%) of the appraised value of the original structure.

(D) All construction projects for which a valid building permit was granted before the effective date of this Zoning Ordinance may be completed although the structure would not meet newly established standards of this Zoning Ordinance.

Nonconforming lot means a separate parcel or lot of record on the effective date of this Zoning Ordinance or any amendments thereto, which lot or parcel does not conform to the regulations, including dimensional standards contained in this Zoning Ordinance or amendments thereto.

10.4 <u>Nonconforming Lots.</u>

(1) Any separate lot or parcel created in accordance with the Township and County Subdivision Regulations and of record in the Washington County Recorder's Office on or before the

effective date of this Zoning Ordinance may be used for the legal use for which it is zoned:

(A) Provided it has a minimum of 60% of the required frontage on an improved public road or on a private road approved by the Township; to be considered an approved private road, the Town Board of Supervisors must, by resolution, specify the road, indicate the road is capable of supporting emergency vehicles, and specify that provisions exist for on-going maintenance of the road; and

(B) Is at least one (1) acre of buildable land in unsewered areas; and

(C) An on-site waste disposal system can be installed in accordance with County regulations.

(D) All other requirements of this Zoning Ordinance can be met.

(2) If in the case of two (2) or more contiguous lots or parcels of land under a single ownership, any individual lot or parcel does not meet the minimum requirements of this Zoning Ordinance, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land meeting the full requirements of this Zoning Ordinance.

(3) A conforming lot shall not be reduced in size so that it would become nonconforming in any aspect of this Zoning Ordinance. A nonconforming parcel shall not be reduced in size.

(4) Where a nonconforming lot of record contains a conforming principal structure, said principal structure may be enlarged, altered or expanded without a variance provided:

(A) The enlargement, alteration or expansion meets all other standards of this Zoning Ordinance.

(B) Long term sewage disposal needs can be met.

SECTION 11. AMENDMENTS TO THE BAYTOWN TOWNSHIP ZONING ORDINANCE AND COMPREHENSIVE PLAN

11.1 Zoning Ordinance and Comprehensive Plan Amendments

(1) A map amendment/rezoning, or a text amendment to this Zoning Ordinance or the Comprehensive Plan may be initiated by the Town Board, or by petition of affected property owners. A petition by affected property owners shall be submitted to the Township. An amendment shall be referred to the Planning Commission for a public hearing, study, report, and recommendation, and may not be acted upon by the Town Board until it has received the recommendation of the Planning Commission, or sixty (60) days have elapsed from the date of receiving the amendment request.

Changes to the Township's Comprehensive Plan or this Zoning Ordinance require a public hearing.

(2) In connection with the adoption by an ordinance or amending the Comprehensive Plan or adoption or amendment of any Official Control in addition to any notice required by this Zoning Ordinance notice of the time, place and purpose of the hearing shall be given in the manner provided by Minnesota Statutes.

(3) No application for an amendment to the Town Comprehensive Plan or amendment of the official controls shall be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

SECTION 12. ENFORCEMENT

12.1 Violations.

The violation of any provision of this Zoning Ordinance or the violation of the conditions or provisions of any permit issued pursuant to this Zoning Ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment or both; plus in either case, the cost of prosecution.

12.2 Penalties.

Unless otherwise provided, each act of violation and every day on which such violation occurs or continues constitutes a separate offense.

12.3 Application to Township Personnel.

The failures of any officer or employee of the Township to

perform any official duty imposed by this Zoning Ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

12.4 Equitable Relief.

In the event of a violation or the threatened violation of any provision of this Zoning Ordinance or any provision or condition of a permit issued pursuant to this Zoning Ordinance, the Township, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation or threatened violation.

SECTION 13. SEPARABILITY

13.1 Separability

(1) It is hereby declared to be the intent that the several provisions of this regulation are separable in accordance with the following:

(2) If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment.

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

SECTION 14. ADMINISTRATIVE ACTIONS

14.1 Opt-out of Minnesota Statutes Section 462.3593

Pursuant to the authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the Township opts out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO
PART 1
ZONING MAPS, DISTRICTS, AND USES

TABLE OF CONTENTS

SECTION 1. ZONING MAPS *3*

SECTION 2. AGRICULTURAL DISTRICTS AND USES *4*

2.1 Purpose and Scope. **4**
2.2 Land Uses in Agricultural Districts **4**

SECTION 3. "RR", RURAL RESIDENTIAL ZONE DISTRICT AND USES *5*

3.1 Purpose and Scope **5**
3.2 Land Uses in Transitional Zone Districts. **5**

SECTION 4. "SFE" SINGLE FAMILY ESTATES DISTRICT AND USES *6*

4.1 Purpose and Scope. **6**
4.2 Land Uses in the Conservancy District. **6**

SECTION 5. "TZ" TRANSITION ZONE DISTRICT *7*

5.1 Purpose and Scope **7**
5.2 Land Uses in the St. Croix River District. **7**

SECTION 6. "SCR" ST. CROIX RIVER OVERLAY DISTRICT AND SHORELAND OVERLAY DISTRICT ... *8*

THIS PAGE LEFT BLANK INTENTIONALLY

Commentary/Interpretive Purposes Only

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 1
ZONING MAPS, DISTRICTS, AND USES

Land in unincorporated areas is divided into districts. Allowed uses of the land are defined in this Part.

Boundaries of the zoning districts are delineated on the official zoning map.

For the purpose of this Zoning Code, the regulations contained in this chapter shall become effective from and after their publication according to law. If any court of competent jurisdiction shall adjudge any provision of this regulation to be invalid, such judgment shall not affect any other provisions of this regulation not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this regulation to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

The Township is divided into districts. Each district has: a) primary uses; b) uses allowed with a Certificate of Compliance; and c) uses allowed with a Conditional Use Permit as herein defined. Unless a use is specifically defined as a primary use or allowed with a Certificate of Compliance or a Conditional Use Permit, it is a prohibited use.

Land in Baytown Township is regulated primarily by Township ordinances. Land within Shoreland Districts, floodplain areas, the St. Croix River District, subsurface septic treatment systems, and Mining uses are also regulated by Washington County ordinances.

SECTION 1. ZONING MAPS

1.1 Township Zoning Maps

(1) The boundaries of the Township's zoning districts are as shown on the maps published and made part hereof. These maps are designated as the Official Zoning Map of the Township, and shall be maintained by the Township and the County Zoning Administrator. The district boundary lines on these maps are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary is indicated otherwise on the map. In the case of un-subdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map. All of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and are made a part of this Part by reference and incorporated herein fully as if set forth herein at length. Whenever any street or public way is vacated, any zoning district line following such centerline of said vacated street

or way shall not be affected by such vacation.

(2) When uses in a district are listed as both permitted, permitted with a certificate of compliance or conditional use permit, or when any other conflict appears in the Zoning Code with respect to uses within a district, the more restrictive provisions shall be applied.

SECTION 2. AGRICULTURAL DISTRICTS AND USES

2.1 Purpose and Scope.

(1) "AP," Agricultural Preserves District: The AP District includes those specific parcels of land created an restricted according to Minnesota Statutes 473H and its successors to remain in agricultural use.

(2) "AG," Agricultural District: The AG District, as shown on the zoning map, is established to permit agricultural and related uses and to preserve the rural character of the Township.

Land in an agricultural district is used primarily for agriculture and single family residential uses.

2.2 Land Uses in Agricultural District.

(1) Permitted Uses. The following are permitted uses in the "AP" and "AG" districts:

(A) Agriculture
(B) Single Family Residential Detached

Certain uses, other than agriculture or single family residential, may be allowed with a Certificate of Compliance.

(2) Uses with a Certificate of Compliance. The following uses are permitted in the "AP" and "AG" districts after the issuance of a Certificate of Compliance:

(A) Accessory Apartments
(B) Agricultural Business - Seasonal
(C) Essential Services—Government Uses, Buildings, and Storage
(D) Essential Services—Utility Substation
(E) Home Occupation
(F) Horse Training Facility, Commercial (10 or fewer horses)
(G) Horse Training Facility, Private (over 10 horses)
(H) Livestock and Livestock Operations (11-49 animal units)
(I) Place of Worship
(J) Plant Nursery
(K) Temporary Care Facility
(L) Temporary Dwelling Unit - Construction

(M) Temporary Farm Dwelling
(N) Accessory Solar Energy System (SES)

Certain uses, other than agriculture or single family residential, may be allowed with a Conditional Use Permit. A public hearing is required for all Conditional Use Permits.

(3) Uses with a Conditional Use Permit. The following uses are permitted in the "AP" district with a conditional use permit if permitted by the Agriculture Preserves Program, and in the "AG" districts after the issuance of a Conditional Use Permit:

(A) Balloon Port--Commercial
(B) Bed and Breakfast
(C) Cemeteries
(D) Commercial Kennel
(E) Community Residence
(F) Golf Course
(G) Horse Training Facility, Commercial (more than 10 horses)
(H) Livestock and Livestock Operations (more than 49 animal units)
(I) Multi-family Residential Development
(J) Mining Operations
(K) Open Space Development—in Agriculture District only
(L) Recreation Facility, Public
(M) Recreational Use, Passive
(N) Resorts/Conference Facilities
(O) Schools
(P) Travel Trailer/Recreational Vehicle Campground
(Q) Wireless Communication Facility
(R) Yard Waste Facility

SECTION 3. "RR," RURAL RESIDENTIAL DISTRICTS AND USES

3.1 Purpose and Scope

(1) The Rural Residential District is established to provide areas for rural low-density housing in agricultural/rural areas on lands not capable of supporting long-term agricultural activities. The purpose of this district is to retain the rural residential character of the Township.

3.2 Land Uses in Rural Residential Districts.

Land in a Transitional Zone is used primarily for agriculture and single family residential.

(1) Primary Uses. The following are permitted uses in the "RR" district:

(A) Agriculture
(B) Single Family Residential Detached

(2) Uses with a Certificate of Compliance. The following uses are permitted in the "RR" District after the issuance of a Certificate of Compliance:

(A) Accessory Apartment
(B) Agricultural Business - Seasonal
(C) Essential Services—Governmental Uses, Building, and Storage
(D) Essential Services—Utility Substation
(E) Home Occupation
(F) Horse Training Facility, Commercial (10 or fewer horses)
(G) Horse Training Facility, Private (over 10 horses)
(H) Place of Worship
(I) Plant Nursery
(J) Temporary Care Facility
(K) Temporary Dwelling Unit - Construction
(L) Temporary Farm Dwelling
(M) Accessory Solar Energy System (SES)

(3) Uses with a Conditional Use Permit. The following uses are permitted in the "RR" District after the issuance of a Conditional Use Permit:

(A) Balloon Port--Commercial
(B) Bed and Breakfast
(C) Cemeteries
(D) Community Residence
(E) Golf Course
(F) Horse Training Facility, Commercial (over 10 horses)
(G) Livestock and Livestock Operations (over 10 animal units)
(H) Mining
(I) Multi-family Residential Development
(J) Open Space Development
(K) Public Recreation Facility
(L) Recreation Use, Passive
(M) Resort/Conference Facilities
(N) Schools
(O) Travel Trailer/Recreational Vehicle Campground
(P) Wireless Communication Facility
(Q) Yard Waste Facility

SECTION 4. "SFE," SINGLE-FAMILY ESTATE DISTRICTS AND USES

4.1 Purpose and Scope

(1) The Single-Family Estate District provides residential areas that are consistent with the Township's rural character. The purpose of the district is to provide lots large enough to maintain a rural setting that do not require municipal services.

Land in an SFE District is used primarily for single family residential use that does not have municipal services.

4.2 Land Uses in Single-Family Estates Districts.

(1) Primary Uses. The following are primary uses in the "SFE" district:

(A) Agriculture
(B) Single Family Residential Detached

Certain uses, other than agriculture and single family residential, may be allowed with a Certificate of Compliance.

(2) Uses with a Certificate of Compliance. The following uses are permitted in the "SFE" District after the issuance of a Certificate of Compliance:

(A) Accessory Apartment
(B) Agricultural Business - Seasonal
(C) Essential Services—Governmental Uses, Building, and Storage
(D) Essential Services—Utility Substation
(E) Home Occupation
(F) Horse Training Facility, Commercial (10 or fewer horses)
(G) Horse Training Facility, Private (over 10 horses)
(H) Place of Worship
(I) Plant Nursery
(J) Temporary Care Facility
(K) Temporary Dwelling Unit - Construction
(L) Temporary Farm Dwelling
(M) Accessory Solar Energy System (SES)

(3) Uses with a Conditional Use Permit. The following uses are permitted in the "SFE" District after the issuance of a Conditional Use Permit:

(A) Cemeteries
(B) Community Residence serving 7-16 patients
(C) Golf Course
(D) Horse Training Facility, Commercial (over 10 horses)
(E) Livestock and Livestock Operations (over 11 animal units)
(F) Multi-family Residential Development
(G) Public Recreation Facility
(H) Schools

SECTION 5. "TZ", TRANSITION ZONE DISTRICT AND USES

5.1 Purpose and Scope.

(1) The purpose of this district is to preserve lands immediately adjacent to areas served with public utilities that may be served by public utilities extended from an adjacent community.

Land in a Transitional Zone is used primarily for agriculture and single family residential.

5.2 Land Uses in Transitional Zone Districts.

(1) Primary Uses. The following are permitted uses in the "TZ" zone.

(A) Agriculture
(B) Single Family Residential Detached

Certain uses, other than agriculture and single family residential, may be allowed with a Certificate of Compliance.

(2) Uses with a Certificate of Compliance. The following uses are permitted in the "TZ" District after the issuance of a Certificate of Compliance:

(A) Accessory Apartment
(B) Agricultural Business - Seasonal
(C) Essential Services—Government Uses, Building and Storage
(D) Essential Services—Utility Substation
(E) Home Occupation
(F) Horse Training Facility, Commercial (10 or fewer horses)
(G) Horse Training Facility, Private (over 10 horses)
(H) Plant Nursery
(I) Temporary Care Facility
(J) Temporary Dwelling Unit - Construction
(K) Temporary Farm Dwelling
(L) Accessory Solar Energy System (SES)

(3) Uses with a Conditional Use Permit. The following uses are permitted in the "TZ" District after the issuance of a Conditional Use Permit:

(A) Cemeteries
(B) Community Residence
(C) Golf Course
(D) Horse Training Facility, Commercial (over 10 horses)
(E) Livestock and Livestock Operations (over 11 animal units)
(F) Multi-family Residential Development
(G) Public Recreation Facility

(H) Schools

SECTION 6. "SCR" ST. CROIX RIVER AND SHORELAND OVERLAY DISTRICTS

6.1 Purpose and Scope.

(1) The St. Croix River Overlay Zoning District and Shoreland Overlay District were established by the Township and Washington County to provide special regulatory protection for those areas along the bluffland and shoreland of the St. Croix River and within Shoreland Districts designated on public waters. The Overlay Ordinances regulates the land in order to conserve and protect the natural scenic values and resources within the districts.

Land is regulated according to the published Washington County Development Code Chapter 5, Lower St. Croix River Bluffland and Shoreland Management Regulations, and most recent amendments. All land development must comply with both the County and Township Ordinances.

6.2 Land Uses in the St. Croix River Overlay District.

(1) Permitted Uses. The following are permitted uses in the St. Croix River District:

(A) Agriculture
(B) Single Family Residential

(2) Uses with a Certificate of Compliance. The following uses are permitted in the St. Croix River District after the issuance of a Certificate of Compliance:

(A) Accessory Apartment
(B) Home Occupation
(C) Kennel, Private
(D) Temporary Care Facility
(E) Temporary Dwelling Unit - Construction
(F) Temporary Farm Dwelling

(3) Uses with a Conditional Use Permit.

(A) Bed and Breakfast
(B) Livestock over 10 animal units
(C) Recreation - passive
(D) Recreation – public
(E) Residential Townhome Development
(F) Wind Energy Conversion System

6.3 Performance Standards

(1) All other performance standards set forth by Washington County Development Code, Chapter 5 or as subsequently amended must be met and the following standards:

(2) Land alteration and development shall not encroach on rare plant communities or endangered species identified in the Minnesota Department of Natural Resources County Biological Survey for Natural Communities and rare species.

(3) The impacts of land alteration and development on the existing wildlife and plant habitats shall be minimized through site design, restoration and by maintaining continuity with those habitats on adjacent sites.

(4) Land alteration and development shall minimize the impacts on the hydrological regime and water quality of surface water by using best management practices.

SECTION 7. OPEN SPACE DEVELOPMENT (OSD) OVERLAY ZONING DISTRICT

7.1 Purpose and Scope.

(1) The OSD Overlay Zoning District is established by the Township to provide an alternative subdivision option as defined in Chapter Two, Part 3, Section 4 of the Township Zoning Ordinance. The overlay zone includes land previously developed as open space subdivisions, or land planned for open space development in the future as a result of housing infrastructure for municipal water service from the City of Bayport.

7.2 Land Uses in the OSD Overlay District

(1) Permitted Uses. The following are permitted uses in the OSD Overlay District:

(A) Uses permitted in the underlying zoning district are permitted in the OSD Overlay District.

(2) Uses with a Certificate of Compliance. The following uses are permitted in the OSD Overlay District after the issuance of a Certificate of Compliance:

(A) Uses permitted in the underlying zoning district with a Certificate of Compliance are permitted in the OSD Overlay District with a Certificate of Compliance.

(3) Uses with a Conditional Use Permit (CUP). The following uses are permitted in the OSD Overlay District after the issuance of a CUP:

(A) Uses permitted in the underlying zoning district with a CUP are permitted in the OSD Overlay District with a CUP.

7.3 Performance Standards

(1) Existing Open Space Development Standards. Open Space Developments within the OSD Overlay District as of the date of Ordinance Number 68 shall adhere to the requirements of the approved subdivision plats, as well as with any conditions from Conditional Use Permits issued as part of the Township approval for the Open Space Development.

(2) New Open Space Development Standards. Open Space Developments within the OSD Overlay District proposed after the date of Ordinance Number 68 shall adhere to the requirements of Chapter Two, Part 3, Section 4, of the Township Zoning Ordinance for the application, design, and standards of Open Space Developments at the time of application.

THIS PAGE LEFT BLANK INTENTIONALLY

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO
PART 2
DENSITY AND LOT REQUIREMENTS

TABLE OF CONTENTS

SECTION 1. DENSITY *3*

1.1 Density in Districts **3**
1.2 Determination of Density Units **4**
1.3 Development Agreement **5**
1.4 Transfer of Density Units **5**
1.5 Conveyance of Land **5**

SECTION 2. LOT REQUIREMENTS *5*

THIS PAGE LEFT BLANK INTENTIONALLY

This Column Is Commentary/Interpretive Purposes Only

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 2
DENSITY AND LOT REQUIREMENTS

This Part regulates the development of land located in the, AP, AG, SFE TZ, and SCR Overlay districts.

This Part regulates the development of residential land through the use of density and not minimum lot size and width zoning as found in traditional zoning ordinances. This approach provides flexibility to property owners by permitting three types of subdivision design: conventional, lot averaging and open space development.

(3) The **conventional subdivision** plan divides property into lots according to the minimum lot size and width requirements for the zoning district.

(4) The second technique, **lot averaging**, allows the property owner to create parcels smaller than those of a conventional subdivision plan provided the density of the development does not exceed the maximum density permitted for the zoning district and the density that can be achieved with a yield plan.

The development of land within the Shoreland Overlay District and Lower St. Croix River Bluffland and Shoreland Management District these districts shall be determined in accordance with Chapter Six, Shoreland Management Regulations and Chapter Five Lower St. Croix River Bluffland and Shoreland Management Regulations of the Washington County Development Code. Development in these districts may require approval by Washington County in addition to Township approval.

Density is the number of dwelling units permitted per acre of land.

SECTION 1. DENSITY

1.1 Density in Districts.

(1) In the AP District, the density of residential dwelling units shall not exceed one (1) dwelling unit per 40 acres or quarter-quarter section

A quarter-quarter section is defined as a tract of land legally described as a full quarter-quarter or a 40 acre parcel not reduced by more than 10% due to road right-of-way dedication.

