

GREY CLOUD TOWNSHIP
Ordinance #49

Zoning Ordinance
Effective May 14, 2001
Amended December 8, 2010

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An ordinance regulating the use, alteration and improvement of land and structures, the density of population, the size and location of structures and other improvements and the implementation of the Mississippi River Corridor Critical Area Regulations (Critical Area Regulations).

The Town Board of the Town of Grey Cloud Island ordains:

SECTION I. TITLE AND PURPOSE

- A. **Short Title.** This Ordinance shall be cited as the “Grey Cloud Island Township Zoning Ordinance.”

- B. **Purpose.** This Ordinance is enacted in order to accomplish the following purposes:
 - 1. Provide for orderly growth with stage land development to coincide with availability of community services and facilities.

 - 2. Preserve the open, scenic and natural characteristics and ecological and economic functions of the lands and waters of the Township.

 - 3. Conserve the aesthetic, cultural and historic resources of the Mississippi River corridor in accordance with the purposes of its designation as a Critical Area as specified in the current Critical Area Regulations and in accordance with the policies of the Mississippi National River and Recreation Area (MNRRA) Comprehensive Management Plan.

 - 4. Implement the Grey Cloud Island Township Comprehensive Plan (Comprehensive Plan) and the current Critical Area Regulations.

SECTION II. GENERAL PROVISIONS

- A. **Interpretation.** Provisions of this code shall be liberally construed to affect the well being of the Township and to promote good government at a minimum expense.
- B. **Definitions.** The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.
1. Accessory Use or Structure – a use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily incidental thereto.
 2. Barge Fleeting Area – a portion of the riverfront where barges are temporarily secured while awaiting loading, unloading or shipment.
 3. Barge Loading Facility – a facility located on the riverfront for the loading or unloading of a barge.
 4. Best Management Practices (BMP) – (1) An established and generally accepted practice for some aspect of natural resources management, such as, erosion control measures, runoff minimization or management measures, or water conservation measures that typically incorporate conservation criteria. (2) A set of field activities that provide the most effective means for preventing or reducing erosion, sedimentation, runoff, or pollution for a particular site. (3) Accepted methods or techniques of proven value. (4) Practices, which provide sufficient data to clearly indicate their value, are technically and economically reasonable, are environmentally and socially acceptable, are reasonably capable of being implemented by users, and for which significant conservation or conservation-related benefits can be achieved
 5. Bluff – all slopes as currently defined by the current Critical Area Regulations.
 6. Bluff line – a line delineating the top of a slope connecting the points at which the slope becomes less than eighteen percent (18%). More than one bluff line may be encountered proceeding landward from the water.
 7. Bluff Impact Zone – bluff and land located within 20 feet from the top of a bluff.
 8. Building – any structure which is built for the support, shelter or enclosure of people, animals, chattels or movable property of any kind and which is permanently affixed to the land.

9. Critical Area – the area known as the Mississippi River Corridor Critical Area designated by the Governor in Executive Order No. 79-19 dated February 1979.
10. Dwelling – a residential building or portion thereof, but not including hotels, motels, boarding or rooming houses, tourist homes or trailers.
11. Engineer – an engineer registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors.
12. Existing Lot – a lot or parcel of land, which was of record as a separate lot or parcel in the Office of the Washington County Recorder, on or before the date of this Ordinance adoption.
13. Family – a family is:
 - a. An individual, or two or more persons related by blood, marriage or adoption, living together; or
 - b. A group of not more than six persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual servants and personal care attendants.
14. Floor Area – the sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall include fifty (50) percent of the area of attached garages and enclosed breezeways or porches, but shall not include basements area.
15. Front yard – the boundary of a lot that abuts a public street or private road.
16. Home Occupation – any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building.
17. Impervious Surface – the percentage of the lot covered with surfaces including but not limited to, all structures, decks, patios, appurtenances,

driveways and sidewalks, which significantly reduce or prevent absorption of storm water into the soil and cause water to runoff the surface in greater quantities and at an increase rate of flow.

18. Inland – the area landward of the natural or pre-existing shoreline.
19. Land Surveyor – a land surveyor registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors.
20. Landscape Architect – a landscape architect registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors.
21. Lift Station – a facility, usually including pumping facilities for the lifting of sewage or storm water to a higher sewage facility or storm water runoff facility.
22. Marina – facilities, which may include piers or systems of floating or fixed access ways providing moorings for motorboats and yachts and offering supply, repair, and other facilities for said use.
23. Mining and Mineral Resource Extraction – is defined as follows:
 - (a) Mining and mineral resource extraction shall include the excavation, removal, processing or storage of sand, gravel, rock, soil, clay and other natural deposits.
 - (b) Mining and mineral resource extraction shall not include the excavation, removal, processing or storage of rock, sand, dirt, gravel, clay or other material for the purpose of the foundation, cellar or basement of some pending structure within the Township, for which a permit has been issued and which is to be erected immediately following the excavation, removal, processing or storage.
 - (c) Mining and mineral resource extraction shall not include the removal or moving of materials in the construction of roads, sewer lines, storm sewer, water mains, surface water drainage, agriculture or conservation purposes and sod removal. Nor shall mining include the moving of dirt for landscaping purposes on a lot used or to be used for residential
24. Ordinary High Water Level – the boundary of water basins, watercourses, public waters, and public wetlands. The ordinary high water level is an

elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial; for reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool. Any other needed determination shall be as defined in Minnesota Statutes 2000, section 103G.005, subd. 14.