(2) In the AG District, the density of residential dwellings shall not exceed four (4) dwelling units per 40 acres or quarter-quarter section.

(3) In the RR District, the density of residential dwelling units shall not exceed eight (8) dwelling units per 40 acres or

quarter-quarter section.

(4) In the SFE district, the density of residential dwelling units shall not exceed sixteen (16) dwelling units per 40 acres or quarter-quarter section.

(5) In the "TZ" Transition Zone District, the density of residential dwelling units shall not exceed one (1) dwelling unit per ten (10) acres. The density of residential dwelling units may be increased to four (4) dwelling units per ten (10) acres if a master subdivision plan is submitted and approved showing how each lot could be re-subdivided into lots meeting the minimum lot standards for residential suburban when public sewer becomes available.

(6) In the "SCR" Overlay District, the density of residential dwelling units shall not exceed eight (8) dwelling units per forty (40) acres. All requirements of Chapter 5 of the Washington County Zoning Code also apply to land within the SCR District.

Density units are the number of individual dwelling units that can be located on a parcel of land as established thorough the use of a yield plan. For the purpose of this Zoning Ordinance, a multi - family residential dwelling is considered as having as many density units as there are individual dwelling units, regardless of whether those units are attached or detached.

Calculation Example:
A) 26 acres in the A-4 zone = 26 x 4/40=104/40=2.6 density units

1.2 Determination of Density Units

(1) For the purposes of developing land for residential development, the maximum number of density units for any individual parcel shall be determined by applying the following steps:

(2) The maximum number of density units for an individual parcel shall be calculated by multiplying the size of the parcel in acres by the maximum density per 40 acres for the district in which the parcel is located as set forth in Section 1.1 above then dividing this number by 40 to achieve the result.

(3) In order to determine the allowable number of density units per parcel, a yield plan drawn to scale showing the maximum number of lots that would be permitted using the performance standards for lots in a conventional subdivision designed in accordance with the applicable sections of the zoning, subdivision, and other applicable regulations shall be prepared and submitted to the Zoning Administrator for review. If, after determining the maximum number of lots in a conventional subdivision, a lot could be created that meets 80 percent of the minimum lot size and otherwise meets all other lot requirements for the zoning district, then that lot shall be considered as one lot for density computation purposes. The number of density units so determined shall constitute the parcel's maximum development potential.

1.3 Development Agreement

(1) From and after the effective date of this Zoning Ordinance, parcels subdivided shall be restricted by a development agreement specifying the number of density units allocated amongst the lots or parcels being created, and the fact that the use and development and further subdivision of the parcels being created is subject to the regulations contained in this Zoning Ordinance. The development agreement must be executed by the Town Board, and may not be amended without the approval of the Town Board.

1.4 Transfer of Density in Units

(1) After the effective date of this Chapter, development agreements may be amended to reallocate density units between contiguous parcels if the contiguous parcels are: 1) located in the same zoning district; 2) under common ownership; and 3) the reallocation of density units meets the criteria contain in this Chapter.

After the effective date of this Chapter, development agreements may be amended to reallocate density units between contiguous parcels if the contiguous parcels are: 1) located in the same zoning district; 2) under common ownership; and 3) the reallocation of density units meets the criteria contained in this Chapter.

Conveyances shall have the meaning specified in Minnesota Statute §272.12.

1.5 Conveyance of Land

(1) Prior to recording a conveyance of land which is less than the whole as charged on the tax lists maintained by the Washington County Auditor/Treasurer, the conveyance must first be approved by the Zoning Administrator for compliance with this Section.

(2) Any conveyance of land which is less than the whole parcel of land as charged on the tax lists and found to be in violation of this section by the Zoning Administrator will be returned to the draftsperson and notice by mail of the potential violation will be given to the parties to the conveyance pursuant to Minnesota Statutes §394.37.

SECTION 2. LOT REQUIREMENTS

2.1 In the Agricultural Preserve (AP) District, the following lot requirements must be met:

(1) Minimum Lot Size……40 acres

(2) Minimum Frontage on Public Road…… 300 feet

(3) Maximum Lot Coverage……25%

(4) Minimum Building Setbacks

Setback requirements may vary for OSD developments, and are included in each OSD approval. Typical structure setbacks in OSDs include:

Primary structures: 30' front, 15' side, 30' rear.

Accessory buildings: 30' front (no closer to the roadway than the primary structure), 15' side, 10' rear.

(A) Front…… 40 feet

(B) Side……..20 feet

(C) Rear…… .50 feet

(5) Maximum Building Height……35 feet

(6) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "arterials" in the Comprehensive Plan.

2.2 In the Agricultural (AG), Rural Residential (RR), Single Family Estates (SFE) and Transition (TZ) Districts, the following lot requirements must be met unless the parcel is part of an approved open space development.

(1) Conventional Subdivision

(A) Minimum Lot Size

(A) AP ……40 acres

(B) AG……10 acres

(C) RR ……...5 acres

(D) SFE ……...2.5acres

(E) TZ……10 acres

(B) Minimum Frontage on a Public Road

(A) 160 feet on parcels 2-4 acres in size

(B) 300 feet on parcels greater than 4 acres in size

(2) Lot Averaging

(A) Minimum Lot Size

(C) AG ……..2 acres

(3) Maximum Lot Coverage 25%

(4) Minimum Building Setbacks

(5) Front 40 feet

(6) Side 20 feet

(7) Rear 50 feet

(8) Maximum Building Height 35 feet

(9) The minimum setback for all structures shall be one hundred fifty (150) feet from the centerline, or 75 feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Township's Comprehensive Plan.

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO
PART 3
PERFORMANCE STANDARDS

TABLE OF CONTENTS

SECTION 1. DEVELOPMENT STANDARDS 3

1.1 General Standards 3
1.2 Accessory Structures 6
1.3 Environmental Regulations 9
1.4 Exterior Storage Along Major Highways and County Roads 13
1.5 Fences 13
1.6 Land Alteration and Grading 15
1.7 Land Clearing 22
1.8 Lighting 24
1.9 Parking 27
1.10 Signs 30

SECTION 2. STANDARDS FOR USES 38

2.1 Accessory Apartments 38
2.2 Agricultural Business - Seasonal 38
2.3 Balloon Ports 40
2.4 Bed and Breakfast 37
2.5 Cemeteries 42
2.6 Community Residences 39
2.7 Essential Services - Government Uses, Buildings and Storage 43
2.8 Essential Services - Utility Substation 44
2.9 Fairgrounds 41
2.10 Golf Courses 452
2.11 Golf Driving Range 46
2.12 Home Occupations 504
2.13 Horse Training Facilities 45
2.14 Kennels-Commercial 51
2.15 Livestock and Livestock Operations 51
2.16 Mining 49
2.17 Multifamily Residential Developments 54
2.18 Places of Worship 56
2.19 Plant Nurseries 56
2.20 Public Recreational Facility 57
2. 21 Recreation Uses 58
2.22 Resorts/Conference Facilities 52
2.23 Schools 583
2.24 Swimming Pools…… 54
2.25 Temporary Dwelling Unit-Care Facility 60

2.26 Temporary Farm Dwelling 64
2.27 Travel Trailer/RV Campground 58
2.28 Wind Energy Conversion Systems (WECS) 61
2.29 Wireless Communication Antennas and Towers 65
2.29 Yard Waste Facilities 73

SECTION 3. OVERLAY DISTRICTS 83

3.1 Airport Overlay District 83
3.3 St. Croix River Overlay District 77
3.4 Shoreland Management Overlay District 83

SECTION 4. OPEN SPACE DEVELOPMENT 78

SECTION 5. PLANNED UNIT DEVELOPMENT 96

Commentary/Interpretive Purposes Only

BAYTOWN TOWNSHIP ZONING ORDINANCE

CHAPTER TWO

PART 3

PERFORMANCE STANDARDS

The performance standards established in this Part are designed to encourage a high standard of development. The standards are designed to prevent and eliminate those conditions that cause blight and to assure that neighboring land uses are compatible. All future development in all districts shall be required to meet these standards and the standards shall also apply to existing development where so stated.

SECTION 1. DEVELOPMENT STANDARDS

General Standards apply to all lots or uses. These regulations must be met in addition to other specific regulations that may apply to the individual lot or proposed use.

1.1 General Standards

(1) All lots or uses will be subject to these general standards as well as other specific regulations that apply to the lot or the proposed use.

(2) All agricultural and livestock operations being conducted in compliance with the terms of this Zoning Ordinance shall not be deemed a violation of this Zoning Ordinance notwithstanding the fact that there may have been changes in the surrounding character of the area.

(3) All applicants for a certificate of compliance or conditional use permit in the commercial zones must explain their business and any manufacturing processes involved. Any business/use storing or using hazardous substances as defined in Title 49 CFR, the Clean Water Act, Hazardous Waste Rules or Department of Transportation Rules must meet all applicable Environmental Standards.

(4) Sloping or Erodible Building Sites. No structure shall be constructed on sites with slopes of greater than twenty-five percent (25%) or on easily erodible soils as defined on the community soils maps and compiled by the Washington County Soil and Water Conservation District.

(5) Permitted Encroachments into Required Setbacks. The following shall be permitted encroachments into setback requirements:

(A) Flues, eaves and awnings up to three (3) feet in width;

(B) Steps, chimneys, sidewalks, and stoops up to three (3) feet in width;

(C) Exposed wheelchair ramps, bay windows and doors up to three (3) feet in width.

(6) Corner lots. Nothing shall be placed or allowed to grow, with the exception of seasonal crops, in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right of way lines.

(7) Setbacks along Arterials. The minimum setback for all structures shall be one hundred (150) feet from the centerline, or seventy five (75) feet from the right-of-way (whichever is greater), along roads designated as "Arterials" in the Township's Comprehensive Plan.

(8) Minimum width and foundations. In all districts where single family dwellings are permitted, the following standards shall apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Part 3, Sections 2.29, 2.30 and 2.31 of this Zoning Ordinance:

(A) The minimum width of the main portion of the structure shall be not less than twenty (20) feet, as measured across the narrowest portion.

(B) All dwellings shall be placed on a permanent foundation and anchored to resist overturning, uplift and sliding in compliance with the Minnesota State Building Code.

(9) Code compliance. All principal buildings shall meet or exceed the minimum standards of the Minnesota Building Code, the Minnesota State Uniform Fire Code, the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the Washington County Subsurface Sewage Treatment System Regulations, except that manufactured homes shall meet or exceed the requirements of the State of Minnesota Manufactured Home Building Code in lieu of the Minnesota State Building Code.

(10) Buildable land. All new parcels created must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as:

(11) Land with a slope less than 25 percent, and

(A) outside of any required setbacks, except that on a natural environment lake where a 200 foot structure setback is required, the buildable area calculation would be measured from a 150 foot setback rather than the required 200 foot setback; and

(B) above any 100 year floodplain, drainage way, or drainage easement.

Property situated within Shorelands or the Saint Croix River districts are also subject to the requirements in those Chapters.

(12) Number of structures. There shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise authorized by the Zoning Ordinance.

(13) Certain dwelling units prohibited. No cellar, garage, recreational vehicle or trailer, basement with unfinished exterior above or accessory building shall be used at any time as a dwelling unit.

(14) Occupancy of a Single Family Residential dwelling. No more than six (6) persons can reside in a single family residential dwelling not related by blood, marriage or adoption.

(15) Traffic control. The traffic generated by any use shall be controlled so as to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be regulated so as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas in all cases shall be forward moving with no backing into streets.

(16) Vacated streets. Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceedings.

(17) Access drives, access and service roads. Access drives onto Township or County roads shall require an access permit from the appropriate road authority. This permit shall be issued prior to the issuance of any building permits. The Township or County Engineer shall determine the appropriate location, size and design of such access drives and may limit the number of access drives in the interest of public safety and efficient traffic flow.

One primary access driveway is permitted for a residential

use. The Town Board may approve a secondary access to a residential parcel to address unique circumstances.

(18) Private roads. Private roads are not allowed in any new subdivisions created after the effective date of this Zoning Ordinance. Existing lots of record on private roads will be subject to the Standards contain in the Township's Zoning and Subdivision Ordnances.

(19) No structure shall exceed the maximum height permitted for the zoning district in which it is located, except for church spires, chimneys, flag poles up to 45 feet in height. Maximum height of Wireless Communication Facilities and Wind Energy Conversion Systems is regulated in accordance to Chapter Two, Part 3, of this Ordinance.

(20) Structures must be setback a minimum of 50' from an underground pipeline easement.

(21) Unclassified water bodies. All lots having frontage on or containing an unclassified water body as defined in Chapter Six, Shoreland Management Regulations shall be subject to the setback regulations for unclassified water bodies as established in the Shoreland Management Regulations.

1.2 Accessory Structures

(1) Required Permits. A building permit is required for all accessory structures, including temporary structures, except small sheds that are 120 square feet or less in size and agricultural buildings on a farm of forty acres or more, as defined in Minnesota Statute 16B.6. A certificate of compliance is required for all agricultural buildings and accessory structures over 1,000 square feet in size.

(2) Performance Standards. The following standards apply in all districts.

(A) No accessory structure shall be constructed on a lot prior to construction of the principal structure unless the property is a rural farm containing forty (40) acres or more.

(B) An accessory structure shall be considered attached to the principal building if it is within six (6) feet or less from the principal building.

(C) No detached accessory structure shall be located closer to the road right-of-way than the principal building on a lot unless all of the following conditions are met:

(A) The Town Board approves the building location.

(B) All setbacks are met.

(C) The accessory building is located no closer than one-half (1/2) the distance between the principal structure, as measured from the closest point to the road, and the front setback line.

(D) The Township may require the applicant to screen the building with plantings on the sides of the building to be screened (front sides and sides facing neighbors). The plants must be coniferous trees (spruce, fir, arborvitae) at least four (4) feet tall form the top of the root and spaced no greater than eight (8) feet apart. The landowner shall be responsible for care and maintenance of these trees. The Township shall determine the number of trees based upon recommendation of the Township Planner. Such requirements shall be included as part of action of the Board on the request for a certificate of compliance.

(E) The Town Board conducts a public hearing before making the decision after complying with the requirements for published and mail notice as required for standard hearings.

(3) In Agricultural (AG, AP), Residential (RR, SFE), St. Croix River (SCR) and Transitional (TZ) districts, the following additional standards apply to all land within these districts:

(A) The permitted size and number of accessory buildings are as follows:

Size of parcel in Acres	No. of buildings allowed	Total sq. ft.
Less than 1 acre	1	720 sq. ft.
1-2.49 acres	1	1,000
2.5-5 acres	2	2,000
5.01 acres – 20 acres	2	2,500
20.01+ acres	3 if not agricultural; No limit if agricultural	4,500 if not agricultural; No limit if agricultural

(B) One single-story shed of 120 square feet or less

is permitted in addition to the accessory structures identified on the table above.

(C) All detached accessory buildings and temporary structures are to be used for personal use or agricultural use only. No commercial use or commercial-related storage is allowed in these structures.

(D) No land shall be subdivided so as to have a larger building or structure and/or exceed the total number of buildings and structures as permitted by this Zoning Ordinance

(E) Land may be subdivided with a minor subdivision into parcels of no less than five (5) acres and retain the existing number and square footage of accessory structures on the site if they are part of a farmstead as existed on January 1, 2001, subject to the following conditions:

a) There shall be no additional accessory buildings constructed on the property.

b) If any existing accessory buildings become Hazardous Buildings, they shall be repaired or removed by the owner.

(F) Temporary Accessory Structures are allowed with a building permit. The permit fee shall be determined by the Town Board. Permits for temporary accessory structures shall be limited to a maximum time period of one hundred and eighty (180) days per calendar year. The building inspector may grant extensions of up to sixty (60) days for demonstrated cause. Temporary structures shall be maintained in good repair and shall be subject to the Township's nuisance ordinance.

Accessory structures used to house domestic farm animals are subject to additional regulations.

(G) Domestic Farm Animals. Accessory buildings and structures used to shelter domestic farm animals must meet the following requirements:

a) All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

Natural/ Man-Made Features	Horizontal Setbacks

(a) Any property line	100 feet
(b) Any existing well or residential structure on the same parcel	50 feet
(c) Any existing well or residential structure on adjacent or nearby parcel	200 feet
(d) Seasonal or year-round body of surface water	200 feet

b) Said structure, feedlot or manure storage shall not be placed on slopes which exceed thirteen (13) percent.

c) Evidence of seasonally high ground water level or mottled soil (as established by six (6) foot borings) shall not be closer than four (4) feet to the natural surface ground grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

d) No marsh or wetland (as established by the predominant wetland vegetation and/or soils) shall be utilized for placement of the proposed structure, feedlot or grazing area.

The purpose of these standards is to protect the environment.

Hazardous Materials include oil, gasoline, liquid fertilizer, chemicals and similar liquids.

1.3 Environmental Regulations

(1) Hazardous Materials.

(A) All uses associated with the bulk storage of over two thousand (2,000) gallons of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit.

(B) All existing, above ground liquid storage tanks having a capacity in excess of two thousand (2,000) gallons shall secure a conditional use permit within twelve (12) months following enactment of this Ordinance, unless the tank(s) is located on agricultural property. A certificate of compliance is required for all above ground storage tanks having a capacity of 2,000 gallons that are located on agricultural properties.

(C) Secondary containment shall be provided for

hazardous materials that are stored above ground and for all areas where hazardous materials are loaded or unloaded. Above ground liquid storage tanks must have secondary containment, suitably sealed to hold a leakage capacity equal to one hundred ten percent (110%) of the tank's capacity.

(D) Any area used for the storage of hazardous materials shall not contain interior floor drains. If floor drains are essential to business operation, then the facility shall:

a) Connect the floor drain to a closed holding tank, or;

b) Obtain a groundwater discharge permit from the Minnesota Department of Natural Resources.

(E) The storage and/or preparation area for hazardous materials with more than 25 gallons or 100 pounds dry weight must be set back a minimum of 150' from a water supply well.

(F) Hazardous materials stored in an above ground storage tank with containment must be setback a minimum of 100' from a water supply well.

Dry Fertilizers

(G) Dry commercial fertilizers must not be located in areas where storm water runoff from stockpiles could enter storm sewers, sanitary sewer or other surface or ground water.

Dry Bulk Pesticides

(H) Dry bulk pesticides with a dry weight of 100 pounds or more shall be stored under a roof or tarpaulin that excludes precipitation from reaching the pesticide.

(I) Closed holding tanks shall be used for the collection of wash water from vehicle maintenance and other related operations.

(J) Primary containment of hazardous materials shall be product-tight and all hazardous materials shall be stored in compliance with the rules and regulations of Federal, State, County and local agencies.

(K) The Minnesota Pollution Control Agency and Federal agency requirements for storage leak

detection, record keeping, spill prevention, emergency response, transport, and disposal shall be met.

(L) Underground storage tanks shall comply with the requirements of the Minnesota Pollution Control Agency and Federal agencies.

Explosives

(2) Explosives. Uses involving the commercial storage, use or manufacture of materials or products that could detonate by decomposition are not permitted.

Radiation & Electrical Interference

(3) Radiation and Electrical Interference. No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances. Any such omissions are hereby declared to be a nuisance.

Nuisances including noise, air, water pollution, vibration, public health nuisances, refuse, and inoperable vehicles.

(4) Nuisances. No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare dust or other such adverse influences shall be permitted in any district that will have an objectionable effect upon adjacent or nearby property owners and residents. Minimum standards shall be as follows:

(A) Noise, Air and Water Pollution. Notwithstanding anything contained herein to the contrary, the standards of the Minnesota Pollution Control Agency for noise, air, and water pollution shall be the standards applied in those areas.

(B) Vibration. The following vibrations are prohibited:

a) Any vibration discernible (beyond the property line) to the human sense of feeling for three (3) minutes or more duration in any one (1) hour.

b) Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines on any structure. These standards shall not apply to vibrations created during the process of construction.

(C) Public Health. The following are declared to be nuisances endangering public health and are

prohibited:

a) Causing or allowing the effluent from any cesspool, septic tank, drain field or human sewage disposal system to discharge upon the surface of the ground, or dumping the contents thereof at any place except as authorized by the Minnesota Pollution Control Agency.

b) Causing or allowing the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

c) Failing to dispose of carcasses of animals within twenty-four (24) hours after death.

d) Any use shall be so operated as not to discharge across the boundaries of the lot or through evaporation into the atmosphere or the subsoil beyond the boundaries of the lot wherein such use is located toxic or noxious matter in such concentration as to be detrimental to or endanger the public health, safety or welfare, or cause injury or damage to property or business.

e) The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed, of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges or latches, or providing locks to prevent access by the public.

(D) Refuse

In all districts, (with the exception of agricultural uses and crop residue) all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

(E) Inoperable Vehicles

Passenger vehicles and trucks in an inoperable state shall not be parked in any districts, except in a location authorized as a vehicle reduction yard or enclosed building, for a period exceeding seven consecutive days.

Hazardous Waste

(5) Hazardous Waste. Any use that generates, processes or disposes of hazardous waste shall comply with the standards and regulations of the County's Hazardous Waste Management Ordinance, Minnesota Pollution Control Agency and any other federal, state and local agencies.

The purpose of these standards is to protect the natural scenic beauty of roadsides along major highways and Washington County roads.

1.4 Exterior Storage Along Major Highways and County Roads

(1) Applicability. These standards are applicable in the Shoreland Overlay District, the St. Croix River Overlay District and in all districts to all property with frontage on a major highway or county road or within 1/4 mile of the major highway or county road.

(2) Performance Standards.

(A) In all districts, all useable personal property shall be stored within a building or fully screened so as not to be visible from major highways and county roads, except for the following: recreational equipment, construction and landscaping materials and equipment currently (within a period of twelve (12) months) being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of licensed and operable passenger automobiles and pickup trucks.

The purpose of this section is to establish regulations for fences.

1.5 Fences

(1) Applicability. These standards shall apply in the Shoreland Overlay District, St. Croix River Overlay District and on those properties that have frontage on a major highway or County Road.

(2) General Performance Standards.

(A) Fences are permitted in accordance with the following regulations:

a) Solid walls in excess of four (4) feet above adjacent ground grades shall be prohibited.

b) That side of the fence considered to be the face (finished side as opposed to the structural supports) shall face the abutting property.

c) No fence shall be constructed on public rights-of-way.

d) Fences shall not impede the vision of the roadway from a driveway providing access to the road.

e) Where a property line is not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish the location of the property line.

f) Fences that exceed six (6) feet in height are permitted provided a building permit is received.

g) Fences may be placed along a property line provided no physical damage of any kind results to abutting property.

h) Fences on or within three (3) feet of the property line shall require a certificate of compliance.

(B) On properties located in the Shoreland Overlay District or St. Croix River District that either have lake or river frontage, fences must comply with the following standards:

a) A certificate of compliance is required prior to the construction of any fence on these properties.

b) Within the non-buildable setback, fences shall be allowed along the side lot lines, but shall not exceed six (6) feet in height from the finished ground grade.

c) Within the buildable area of the property, fences shall have a maximum height of six (6) feet from the finished ground grade.

(C) Fences are permitted along a property line abutting a road right-of-way in accordance with

the following:

a) On properties that are being used for agriculture, a fence may be constructed up to six (6) feet in height provided the fence is a wire strand or wood rail fence.

b) On properties where the primary use is residential, commercial or industrial, fences shall not exceed four (4) feet in height. Fences within the non-buildable setback area and less than twenty (20) feet from the front property line shall not exceed four (4) feet in height.

c) Fences on all other parts of the property shall be subject to the regulations of the local unit of government.

The purpose of these standards is to regulate the alteration or grading of land.

Land alteration and grading: The reclaiming of land by depositing or moving material so as to alter the grade.

1.6 Land Alteration and Grading

(1) Land Alteration and Grading activities shall comply with the Township Stormwater Management and Erosion Control Ordinance and requirements.

(2) Permit Required. Land alteration and grading of fifty (50) cubic yards or more and/or the disturbance of land area of 1,000 square feet or more shall be permitted with a grading permit. A permit is not required for the following: agricultural activities; grading activities associated with a construction project provided a building permit is issued and there is a minimal amount of land disturbance; subdivisions that have received final plat approval; and driveways permitted in conjunction with a building permit.

Public Waters: All lakes, ponds, swamps, streams, drainageways, floodplains, floodways, natural water courses, underground water resources, and similar features involving, directly or indirectly, the use of water within the community.

(A) The application for a permit shall include an existing and a finished grade plan. The finished grade plan shall show no adverse effects on adjacent land. The Zoning Administrator may require information in addition to this plan, including but not limited to, a plan for fire control, general maintenance of site, control of vehicle ingress and egress, drainage and control of material disbursed from wind or hauling of material to or from the site.

(B) Grading permit applications will be reviewed by the Township Engineer and may be reviewed, as deemed necessary by the Zoning Administrator or in accordance with other rules, by the

Minnesota Department of Natural Resources, and the appropriate Watershed Management Organization.

(C) A grading, drainage and erosion control plan may be required if, in the judgment of the Zoning Administrator or Township Engineer, significant soil erosion, vegetation destruction or drainage damage may occur during the land alteration process. The Township Engineer shall review the permit application.

(D) The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the grading permit.

(3) Applications for any project that will affect more than one (1) acre shall complete a Storm Water Pollution Prevention Plan (SWPPP) and shall comply with all requirements of the current National Pollution Discharge Elimination System (NPDES) regulations and other applicable Federal and State regulations.

(4) General Standards. The following general standards shall apply for grading, drainage and erosion control:

(A) All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.

(B) Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, and erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on site. Stabilization must be completed no later than fourteen (14) calendar days after a substantial portion of rough grading has been completed or if land disturbing activity has temporarily or permanently ceased. Stabilization must be completed no later than seven (7) days if the site discharges to and is located within one (1) mile of an impaired or special water as defined by the MPCA.

(C) Slopes over twenty-five percent (25%) (4:1) shall not be altered.

(D) Development on slopes with a grade between thirteen (13%) (8:1) and twenty-five (25%) (4:1) percent shall be carefully reviewed by the Township Engineer to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative and structural damage.

(E) Erosion and siltation measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

(F) Land shall be developed in increments of workable size such that erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(G) The drainage system shall be constructed and operational as quickly as possible during construction.

(H) Whenever possible, natural vegetation shall be retained and protected.

(I) Where the topsoil is removed, sufficient arable soil shall be set aside for re-spreading over the disturbed area. The soil shall be restored to a depth of four (4) inches and shall be of quality at least equal to the soil quality prior to development.

(J) If more than ten (10) acres are disturbed and drained to a single point of discharge, the applicant shall install temporary sediment basins. However, if the site has special waters as defined by the MPCA, the applicant shall install temporary sediment basins if five (5) or more acres are disturbed. When site restrictions do not allow for a temporary sediment basin, equivalent measures such as smaller basins, check dams, and vegetated buffer strips may be utilized if approved by the Township.

(K) For disturbed areas that are less than ten (10) acres in size, sedimentation basins are encouraged, but not required. The applicant shall install erosion and sediment controls at locations directed by the community. Minimum requirements include silt fences, rock check

dams, or other equivalent control measures along slopes. Silt fences, rock check dams, etc., must be regularly inspected and maintained by the applicant.

(L) The applicant shall stabilize the normal wetted perimeter of temporary or permanent drainage ditches or swales within one hundred (100) lineal feet of the property boundary or discharge point to a surface water.

(M) The natural drainage system shall be used as far as feasible for the storage and flow of runoff. Storm water drainage shall be discharged to sediment, detention or retention basins or other treatment facilities. Wetlands used for stormwater shall provide for natural or artificial water level control. Storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage and construction cost.

Erosion Control

(5) Erosion Control. The following measures shall be taken to control erosion during the construction process:

(A) Exposed slopes shall not be steeper in grade than four (4) feet horizontal to one (1) foot vertical (25%).

(B) Exposed slopes shall be protected by whatever means effective to prevent erosion considering the degree of the slope, soil material, and expected length of exposure. Slope protection may consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seeding of annual grasses.

(C) Earthen structures such as dams, dikes, and diversions must be seeded and mulched within fourteen (14) days of installation, or within seven (7) days if the site discharges to and is located within one (1) mile of an impaired or special water as defined by the MPCA.

(D) All on-site storm water conveyance channels shall be designed and constructed to withstand the expected velocity of flow from a five (5)-year frequency storm event without erosion.

(E) Control measures, other than those stated above, may be used if the applicant can demonstrate

that they will as effectively protect exposed slopes and the Township approves the alternate control measures.

Sediment Control

(6) Sediment Control. The following measures shall be taken to control sediment from leaving the construction site:

(A) Temporary barriers shall be constructed to prevent sediment from leaving the site. These barriers may consist of silt fences or straw bale sediment traps.

(B) Temporary sediment basins or traps may be required to remove medium and large sized sediment particles from runoff and reduce discharge velocity.

(C) The Zoning Administrator or Township Engineer may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on the tires of vehicles.

Restoration

(7) Restoration. All permits shall contain a restoration plan providing for the use of land after project completion. The following are minimum standards for restoration.

(A) All disturbed areas shall be restored at the completion of the project.

(B) All restoration shall include the application of a minimum of four (4) inches of a mineral topsoil or similar material that will support plant growth.

(C) Final grades shall be in conformity with the permit and topography of the surrounding land.

(D) If the land is to be restored to crop production, no slope shall exceed five (5) feet horizontal to one (1) foot vertical (20%).

(E) If the restoration is not for crop production, no grade shall exceed four (4) feet horizontal to one (1) foot vertical (25%).

(F) All restored areas shall be seeded with a mixture recommended by the Washington Conservation District or local watershed management organization or returned to crop production.

(G) The standards in B, C, D and E above may be

raised or modified to accommodate a specific restoration plan.

Floodplains

(8) Floodplains. Land alteration in floodplains shall also be in accordance with Floodplain regulations.

Public Waters

(9) Public Waters. No public water area shall be filled, partially filled, dredge, altered by grading, mining or disturbed in any manner without first securing a permit from the local watershed management organization, Minnesota Department of Natural Resources, the United States Army Corp of Engineers and a grading permit from the Zoning Administrator.

Drainage

(10) Drainage.

(A) All new development or land alteration shall comply with the Township's Stormwater Management and Erosion Control Ordinance.

(B) No land shall be developed or altered and no use shall be permitted that creates surface water runoff causing unreasonable flooding, erosion or deposit of materials on adjacent properties or water bodies. Such runoff shall be properly channeled into a storm drain, a natural watercourse or drainage way, a ponding area or other public facility.

(C) Upon inspection of any site that has created drainage problems or could create a drainage problem with proposed new development, the owner of said site or contractor may be required to complete a grading plan and apply for a grading permit.

(D) The owner or contractor of any natural drainage improvement or alteration may be required to obtain a grading permit.

(E) On any slope in excess of thirteen percent (13%) (8:1) where the natural drainage pattern may be disturbed or altered, the owner or contractor may be required to obtain a grading permit.

(11) Wetland Preservation. The alteration of wetlands shall comply with the rules and regulations of Federal, State and local agencies.

(12) Preservation of Natural Drainage ways/Waterways. The regulations of this subsection shall be administered by the

Zoning Administrator unless the Watershed Management Organization has permitting authority. In that event, the regulations of the Watershed Management Organization shall take precedence.

(A) Storm sewers may be used where it can be demonstrated that the use of the above-ground natural drainage system will inadequately dispose of runoff. Surface water drainage systems may be constructed to augment the natural drainage system.

(B) The widths of a constructed waterway shall be sufficiently large to adequately cannel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage areas is reached.

(C) No fences or structures shall be constructed across the water way that will reduce or restrict the flow of water.

(D) The banks of the waterway shall be protected with permanent turf vegetation.

(E) The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical.

(F) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks and waterway.

(G) The bed of the waterway should be protected with turf or sod. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone or field stone (if random rip rap is used). The rip rap shall be no smaller than two (2) inches square or larger than two (2) feet square.

(H) The flow velocity of runoff waterways shall be controlled to a velocity that will not cause erosion of the waterway. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Rip rap would be allowed to prevent erosion at these points.

(I) Flow velocity should be controlled through the

installation of diversions, berms, slope drains, and other similarly effective velocity-control structures.

(J) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

(K) Temporary pervious sediment traps could consist of a construction of hay bales with a low spillway embankment section of sand and gravel that permits slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of the development. Development of housing and other structures shall be restricted form the area on either side of the waterway to channel a twenty-five (25) year storm.

(L) Permanent impervious sediment control structures consisting of sediment basins (debris basins, de-siltation basins, or silt traps) shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

(M) The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Zoning Ordinance.

(N) Sediment basins shall be maintained as the need occurs to insure continuous de-siltation action.

(O) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basin shall be landscaped.

(P) Prior to the approval of a plat for development, the developer shall make provisions for continued maintenance of the erosion and sediment control system.

1.7 Land Clearing

The purpose of this section is to establish standards for the clearing of land in areas of 20,000 square feet or more.

(1) Required Permits: Land clearing on an area of 20,000 square feet or more is permitted in all districts, provided a Certificate of Compliance is issued. A permit is not required

for clearing trees and other woody plants in an area less than 20,000 square feet, clearing activities associated with a construction project provided a building permit is issued and there is minimal amount of clearing, and subdivisions that have received final plat approval.

(2) Other Requirements. Land Clearing must comply with all rules and regulations of Federal, State, County and local agencies and with the Township's Stormwater Management and Erosion Control Ordinance.

(3) Performance Standards. Land clearing shall comply with the following:

(A) There shall be no removal of trees located on slopes greater than 25%, or in wooded floodplains, wooded wetlands, and stream corridors. Trees and woodlands within the Shoreland Overlay District and the St. Croix River District are subject to the requirements as stated in Chapter Six, Shoreland Management Regulations and Chapter Five, Lower St. Croix River Bluffland and Shoreland Management Regulations in addition to the regulations of this Chapter.

(B) Construction fences or barricades may be required to be placed at the perimeter of the area to be cleared.

(C) Erosion and siltation measures shall be coordinated with the different stages of clearing. Appropriate control measures shall be installed prior to land clearing when necessary to control erosion.

(D) Land shall be cleared in increments of a workable size such that erosion and siltation controls can be provided as the clearing progresses. The smallest practical area of land shall be exposed at any one period of time.

(E) Restoration. All permits shall contain a restoration plan providing for the use of the land after project completion. The following are minimum standards for restoration:

a) All disturbed areas shall be restored at the completion of the project.

b) All restoration shall include the application of a minimum of four (4) inches of mineral soil or similar material that will support plant growth.

c) All restored areas shall be seeded with a mixture recommended by the Township Engineer or Watershed Management Organization unless it is put into forest or row crop production.

d) Final grades shall be in conformity with the permit and topography of the surrounding land.

e) The standards above may be raised or modified to accommodate a specific restoration plan.

(F) The Zoning Administrator may require the applicant to post a bond or other financial guarantee to ensure compliance with the certificate of compliance.

1.8 Lighting

(1) Exemptions. The standards of this section shall not apply to the following:

(A) Temporary holiday lighting. This Ordinance does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.

(B) Civic Event Lighting. This Ordinance does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.

(C) Airport Lighting required for the safe operation of airplanes.

(D) Emergency Lighting by police, fire and rescue authorities.

(2) Nonconforming Uses.

(A) All outdoor lighting fixtures lawfully existing and legally installed prior to the effective date of this Section are exempt from the regulations contained in this Section.

(B) Whenever an outdoor light fixture that was

existing on the effective date of this Ordinance is replaced by a new outdoor light fixture, the new fixture must meet the standards of this Ordinance.

(3) Method of Measuring Light Intensity. The foot candle level of a light source shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.

(4) Performance Standards.

(A) Residential and Agricultural District Standards. In all residential and agricultural districts, any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining residential property or from the public street.

a) Shielding. The light source shall be hooded or controlled so as not to light adjacent property in excess of the maximum intensity defined in Section 1.8 (4)(A)2. Bare light bulbs shall not be permitted in view of adjacent property or public right of way.

b) Intensity. No light source or combination thereof which cast light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which cast light on adjacent property exceed four tenths (0.4) foot candles as measured at the property line.

(B) Commercial, Industrial, and Transition Zone Districts: Any lighting used to illuminate an off-street parking area or other structure or area shall be arranged as to deflect light away from any adjoining property and from public streets.

a) Shielding. The luminaire shall contain a cutoff which directs and cuts off the light at an angle of 90 degrees or less.

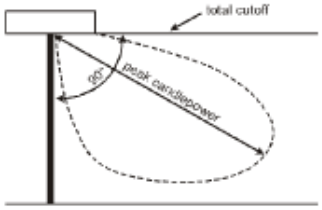


Figure 1 Cutoff Angle

Cutoff Type Luminaire: a luminaire with elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety (90) degrees.

Flashing Light: a light source which is not constant in intensity or color at all times while in use.

Footcandle: a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Light Source: a single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

Luminaire: a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Outdoor Lighting: Any light source or collection of light sources, located outside a building, including

but not limited to, light sources attached to any part of a structure, located on the surface of the ground or located on free standing poles.

Outdoor Light Fixture: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. The fixture includes the hardware that houses the illumination source and to which the illumination source is attached including but not limited to the hardware casing. Such devices shall included, but are not limited to search, spot, and flood lights for: buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.

Security Lighting: outdoor lighting fixtures installed exclusively as a measure to reduce the possible occurrence of a crime on the property.

Shielding: a technique or method of construction permanently covering the top and sides of a light source by a material which restricts the light emitted to be projected below an imaginary horizontal plane passing through the light fixture (See Figure 2).

b) Intensity. No light source or combination thereof which casts light on a public street shall exceed one (1) foot candle meter reading as measured from the centerline of said street nor shall any light source or combination thereof which casts light on adjacent property exceed four tenths (0.4) foot candles as measure at the property line.

c) Height. The maximum height above ground grade permitted for light sources mounted on a pole is twenty-five feet (25') except by conditional use permit. A light source mounted on a building shall not exceed the height of the building, and no light sources shall be located on the roof unless said light enhances the architectural features of the building and is approved by the Zoning Administrator.

d) Location. The light source of an outdoor light fixture shall be setback a minimum of ten feet (10') from a street right-of-way and 5' from an interior side or rear lot line.

e) Hours. The use of outdoor lighting for parking lots serving commercial and industrial businesses is restricted according to the following: Outdoor lighting which serves businesses that do not operate after dark must be turned off one (1) hour after closing except for approved security lighting. For those businesses which offer services after dark, outdoor lighting may be utilized during the night time hours provided the business is open for service. Once the business closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.

(C) Outdoor Recreation: Outdoor recreational uses such as, but not limited to baseball fields, football fields, tennis courts and snow skiing areas have special requirements for night time lighting. Due to these unique circumstances, a

conditional use permit shall be required for all new outdoor lighting fixtures that do not meet the regulations stated above.

a) No outdoor recreation facility whether or public or private shall be illuminated after 11:00 PM unless the lighting fixtures conform to this Ordinance.

b) Off street parking areas for outdoor recreation uses that are illuminated shall comply with the standards in Section 1.8 (4) (B).

(5) Prohibitions. The following outdoor light fixtures are prohibited within the Township:

(A) Search Lights shall not be used between 11:00 PM and sunrise

(B) Flashing Lights

(6) Submission of Plans. The applicant for any permit requiring outdoor lighting must submit evidence the proposed outdoor lighting will comply with this Ordinance. The submission shall contain the following in addition to other required data for the specific permit:

(A) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.

(B) Description of illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);

(C) Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cutoff or light emissions.

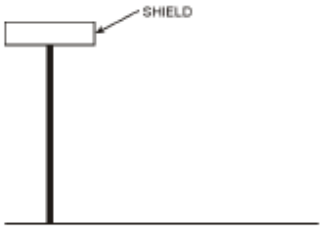


Figure 2 Shielding

Spillage: is any reflection, glare or other artificial light emission onto any adjoining property or right of way and is above a defined maximum illumination.