25. Offshore – the area water ward of the natural or pre-existing shoreline.
26. Off-Street Loading Space – a space accessible from a street, alley or driveway for the use of trucks while loading or unloading merchandise or materials.
27. Pipeline – an underground line of pipe including associated pumps, valves, control devices and other structures utilized for conveying liquids, gases, sewage or other finely divided solids from one point to another.
28. Pleasure Craft – a canoe, boat or yacht used primarily for recreational activity.
29. Planned Unit Development – any development in which a number of residential structures are grouped on smaller than usual lots, leaving some land undivided/dedicated for common use by all members of the association. These developments can be clustered, open space design developments.
30. Public Stables – a stable where horses are kept for hire or sale.
31. Public Uses – Municipal, County, School District, State, Federal and other public uses.
32. Public Utility Uses – transmission facilities of electric power, petroleum products, gas, water, telephone and railroad companies. These include railroad trackage, but not storage and switching yards and delivery spurs.
33. Retaining Wall – a structure utilized to hold a slope in a position in which it would not naturally remain.
34. Setback – the minimum horizontal distance between a structure, sewage system, or other facility and an ordinary high water level, sewage treatment system, bluff line, road, highway, property line, or other facility.

35. Shore Impact Zone – land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the required structure setback.
36. Sign – a name, identification description, display, illustration, structure or device which is affixed, painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business and may be a single-face, double-face or “V” type structure. This definition will not be held to include real estate sign advertising for sale or rent the property on which it stands.
37. Single-family Dwelling – a building intended for human habitation by one family or not more than six unrelated people.
38. Slope – the inclination of the natural surface of the land from the horizontal.
39. Structure – anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings and portable structures.
40. Terrace – a relatively level area bordered on one or more sides by a retaining wall.
41. Utility Facility – physical facilities of electric, telephone, telegraph, cable television, water, sewer, solid waste, gas and similar service operations.
42. Warehousing – the storage of materials or equipment within an enclosed building.
43. Water Body – any lake, stream, or river.
44. Water Dependent Use – uses which in order to exist or function, require a location on or use of the waterfront, including but not limited to, barge loading and barge fleeting areas, marinas, industries which receive or ship goods or materials by water as an essential part of their operation, boat and barge construction, dismantling and repair, and water recreation.
45. Wetland – any land that is seasonally wet or flooded, including all marshes, bogs, swamps and floodplains.
46. Wholesaling – the selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.

C. **Lots, Structures and Buildings**

1. No structure, building or other improvement shall be constructed, altered, moved or erected in violation of the regulations specified in this Ordinance.
2. No new building shall be constructed on any previously unimproved site that does not abut on a public street as required by the zoning district in which it is to be located.
3. An accessory building shall have the same exterior design and color as that of the principle structure or be of an earthen tone; the height shall not exceed the height of the principle structure unless more restrictive portions of this Ordinance prevail.
4. Temporary storage units (e.g. storage bins, unlicensed semi-tractor trailers, and/or shipping containers) are only permitted in conjunction with an active building permit.

D. **Permitted Encroachments** – The following shall be considered as permitted encroachments into setback areas.

1. In any yards:
 - a. Steps, chimneys, sidewalks and stoops are permitted up to 4 feet in terms of the encroachment.
 - b. The construction of above-ground pumping stations, which shall be screened from view of the river.
 - c. The reconstruction or restoration of historical structures or sites on the inventory of the State Historical Society or the National Register of Historic Places.
 - d. Stairways, Lifts, Landings. These are the only permitted alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet all of the design requirements specified in the Chapter 6 of Washington County Development Code—Shoreland Management Regulations.
 - e. Fences along the side lot lines, not exceeding 6 feet in height. Fences around swimming pools in existence as of the date of adoption of this Ordinance.
 - f. Temporary canopies.

2. In areas outside of slopes greater than eighteen percent (18%), the Shore Impact Zone, and the Bluff Impact Zone:
 - a. Posts, off-street open parking spaces, open terraces, awnings, laundry drying equipment, open arbors and trellises, barbecue facilities, flagpoles and windmills.
 3. In areas outside of slopes defined as bluffs in the current Critical Area Regulations, the Ordinary High Water Level setback area, and the bluff line setback area:
 - a. In front yards: Fences are permitted but must comply with the following standards:
 - (1) Fences shall be allowed along the side lot lines, within the non-buildable setback area but they shall not exceed 6 feet in height.
 - (2) If the fence is located so as to meet the required front yard setback, a 6 foot high fence is permitted.
 - b. In side yards: Fences or walls 6 feet in height or less are permitted. However, in a corner lot no obstruction higher than 3 feet above curb level shall be located within 20 feet of the lot corner formed by any two streets, or within 15 feet of any street right-of-way.
 - c. In rear yards: balconies, breezeways, porches, detached outdoor living rooms, barbecue facilities.
- E. **Permitted Height Exceptions** – Height limitations throughout Grey Cloud Township shall not apply to barns, silos, and other structures on farms; utilities, transmission towers, windmills, monuments, chimneys, flagpoles, residential television antennae, parapet walls extending not more than 4 feet above the limiting height of the building; essential service distribution systems; bridges, and bridge approach roadways; restoration and construction of historical sites and structures; structures associated with mineral extraction if essential to the mining operation as approved in mining conditional use permits. Height exceptions for Wireless Communications towers shall only be permitted with a Conditional Use permit.
1. A freestanding communication tower shall not exceed 150 feet and requires a conditional use permit. Refer to the Washington County Development Code, Chapter 2, Zoning Regulations Part 3, section 2.36 (7) (B) (2) regarding Wireless Communication Antennas and Towers.