1.9 ***Parking***

The purpose of this section is to establish parking standards.

Surface & Drainage

(1) Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. Durable and dustless surface may include crushed rock and similar

treatment for parking accessory to residential structures up to and including four (4) units; all other uses shall utilize asphalt, concrete or a reasonable substitute surface as approved by the Township Engineer. All surfacing must be completed prior to occupancy of the structure.

(2) General Provisions.

(A) Parking spaces shall be located on the same lot as the principal used served.

(B) Existing off-street parking spaces and loading spaces upon the effective date of this Ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

(C) No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored on residential properties or agricultural properties (with the exception of trucks/tractors directly associated with the agricultural use) except when loading, unloading or rendering service.

(D) A parking space shall not be less than nine (9) feet wide and eighteen (18) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and eighteen (18) feet in length depending upon the size of the vehicle, as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated for review and approval. Signs specifying the vehicle size to use the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).

Required Off-Street Parking Spaces

(E) Off-street parking facilities accessory to residential uses shall be utilized solely for the parking of passenger automobiles and/or one (1) truck not to exceed twelve thousand pounds (12,000) gross capacity for each dwelling unit. Under no circumstances shall required parking

facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants or customers of nearby businesses or manufacturing establishments.

(F) Off-street parking facilities for a combination of mixed buildings, structures or uses may be provided collectively in any "district" (except residential districts) in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak hour parking period.

(G) When required accessory off-street parking facilities are provided elsewhere than on the lot in which the principal use served is located, they shall be in the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use, and the owner of the principal use shall file a recordable document with Washington County requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

(H) Required off-street parking space in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.

(I) Off-street parking spaces required shall be as follows for:

Multiple Dwellings	Two (2) spaces per dwelling unit. At least on-half (1/2) of the required spaces shall be enclosed.
Places of Worship and Other Places of Assembly	One (1) space for each three (3) seats or for each five (5) feet if pew length, based on maximum design capacity.
Schools	One (1) space for each four (4) students based on design capacity plus three (3) additional spaces for each classroom.

Parking spaces for uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Zoning Administrator.

1.10 Signs

(1) Findings: The Township hereby finds the following:

(A) Exterior signs have a substantial impact on the character and quality of the environment.

(B) Signs provide an important medium through which individuals may convey a variety of messages.

(C) Signs can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health and safety and welfare.

(D) The Township's zoning regulations have historically included regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the community, while protecting the Township and its citizens from the proliferation of signs of a type, size, location and character that could adversely impact the aesthetics of the community and threaten the health, safety, and welfare of the community. The regulation of the physical characteristics of signs within the Township has had a positive impact on traffic safety and the appearance of the community.

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

(A) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the Township in order to promote the public health, safety and welfare.

(B) Maintain, enhance, and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community.

(C) Improve the visual appearance of the Township while providing for effective means of communication, consistent with constitutional guarantees and the Township's goals of public safety and aesthetics.

(D) Provide for fair and consistent enforcement of the sign regulations set forth under the Township's zoning authority.

(3) Effect. A sign may be erected, mounted, displayed, or maintained in the Township if it is in conformance with the provisions of these regulations. The effect of this sign ordinance is to:

(A) Allow the appropriate number, size, and locations for signs in each zoning district subject to the standards set forth in this sign ordinance.

(B) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

(C) Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment, and where the communication can be accomplished by means of having a lesser impact on the environment and the public health, safety and welfare.

(D) Provide for the enforcement of the provisions of this sign ordinance.

(4) Severability. If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The Town Board hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences clauses, or phrases be declared invalid.

(5) Administration and Enforcement

(A) Permits Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a sign permit, certificate of compliance, or

conditional use permit for the sign has been issued. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a permit.

(B) An application for a permit for a sign shall submit the following information with the application:

a) Names and addresses of the owners of the proposed sign and the property

b) The legal description of the property where the sign will be placed

c) A complete set of plans showing the location, setbacks, elevation(s), size, materials, and details of the sign to fully and clearly represent the construction and placement of the sign

d) The type of sign (monument sign, pedestal sign, etc.).

e) If the sign is proposed to be located along a state Trunk Highway or county road, the application shall be accompanied by proof that the applicant has obtained a permit from the State or County for the sign.

(C) Fees and Escrows. Applications for a sign permit shall be accompanied by the fee and escrow established by the Township.

(D) Term of permit. If the work authorized under a sign permit has not been completed within one hundred and eighty (180) days after the date of issuance, the permit shall become null and void.

(E) Signs by Conditional Use Permit. Where a use is permitted in a zoning district by conditional use permit, the sign for that use shall require a conditional use permit unless the sign is otherwise provided for in this Ordinance.

(6) Exemptions. No permit will be required under this Ordinance for the following signs:

(A) Signs painted, attached by adhesive or otherwise attached directly to or visible through windows

and glass portions of doors

(B) All signs that are six (6) feet or less in area, except those that require a conditional use permit

(C) Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes

(D) Signs may be placed on parcels that are currently offered for sale, providing such signs are not closer than ten (10) feet to any property line and shall not exceed six (6) square feet in area for single-family residential uses and thirty-six (36) square feet in area for multifamily or commercial uses. One sign shall be permitted for each street frontage.

(E) Signs may be erected on parcels that are currently under construction for residential uses. The plat of the development shall be recorded with the Washington County Recorder prior to the erection of a sign. Such signs are subject to the following standards:

a) Such signs shall not exceed one hundred (100) square feet in area.

b) Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.

c) Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.

d) Such signs shall be located no closer than one hundred (100) feet to any residence not part of the project.

e) Signs over thirty-two (32) square feet in size shall require a Certificate of Compliance (COC).

f) Such signs must be located on the property which is under construction. Off-premises signs are prohibited.

(F) Warning signs which do not exceed nine (9) square feet in area

(7) General Standards that Apply in All Districts

(A) No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic signor signal, or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.

(B) All signs, other than public utility warning signs, street signs, and similar signs are prohibited within the public right-of-way of any major highway, county road, or property.

(C) All signs shall be constructed in accordance with the current Minnesota State Building code and National Electric Code.

(D) Illuminated signs shall be diffused or indirect so as not to direct rays of light onto any major highway or county road. No illuminated signs or their support structure shall be located closer than twenty-five (25) feet to a major highway or county roadway surface or closer than ten (10) feet to a road right-of-way line, notwithstanding more restrictive portions of this section.

(E) Dynamic Display Signs shall be prohibited in all zoning district. Signs giving off intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are prohibited.

(F) Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone or other similar objects in any district.

(G) Roof signs are prohibited in all districts.

(H) Off-premises signs are prohibited in all districts.

(I) Billboards and Pylon Signs are prohibited in all districts.

(J) All signs and displays using electric power shall have a cutoff switch on the outside of the sign

and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential or agricultural district.

(K) No sign shall be constructed to have more than two (2) surfaces. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

(L) Any sign over two (2) square feet in size shall be setback at least ten (10) feet from any property line. In no case shall any part of the sign be closer than two (2) feet to a vertical line drawn at the property line.

(M) Except for more restrictive parts of this Sign Section, no sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

a) Which would prevent any traveler on any road from obtaining a clear view of approaching vehicles on the same road for a distance of five hundred (500) feet or less.

b) Which would be closer than one thousand three hundred fifty (1,350) feet to a national, state, or local park or historic site

c) Which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and scenic beauty

(N) No sign shall contain any obscene matter as described by Minnesota Statutes Section 617.241 or successor statutes.

(O) Any sign that is not exempt from required permits and for which no permit has been issued shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or land upon which the sign may be found within thirty (30) days after written notice from the Township.

(P) Any sign which is not properly maintained, becomes structurally unsafe, or endangers the

safety of a building or premises or endangers the public safety shall be taken down and removed or structurally improved by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) calendar days after written notification from the Township. If the owner or permittee fails to comply with the Ordinance within ten (10) days after written notification, such sign shall be deemed a nuisance and may be removed by the Township.

(8) Signs in Agricultural Districts, Residential Districts, the St. Croix River, Transition District, and Shoreland Overlay Districts

(A) The following signs are permitted and shall be regulated as to size, location, and character according to the requirements set forth herein:

a) An unlimited number of signs that are two (2) square feet in area or less that are approved by the property owner and placed on his/her parcel.

b) One sign per parcel that is six (6) square feet in area or less

c) Non-commercial signs that comply with Minnesota Statutes 211B.045 or successor statutes

d) Up to one temporary sign per parcel that is twenty (20) square feet or less in size and erected for up to 30 days. Property owners shall obtain a Certificate of Compliance permit for these temporary signs.

e) Signs may be placed on parcels that are currently offered for sale providing such signs are not closer than ten (10) feet to any property line and shall not exceed six (6) square feet in area.

f) Signs may be erected on parcels that are currently under construction for residential uses in compliance with the requirements of Item 6 (E) of this section.

(9) Signs in Planned Unit Developments (PUD) or Uses Requiring a Conditional Use Permit or Certificate of Compliance.

(A) The type, number, size, height and setback of signs shall be as specifically authorized by terms of the conditional use permit, certificate of compliance, or conditions for the PUD. To the extent feasible and practicable, signs shall be regulated in a manner similar to that in the use district most appropriate to the principal use involved.

SECTION 2. STANDARDS FOR USES

2.1 Accessory Apartments

(1) Required Permits. Accessory apartments are allowed in the AG, AP, RR, SFE, TZ and SCR districts, with a Certificate of Compliance.

(2) Other Requirements. The accessory apartment must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. An accessory apartment must comply with all of the following standards.

(A) There shall be no more than one accessory apartment within the single family dwelling unit.

(B) The structure in which an accessory apartment is located shall be owner occupied.

(C) No separate curb cut shall be permitted for the accessory apartment unit.

(D) The certificate of compliance will be reviewed annually. The owner shall obtain a certificate of compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the certificate of compliance was issued have not changed.

2.2 Accessory Solar Energy Systems (SES)

The purpose of this section is to enable seasonal agricultural businesses to be operated in the agricultural and rural areas.

(1) Approvals Required

(A) Any new or expansion of an existing Building-Integrated Accessory SES or Ground-Mounted Accessory SES requires issuance of a building permit, as well as compliance with the electrical code and all other applicable codes and ordinances.

(2) Performance Standards

(A) All Accessory SES shall comply with the following requirements:

a) An Accessory SES shall only be allowed on a parcel of land that contains

a principal building associated with the principal use of the land.

b) All components must have an Underwriters Laboratories, Inc. (UL) listing.

c) All Accessory SES shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control glare may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare.

d) All accessory solar electric systems unused, abandoned, or inoperable for more than twelve (12) months shall be removed by the owner of the system or the property owner.

(B) Building-Integrated Accessory SES shall comply with the following requirements:

a) The panels shall be mounted to the plane of the roof.

b) No portion of the SES shall extend above the maximum building height established for the zoning district in which it is located.

(C) Ground-Mounted Accessory SES shall comply with the following requirements:

a) No portion of the Ground-Mounted Accessory SES shall exceed fifteen (15) feet in height from the ground.

b) All electric power lines associated with the Ground-Mounted Accessory SES shall be buried underground.

c) The Ground-Mounted Accessory SES shall not count against the impervious surface coverage of the lot if the ground underneath is vegetated.

d) Ground-Mounted Accessory SES shall adhere to the same setback requirements from property lines as detached accessory structures.

e) A parcel shall be limited to no more than 1,000 square feet of active panel surface area used as part of a Ground-Mounted Accessory SES.

a) Active panel surface area shall be calculated based on the measured size of the solar panels used in a Ground-Mounted Accessory SES.

2.3 Agricultural Business - Seasonal

(1) Required Permits. An Agricultural Business - Seasonal is allowed in all districts with a certificate of compliance.

(2) Other Requirements. The business must comply with all rules and regulations of Federal, State, County and local agencies.

Agricultural Business - Seasonal is defined as a seasonal business not exceeding six months in any calendar year operated on a rural farm offering for sale to the general public, produce or any derivative thereof, grown or raised on the property.

(3) Performance Standards. Seasonal agricultural businesses must comply with all of the following standards.

(A) The majority of product sold on the property shall be grown or raised on the property. No sale of product shall take place on any road right-of-way.

(B) Any temporary structure placed on the property for such sales must be removed at the end of the selling season. The size of the temporary structure shall not exceed 100 square feet.

(C) If deemed necessary by the Zoning Administrator, off-street parking may be required.

(D) All structures, including temporary structures shall meet the minimum setback requirements of the zone in which it is located.

(E) The certificate of compliance shall be reviewed annually.

2.4 Balloon Ports – Commercial

(1) Required Permits. A commercial hot air balloon port is allowed following the issuance of a conditional use permit in

the Agriculture and Rural Residential districts.

(2) Other Requirements. The commercial balloon port must comply with all rules and regulations of Federal, state, County and local agencies.

(3) Performance Standards. A commercial hot air balloon port must meet all of the following:

(A) The take-off area must be at least twenty (20) feet from any property line.

(B) Minimum lot size requirement is ten (10) acres.

(C) The minimum lot width required is three hundred (300) feet.

(D) Uses accessory to commercial hot air balloon ports which include but are not limited to office, storage of equipment and vehicles are permitted. Accessory structures are limited to a maximum area of 2500 square feet.

This section provides for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain residential structures in a manner which keeps them primarily in residential uses.

A Bed and Breakfast is defined as an owner-occupied private home where accommodations are offered for one or more nights to transients; in addition, a breakfast meal is served on the premises to no more than ten (10) persons.

2.5 Bed and Breakfast

(1) Required Permits. Bed and breakfast facilities are permitted in the Agriculture District with a conditional use permit.

(2) Other Requirements. The Bed and Breakfast must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Bed and breakfast facilities must comply with all of the following requirements:

(A) It is intended that bed and breakfast facilities be a converted or a renovated single family residences and that this principal function be maintained. No structure shall be constructed for the sole purpose of being utilized as a bed and breakfast facility; no existing structure shall be enlarged or expanded for the purpose of providing additional rooms for guests. The exterior appearance of the structure shall not be altered from its single family character.

(B) Primary entrance to the guest rooms shall be from within the dwelling unit.

(C) Guests are limited to a length of stay of no more than thirty consecutive days.

(D) No food preparation or cooking shall be conducted within any of the guest rooms. The only meal to be provided to guests shall be morning breakfast, and it shall only be served to guests taking lodging in the facility.

(E) Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.

(F) On-site parking, sufficient to handle all guest and owner vehicles, shall be provided.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, but not limited to, columbariums, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

Columbarium: A structure, room, or other space in a building or structure containing niches for inurnment of cremated remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

Mausoleum: A structure or building for the entombment of the dead in crypts or vaults in a place used, or intended to be used, and dedicated for cemetery purposes. Accessory Use.

2.6 Cemeteries

(1) Required Permits. An approved conditional use permit is required for cemeteries in all districts.

(2) Other Requirements. Cemeteries must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Cemeteries must comply with all of the following standards.

(A) The minimum area of a cemetery shall be five (5) acres unless associated with a house of worship.

(B) The site proposed for a cemetery or cemetery expansion shall not interfere with the development of a system of collector or larger streets in the vicinity of such site.

(C) Burial plots, grave markers, monuments and buildings operated in connection with a cemetery must meet the building setbacks and structure height requirements of the underlying zoning district.

(D) Graves and structures used for interment shall be setback 50 feet from wells.

(E) Cemeteries are prohibited below the regulatory flood protection elevation as defined in Chapter Nine, Flood Plain Regulations, of the County Zoning Ordinance.

2.7 Community Residences

Definition. A Community Residence is defined as a facility providing residential and habilitative services to persons with developmental disabilities licensed by the State of Minnesota. One density unit shall be attributed to this residence when calculating density.

(1) Required Permits. A community residence serving 1 to 6 individuals and appropriate staff shall be allowed in all Residential and Agricultural Districts. A community residence serving 7 to 16 individuals and appropriate staff shall be allowed with a conditional use permit in the SFE District.

(2) General Requirements.

(A) All appropriate licenses must be obtained from State and County agencies.

(B) The outward appearance of any dwelling unit used for a community residence shall be maintained.

(C) No community residence shall provide accommodations to persons whose tenancy would constitute a direct threat to the health and safety of other individuals. The facility cannot accept court ordered referrals for treatment in lieu of incarceration without adequate security.

(3) Performance Standards. In order to obtain a conditional use permit for a community residence serving 7 to 16 individuals, the following standards must be met.

(A) Off-street parking standards of this Zoning Ordinance must be met.

(B) Adequate utilities including sewage disposal must be available.

(C) All building and fire codes must be met.

(D) Community residences shall not be closer than 1,000' to each other.

(E) The Town Board may impose additional conditions related to landscaping, access, security, on-site sewer systems and admission policies if deemed necessary.

(F) The Town Board may require periodic review of the conditional use permit.

2.8 Essential Services - Government Uses, Buildings and Storage

(1) Required Permits. Essential services - government uses, buildings and storage are allowed in all zoning districts with a certificate of compliance.

(2) Other Requirements. The essential service must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. The essential service must comply with all of the following standards:

(A) The parcel on which the essential service will be located must have a minimum lot area of two (2) acres.

(B) Structures must be setback in accordance with the required setbacks of the zoning district.

(C) The site shall be landscaped to screen the facility from view from property lines and road.

2.9 Essential Services - Utility Substation

The purpose of this section is to establish regulations for utility substations.

An Essential Service - Utility Substation is defined as a utility whose function is to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size long distance transmission lines to small retail quantities in the neighborhood distribution system. These uses include electric substations, telephone switching and relay facilities, water and sewage pumps and lift stations. Business offices associated with these uses are not included as part of this definition.

(1) Required Permits. Essential services - utility substations are allowed in all zoning districts with a certificate of compliance.

(2) Other Requirements. The essential service must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. The essential service must comply with all of the following standards.

(A) Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation can be acquired by lease provided, however, the lot shall be large enough so all structures/facilities comply with the required setbacks for the zoning district.

(B) The approved lot, if no longer needed or used by the utility, the applicant shall return the property to its original state. The zoning administrator may require a bond to ensure compliance with this standard.

(C) A certificate of compliance shall be recorded with the office of the County Recorder.

(D) The site shall be landscaped to screen the facility from view from property lines and road.

(E) Utility Substations or any other essential service

as defined above containing antennas and towers greater than 45' in height must comply with Chapter Two, Part 3, of this Zoning Ordinance.

2.10 Fairgrounds

(1) Definition – Fairgrounds is defined as property owned by an Agricultural Society or Association as described in Minn. Stat. § 38.01 and subsequent statutes and primarily used for outdoor fairs or exhibitions.

(2) Required Permit – The use of the property for the County Fair is a permitted use. A conditional use permit is required for other uses of the property as allowed in paragraph (4) below.

(3) Other requirements – Fairgrounds must comply with all rules and regulations of federal, state, County and local agencies.

(4) Performance Standards – Fairgrounds must comply with all of the following standards:

(A) A conditional use permit shall be obtained for any use of Fairgrounds property other than the County Fair.

(B) The Fairgrounds may be used for recreational activities and other uses previously permitted by terms of any conditional use permit granted prior to adoption of this ordinance.

(C) Any building used for Fair purposes may be used for the seasonal storage of boats, autos, and other recreational vehicles if the following conditions are met:

a) All boats, autos, and recreational vehicles shall be brought to the Fairgrounds in the month of October and removed during the month of April.

b) No signage is allowed as part of the seasonal storage activities.

c) Buildings used for seasonal storage must be primarily for Fair purposes and cannot be erected for the main purpose of storage.

d) Outside commercial storage is prohibited.

e) A conditional use permit is granted.

This section establishes provisions for the location and design standards of golf courses within the county.

2.11 Golf Courses

(1) Accessory Uses. Accessory uses to a golf course are limited to a driving range, putting greens, a pro shop, a club house, locker rooms, a restaurant and bar and maintenance buildings.

(2) Required Permits. Golf courses are permitted in the Agricultural District (AG) with a conditional use permit.