2. Communication antenna attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or a tower up to 50 feet all require a conditional use permit.
3. No tower over 35 feet shall be erected within the Critical Area.

SECTION III. DISTRICT PROVISIONS

A. **Districts.** For the purpose of this Ordinance, the following districts are hereby established:

1. RR. *The Rural Residential District* is established to provide areas for rural low density housing in agricultural/rural areas. The purpose of this district is to retain the rural character of the township, to permit residential development at a density consistent with the current Critical Area Regulations/MNRRRA standards and guidelines and the Comprehensive Plan, to stage growth at a rate commensurate with any available public facilities, to protect environmentally sensitive areas, and to prevent groundwater pollution in accordance with regional water quality guidelines. The Rural Residential District permits one dwelling unit per ten (10) acres.
2. RL. *The Rural Residential-Low Density District* has the same purpose as the Rural Residential District but permits a different density threshold to recognize the existing land use pattern. The RL district permits one dwelling unit per 7.5 acres.
3. RM. *The Rural Residential-Moderate Density District* has the same purposes as the Rural Residential district but permits a different density threshold to recognize the existing land use pattern. The RM district permits one dwelling unit per five (5) acres.
4. RH. *The Rural Residential-High Density District* has the same purposes as the Rural Residential district but permits a different density threshold to recognize the existing land use pattern. The RH district permits one dwelling unit per 2.5 acres.
5. CE. The purpose of this *Commercial Excavation Overlay District* is to permit mineral resource extraction in accordance with the Comprehensive Plan and current Critical Area Regulations, to protect adjacent residential agricultural and environmentally sensitive lands and to provide for reclamation of lands disrupted by mining operations.
6. C. The *Conservancy District* is established to provide special regulatory protection for those areas that either contain a valuable natural resource or other similar resource and to foster, preserve and promote sensitive uses in these areas. Land within this district may be unsuitable for development due to wetlands, woodlands, steep slopes, bedrock formations and /or other physical features of unique natural and biological features. The purpose of this district in Grey Cloud is to preserve these existing

lowlands along the River in their natural state and use them only for passive recreation.

7. PUD – *Planned Unit Development* will be considered upon application.

B. Uses in Residential, Commercial Excavation Overlay, and Conservancy Districts.

1. RR, RL, RM, RH Districts

- a. Permitted Uses: agriculture, domestic pets, tree and shrub nurseries, single family detached dwellings, wildlife preserve, public park and open space, a licensed residential facility serving six (6) or fewer persons, a licensed day care serving twelve (12) or fewer persons and a group family day care facility licensed under Minnesota rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- b. Conditional Uses: domestic farm animals, commercial animal boarding, wireless communication towers, campgrounds for tents and tent trailers, cemetery, church, club or lodge, government building, transmission facility, commercial feed lot, golf course, greenhouse, guest house, home occupation, marina, mobile home-temporary, day nursery, roadside sales stand, swimming pool, recreational vehicle storage, utility substation.
- c. Permitted Accessory Uses: non-commercial boat dock, fences, private garage, off-street parking, private recreation equipment storage, storage shed.

2. CE Overlay District

- a. Permitted Uses: Barge fleeting, loading or unloading; commercial animal boarding; domestic farm animals; excavation; removal processing or storage of sand, gravel, rock, soil, clay and other natural deposits; explosives storage; office structure; signs; tree and shrub nurseries; utility substation or transmission facility.
- b. Permitted Accessory Uses – fences; off-street loading or unloading or parking of vehicles; temporary equipment storage; uses permitted in the Residential Districts for existing residential structures.

3. Conservancy District
Permitted Uses: open space, conservation area, and non-commercial recreational uses.

C. Minimum Dimensional Requirements for Residential Zoning Districts.

Standard	Residential Districts	Requirement	
Lot Area per dwelling unit	RR	10 acres	
	RL	7.5 acres	
	RM	5 acres	
	RH	2.5 acres	
Maximum lot coverage	All zones	25%	
Minimum floor area per dwellingUnit	All zones	850 Sq. Ft.	
Minimum lot width at front lot line	RH	160 ft.	
	RR, RL, RM	200 ft.	
Minimum lot depth	All zones	130 ft.	
Minimum front yard setback	All zones	40 ft.	
Minimum side yard setback	All zones	From street, corner lot	40 ft.
		From interior lot line	20 ft.
Minimum rear yard setback	All zones	50 ft.	
Maximum height	All zones	35ft.	

D. Additions and Exceptions to Dimensional Requirements.

1. The existing lots of record as of the effective date of this ordinance adoption, which are less than five (5) acres, may remain and shall not be subdivided.
2. Lot Size Exceptions – the minimum lot size for a single family structure shall be at least two and one-half (2-1/2) acres in the RH, 5 acres in the RM, 7.5 acres in the RL and 10 acres in the RR District, unless the lot was approved by the Township and said lot was recorded in the Office of the Washington County Recorder prior to April 25, 1975, and meets the following criteria:
 - a. The lot was in separate ownership from all abutting land on April 25, 1975.
 - b. It can be demonstrated that a proper and adequate sewage disposal system can be installed.
3. Minimum Percentage – Any such lot or parcel of land less than two and one-half (2-1/2) acres in a residential district may be used for single family detached dwelling purposes provided the area and width thereof are within

sixty percent (60%) of the minimum requirements of this Section; provided all setback requirements of this Ordinance can be maintained; and provided it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such permanent dwelling.

4. Contiguous Lots – If in a group of two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this 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 or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and area requirements of this Ordinance.
5. Reduction of Required Yard of Lot Size Prohibited – no yard shall be reduced in area or dimension so as to make it less than the minimum required by this Ordinance, and if the existing yard is less than the minimum required, it shall not be further reduced. No required yard currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.
6. Setbacks for Corner Lot – where a structure fronts on two streets, one of the front setbacks may be reduced by one-third (1/3) from that required. The determination as to which front yard shall have the full setback will be made by the Planning Commission on the basis of prevailing setbacks in the immediate vicinity.
7. Lot coverage – For all residential districts, a maximum of twenty-five percent (25%) of the lot may be covered with impervious surface, which includes but is not limited to structures, decks, patios, walks, and surfaced driveways.
8. Accessory Structures – The required side-yard setback may be reduced 5 feet in the case of a detached accessory structure.
9. Front Setbacks – Where a vacant buildable lot is adjacent to structures existing at the time of adoption of this Ordinance having a substandard setback from that required by this Section, the Planning Commission shall determine a reasonable, average, calculated front yard setback to implement the requirements of this Section, and to fulfill its purpose and intent.

Where existing buildings have established a predominant setback in a residential district, new structures shall conform to an average of the setback of ninety percent (90%) of such existing buildings as determined

by the Planning Commission unless the Planning Commission determines that another setback is more appropriate.

10. Setbacks from Private Roads – All setback requirements of this Section shall be applicable to private roads and easement access rights-of-way.
11. Structure Setback – All new structures shall meet the following minimum setbacks.
 - a. Setback from bluff line: No structure shall be constructed less than 40 feet landward from the bluff line.
 - b. Setback from the ordinary high water level: No structure or road shall be constructed less than 100 feet from the ordinary high water level of any water body, except that no structure or road shall be constructed less than 75 feet from the ordinary high water level of Mooers Lake.
12. A Conditional Use Permit is required for a wind turbine and free-standing solar structures.

E. Planned Unit Development

1. Planned Unit Development (PUD) may be permitted following the completion and approval of a site plan. The specific regulations for such district are in addition to rather than in lieu of regulations imposed by any other zoning classification for the same land. The Planning Commission and Town Board shall first find that the proposed development plan is in substantial compliance with the applicable standards of this Ordinance, the Comprehensive Plan and the current Critical Area Regulations/MNRRRA standards and guidelines. All Site Plan review requirements and Development standards as indicated in this Ordinance must be met.
2. Planned Unit Development shall be defined, in this Ordinance, as development in which a number of residential structures are grouped on smaller than usual lots, leaving some land undivided/dedicated for common use by all members of the association. These developments can be clustered/ open space design developments. Common land may be preserved for the preservation of natural and scenic resources, open recreational facilities or as agricultural land.
3. Open Space Design Developments are designed to preserve open space and rural character by placing residential dwelling units into compact groupings while providing a network of dedicated open space. Open space Design developments are permitted with a *Conditional Use Permit*.

Applicable standards, application requirements and other conditions as stated in the Washington County Development Code, Chapter Two, Part 3, Section 4 and the more restrictive standards of this Ordinance shall apply.

4. Altered dimensional standards, such as regards to lot sizes, lot widths, lot depth and circulation patterns may be allowed for PUDs as exceptions to this Ordinance, provided that the following additional conditions are met. Open Space Design Developments are the preferred Planned Unit Development design:
 - a. Open space is preserved. The first priority regarding the common open space is that natural, scenic and recreational resources are to be protected. An appropriate percentage of the site shall be kept in its natural state or utilized for recreation or agricultural purposes. (See Washington County Development Code, Chapter Two, Part 3 Section 4 on Open Space Developments).
 - b. The Common space created should provide for high protection of the parcel's natural resources. This open space may be preserved for agricultural, passive recreational uses and/or the preservation of natural and scenic resources.
 - c. Housing is to be concentrated on sites that have low agricultural/ or natural resource amenities and instead have high natural housing appeal.
 - d. In areas where public sewer and water are not available, adequate soil area shall be shown on the preliminary plat for two (2) individual septic drain fields for each dwelling unit or plans and tests which provide adequate space for one (1) central septic drain field and one (1) reserve or back-up area.
 - e. All other site plan review requirements and development standards, which include those addressing storm run-off, erosion control, site alterations and natural resource protection, shall be met.
 - f. All setbacks, lot coverage, floor area per dwelling, and height requirements shall be met.
5. Complete plans, documents of the articles of the association, are submitted which explain:
 - a. Ownership and membership requirements.