A Golf Course is defined as an area of land laid out for golf with a minimum series of nine (9) holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

(3) Other Requirements. All rules and regulations of federal, state, county and local agencies must be met.

(4) Performance Standards. The golf course must meet all of the following standards:

(A) Landscaping shall be planted to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the Zoning Administrator at the time of application for a conditional use permit.

(B) Storage and use of pesticides and fertilizers shall meet the standards of the State Department of Agriculture. A plan shall be submitted for pesticide and fertilizer use at the facility.

(5) A mandatory environmental assessment worksheet shall be required for the development of a golf course facility. Washington County will be the responsible governmental unit for the preparation of the environmental assessment worksheet. Costs associated with the preparation of the environmental assessment worksheet shall be borne by the applicant.

2.12 Golf Driving Range

(1) A golf driving range is permitted in Agricultural Districts with a conditional use permit.

(2) All rules and regulations of federal, state, county, and local agencies must be met.

(3) Performance standards:

(A) Minimum lot area of 35 acres is required for the driving range. The parcel shall be a separate parcel of record from other uses.

(B) Hours – 7 AM to dusk.

(C) Lighting – No lighting except security lighting is permitted.

(D) Site must be large enough so that safety netting is not necessary to keep golf balls on the property.

(E) Parking – One and one-half off-street parking spaces shall be provided for each hitting station plus one for each employee. The Township may require additional parking if deemed necessary.

(F) A road access permit must be obtained from the permitting authority.

(G) A 150-foot setback from all property lines to the outer boundaries of the driving range is required.

(H) A maximum of 25 tees are permitted.

(I) Fencing and landscaping shall be installed where deemed necessary by the Township.

(J) Miniature golf holes or any other amusement type activities are prohibited.

(K) Access to the driving range must be from a collector or arterial street.

(L) One office/storage building is permitted. The structure shall meet setback requirements for the Agricultural District. The use of the structure shall only be for the golf practice range on the 35-acre parcel.

(M) A public address system and amplified sound are prohibited.

(N) No liquor license will be permitted.

(O) One sign of 20 square feet is allowed. The sign shall not be lighted nor illuminated and shall be of natural color and shall have a maximum height of six (6) feet.

(P) Sanitary facilities shall be provided in accordance with the Minnesota State Building Code.

(Q) There shall be no food preparation on site.

(R) The facility is to be an open air type facility. A domed or any other type of covered facility is prohibited.

(S) Flags must be used for yardage markers. Signs or any other yardage or target markers are prohibited.

2.13 Home Occupations

(1) Required Permits. Home occupations are allowed in all districts. Home occupations must meet the performance standards for home occupations and are required to obtain a certificate of compliance.

(2) Other Requirements. The home occupation must comply with all rules and regulations of Federal, State, County and local agencies. Any required State or County license shall be obtained prior to authorization of the certificate of compliance. In the event the license cannot be obtained without zoning approval, the applicant shall provide documentation that the license has been applied for and provide the name of the licensing agency contact person.

(3) Performance Standards. A home occupation must comply with all of the following standards:

(A) No person, other than the residents of the premises, shall be engaged in such home occupation.

(B) No traffic shall be generated by any home occupation in greater volume than would normally be expected from a single family residence.

(C) Any sign associated with the home occupation shall be in compliance with Chapter Two, Part 3, of this Zoning Ordinance.

(D) The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

(E) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.

(F) The home occupation shall not constitute, create or increase a nuisance to the criteria and standards established in Chapter Two, Part 3.

(G) There shall be no outdoor display or storage of goods, equipment or materials for the home occupation.

(H) Parking needs generated by the home occupation shall be provided on-site.

The purpose of this section is to regulate horse training structures and their use.

*Horse Training Facility, **Commercial**: The use of an accessory building in which horses not owned by the property owner are kept for commercial use including boarding, breeding, hire, sale, show and training.*

*Horse Training Facility, **Private**: The use of an accessory building incidental to the existing dwelling unit in which horses owned by the property owner are kept for private use and training.*

2.14 Horse Training Facilities

(1) Required Permits. Horse training facilities are allowed in the AG, SFE, RR, and TZ Districts. A certificate of compliance shall be required for private horse training facilities of ten horses or more and commercial horse training facilities of less than ten horses. Commercial horse training facilities of ten or more horses shall obtain a conditional use permit.

(2) Other Requirements. A horse training facility must comply with all rules and regulations of Federal, State, County and local agencies.

(3) General Standards. Horse training facilities must comply with all of the following standards:

(A) Horse training facilities shall meet the setback requirements for detached domesticated farm animal buildings and agricultural farm buildings as indicated in Chapter Two, Part 3, Accessory Structures, of this Zoning Ordinance.

(B) Horse training facilities equipped with wash stalls shall be provided with a drainage and septic system separate from the principal structure.

(C) All horse training facilities must meet the animal density per acre and livestock operation requirements of Chapter Two, Part 3, of this Zoning Ordinance.

(D) All accessory buildings must meet the requirements for size as indicated in Chapter Two, Part 3, Accessory Structures, of this Zoning Ordinance.

(E) A manure management plan may be required by the zoning administrator or Town Board.

(F) No retail sales are permitted.

(4) Horse training facilities are considered accessory to residential or farm dwellings.

(5) Private horse training facilities of 10 horses or more must meet the following standard: Private horse training facilities may not be used for human living quarters, preparing of meals, or for similar personal living activities.

(6) Commercial horse training facilities must meet all of the

following standards:

(A) One full time employee for the horse training facility may reside at the property, including the stable. Living quarters for the employee must meet the standards of the Uniform Building Code of Minnesota.

(B) Every commercial horse training facility, or portion thereof, where the public is served shall be provided sanitary facilities in accordance with the regulations of the Uniform Building Code of Minnesota and Washington County Subsurface Sewage Treatment System Regulations.

(C) The property owner of land to be used for a horse show must provide information on traffic volume, number of participants, sanitary service, and human and animal waste disposal.

This section establishes provisions for the location of commercial kennels within the County.

A commercial kennel is any place where four (4) or more of any type of domestic pets, over six (6) months of age, are boarded, bred, trained or offered for sale. This term does not include pet shops, or veterinary establishments

2.15 Kennels-Commercial

(1) Required Permits. A conditional use permit is required for Commercial Kennels in all districts.

(2) Other Requirements. Commercial kennels must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Commercial kennels must comply with all of the following standards.

(A) The minimum lot area required for commercials kennel is five (5) acres.

(B) Any r structures used for the confinement, care or breeding of animals shall be setback a minimum of one hundred (100) feet from any property line and fifty (50) feet from any water supply well.

(C) An individual sewage treatment system shall be installed with the capacity to handle waste and hosings from the kennel and kennel runs.

The purpose of this section is to protect the Township's valuable groundwater and surface water resources by establishing minimum regulations and a permitting process for livestock operations.

2.16 Livestock and Livestock Operations

(1) Required Permits.

(A) In all districts, livestock may be raised or bred without a permit provided there are less than

eleven (11) animal units on the property.

(B) Any person owning or conducting a livestock operation containing 11-49 animal units in the, A-4 district shall obtain a certificate of compliance.

(C) Any person owning or conducting a livestock operation with eleven (11) or more animals units in the TZ and SCR districts or over 49 animal units in the AG district shall obtain a conditional use permit.

(2) Other Requirements. Livestock and livestock operations must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Livestock and livestock operations must comply with all of the following standards regardless of the number of animal units on the property or whether a permit is required:

(A) No livestock (not including chickens on lots smaller than five (5) acres, or bees) shall be placed on any site of less than five (5) acres.

(B) Required Setbacks. The following shall be the minimum setback requirements for feedlots.

a) County Parks.....300 feet
b) DNR protected water course or lakes.....300 feet
c) Wetlands .....75 feet
d) Private Well .....100 feet

(C) The following equivalents shall apply when determining animal units:

a) one mature dairy cow 1.4

b) one slaughter steer or heifer 1.0

c) one horse 1.0

d) one swine over 55 pounds 0.4

e) one goose or duck 0.2

f) one goat or sheep 0.1

g) one swine under 55 pounds 0.05

h) one turkey 0.018

i) one chicken 0.01

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.

(D) A minimum of two (2) grazable acres shall be provided for each animal unit or its equivalent. Grazable acres shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density stated above.

The keeping of livestock in greater density than allowed as stated above shall require a conditional use permit. To obtain such permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances.

(E) The construction of an earthen waste storage basin is permitted provided a certificate of compliance is issued.

a) The structure shall not be used for the storage of animal manure for a period in excess of 12 months or the time period for which it was designed.

b) The design of the structure shall be prepared and designed by a registered Professional Engineer or staff from the Washington Conservation District qualified in the design of earthen structures or prepared by other professionals specializing in the design of such structures and with the proper training for such design and signed by a registered Professional Engineer.

(F) Pastures. Livestock may graze within shoreland and bluff impact zones provided permanent vegetation is maintained or a conservation plan has been submitted to the Township and the County Zoning Administrator which is consistent with the technical guides of the

Washington Conservation District.

(4) Chickens on Lots Smaller than Five (5) Acres.

(A) Maximum Number of Chickens.

a) Lots under 2.5 acres are permitted a maximum of fifteen (15) chickens.

b) Lots 2.5 to 4.99 acres in size are permitted a maximum of thirty (30) chickens.

(B) Coops and runs for chickens on lots smaller than five (5) acres shall adhere to the setback requirements of accessory structures, and are prohibited in front yards.

(C) On lots smaller than five (5) acres in size, slaughtering of chickens is permitted on-site in locations that are not visible from the right-of-way or adjacent properties.

(5) Beekeeping.

(A) Colonies per Lot.

a) Lots under 5.0 acres in size are permitted a maximum of four (4) hives.

b) Lots 5.0 acres and greater are permitted an unlimited number of hives.

(B) Beekeeping hives shall adhere to the principal setback requirements of the underlying zoning district. Hives shall be prohibited in the front yard for lots five (5) acres or smaller in size.

(C) Beekeeping hives shall be a minimum of 100 feet from principal structures on neighboring lots.

(D) Beekeeping hives shall be kept in good condition, with a water source kept within ten (10) feet of a hive.

2.17 Mining

(1) Mining uses in the Township shall be governed by the Washington County Development Code, Chapter 7 Mining Regulations and subsequent amendments.

2.18 Multifamily Residential Developments

(1) Required Permits. Multifamily residential developments are permitted in all districts with a Conditional Use Permit.

(2) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.

(3) Performance Standards. All multifamily residential developments must meet the following standards:

(A) There shall be no more than six (6) dwelling units in each structure.

(B) The number of dwelling units shall not exceed the maximum density for the zoning district in which the development is located.

(C) If the area is not served by public sewer and public water, the development must be able to meet all on-site septic requirements and all standards for the provision of safe drinking water to the residents of the development.

(D) Setbacks.

a) All structures shall meet the minimum setback requirements for the zone in which they are located.

b) The distance between principal structures shall be a minimum of thirty (30) feet.

c) A buffer of fifty (50) feet shall be provided between the lot line of single family residential lots and the multi-family structure. This buffer shall be landscaped with a combination of berms, deciduous and/or coniferous trees to screen the multifamily residential development from the single family residential uses.

(E) A transportation management plan shall be submitted to the zoning administrator at the time of application. This plan shall address the interior street system, parking management, traffic control, including the mitigation of overflow parking and traffic movement to the public street system.

(F) A grading and drainage plan identifying the collection, retention and drainage of stormwater shall be submitted to the Zoning Administrator, Watershed District, and the Washington Conservation District at the time of application.

2.19 Place of Worship

(1) Required Permits. An approved certificate of compliance is required for places of worship in the AP, AG, RR, SFE, and TZ Districts. The certificate of compliance application must include a site plan for all structures and a detailed listing of all uses to be conducted at the property.

(2) Other Requirements. Places of worship must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Places of worship must comply with all of the following standards in addition to other performance standards of this Ordinance.

(A) The minimum lot area required is two (2) acres.

(B) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be submitted to the zoning administrator at the time of application for a certificate of compliance.

(4) All accessory residential or school uses upon the premises shall be subject to all requirements of this Zoning Ordinance.

This section establishes standards for plant nurseries.

Plant Nursery: A building or premises used primarily for the growing, wholesale and retail sales of trees, shrubs, flowers, other plants and accessory products excluding power tools, tractors, decorative rock, tree bark, gravel, and compost. Accessory products are those products which are used in the culture, display and decoration of lawns, gardens and indoor plants.

2.20 Plant Nurseries

(1) Required Permits.

(A) Plant Nursery. Plant Nurseries require a Certificate of Compliance in the AG, AP, RR, SFE, and TZ Districts.

(2) Other Requirements. All rules and regulations of Federal, State, County and Local authorities must be met.

(3) Performance Standards. Plant Nurseries must meet all of the following minimum standards in addition to other performance standards in this Zoning Ordinance.

(A) The minimum lot area shall be ten (10) acres.

(B) The majority of product sold on the property

shall be grown or raised on the property.

(C) The exterior storage of landscape equipment and storage areas shall be screened from view of Federal, State or County roadways and property lines.

2.21 Public Recreational Facility

(1) Required Permits. A conditional use permit is required for public recreational facilities in all zoning districts.

(2) Other Requirements. Public recreational facilities must comply with all rules and regulations of federal, state, county and local agencies.

(3) Performance Standards.

(A) A minimum lot area of two (2) acres shall be provided.

(B) All structures (including backstops, goalposts, etc.) shall meet the required setbacks for the district in which it is located.

(C) There shall be no overnight accommodations provided for the guests or visitors of the recreation area.

(D) A concession or temporary food stand may be permitted on the property provided it only serves food and refreshments to guests and visitors of the facility.

(E) Information shall be provided regarding the recreational activities provided, number of members and participants in the recreation programs, sanitary facilities and waste disposal, security, lighting and hours of operation. As deemed necessary, the Town Board may restrict the operation of the facility.

(F) Screening may be required to buffer the use from adjacent residential land use.

(G) A transportation management plan shall be submitted to the zoning administrator at the time of application. This plan shall address off-street parking and traffic control, including the mitigation of overflow parking and traffic movement to the public street system and impact

on the surrounding roadways.

(H) A grading and drainage plan shall be submitted. The standards of the Watershed Management Organization or Watershed District and the Washington Conservation District must be met.

2.22 Recreation Uses

This section establishes provisions for the location and design standards of commercial recreational uses within the county.

*Recreation Use - **Passive**: A recreation use particularly oriented to utilizing the outdoor character of an area for passive forms of recreation such as employee recreation areas, nature centers, conservancy, and interpretive centers.*

(1) Required Permits. Recreation Uses – Passive are permitted in the AG, AP, and RR Districts with a conditional use permit.

(2) Other Requirements. All rules and regulations of federal, state, county and local agencies must be met.

(3) Performance Standards.

(A) Recreation Uses - Passive shall meet all of the following standards:

a) There shall be no overnight accommodations provided for guests or visitors of the passive recreation area.

b) A restaurant may be permitted on the property provided it only serves guests and visitors of the facility.

(B) A one caretaker residence is permitted. The residence is to be used strictly for the caretaker and their family members. No separate driveway or curb cut shall be permitted for the residence from a Federal, State, County, or local roadway.

2.23 Resorts/Conference Facilities

(1) Required Permits. Resorts are allowed in AG and RR Districts following the issuance of a Planned Unit Development permit. Procedures of the Planned Unit Development provisions shall apply.

(2) Other regulations. All Minnesota Department of Health and Minnesota Pollution Control Agency requirements must be met.

(3) Permitted Uses.

(A) Overnight lodging to serve visitors of the resort.

(B) Recreational facilities including but not limited

to golf course, racquet sports facilities, nature trails, bike paths, ski areas.

(C) Meeting rooms.

(D) Restaurant and lounge.

(4) Performance Standards. Resorts/conference facilities must comply with all of the following standards:

(A) The resort shall be located on a site of at least fifty (50) acres.

(B) At least 50% of the site shall be dedicated to permanent open space excluding streets and parking areas.

(C) No more than 50 units of overnight lodging shall be provided.

(D) The maximum density shall not exceed one guest room per acre.

(E) Setbacks and height shall be in accordance with the underlying zoning district.

(F) Meeting/conference facilities shall be limited to 100 persons.

(G) All uses in the resort shall be harmonious with each other through the use of special design, placement or screening. Architecturally, the structures shall blend in with the natural environment.

This section establishes provisions for the location of schools within the County.

A School is defined as a facility that provides a curriculum of pre-school, elementary, secondary, post-secondary and other instruction, including but not limited to child day care centers, kindergartens, elementary, junior high, or senior high school.

2.24 Schools

(1) Required Permits. A conditional use permit is required for schools in the AG, RR, SFE, and TZ Districts.

(2) Other Requirements. Schools must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Schools must comply with all of the following standards.

(A) The minimum lot area required for schools is two (2) acres.

(B) Landscaping shall be installed to buffer the use from adjacent residential land uses and to provide screening. A landscape plan shall be

submitted to the zoning administrator at the time of application for a certificate of compliance.

2.25 Swimming Pools

(1) Inflatable swimming pools shall be considered temporary structures, and shall be exempt from the regulations below.

(2) A building permit shall be required for any swimming pool with a capacity of over three thousand (3000) gallons or with a depth of greater than three and one-half (3.5) feet of water. An escrow deposit in an amount established by the Town Board from time to time must be made with the application to ensure compliance with the Township's regulations.

(3) A separate structure, or safety fence of a non-climbable type at least four (4) feet and no more than six (6) feet in height, shall completely enclose each pool on a property. All access gates in the fence to the pool area shall have self-enclosing and self-latching gates with provisions for locking.

(A) An above ground pool with side walls at least four (4) feet in height shall not be required to be enclosed by structures or a safety fence if the wall is of a non-climbable type and any entry ladders are removed when the pool is not in use.

(4) Swimming pools and safety fencing shall not be located within the required setback areas of the underlying zoning district.

(5) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type.

(6) All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.

(7) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

(8) Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool.

This section enables temporary dwelling units to be used as care facility for relatives of the occupant permanently residing on the property.

A temporary dwelling unit/care facility is defined as a manufactured home which temporarily serves as residence for a relative of the occupants residing in the primary single family residence on the property.

2.26 Temporary Dwelling Unit-Care Facility

(1) Required Permits. Temporary dwelling units/care facilities are allowed in the AG, AP, RR, SFE and TZ districts with a Certificate of Compliance.

(2) Other Requirements. Temporary dwelling units/care facilities must comply with all rules and regulations of federal, state, county and local government agencies.

(3) Performance Standards. Temporary dwelling units/care facilities must comply with the following requirements:

(A) The property is limited to one (1) temporary care facility.

(B) The temporary care facility will be an accessory dwelling unit to be occupied by persons who are:

a) Infirm to the extent that they require extraordinary care; and

b) That such care can only be provided by family members residing in the principal dwelling house on the premises; and

c) The infirmity and the need for care required by (a) and (b) above shall be verified by written statement of a physician. The temporary care facility shall use the existing road access drive of the principal dwelling unit.

(C) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be closer to the road right-of-way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right-of-way.

(D) The unit must be connected to an approved on-site waste disposal system.

(4) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure the structure will be removed upon termination of the certificate of compliance. The amount of guarantee shall be determined by the Zoning Administrator.

(5) The certificate of compliance is so conditioned that will expire and terminate at such time as the care facility is no longer the residence of the person or persons suffering from the infirmity which requires such care, or at such time as such care is no longer required. At the time of termination of the certificate of compliance, the temporary care facility shall be removed from the premises within thirty (30) days.

This section enables temporary dwelling units to be used by the present or potential occupant of a single family residence during the construction, reconstruction or alteration of said residency by the present or potential occupant.

A Temporary Dwelling Unit During Construction is defined as a mobile home which temporarily serves as a residence for the present or potential occupant while the primary single family residence is being constructed, reconstructed, or altered.

(6) The certificate of compliance permit shall be reviewed annually by the Zoning Administrator. .Temporary Dwelling Unit During Construction

(7) Required Permits. Temporary dwelling units during construction are allowed in AG, AP, RR, SFE, and TZ districts with a certificate of compliance.

(8) Other Requirements. Temporary dwellings units shall comply with all rules regulations of Federal, State, County and local government agencies.

(9) Performance Standards. Temporary dwelling units must comply with all of the following requirements.

(A) The property is limited to one temporary dwelling unit during construction.

(B) The dwelling can only be occupied by persons who are the present or potential occupants of the single family residence being constructed, reconstructed or altered.

(C) The certificate of compliance is issued only after the building permit has been obtained for the proposed construction.

(D) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.

(E) The unit must be connected to an approved on-site waste disposal system.

(F) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the certificate of compliance. The amount of the guarantee shall be determined by the Zoning Administrator.

(G) The certificate of compliance shall expire when construction is completed or within one hundred and eighty days form the date of issuance or whichever is less. Renewal of such permit may be approved by the Zoning Administrator. At the termination of the certificate of compliance, the temporary dwelling shall be removed from the premises within thirty (30) days.

This section enables farmers to occupy dwelling units on a temporary basis.

A Temporary Farm Dwelling is defined as a manufactured home located in an agricultural district which is an accessory dwelling unit occupied by persons engaged in farming on the premises and meeting other criteria as specified in this Zoning Ordinance.

2.27 Temporary Farm Dwelling

(1) Required Permits. Temporary farm dwelling units are allowed in AG, AP, RR, SFE, and TZ districts with a certificate of compliance.

(2) Other Requirements. Temporary farm dwellings shall comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. Temporary farm dwellings must comply with all of the following standards.

(A) The temporary farm dwelling is an accessory use to the principal dwelling and may only be located on a farm of at least 75 acres in size.

(B) The property is limited to one temporary farm dwelling unit.

(C) The structure is subject to the same zoning dimensional setbacks as the principal dwelling unit. The structure shall not be located closer to the road right of way than the principal building. The structure shall be located to the side or rear of the principal building and shall be screened from view of the road right of way.

(D) The dwelling can only be occupied by persons who are engaged in the occupation of farming on the premises as partners or other business associates of the persons living in the principal dwelling house on the premises; and who earn fifty (50%) or more of their annual gross income for federal income tax purposes from such farming on the premises.

(E) The temporary farm dwelling unit shall use the existing road access drive of the principal dwelling unit.

(F) The unit must be connected to an approved on-site waste disposal system.

(4) The certificate of compliance will be reviewed annually. The owner shall obtain a certificate of compliance once a year in the month of January for the duration of the use, presenting at the time of such renewal, proof in the form of an affidavit that the circumstances for which the certificate of compliance was issued have not changed.

(5) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the certificate of compliance. The amount of the guarantee shall be determined by the Zoning Administrator.

(6) Termination of Permit.

(A) The certificate of compliance is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming on the premises as required above.

(B) The certificate of compliance will expire and terminate when the farm becomes less than 75 acres in size.

(C) At the termination of the certificate of compliance, the temporary farm dwelling shall be removed from the premises within thirty (30) days.

2.28 Travel Trailer/RV Campground

(1) Required Permits. Travel trailer/RV campgrounds are allowed in all Agricultural Districts and the Rural Residential (RR) district following the issuance of a conditional use permit.

(2) Other regulations. All Minnesota Department of Health and Minnesota Pollution Control Agency regulations must be met.

(3) Performance Standards. A travel trailer/RV campground must meet the following standards

(A) The minimum area for a travel trailer/RV campground is 50 acres.

(B) All sanitary facilities must conform to Washington County regulations.

(C) No camp space shall be rented to he same person for a period greater than thirty (30) days. No recreational vehicle or travel trailer is allowed to be stored permanently on the property.

(D) The sale, storage, use or occupancy of any manufactured home is prohibited.

(E) The density of unit spaces shall not exceed five (5) spaces per acre.

(F) All travel trailer/recreational vehicle parks shall be sufficiently wooded to buffer the use from public view.

(G) Individual lots are prohibited from being sold.

(H) One entrance is allowed into the campground. Al campsites must have direct access only to an internal circulation street. All roads shall be blacktopped.

(I) Access to the campground shall be from an arterial or collector street. Access shall be approved by the appropriate road authority.

(J) Travel Trailer/RV campgrounds shall have at least twenty (20) percent of the land area (exclusive of internal streets) developed for recreational uses (i.e. tennis, courts, children's play equipment, swimming pools, golf greens, etc.) which shall be developed and maintained by the owner or operator at his own expense. All parks must have an area or areas set aside for dead storage and "over-load" parking.

(K) All utilities, such as sewer, water, fuel, electric, telephone and television antenna lead-ins shall be buried and there shall be no overhead wires or support poles except those essential for street or other lighting purposes.

(L) All land area shall be adequately drained and properly maintained free of dust, refuse, garbage, rubbish or debris. All centralized refuse collection containers and equipment, and park maintenance equipment shall be stored in a screened and fenced service yard within the park.

(M) All permanent structures shall require a building permit issued by the responsible jurisdiction. The provisions of this section shall be enforced in addition to and in conjunction with the provisions of the Building Code.

(N) A properly landscaped area shall be adequately maintained around each trailer park. No trailer or building shall be located within fifty (50) feet

of the exterior boundary of any park or within forty (40) feet of any exterior existing public right-of-way.

(O) Business identification signs shall be in accordance with the Sign requirements of this Zoning Ordinance.

(P) Each trailer park must have one (1) or more central community building with central heating which must be maintained in a safe, clean and sanitary condition. Said buildings shall be adequately lighted during all hours of darkness and shall contain laundry washers, dryers and drying areas, in addition to public toilets and lavatory. Each trailer park shall have a building for the use of the operator distinctly marked "office" and such marking shall be illuminated during all hours of darkness. An illuminated map of the park shall be displayed at the office.

(Q) An adult caretaker must be on duty at all times in the trailer park. The operator of every park shall maintain a register in the office of the park indicating the name and address of the owner and occupants of each trail and automobile of each occupant, and the date of arrival and departure of each trailer. The corners of each trailer lot shall be clearly marked and each lot shall be numbered. The grounds of the park shall be adequately lighted from sunset to sunrise.

(R) Each lot shall abut or face a driveway or clear unoccupied space of not less than sixteen (16) feet in width, which shall have unobstructed access to the internal park road system.

(S) Lots shall be designed to allow an open space of at least fifty (50) feet between each vehicle or tent and at least thirty (30) feet between the vehicle or tent and the front lot line abutting the interior park road system.

(T) Each lot shall have two hundred (200) square feet of off-street parking space , or as approved by the Zoning Administrator, and a maximum of two (2) automobiles. No parking spaces shall be closer than ten (10) feet to any side yard lot line.

(U) Each lot, or pair of lots, shall contain adequate

containers to store, collect and dispose of refuse and garbage so as to create no health hazards, rodent damage, insect breeding, accident or hazardous fire areas, or air pollution. Each lot, or pair of lots, shall have such an insect proof, water tight, rodent proof refuse container on the lot(s).

(V) Each lot shall be no further than four hundred (400) feet from the nearest, readily available drinking water supply.

(W) All recreation vehicle and trailer park projects shall be equipped with at least one (1) central toilet, bathing and laundry building, which meets or exceeds the requirements of the Minnesota Department of Health, except that in primitive tent camping areas, only toilet facilities shall be required as per the Minnesota Department of Health.

(X) Outdoor cooking or burning shall be confined to fireplaces, pits, grills, or stoves which shall be permanently affixed to a designated location on each lot as per the site plan. Each permanent cooking or burning facility shall be placed on the lot so as to minimize fire hazards and smoke nuisance.

Wind Energy Conversion System (WECS): A wind energy conversion system is defined as one (1) tower with rotors and motors with one conversion generator.

2.29 Wind Energy Conversion Systems (WECS)

(1) Purpose and Intent - The purpose is to establish regulations for small WECS and encourage the use of alternative energy systems, while preserving general community aesthetics including scenic views.

(2) Definitions:

(A) Rooftop wind Turbine – a wind turbine mounted on a roof.

(B) Small Wind Energy Conversion System – a WECS utilizing a wind turbine with a generating capacity of 100 kW or less.

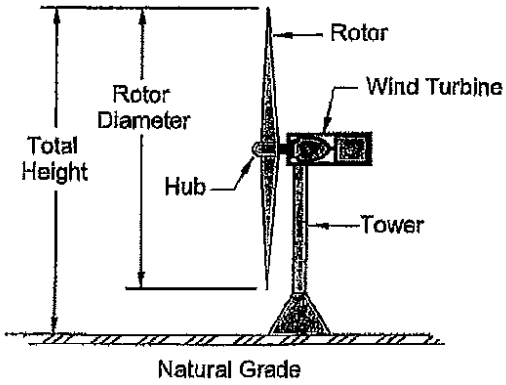
(C) Total Height – the highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

(D) Tower – the vertical structure portion of a

WECS that supports a wind turbine.

(E) Wind Energy Conversion System (WECS) – one (1) tower with one wind turbine and a rotor or airfoil.

(F) Wind Turbine - - the portion of a WECS comprising the electrical generating equipment that converts wind energy into electrical energy through the use of rotors, airfoils, or similar devices.



(3) Required Permits – a conditional use permit is required for a WECS in all zoning districts. WECS are not permitted within the St. Croix River Overlay District and Shoreland Districts. WECS must comply with the requirements of the Airport Overlay District.

(4) Other Requirements – WECS shall comply with all rules and regulations of Federal, State, County, and local agencies.

(5) Performance Standards – WECS must comply with the following standards:

(A) Number - no more than one WECS is permitted per parcel.

(B) Height – in all districts in which a WECS is permitted, the total height of a WECS shall be based on the acreage of the parcel. The permitted total height of a WECS is as follows:

Parcel Area*	**WECS Total Height**
Less than 5 acres	Not permitted
5 acres to less than 10 acres	100 feet

10 acres to less than 40 acres	136 feet
40 acres to less than 80 acres	160 feet
80 acres or greater	199 feet

*When a WECS has been installed, the area of a parcel shall not be reduced below the minimum size permitted for the height of the WECS unless the system is removed and all other provisions of this Zoning Ordinance are met.

(C) Setbacks – The base of the WECS tower shall be set back the following distances from all property lines:

Height	**Setback**
Less than 136 feet	Equal to total height of WECS
136 feet or greater	500 feet

WECS shall not be located within any other required setback area. The WECS shall be located so as to have the least impact on affected parcels. Visibility/views, shadow flicker, and noise shall be considered when determining the least impact on affected parcels.

(D) Rotor Diameter

Parcel Size	**Maximum Rotor Diameter**
Less than 80 acres	31 feet
80 acres or greater	55 feet

(E) Noise – WECS shall comply at all property lines with the Minnesota Pollution Control Agency's standards outlined in Minnesota Rules Chapter 7030 or subsequent chapters.

(F) Aesthetics – All portions of the WECS shall be a non-reflective, non-obtrusive color, subject to the approval of the Town Board. The appearance of the turbine, rotor, tower and any other related components shall be maintained throughout the life of the WECS pursuant to industry standards. WECS shall not be used for displaying

advertising,. Lights, flashers, reflectors, or other illuminated devices shall not be affixed to WECS.

(6) Rooftop wind turbines – rooftop wind turbines must comply with all performance standards contained in this section.

(7) Safety

(A) Climbing – to discourage unauthorized climbing, WECS towers must comply with at least one of the following provisions:

a) Tower climbing apparatus shall not be located within 12 feet of the ground.

b) A locked anti-climb devise shall be installed on the tower.

c) A protective fence at least 6 feet in height shall The color of the structure shall be either gray or off-white.

(8) Abandonment

(A) Removal – If the WECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system within 120 days at their expense. Removal includes the entire structure including transmission equipment and foundations to below natural grade.

2.30 Wireless Communication Antennas and Towers

(1) Required permits. The construction of a new tower in excess of 35 feet or the addition of a new antenna on an existing tower or building may be allowed following the issuance of a certificate of compliance or a conditional use permit if conditions contained in this Zoning Ordinance are met.

(2) Nonconformities. Any existing tower which becomes non-conforming as a result of this Zoning Ordnance may continue its use and additional antennas may be attached to the tower structure. If the tower needs to be replaced, it may be permitted with a certificate of compliance so long as it is of the same type (guyed, self-support or monopole), same height, same marking (lighting and painting) and it will be located within ten (10) feet of the tower to be replaced. The only permitted reasons for replacement of an existing, nonconforming tower will be to increase the number of antennas or to preserve the structural integrity of the structure. If a tower requires replacement of any other reasons, such replacement tower would need to meet all of the standards of this Zoning Ordinance.

(3) Exception. In any district, a proposed tower 200 feet high or less locate within the easement of overhead high voltage transmission lines with towers 75 feet in height or higher or within 50 feet of such transmission line easement on the same side of the road will not be required to meet the standards of Part (8) (B) through (G) of this section, but will be required to meet all other standards. This exception does not apply in the St. Croix River and Shoreland Overlay Districts.

(4) Modification.

(A) A modification to any requirement of this Zoning Ordinance may be sought by the applicant and heard by the Town Board in accordance with the procedures set forth in this Zoning Ordinance.

(B) The criteria for granting a modification under this section of the Zoning Ordinance shall be: presentation of engineering data demonstrating that personal wireless services cannot be provided by the applicant to a specific area of the Township without modification.

(5) Term of Permit and Revocation

(A) Towers are permitted with either a conditional use permit or certificate of compliance. The certificate of compliance or conditional use permit shall remain in effect so long as the conditions contained in the certificate or permit are met.

(B) The grounds of revocation of a certificate of compliance or conditional use permit shall be based on a finding that:

a) The permittee has failed to comply with conditions of approval imposed; or

b) The facility has not been properly maintained; or

c) The facility is no longer in use and has not been in use for the previous 12 months.

(6) Other requirements.

(A) All rules and regulations of the FCC and FAA must be met and complied with.

(B) In the event of revocation of a permit, the tower and all accessory structures must be removed and the site restored to its original condition within 120 days. A financial guarantee shall be posted with the Township to assure removal of the tower and restoration of the site. If the owner fails to remove the tower after an order to do so by the Town Board, the Township will complete the removal of the tower an restore the site and use the financial guarantee for costs incurred by the Township for removal of the tower and site restoration.

(7) Districts. Antennas and towers are regulated differently depending on the zoning district in which the property is located. The following are the standards in each district:

(A) Agricultural Districts (AG, AP) Districts.

a) The following are permitted with a Certificate of Compliance:

a) Antennas attached to an existing structure or tower and not

extending more than 15 feet above the highest point of the structure or tower.

b) A tower within the easement of a high power overhead transmission line or within 50feet of the easement on the same side of a road to a maximum height of 200 feet.

b) The following are permitted with a Conditional Use Permit:

a) A free-standing communication tower not exceeding 300 feet in height.

b) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower up to a maximum height of 300 feet.

(B) Single Family Estate (SFE) and Rural Residential (RR) Districts.

a) The following are permitted with a Certificate of Compliance:

a) Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.

b) A tower within the easement of a high power overhead transmission line easement on the same side of a road to a maximum height of 200 feet.

b) The following are permitted with a Conditional Use Permit:

a) A free-standing communication tower not exceeding 150 feet in height.

b) Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or

tower up to 150 feet.

(8) Prohibitions

(A) No tower shall be over 300 feet in height or within one mile of another tower regardless of municipal boundaries.

(B) A proposal for a new wireless service tower shall not be approved unless it can be shown by the applicant that the telecommunication equipment planned for the proposed tower cannot be accommodated:

a) On an existing tower; or

b) On a tower that has been permitted by Washington County or Baytown Township; or

c) On a tower whose application for a certificate of compliance or conditional use permit is currently pending before the Township.

(C) No tower over thirty-five (35) feet in height shall be located within five hundred (500) feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.

(D) No tower over thirty-five (35) feet in height shall be located closer than one-quarter (1/4) mile to the outside boundary of an existing or proposed township park, county park, or a boundary of a state park.

(E) No tower over 35 feet shall be erected within one-quarter (1/4) mile from the centerline of State Highways 95 and 96 and county Road 15 unless it can be demonstrated through visual impact demonstrations that the tower will be visually inconspicuous as viewed from the road on a year-round basis.

(F) No tower over thirty-five (35) feet shall be erected within one-quarter (1/4) mile of the St. Croix River or a DNR-protected lake or river.

(G) No tower over 35 feet shall be erected on any property platted for residential purposes.

(H) No temporary mobile cell sites are permitted

except in the case of equipment failure, equipment testing, or in the case of an emergency situation as authorized by the Washington County Sheriff. Use of temporary mobile cell sites for testing purposes shall be limited to twenty-four (24) hours; use of temporary mobile cell sites for equipment failure or in the case of emergency situations shall be limited to a term of thirty (30) days. These limits can be extended by the Town Board.

(I) Permanent platforms or structures, exclusive of antennas, other than those necessary for safety purposes or for tower maintenance, are prohibited.

(J) No tower shall have lights, reflectors, flashers, daytime strobes, steady night time red lights or other illuminated devices affixed or attached to it unless required by the FAA or FCC.

(K) No advertising or identification signs shall be placed on towers or antennas.

(9) Performance Standards

(A) On a vacant parcel of land zoned for agricultural or residential purposes, the minimum lot size for construction of a tower over 35 feet in height shall be five acres. On a vacant parcel of land on which a principal use exists, the tower shall be considered an accessory use and a smaller parcel of land may be lased provided all standards contained in this Zoning Ordinance can be met.

(B) Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. The application for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirements of the zone in which it is located.

(C) A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be

confined as much as possible to the property on which the tower is located.

(D) The tower shall provide the maximum amount of screening for off-site views of the facility. The Township reserves the right to require creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses or to require the tower to be of a stealth type design. Existing on-site vegetation shall be preserved to the maximum extent possible. Stealth type design may be required when the Township finds such a design would increase the compatibility in a certain area; protect the scenic value of a particular area, and/or is a furtherance of a goal or policy contained in the Township's Comprehensive Plan.

(E) The height of a tower shall allow for the co-location of additional antennas as follows:

a) Structures from 100 to 125 feet – a total of two tenants

b) Structure from 125 to 200 feet – a total of three tenants

c) Structures above 200 feet but less than 300 feet – a minimum of four (4) tenants

d) The co-location plan shall be approved by a registered professional engineer.

(F) Structural design, mounting and installation of the antenna and tower shall be in compliance with manufacturers specifications. The plans shall be approved and certified by a registered professional engineer.

(G) In general, self-supporting towers (i.e. those without the use of wires, cables, beams or other means of support) are referred. The use of a guyed tower is permitted for new tower construction if there is an aesthetic and/or antenna supporting capability advantage. Anchors for the guyed wires must meet underlying setback requirements.

(H) Associated base equipment must be located within a structure. The base of the tower and

any accessory structures shall be landscaped where practical. Tower accessory structures shall be constructed of materials designed to minimize visibility to the neighborhood.

(I) The tower shall be a color demonstrated to minimize visibility unless otherwise required by FAA regulations.

(J) Metal towers shall be constructed of, or treated with corrosive resistant material.

(K) If space is available on a tower, the tower owners shall in good faith lease space to other users so long as there is no disruption in the existing service provided by the towers' existing users and no negative structural impact upon the tower. If a dispute arises, as a condition to any permit or certificate of compliance, Baytown Township reserves the right to act as arbiter in determining if a tower owner is acting in good faith in leasing to other tenants.

(L) Generally, only one communication tower is permitted on a parcel of land. If more than one communication tower can be located on a parcel and meet the requirements of the Zoning Ordinance, the additional tower or towers may be allowed following the issuance of a conditional use permit. All other standards contained in this Zoning Ordinance must be met.

(M) All towers shall be reasonably protected against unauthorized climbing. The bottom of the tower from ground level to 12 feet above ground shall be designed in a manner to preclude unauthorized climbing and/or shall be enclosed by a six (6) feet high chain link fence with a locked gate.

(N) Antenna and tower owners shall be required to conduct an annual inspection of their facilities to insure continuing compliance with this Ordinance. A copy of the annual inspection report shall be provided to the Township.

(O) The Township shall be notified in writing of any change in ownership of a wireless communication facility. All conditions imposed as part of the original permit approval shall not be affected by a change in ownership.