- b. Organization of the association.
 - c. Time at which the developer turns the common property over to the association.
 - d. Maintenance agreements, service contracts and assessment provisions for on-site septic systems.
 - e. Approximately monthly or yearly association fee for association members.
 - f. Specific listing of items owned in common, including such items as roads, recreation facilities, parking, common area, open space ground and utilities.
6. No PUD site plan shall be for an area less than ten (10) acres.
 7. Private Streets – whenever it does not contradict the provisions of this Ordinance as it relates to an adopted transportation plan or the protection opportunities for reasonable development of surrounding land adjacent to a development proposed in the application, streets which are intended to be kept continuously closed to public travel or are at all times posted as private streets may be retained as private streets and so reflected upon the final plat made a part of the permit; provided an agreement is entered into between the owner of said streets and the Township assuring that the construction, operation and maintenance of said streets will be accomplished in accordance with approved county standards and that no public improvements will be approved.
 8. Final Plat – all applicants for Planned Unit Developments shall be required to file with the County Recorder a plat of said PUD complying with all the requirements of the Township Subdivision Ordinance, except to the extent that the Planning Commission may have given specific permission to the effect that specific portions of the Subdivision Ordinance may be waived. Such required plats shall be filed within 120 days after the date of the action giving final approval.
 9. Subdivisions of three (3) or more parcels require platting to County regulations.
 10. Mobile homes are only permitted in designated mobile home communities.

SECTION IV. DEVELOPMENT STANDARDS

A. Site Planning Requirements.

1. Site Plan and Approval Required – No building permit, zoning or subdivision approval, or permit shall be issued for any action located in an area covered by this Ordinance and the Comprehensive Plan until a site plan has been prepared, and the action has been approved in accordance with the provisions of this Ordinance.
2. General Site Plan Requirements.
 - a. Site plans shall include, but not be limited to, the submission of an adequate and detailed description of the project, including activities undertaken to ensure consistency with the objectives of the current Critical Area Regulations: maps which specify soil types, 10 foot contour for sites with slopes under twelve percent (12%), two foot contour maps for sites of twelve to eighteen percent (12 to 18%) slopes and the expected physical changes in the site as the result of the development; the measures which address adverse environmental effects.
 - b. Site plans shall include standards to ensure that structures, roads, screening, landscaping, construction placement, maintenance, and storm water runoff are compatible with the guidelines of the district defined in the current Critical Area Regulations. Refer to the attached Surface Water Management Plan and provisions in this Section. See Chapter 5 of the 2008-2030 Comprehensive Plan adopted by the Town Board: October 12, 2009.
 - c. Except for construction or modification of individual single-family structures, site plans shall provide opportunities for open space establishments if feasible, and consider opportunities for public viewing of the river corridor.
 - d. Site Plans shall contain specific conditions with regard to buffering, landscaping and re-vegetation.
 - e. Structure site and location shall be regulated to ensure that riverbanks, bluffs and scenic overlooks remain in their natural state, and to minimize interference with views of and from the river, except for specific uses requiring river access.

- f. New development and expansion projects shall not be permitted until a site plan has been prepared that adequately assesses and minimizes adverse effects and maximizes beneficial effects.
 - g. Except for permitted mining and extraction sites, all new development or expansion projects shall be designed and constructed in a manner that minimizes site alterations. The impact of potential mining and extraction sites shall be minimized, and also approved in accordance with the provisions of Section V of this Ordinance.
3. Site Plan Application – The applicant shall be given the following form and map from the Town Clerk when filing fees are paid. Three (3) copies of the completed form and map shall be submitted to the Township through the Town Clerk, a Town Supervisor or the Chairman of the Planning Commission. In the Commercial Excavation Overlay District, an applicant for a mining permit shall submit instead of this form a site plan application for mining as specified in Section V of this Ordinance. Additional information may be supplied to or requested by the Planning Commission or Town Board if necessary, during the review process. (See Section VI.)

B. Natural Resource Management.

The following standards have been developed to promote, preserve and enhance the natural resources within the Mississippi River Corridor Critical Area and to comply with the current Critical Area Regulations and MNRRA standards and guidelines:

- 1. General Development Standards for erosion control, grading/filling, vegetation management, and drainage – Development within the Mississippi River Critical Area Corridor shall not adversely affect but should encourage permanent protection of sensitive environmental resources including, but not limited to, natural habitats, backwaters, natural drainages, significant vegetative stands and shorelines. Preserve and restore native vegetation. Development activities must minimize site alteration, minimize runoff and improve the quality of runoff, and provide erosion control through best management practices. Endangered, threatened and rare species, and wildlife habitat should be protected. Presently undeveloped islands should be maintained in their existing natural state. Wildlife habitats in any development projects should be restored or preserved whenever possible. No development shall be permitted on slopes defined as a bluff in the current Critical Area Regulations.