(10) Application – New Tower

(A) In addition to the submittal requirements required elsewhere in this Zoning Ordinance, applications for conditional use permits or certificates of compliance for new towers and antennas shall be accompanied by the following information:

A report from a qualified and licensed professional engineer that:

a) Describes the tower height and design including a cross section and elevation.

b) Certifies the tower's compliance with structural and electrical standards.

c) Describes the tower's capacity, including the potential number and type of antennas that it can accommodate.

d) Describes the lighting to be placed on the tower if such lighting is required by the FCC or FAA.

e) Describes that the applicant will avoid causing destructive interference to co-located, previously established public safety communications.

f) Specifies the distance to any DNR protected lake or river, the St. Croix River, a scenic road designated in part (4)(D), and any boundary of an existing or proposed park.

g) The name, address, and telephone number of the owner(s) of the nearest tower(s) shall be submitted along with written documentation showing the applicant has contact these other tower owners to determine if the new antennas proposed can be added to the existing tower(s) in the area.

(B) Each application shall include a five-year wireless communication facilities plan containing the following information. The plan must be updated with each submittal as necessary:

a) Written description of type of consumer services each company/carrier will provide to its customers over the next five years (Cellular, Personal Communication Services, Specialized Mobile Radio, Paging Private Radio or other anticipated communications technology).

b) A list of all existing sites, existing sites to be upgraded or replaced, and proposed cell sites within the County for these services by the applicant.

c) A presentation size map of the County that shows the five-year plan for cell sites, or if individual properties are not known, the geographic service areas of the cell sites.

d) Information provided as part of the five-year facility plan that is a trade secret pursuant to MN Sat 13.137 or its successor statutes shall be classified as non-public data.

(C) Written acknowledgment by the applicant and landowner that they will abide by all applicable conditional use permits.

(D) The Township may, at its discretion require visual impact demonstrations including mock-ups and/or photo montages; screening and painting plans; network maps; alternative site analysis; lists of other nearby telecommunication facilities; or facility design alternatives for the proposed tower.

(11) Application – Existing Tower/new Antenna. In the event that an application is only to add a new antenna to an existing tower or structure, the requirements as delineated under Part 10 shall not apply.

2.31 <u>Yard Waste Facilities</u>

(1) Required Permits. Yard waste facilities, public and private, are allowed with a conditional use permit in the AG, AP, and RR Districts.

(2) Other Requirements. The yard waste facility must comply with all rules and regulations of Federal, State, County and local agencies.

(3) Performance Standards. A yard waste facility must comply with all of the following standards:

(A) The minimum lot area required for yard waste facilities is ten (10) acres.

(B) Composting, storage, transfer, loading and processing activities must be setback as follows:

a) Property lines – 100 feet.

b) Existing Residential uses not on the property – 500’

c) DNR protected watercourse – 200’

d) Wetland – 75’

(C) The yard waste facility must be screened form view form all adjacent properties and roadways.

(D) Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.

(E) A plan for collection, retention and drainage of storm water shall be provided for review and approval. On-site drainage shall be directed to a constructed stormwater holding pond prior to any drainage leaving the site. The stormwater holding pond shall be located a minimum of 75’ from the composting storage area. The runoff directed towards this pond shall be filtered through a 75’ wide vegetated buffer.

(F) The operator shall provide sufficient equipment on site to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading, unloading, turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water for watering trucks,; and a screen to

improve the quality and marketability of the final product. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities, hazardous material storage and hazardous waste disposal.

SECTION 3. OVERLAY DISTRICTS

3.1 Airport Overlay District

(1) Applicability. The airport overlay district applies to land near the Lake Elmo General Aviation Airport. The specific regulations in this district are in addition to, rather than in lieu of, regulations imposed by any other zoning classification for the same land.

(2) Regulations. Properties and uses within this district are regulated in accordance with the Baytown Township Zoning Ordinance, and must abide by the Lake Elmo Airport Zoning Ordinance regulations. A copy of the Lake Elmo Airport Zoning Ordinance is available at the Baytown Township Town Hall, as well as with the Metropolitan Airports Commission.

3.2 St. Croix River Overlay District

(1) Properties and uses within this district are regulated in accordance with Part 1 and Part 2 of this ordinance and must abide by the Washington County St. Croix River District regulations.

3.3 Shoreland Management Overlay District

(1) Properties and uses within this district are regulated in accordance with the Washington County Shoreland Management Overlay District regulations.

SECTION 4. OPEN SPACE DEVELOPMENT

4.1 Purpose and Scope. OSD is established as an option for subdivision to encourage development of rural housing clusters that meet the following purposes:

(1) Provide for efficient use of the land while maintaining contiguous blocks of economically viable agricultural land, mature woodlands, and open space; and preserving historical features, scenic views, natural drainage systems, and other desirable features of the natural environment.

(2) Allow housing to be concentrated on sites that have low agricultural potential and/or high natural housing appeal.

(3) Create neighborhoods with direct access to open space, distinct identities, and sense of community.

(4) Encourage innovation and promote flexibility, economy, and creativity in residential development.

(5) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.

(6) To provide a diversity of lot sizes, housing choices, and building densities to accommodate a variety of age and income groups.

(7) To preserve scenic views and elements of the Township's rural character by minimizing views of new development from existing roads.

4.2 Definitions

(1) Community Garden: Land which is cultivated by the residents of the development for the production of trees, vegetables, fruits, flowers, herbs and grasses for the residents' use or to be sold directly through memberships.

(2) Conservation Easement: An interest in real property created in a manner that imposes limitations or affirmative obligations in regard to the use of property including the retention, protection and maintenance of natural resources, open space and agriculture.

(3) Cultural Resource: The historic and archeological characteristics of the land, including buildings and landscapes, which provide information regarding the history of Washington County and Baytown Township.

(4) Historic Building and Structure: A structure which has been

identified by the Washington County History Network inventory or the State Historic Preservation Office as having public value due to their notable architectural features relating to the cultural heritage of the County.

(5) Homeowners Association: A formally constituted charitable association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities, and assuring the availability of real property for agricultural, forest, recreational, and open space use.

(6) Neighborhood: An area containing a contiguous group of residential lots where people live in close proximity to one another.

(7) Open Space: Land used for agriculture, natural habitat pedestrian corridors and/or recreational purposes, that is undivided and permanently protected from future development.

(8) Open Space Development: A grouping of residential structures on smaller lots than allowed in the specific zoning district, leaving some land dedicated as open space.

(9) Perimeter Road: A road lying outside of and abutting the development parcel.

(10) Plant Community: A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.

(11) Protective or Restrictive Covenant: A contract entered into between private parties that constitutes a restriction of the use of a particular parcel of property.

(12) Resource Inventory: A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

(13) Third-party Right of Enforcement: A right provided in a conservation easement to the Town of Baytown or other governmental body, charitable corporation, charitable association, or charitable trust, which although eligible to be a holder is not a holder of the easement, to enforce any of the terms of the conservation easement.

4.3 Applicability

OSD standards arean alternative set of standards for residential development within the Agriculture (AG), Rural Residential (RR),

Single-Family Estates (SFE), and Transition (TZ) Zoning Districts. OSD shall be permitted with a conditional use permit within these districts. OSD is not permitted in the St. Croix River District and Shoreland Overlay District.

The regulations of this Ordinance are applicable only to open space developments approved after the effective date of this Ordinance.

4.4 Application.

(1) A conditional use permit (CUP) is required for an open space development in all districts where OSD is permitted. A three-stage application process is required for an OSD, as prescribed in this chapter.

(2) A conditional use permit application shall be filed along with the application for a Major Subdivision for an OSD with the Township, in writing, on forms prescribed by the Township, in accordance with the requirements of Chapter One, Section 7, Conditional Uses and the Township's Subdivision Ordinance.

(3) In addition to the criteria for conditional use permits stated in Chapter One, Section 7.3, and the criteria for approval of a Major Subdivision identified in the Subdivision Ordinance, the Planning Commission and Board shall consider the following criteria for approving and OSD.

(A) The open space development is designed to preserve open space and the Township's rural character, while creating compact residential neighborhoods.

(B) The open space development is designed in accordance with the standards of this section.

(C) The open space development supports the goals and policies of the Township's Comprehensive Plan.

(4) In addition to those submittal requirements for a conditional use permit and a major subdivision, the following items shall be submitted as part of the conditional use permit application for open space development:

(A) Resource Inventory. The plan for an OSD shall include a resource inventory, to include the following, mapped at a scale of no less than one inch=100 feet:

1. Topographic contours at a minimum of two-foot (2 ft.) intervals, showing rock outcrops and slopes of more than 12 percent.

2. Soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock, and suitability for wastewater disposal systems.
3. Hydrologic characteristics, including surface water bodies, floodplains, wetlands, natural swales, and drainage ways.
4. Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of wooded areas and stand-alone trees with a caliper of more than 18 inches. Vegetative types shall be mapped and identified using the Minnesota Land Cover Classification System, Level 2 (Minnesota DNR) or most recent update.
5. Current land use and land cover (cultivated areas, paved areas, etc.), all existing buildings and structures on the land, and all encumbrances, such as easements and covenants.
6. Visual resources, showing views onto the tract from surrounding roads and public areas, as well as views within the tract.
7. Cultural resources: brief description of the historic character of buildings and structures, historically important landscapes, and archaeological features.
8. Context: general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads, and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch=400 feet.

(B) Yield Plan

The applicant shall submit a "yield plan," showing the maximum number of dwelling units that would be permitted given the minimum lot size and lot widths for conventional subdivisions and other requirements of the Zoning Ordinance and Subdivision Regulations. The yield plan need not be engineered; however, it shall be drawn to scale and it shall identify all the major physical features on the parcel.

The minimum lot areas and width for each zoning district are the following:

Zoning District	Minimum Lot Size (Acres)	Minimum Lot Width (Feet)
AG	40	300
RR	5	300
SFE	2.5	160
TZ	10	300

(C) Concept OSD Plan

1. The applicant shall submit one or more OSD design plans meeting the intent of this Chapter and including at least the following information:

   (a) Open space areas indicating which areas are to be dedicated as permanent open space

   (b) Boundaries of areas to be developed and the proposed general street and lot layout.

   (c) The number and type of housing units proposed (based on the Yield Plan and proposed bonus units).

   (d) Areas proposed for stormwater management and individual or community septic systems.

   (e) The concept subdivision plan(s) shall be drawn at a scale of 1"=100'.

2. For Open Space Developments in the Transition Zone, a "build-out plan" showing the ultimate development of the entire parcel at urban densities shall be submitted as part of the concept subdivision plan.

(D) Phasing Plan. An OSD may be phased in accordance with a unified development plan for the entire tract meeting the following requirements:

1. A phasing plan identifying the sequence of development showing approximate areas of the proposed phases, serially numbered with a description of each phase. Information shall be provided regarding the number of dwelling units, proposed improvements, and common facilities for each.

2. The phasing plan shall be made a part of the conditional use permit and is effective for five (5) years from the date of the preliminary plat approval. If a final plat approval is not received within five (5) years the permit shall become null and void.

3. Any common facilities, including golf courses, shall be constructed prior to the sale of any lots and shall be

clearly marked on a site map which shall be an attachment to all sales agreements of individual lots.

4. As part of the development agreement, a financial guarantee to ensure completion of common facilities, tails, and landscaping shall be provided.

(E) General Location Map

(5) Application Procedure. A three (3) step process is required for an OSD: Concept Plan Review, Preliminary Plat and CUP Approval, and Final Plat Approval

(A) Concept Plan Review. In this step the developer presents a concept OSD to the Township, using the required application forms and submitting the required fee and escrow. The Township will request that its staff, Washington County, the local watershed management organization, and other affected organizations review the concept OSD and provide comments. This review may include a meeting of staff and agencies with the applicant. The Township's Planning Commission will review the plan to provide input and feedback to the applicant and Town Board.

The concept plan submittal shall include the Resource Inventory, Yield Plan, and Concept Subdivision Plan identified in Section (4), items A-C, in this Chapter.

The Planning Commission shall provide specific comments on the Concept Plan, but this step does not include approval or denial of the Concept Plan. The Town Board may participate in the Concept review and provide comments to the applicant.

(B) Preliminary Plat and CUP Review. This stage requires that the applicant submit al materials required for an OSD, CUP and Preliminary Plat, based on the requirements of the Zoning Ordinance and Subdivision Ordinance, and using the required application form and checklists provided by the Township. The submittals shall include a Preliminary Plat, Preliminary Grading and Drainage Plans, and Preliminary Engineering Plans as required by the Subdivision Ordinance. The Preliminary Plat must show home locations, home types, and proposed type and locations of open space areas and wastewater and domestic water systems. The application shall include detailed information about the area to be dedicated as open space, proposed uses and design of the open space, and organizations(s) that will hold and monitor the conservation easements required for open space dedication.

The Township shall review the application and submittals for completeness, and upon submittal of a complete application, the Township will schedule a public hearing before the Planning Commission. The application and submittals will be

provided to Washington County and reviewing agencies for comment.

The Township's Planning Commission will hold a public hearing and review the Preliminary Plat and CUP application in accordance with the requirements of its Zoning and Subdivision Ordinance. The Planning Commission will make a recommendation to the Town Board regarding the application for a Preliminary plat and CUP.

The Town Board will review the proposal, the comments received form agencies and the public, and the Planning Commission recommendations and make a determination on the application.

(C) Final Approval. This stage requires submittal of the final plat, final engineering plans, all required financial guarantees, a signed development agreement, park dedication, homeowner's association documents, finalization of the conservation easement and any other conditions of approval to be completed and submitted to the satisfaction of the Township.

4.5 Uses. The following uses are permitted within an OSD. The uses must meet the standards and criteria specified for those uses, as set forth in this Zoning Ordinance

(1) Residential

(A) Single-family Detached

(B) Multifamily Residential

(C) Bed and Breakfast

(D) Accessory apartments

(E) Community residences

(2) Open Space. The following are allowed uses in the designated open space.

(A) Conservation (i.e., woodland, meadow, prairie)

(B) Agricultural

(C) Equestrian

(D) Recreational uses and associated parking.

1. Trails (walking, skiing, cycling, horseback

riding,)

2. Picnic areas
3. Community gardens
4. Composting (for waste generated by residents of the development)
5. Turf areas for informal play
6. Common area such as greens or squares
7. Ball fields
8. Playgrounds
9. Sport courts (tennis, basketball, etc.)
10. Swimming pools or beaches
11. Common buildings

(E) Stormwater management facilities

(F) Community sewage disposal systems

(G) Essential Services—Utility Substation

(3) Open Space—Conditional Uses. The following uses are allowed in the designated open space with an additional conditional use permit:

(A) Golf Course

(B) Recreational uses available to the general public including:

(1) Ball fields

(2) Playgrounds

(3) Sport courts (tennis, basketball, etc.)

(4) Swimming pools or beaches

4.6 Ownership and Management of Open Space

(1) The designated open space and common facilities may be owned and managed by one or a combination of the following:

(A) Homeowner's Association

(B) Charitable organization

(C) The Township or another governmental body empowered to hold interest in real property (in accordance with Minnesota Statutes Section 84C.01-.05 or its successor statutes).

(D) An individual who will use the land for open space purposes as provided by the permanent conservation restrictions.

4.7 Open Space

(1) The minimum open space required per Section 4.6 (4) (A) shall be subject to a permanent conservation easement and used for the purposes as defined by this Zoning Ordinance. The conservation easement shall be dedicated to an acceptable land trustee, governmental organization, or other similar organization as approved by the Township.

The conservation easement may include a third party right of enforcement, so that the Township or another governmental body, charitable corporation, charitable association, or charitable trust, which although eligible to be a holder of the conservation easement is not a holder, to enforce any of the terms of the conservation easement.

(2) The uses within the open space shall be accessible to the residents of the development in accordance with 4.10 (4) (D). These uses may also be available to the general public providing any required approvals are received.

(3) A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Township. The Township or conservation easement trustee may require a financial guarantee to ensure the maintenance of the open space and compliance with the conservation easement or deed restriction.

4.8 Homeowners' Associations

A Homeowners' Association shall be established if the open space is owned by a homeowners' association. Membership in the Association is mandatory for all purchasers of homes in the

development and their successors.

A Homeowners' Association Agreement, guaranteeing continuing maintenance, shall be submitted to the Township as part of the data required for the Conditional Use Permit. The Homeowners' Association documents or the declaration of covenants, conditions and restrictions shall contain the following information:

(1) The legal description of the common lands or facilities;

(2) The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities entitled to enforce the restrictions;

(3) A mechanism for resolving disputes among the owners or association members;

(4) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums.

(5) The conditions and timing of the transfer of ownership and control of land or facilities to the Association or to common ownership;

(6) The management of common sewage treatment systems; and

(7) Any other matter the developer deems appropriate.

4.9 Density Standards

(1) OSD Density. The density of any new Open Space Development approved after Ordinance Number 68 shall adhere to the density of the zoning district in which the parcel is located.

(2) Density Bonus. Any new Open Space Development approved after Ordinance Number 68 that meets the following criteria shall be permitted a density of 2.21 units per acre.

(A) The site totals approximately 64.8 acres in size; and

(B) A water tank is located on site which provides access to municipal water from the City of Bayport for the benefit of Baytown Township. Said tank shall have been in existence at the time of the adoption of Ordinance Number 68.

4.10 Performance Standards

(1) General considerations

(A) For single-family attached and multi-family structures, the maximum number of units per freestanding building is six (6).

(B) The residential lot shall be large enough to accommodate a house and two-car garage.

(C) All development shall comply with the wetland buffer requirements of the local water management organization.

(D) Multi-family structures shall be setback a minimum of 50 feet from the lot line of a lot designated for single-family detached dwelling units.

(E) A maximum of 40% of the residential dwelling units may be multi-family residential.

(2) Residential Lot Requirements

(A) Minimum Lot Size

1. Septic on-site….32,670 sq. ft. (.75 acre)

2. Septic off-site…21,780 sq. ft. (.5acre)

3. For Open Space Development created after Ordinance Number 68, minimum lot size shall be 1 acre. If the Open Space Development is able to meet all requirements of Section 4.9(1)(B), the minimum lot sizes shall be as noted in 1. and 2.

(B) Principal Building Minimum Setbacks

1. Front lot line ..... 30 feet

2. Side lot line..... 15 feet

3. Rear lot line ..... 30 feet

(C) Accessory Building Setbacks

1. Side lot line..... 15 feet

2. Rear lot line ..... 10 feet

(D) Maximum Lot Coverage 35%

(E) Maximum Building Height ..... 35 feet

(F) All lots shall take access from interior local streets.

(G) Fifty percent of the lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.

(H) Lots shall be oriented around a central focal point. This may be one or more of the following:

1. A central green or square.

2. A physical amenity such as a meadow, a stand of trees, a stream or other water body, or some other natural feature.

3. A street designed with boulevards planted with shade trees and with a central "parkway" or median, at least 25 feet wide.

(3) Neighborhood Siting Standards

(A) Neighborhoods shall be located to minimize their impacts on the natural, scenic and cultural resources of the site.

(B) Neighborhoods shall avoid encroaching on rare plant communities or endangered species identified in the Department of Natural Resources' County Biological Survey for Natural Communities and Rare Species.

(C) Fragmentation of open space shall be minimized.

(D) Whenever possible, open space shall connect with existing or potential open space lands on adjoining site.

(E) Neighborhoods should be sited to achieve the following goals, to the extent practicable. In cases where impact on one or more of the following resource areas is unavoidable, the impact should be minimized through use of landscaping, topography, or other features.

1. Avoid prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices;

2. Minimize disturbance to woodlands, hedgerows, mature trees or other significant vegetation;

3. Protect scenic views of open land from adjacent roads.

4. Protect existing historic buildings or incorporate them through adaptive reuse.

(F) The maximum number of residential lots permitted in a neighborhood is 50.

(G) More than one (1) neighborhood may be developed if separated by a clear boundary comprised of a combination of two or more of the following elements: street pattern, marked topographical changes, drainageways, ponds, wetlands, streams, greenways, and woodlands.