2. Standards for Soil Erosion Control – since certain areas within the Township have steep slopes or unstable soils which may cause ecological problems due to siltation and pollution of water bodies and streams, the following standards shall be applied to all development within the Township except in certain areas designated for mining or excavation which shall comply with soil erosion standards in the Mining Ordinance:
 - a. Development on all slopes less than a bluff as defined in the current Critical Area Regulations must comply with the following conditions:
 - (1) It can be demonstrated that the development can be accomplished without increasing erosion or the rate of runoff.
 - (2) Development activities are constructed and staged to minimize soil erosion: the smallest practical area of land shall be developed at any one time and that area shall be subjected to erosion for the shortest practical period of time, not to exceed a single construction season.
 - (3) Best Management Practice methods to prevent erosion and trap sediment during construction are to be employed, including the use of temporary ground cover such as mulch on disturbed soils. Permanent ground cover such as sod is to be established once construction is completed. Wetlands and other water bodies shall not be used as sediment traps during construction.
 - (4) Conditions on the site shall be stabilized within thirty (30) days following completion of the work.
 - (5) Proposed developments may be referred to the South Washington County Watershed District for review and further recommendations regarding the need for additional controls to limit runoff and erosion.
 - (6) Best Management Practices for bluff and riverbank erosion control shall first maximize the use of natural vegetation measures through such practices as vegetative cover or restoration or bio-engineering; riprap and the use of retaining walls shall be used as a last resort and if recommended by the DNR Area Hydrologist and Washington County Soil and Water Conservation District.

- b. Development on slopes between 12 and 18% shall comply with the following conditions:
 - (1) An erosion control plan and a two foot survey shall be submitted to the building inspector for review. Erosion control measures shall reflect appropriate Best Management Practices in accordance with technical manuals of the South Washington County Watershed District, MPCA's "Protecting Water Quality in Urban Areas" as amended, or other professional soil conservation technical manuals.
 - (2) Development of slopes between 12 and 18 % may be permitted when it can be demonstrated that the soil types and geology are suitable for slope development and there is proper management required through best management practices and site design to control erosion, minimize run-off and improve the quality of runoff.
 - (3) Structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation, shall be screened by natural topography, retained existing vegetation or additional planting of native vegetation to achieve buffering measures as required by Site Plan Review.
- 3. Standards for Development on Restrictive Soils – certain soils in the Township, without proper management, may be unsuitable for development due to specific conditions, which increase the probability of pollution of ground water, erosion or other problems detrimental to the public health, safety and welfare. Therefore, the following standards shall be applied to any development designated or identified as an area of restrictive or unsuitable soil:
 - a. All on-site waste disposal systems shall conform to MPCA, Minnesota Rules 7080.0010 et seq. and the Washington County Sanitary Sewer Disposal Ordinance, Chapter 4 of the County Development Code.
 - b. No residential development shall be permitted on soils where the water table is permanently or seasonally 3 feet or less from the ground surface.

- c. No residential development shall be permitted on soils which are susceptible to severe changes in physical volume during periods of frost unless the applicant proves that construction techniques capable of overcoming the restrictive condition will be utilized.
 - d. No hazardous waste disposal shall be permitted.
4. Standards for Grading/Filling –Grading and filling is prohibited within the bluff impact zone or shore impact shore or on slopes greater than eighteen percent (18%), except a minimum amount of grading/filling is permitted, if necessary, for permitted encroachments indicated in Section II D 1 and 2, Permitted Encroachments, with necessary appropriate erosion control in accordance with Best Management Practices, and a site alteration permit from the Township. Grading/filling outside these prohibited areas shall require a site alteration permit. No area defined and designated as a wetland shall be developed without first obtaining the appropriate Federal, State and local permit in accordance with the Wetland Conservation Act and other applicable laws. No site alteration permit shall be issued unless the proposed development complies with this Ordinance’s sections on Soil Erosion Control, Restrictive soils, Vegetation and Surface Water Run-off Management and the following requirements:
- a. Grading and Filing - a minimum amount of grading or filing may be allowed when necessary, in compliance with the following requirements:
 - (1) The grading or filling shall minimize site alteration, minimize adverse effects and maximize beneficial effects. Any site alteration should be the minimum area necessary for a structure or development undertaken pursuant to an approved use.
 - (2) Only fill free of chemical pollutants and organic wastes shall be used.
 - (3) Wetlands shall not be used for solid waste disposal.
 - (4) All disturbed areas shall be restored at the completion of the project.
 - (5) All restoration of disturbed soils shall include the application of a minimum of four (4) inches of a mineral topsoil or similar material that will support plant growth.

- (6) Final grades shall be in conformity with the permit and topography of the surrounding land.
 - (7) All restored areas of disturbed soils shall be seeded with a mixture recommended by the Soil and Water Conservation district, or a native mixture, or returned to crop production, if applicable.
- b. Dredging above the ordinary high water level shall be allowed only when a boat channel is required for access to a navigable lake, river or reservoir, and or for a marina and when it will not have a substantial or significantly adverse effect upon the ecological and hydrologic characteristics of the water. Dredging, when allowed, shall be limited as follows:
- (1) It shall be located so as to maximize the activity in the areas of lowest vegetation density.
 - (2) It shall not significantly change the water flow characteristics, or adversely affect significant fish and wildlife habitat or protected vegetation.
 - (3) The size of the dredged area shall be limited to the absolute minimum.
 - (4) Disposal for the dredged material shall not result the substantial destruction of vegetation, wildlife habitat areas or in water pollution. Dry land disposal of dredge spoils may be authorized only above the ordinary high water level and outside of floodway districts on sites, which contain no unique or valuable resources. Disposal stabilization and erosions control of the dredged material shall comply with this Ordinance.
 - (5) Excavations where the intended purpose is connection to a public water will be allowed only after the Department of Natural Resources has approved the proposed connection to public waters.
 - (6) Only one approved boat channel shall be allowed per residential lot.
 - (7) The width of the boat channel to be dredged shall not be more than the minimum required for the safe operation of boats at minimum operating speed.

- (8) There are no alternative means for access to navigable water depths that would result in less environmental impact, and the excavation is not intended to extend riparian rights to non-riparian lands.

c. Building Constraints:

- (1) Development, which will result in unusual road maintenance costs or utility line breakages due to soil limitations, including high frost action, shall not be permitted.

5. Standards for Vegetation Management: the following standards shall apply for management of vegetation, except for approved mineral extraction operations. The intent of this Section is to preserve, restore and maintain the shoreline area of 100 feet from the ordinary high water level, as an uninterrupted vegetated shoreline; to protect bluffs; and to retain native vegetation throughout the Critical Area Corridor. The use of landscape buffers and vegetation to maintain the rural open space character of the township is required. Screening of existing intrusive views is encouraged. Refer also to the Site Plan review requirements.

- a. On undeveloped islands, public recreation lands, the slope or face of bluffs, within 100 feet of the ordinary high water level of the river, and within the area 40 feet landward from bluff-lines, clear cutting shall not be permitted.
- b. Undeveloped islands shall be retained in their natural state or used for passive recreation uses, such as: conservation areas, picnic areas, and common areas such as, greens, or trails.
- c. Native vegetation shall be preserved and used throughout the Critical Area Corridor. Plant materials native to the river valley should be used in replanting, particularly within 100 feet of the river. Within the area 100 feet from the river, native vegetation should be encouraged as an alternative to mowed or maintained lawns. Encourage the reduced usage of chemical fertilizer.
- d. A minimum amount of vegetation is to be cut for legally permitted expansions or new development.
- e. On all other lands, not specified in A, clear cutting shall require a permit from the Town Board and shall be guided by the following provisions:

- (1) Clear cutting shall not be used where soil, slope or other watershed conditions are fragile and subject to injury.
 - (2) The cutting, including topping, involves trees less than six inches (6") in diameter at breast height; and
 - (3) The essential character, quality and density of existing growths is preserved and as much canopy cover as possible is maintained;
 - (4) The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
 - (5) Where feasible, all clear cuts shall be conducted between September 15 and May 15. If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area, where feasible. Replanting shall be performed in the same spring, or the following spring.
- f. A vegetative cutting permit is not required for the following activities provided the existing quality, character, density and canopy are maintained as viewed from the river and a minimal amount of vegetation is removed:
- (1) On other lands not specified in A, the minimal clearing for a validly permitted structure, septic system, roadway, and parking areas.
 - (2) Removal of hazardous trees, diseased trees and/or exotic nuisances in conjunction with appropriate best management practices for erosion control, as their removal is in the public interest.
 - (3) Lawn mowing.
 - (4) Maintenance trimming or pruning for the health of the vegetation, on a particular parcel, but which does not alter the character or canopy massing of the vegetation.
 - (5) Maintenance trimming in transportation or utility rights-of-way to the minimum amount necessary.
 - (6) Permitted agricultural uses, except for clear cutting.

6. Standards for Surface Water Run-Off Management. Refer to Chapter 5 of the current Grey Cloud Island Township Comprehensive Plan
- a. Raw sewage, seepage from on-site sewage disposal systems, pollutants and industrial wastes shall not be deposited into public waters.
 - b. Runoff shall be minimized and quality of runoff improved for all new development through site design and plans, on-site infiltration, and in accordance with Best Management Practices in technical manuals of the South Washington County Watershed District's Best Management Practices, "Protecting Water Quality in Urban Areas" as amended or other professional technical manuals.
 - c. Withdrawal of groundwater shall not result in reducing surface water levels.
 - d. Water released into the natural drainage system shall be directed so as not to travel over contaminated surfaces.
 - e. Storm water runoff after on-site minimization may be directed to public water bodies provided that storm water runoff is presettled substantially free of silt, debris and chemical pollutants; and only at rates, which will not disturb vegetation or increase turbidity.
 - f. The proposed development shall minimize and shall not increase the rate of overland runoff to adjoining property, public rights-of-way and watercourses.

C. Glare

Any lighting used to illuminate an off-street parking area or sign shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding, shall not be directed into any adjoining property.

D. Noise

Noise levels in the Critical Area Corridor must comply with the Minnesota Pollution Control Agency standards for rural residential community.