(4) Open Space Design

(A) Open space shall be designated as part of the development. The minimum required open space is based on the Zoning District where it is located:

1. Agriculture (AG) – 50%
2. Rural Residential (RR) – 50%
3. Single-family Estates (SFE) – 50%
4. Transition (TZ) – 70%

(B) The required open space shall be undivided and restricted from further development, as specific in this ordinance.

(C) The following areas or structure may be located within the open space area and shall be counted toward the overall open space percentage required:

1. Parking areas for access to and use of the open space.

2. Privately-held buildings or structures unless they are accessory to the use of the open space.

(D) Road rights-of-way may not be located within the required open space area, and shall not be counted towards the required minimum open

space.

(E) No more than fifty (50) percent of the required open space may consist of unclassified water bodies, ponds, areas within the 100-year floodplain (or high water mark as documented by County records), wetlands, or slopes of greater than 25 percent.

(F) At least 25 percent of the open space shall be accessible to the residents of the development and shall be owned in common by all residents of the development.

1. At least 25% of the "accessible" open space shall be suitable for recreational uses such as trails, play fields, or community gardens.

2. A pathway system connecting all parts of those open space areas accessible t neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.

3. That portion of the open space designate for the location of sewage treatment facilities shall not be included as part of this accessible open space.

(5) Street Standards. Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation:

(A) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.

(B) Streets shall have the following minimum design standards:

1. Right-of-way widths. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, trails and walkways, utilities and snow storage. The

minimum right-of-way shall be provided in accordance with the following:

Travel Lanes	ADT less than 250	ADT over 250
One-way roadway	30’	30’
Two-way roadway	30’	60’

2. Roadway widths for local roads shall be determined by the expected average daily traffic (ADT) and shall be within the following ranges:

Travel Lanes	ADT less than 100	ADT 100-250	ADT over 250
2-way roadway	18’-24’	20’-24’	22’-24’
1-way roadway	11’-13’	11’-13’	11’-13’
Urban sections	13’	13’	13’
Shoulder width	2’-4’	2’-4’	2’-4’

3. Additional Standards:

   a) Design speed: the minimum design speed shall be twenty (20) miles per hour.

   b) Vertical curves: minimum 50’ (when grade difference less than 1%, no curve is needed)

   c) Horizontal curves: minimum radius of 125’.

   d) Road grades: maximum grade 8%.

   e) Pavement strength: 7 ton minimum.

   f) Super-elevation: Maximum e = 0.04 feet/feet

   g) Clear Zones:
   Rural sections: 10’ from edge of travel lane
   Urban sections: 2’ from face of curb

   h) Access of streets to county roadways or State Highways shall meet all requirements of the access spacing

guidelines of Washington County or the Minnesota Department of Transportation.

i) Bridges: Width shall be traveled way plus 2' each side Design Loading for Structural Capacity HS-20 Sidewalk necessary to maintain pedestrian crossing.

j) Cul-de-sacs: minimum 30' radius.

4. If determined necessary by the Zoning Administrator, shade trees shall be planted on both sides of the street at 50-foot intervals or placed in clusters at the same ratio.

5. Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.

6. Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the Township standards for collector roads.

7. Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.

(6) Sewage and Water Facilities

(A) Water for an OSD Development shall be provided by individual on-site wells or by one or more community wells meeting the permit requirements of the Minnesota Department of Health. The use of shared or community wells is encouraged.

(B) All OSD Developments shall be provided with adequate sewage treatment facilities meeting the standards of the Washington County Subsurface Sewage Treatment Standards Regulations and the permit requirements of the Minnesota Pollution Control Agency.

(7) Golf Courses

(A) Golf courses located in the open space must comply with the requirements and standards of this ordinance.

(B) The golf course shall be regulated by a development agreement that restricts any further development or subdivision of land and requires the land to be retained as open space use if a golf course is no longer used as a golf course.

(C) The golf course shall be constructed prior to the sale of any residential lots.

(D) A financial guarantee ensuring completion of the golf course in accordance with the approved plans and permits shall be submitted to the Zoning Administrator.

SECTION 5. PLANNED UNIT DEVELOPMENT

4.1 Uses

(1) The uses within a planned unit development are limited to those uses permitted in the underlying zoning district.

4.2 Performance Standards

(1) The maximum density of the Planned Unit Development shall not exceed the maximum density permitted in the underlying zoning districts.

(2) The uses allowed within the PUD are restricted to those uses which are allowed in the underlying zoning district.

(3) The impervious surface coverage shall not exceed the maximum lot coverage of the underlying zoning district.

4.3 Exclusion from Requirements

(1) Planned Unit Developments may be excluded from certain requirements of the Zoning Ordinances relating to land use, subdivision and development, including the provisions of this Zoning Ordinance, providing that:

(2) A general development plan is approved by the Town Board.

(3) The Town Board finds that the proposed development is

fully consistent with the purposes of this Zoning Ordinance relating to land use, subdivision and development and that the development is in conformity to the Comprehensive Plan.

(4) Adequate performance bonds or other security are given to the County to secure completion of the development as provided by the general development plan.

(5) A Planned Unit Development permit is granted by the Town Board.

4.4 Administration

(1) Application. Whenever a development requires approval for a planned unit development, a preliminary and final application shall be filed in writing with the Zoning Administrator. Applications shall be accompanied by the required application fee.

(2) Applications for PUD's located in Shoreland Districts or the St. Croix Riverway District shall complete the required application process and obtain approval from Washington County. Applicants shall contact the County regarding its application an d approval requirements.

(3) The applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the planned unit development.

4.5 Criteria for Granting a Planned Unit Development

(1) The Town Board may grant a planned unit development in any district provided the proposed development complies with the standards and criteria stated in the Baytown Township Code and Subdivision Regulations and that said development is in harmony with the general intent of this Zoning Ordinance and comprehensive plan.

(2) In granting approval for a planned unit development, the Town Board shall consider:

(A) The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands;

(B) Existing and anticipating traffic conditions including parking facilities on adjacent streets and land;

(C) The effect of the proposed use on utility and school capacities;

(D) The effect of the proposed use on property values and scenic views in the surrounding area;

(E) The effect of the proposed use on the Township's Comprehensive Plan;

(F) The ability of the proposed use to meet the standards of the Zoning Ordinance; and

(G) That the proposed use(s) is (are) permitted in the underlying zoning district

If the Town Board determines that the proposed use will not be detrimental to the health, safety, or general welfare of the Township, or that said use is in harmony with the general purpose and intent of the Zoning Ordinance and Comprehensive Plan, it may approve such planned unit development.

4.6 Preliminary Review

(1) Before applying for a planned unit development permit, the developer shall first apply for preliminary review of the proposed development. The application shall be accompanied by payment of a preliminary review fee. The application shall be filed with the Zoning Administrator. The application shall include the following information relating to the property, the developer and the proposed development, and may include such further information as the developer deems appropriate to preliminary review the proposed planned unit development. The Town Board may require additional information.

(2) Reports shall be spiral or three-ring loose leaf bound and submitted on 8½" x 11" size paper, vertical format. The scale of the maps shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'.

(3) A sketch plan shall be submitted showing the location of the site, size of the site, utilization of land adjacent to the site, existing buildings on the site, significant topographical and physical features of the site, proposed site, proposed general street layout and proposed general lot layout.

(4) If the developer contemplates the retention of existing buildings or extension of facilities or utilities serving adjacent uses, these facts shall be documented.

(5) The developer shall have a property interest in the site which

shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a leasehold interest in excess of thirty (30) years, or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title, or a marketable title subject to certain restraint which will not substantially restrict its development within a reasonable time. All mortgages including purchase money mortgages, all easements restricting land use, all liens and all judgments which may affect the site shall be documented.

The applicant shall supply proof of existing ownership consisting of an abstract of title, certified currently, a current Certificate of Title, or an attorney's title opinion based thereon, together with any unrecorded documents whereby the applicant acquired a legal or equitable property interest.

(6) Notice and Hearing Procedure.

(A) Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Town Board and establish a time for hearing on the application before the Planning Commission. From the date the Zoning Administrator receives the application containing all required information, the Township has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.

(B) Notice of the time, place and purpose of all public hearing shall be given by publication in a newspaper of general circulation in the town, municipality or other area concerned and in the official newspaper of the county at least 10 days before the hearing. The notice shall state the purpose, time and place of the public hearing.

(C) Written notice shall be sent to all property owners of record within 500 feet of the affected property in incorporated areas.

(D) Where required, no less than twenty (20) days

prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment.

(E) Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

(7) Town Board Action. Within sixty (60) days after the first regular meeting after the application for a Preliminary Review has been submitted to the Zoning Administrator, the Town Board shall give preliminary review approval to the proposed plan, reject the proposed plan or request specific additional information. The Town Board may refer the application to the Planning Commission for its review and recommendations. The Town Board shall also establish the process necessary for completion of a general development plan and shall notify the applicant of which alternative process or parts of the development plan process that will be applicable to his project. As soon as is reasonably practical, the Zoning Administrator shall inform the applicant of the action taken by the Town Board, in writing, accompanied by a copy of the resolution or minutes of the Planning Commission stating its reasons therefore. If additional information is requested, the Town Board shall accept or reject the Preliminary Review within thirty (30) days of such request. If the Preliminary Review is accepted, the developer may proceed to apply for a permit for a Planned Unit Development. Approval of the Preliminary Plan does not guarantee approval of the project.

4.7 Final Review

(1) The applicant shall have secured preliminary review approval by the Town Board within the previous year.

(2) The application shall be accompanied by development plans of the proposed planned unit development and supporting information as listed below as deemed necessary by the Zoning Administrator or by the Town Board.

(A) The scale of maps submitted shall be at least 1" to 200'. Maps for sites less than fifty (50) acres shall be at least 1" to 100'. The number of maps and reports to be submitted shall be specified by

the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should they be approve, shall be filed with the Planning Commission within sixty (60) days of such approval.

(B) An **environmental impact study** may be required by State, Regional or Federal agencies.

(C) A **regional location component map** shall be submitted showing the site and its interrelationship with the community. Said map shall include the location and distance in road miles to the following facilities servicing the site:

a) Elementary School(s)

b) Secondary School(s)

c) Fire Department

d) Police Station

e) Arterial and Limited Access Highways

f) Recreational Areas

g) Shopping Areas

h) Industrial Areas

i) Public Transportation Routes, including non-vehicle trails and major transportation depots

j) Churches and Public Buildings

The names of all property owners within five hundred (500) feet of the development site shall be shown on the map.

(D) A **land evaluation component** which shall consist of a map or maps and accompanying report setting forth the natural limitations on land development, including slopes, drainage systems, vegetation, soil types, soil quality and how these limitations are incorporated in the development plan. Said land evaluation

component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(E) A **land use component** which shall consist of a map or maps and report setting forth the distribution, location and extent of the acres of land devoted to each category of land use proposed as part of the general plan of development. Said land use component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

(F) A **circulation component** which shall consist of a map or maps and report setting forth the general location, extent, and nature of all transportation facilities proposed as part of the general plan of development, all proposed points of inter-connecting access to existing transportation facilities and the present use and design capacities of existing transportation facilities. Proposed transportation facilities information shall include:

a) Location of paths or bikeways.

b) Location of major and local thoroughfares.

c) Location and definition of trash removal system.

d) Location and definition of industrial and commercial delivery areas and systems.

e) Identification by function of principal arterials, intermediate arterials, minor arterials, collector streets and local streets.

f) Location and function of one-way street systems, divided roads, left-turn lanes and such other matters as may be related to the provision for the circulation of traffic within the planned area.

The following information pertaining to parking areas shall be shown:

a) Paved areas for all parking compounds.

b) Landscaped areas contained within parking areas.

c) Service estimates which show the number of residential units or gross flow area and the number of parking spaces for each area.

This circulation component shall also contain a descriptive statement of objectives, principles and standards used in its formulation.

(G) A **population component** which shall contain a report of the standards of population density and building intensity for the various proposed land uses, including estimates of future population, correlated with supporting data, and shall include but not be limited to dwelling (housing) units per acre for the various residential uses proposed; and square footage by type for the various nonresidential facilities, including sufficient data to calculate traffic generation, parking requirements, water consumption, sewage needs and the necessary capacity of related utilities and services traditionally rendered by public or private organizations for a population of such size as is projected for the completed planned development. This report shall contain an analysis indicating the projected marketability of the development in respect to effective demand specifically relating the size to the community. Any public and/or subsidized housing shall be identified to include an explanation of the assistance program and the number of units affected. Said population component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(H) A **services and facilities component** which shall contain a map or maps setting forth the general location and extent of any and all existing and proposed systems for sewage, existing and proposed sewage flows, location of on-site sewage treatment systems and backup areas, domestic water supply and distribution,

refuse disposal, drainage, local utilities and right-of-way easements, facilities and appurtenances necessary therefore. Said services and facilities component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation, as well as a detailed statement describing the proposed ownership, method of operation and maintenance of each such service and facility.

(I) An open space and community facilities component map and report which shall show:

(A) All land dedicated or deed restricted for public or common use showing major trails, acreage and proposed use.

(B) Location of all play fields, tot-lots, tennis and handball courts, or other recreational facility indicating type and general area of concentrated use.

(C) Location of all buildings intended for community, school, religious or institutional use indicating approximate building coverage in square feet.

(D) Location of all existing buildings, historical areas or scenic areas to be preserved.

The report shall contain an explanation of how the common open space shall be maintained including an estimate of additional charges or costs to be paid by each housing unit. The method by which citizen participation is provided in the maintenance of these facilities shall be specified. All improvements to be placed as fixtures upon the land shall be described. A statement of conformance or lack thereof to the requirements of design ratios and common open space shall be included. Said open space and community facilities component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(J) A l**and coverage and drainage component** map or maps which shall include the location and square feet of all areas of the site to be covered by paving or building roofs, and the proportion of each as related to the total site, and

the relation to each watershed existing on an off-site location prior to proposed development.

All areas of the site in which the natural vegetative cover will be altered shall be identified and the proportion by type of change shall be identified with the amount of area in acres and the proportion of each as related to the total site shall be indicated on the map legend.

A grading and drainage plan identifying the collection and retention and drainage of stormwater shall be submitted to the Watershed District and the Washington County Soil and Water Conservation District at the time of application. Erosion control structures must be in place before grading begins. On-site drainage shall be directed to a stormwater holding pond prior to leaving the site. Drainage and erosion control systems shall be designed to prevent any increase in sire runoff over pre-existing peak flows.

(K) A **building quality component** which shall consist of a map or maps, schematic drawings and report showing locations of all buildings with floor elevations, typical building types to illustrate architectural intent and character, and the name, address and certification of the architect approving the exhibit.

(L) A **legal submissions component** which consist of the following:

a) The articles of incorporation and bylaws for any homeowners association, condominium association or other form of nonprofit corporation to maintain or advise in the operation of any common space.

b) Any agreement by which an organization is to serve in the capacity of a trustee.

c) Typical deed or lease agreement specifying all rights and obligations including required fees to be paid to maintain common open space.

d) A signed statement establishing the rights of the County to substitute for the organization to maintain common open space and to collect the necessary funds.

e) Copies of all existing or proposed easements and covenants to permit other persons to utilize portions of land or to maintain facilities and/or utility service lines.

f) Copies of all existing or proposed agreements by which private roads shall be maintained, refuse collected, snow plowed and other supplementary services be provided.

g) Copies of all dedications, restrictions and covenants imposed upon the land including reservations in favor of any homeowners association.

(M) A **construction order component** which shall contain a map or maps setting forth the proposed chronological order of construction relating each proposed use and structure to the construction of the various services and facilities as may be required herein. Said component shall include estimated completion dates and shall specify the proposed order of request for utility release or other authority to occupy complete structures so as to provide a basis for determining the adequacy of the related services and facilities which would not require a variance under existing zoning. Said component shall also contain a descriptive statement of objectives, principles and standards used for its formulation.

(N) A **Subdivision Design** which shall comply with the provisions of the Washington County Subdivision Regulations.

(O) A **financial impact component** which shall consist of a report demonstrating the additional taxes generated by the planned unit development for the community and the school district, the additional financial burden generated by the planned unit development on the school system, fire department, police department, road maintenance and other increased financial burden on the community. Said component shall

also contain a descriptive statement of objectives, principles and standards used for its formulation.

(P) A **marketing component** which shall consist of a report demonstrating the economic feasibility of the planned unit development including a marketing survey of proposed residential and apartment units, the impact on existing property values, the impact on any other proposed real estate developments in the surrounding area, the amount of federal, state and local subsidy or loan programs utilized by the planned unit development and the impact of such governmental subsidy or loam programs being curtailed or eliminated.

(Q) An **air pollution component** which shall consist of a map and report setting forth the location of all air pollution sources including areas of heavy traffic, parking lots, incinerators and smokestacks. The report shall include the amount of pollution expected from each source and the abatement procedures to be used to control such air pollution. Said component shall also contain a descriptive statement setting forth objectives, principles and standards used for its formulation.

(R) The **general plan of development** may include as additional components: A Recreation Component, a Public Building Component, Noise Component, Lighting Component providing for consideration for administrative and public safety quarters, and such other components indicated by the nature of the particular proposed development.

(3) Referrals. Upon receipt of all required information, the Zoning Administrator shall refer the same to the Town Board. Washington Conservation District, the local Watershed District, and such other public bodies, agencies and officials as may be interested or affected. Reports on those aspects of the proposed plan which concern such department or body must be filed with the Zoning Administrator within thirty (30) days of the referral thereof.

(4) Public Hearing. Within the period of time the matter is under consideration, the Planning Commission shall hold a public hearing concerning the particular planned unit development application. A minimum ten (10)-day notice of said meeting

shall be given by the U.S. Mail to all property owners within one thousand three hundred and twenty (1,320) feet of the affected property or the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners. At least ten (10) days prior to such public hearing, a notice indicating the time, place and reason for such public hearing shall be published in the official newspaper of the Township. Notice shall contain a legal description of the property described in the application. The failure of any property owner to receive notification or defect in such notification shall not invalidate the proceedings. Within the period of time the matter is under consideration by the Township, the applicant shall be allowed to make such amendments to his application, including any part of the general development plan or any applicable components thereof, as the Township shall request or permit.

(5) Action by the Planning Commission. The planned unit development general development plans shall be placed on the agenda of the Planning Commission at its next regular meeting following the required public hearing. The Planning Commission shall make a recommendation on these plans within sixty (60) days after such meeting.

If it shall determine by resolution that the proposed use will not be detrimental to the health, safety, morals or general welfare of the Township and that said use is fully consistent with the purposes of the Zoning Ordinances relating to land use, subdivision and development, including the provisions of this Zoning Ordinance and in conformity with the Comprehensive Plan, the Town Board may grant such approval. If it approves the plans, the Board may impose conditions, including time limits it considers necessary. Periodic review of the project and the final permit may be required; the cost of periodic review shall be paid by the permittee. Each project approval shall be granted for a particular use and development, and not for a particular applicant.

4.8 Method of Amending a Planned Unit Development Permit

(1) Any desired change involving structural alteration, enlargement or intensification of the use not specifically allowed by a particular planned unit development permit, or any request for a variance from the specific terms of a previously passed planned unit development permit, shall require than an application be filed for an amended permit and all procedures shall then apply as if a new permit was applied for.

4.9 Method of Cancellation of a Planned Unit Development Permit

(1) Any existing approved planned unit development permit shall be deemed to be canceled if the owner of the land involved in the permit applies for and receives a rezoning with respect to said property prior to the time that there is any physical implementation of the matters covered by the previously approved planned unit development permit. In addition, an existing planned unit development permit shall be deemed to be automatically canceled in the event that a final plat, if the same is required in connection with the permit, is not filed as required by and in accordance with the terms of the Subdivision Regulations. The planned unit development permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established. In all other situations, an existing planned unit development permit shall be canceled and revoked, short of expiring according to its own terms, only upon the event of the Township acting in accordance with law and due process, taking some rezoning action which supersedes the planned unit development.

THIS PAGE LEFT BLANK INTENTIONALLY