E. Signs

1. Type – Identification signs are permitted in all districts. Business signs are permitted in the C E district. Outdoor advertising signs are not permitted in any district, except that “For Rent” and “For Sale” signs may be placed in any yard, providing such signs are not closer than 10 feet to any property line and do not exceed 10 sq. ft. in Residential Districts and 32 sq. ft. in other Districts.
2. Illumination – Illuminated but non-flashing signs are permitted in all Districts. The lighting must be indirect or diffused in Residential Districts.
3. Height – Signs must not be over 10 ft. above grade in Residential Districts. In the Commercial Excavation District, no sign shall be over 35 ft. above grade.
4. Setback – Any sign over 5 square feet may project only 2 feet into the required front or side setback area. No sign shall encroach on the roadway right-of-way.
5. Size – The following are the maximum permitted without a conditional use permit (total area per use):

One and two family dwellings	2 sq. ft.
Larger signs require a conditional use permit.	
Other uses in Residential Districts	24 sq. ft.
6. Distraction – Business signs shall be sufficient to identify, but not to distract:
 - a. Except for grand openings and holidays, banners and stringers may not be used.
 - b. There will be no use of revolving signs, revolving beacons, zip flashers or similar eye catching devices.
 - c. There will be no temporary signs in any required setback area. There shall be no more than three such signs on any parcel, and the total area of such signs may not exceed 30 sq. ft.
7. Wall Signs – Signs shall not be painted on the outside wall of a building or on a fence in any District.

8. Views of the water from vistas and public roads and views from the water shall not be impaired by the placement of business signs.
9. All advertising signs, the location of which is not in conformance with this Section and the Washington County Zoning Code, are deemed non-conforming uses and shall be removed within seven years of the effective date of this Ordinance. The visibility of these non-conforming advertising signs from the river is prohibited.

F. Off-Street Parking and Loading

1. Off-Street Parking – All uses shall provide off-street parking facilities. Any parking lot containing six parking spaces or more, which is used more than ten percent (10%) of the time, shall be improved with a durable and dustless surface and shall be so graded and drained as to dispose of all surface water accumulation. All off-street parking spaces shall have access off driveways and not directly off the public street. The following uses must provide off-street parking spaces as specified (each space equaling 300 sq. ft. of standing and maneuvering area):
 - a. Residential Uses – Two (2) spaces per dwelling unit.
 - b. Places of Assembly – One (1) space for each three (3) sets of each 4 feet of pew length.
 - c. Industry – One (1) space for each employee (based upon maximum planned employment during any work period) or one (1) space for each 800 square feet of floor area, whichever requirement is greater.
 - d. Parking requirement for uses not listed shall be determined by the building Inspector upon basis of probable parking need.
2. Off-Street Loading – All industrial uses shall provide off-street loading space on the basis of the following minimum requirements:

a.	<u>Sq. Ft. of Aggregate Gross Floor Area</u>	<u>Minimum Required Number of Berths</u>
	Up to 10,000	0
	10,001 – 16,000	1
	16,001 – 40,000	2
	For each additional 40,000	1 Additional

- b. The size of the berths will depend upon the size of the trucks to be used.
- c. No loading berth of vehicles over two- tons capacity shall be closer than 100 feet to any residence district unless completely enclosed by building walls not less than 8 feet in height.
- d. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 p.m. and 7:00 a.m.

G. Exterior Storage and Refuse

- 1. Exterior Storage – all materials and equipment shall be stored within a building or fully screened (so as not to be visible) from adjoining properties, except for the following:
 - a. Laundry drying and recreational equipment.
 - b. Agricultural equipment and materials on farms.
 - c. Off-street parking and loading.
 - d. Materials being used for construction or landscaping on the premises.
- 2. Refuse – all waste material, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designated for such purpose. The owner of vacant land shall be responsible for keeping such land free of refuse.

H. Roads, Utility and Pipeline Construction and Routing Regulations.

- 1. Utility Facilities – Utility crossings or routing shall meet the following standards:
 - a. River crossings shall be minimized and concentrated at existing crossings where possible.
 - b. New and modified utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.
 - c. Underground placing of the utility facility shall be required unless economic, technological and land characteristic factor make

underground placement unfeasible. Economic considerations alone shall not be made the major determinates regarding feasibility.

- d. Overhead crossings, if required, shall meet the following criteria:
 - (1) The crossing shall be adjacent to or part of an existing utility Corridor, including bridge or overhead utility lines.
 - (2) All structures utilized shall be as compatible as practicable with land use, scenic views and existing transmission structure in height, material, color and design.
 - (3) Right-of-Way clearance shall be kept to a minimum.
 - (4) Native vegetative screening shall be utilized to the maximum extent consistent with safety requirements.
 - (5) Routing shall avoid unstable soils, bluff lines or high ridges or woodlands, and the creation of tunnel vistas, the alteration of the natural environment, including grading and vegetative removal, shall be minimized.

 - e. Utility substations shall be subject to the following standards:

New substations or refurbishment of existing substations shall be compatible in height, scale, building materials, landscaping and signing with the surrounding natural environment or land uses. Screening by natural means is encouraged and should be compatible with the surrounding environment.

 - f. Pipelines and underground utility facilities shall be subject to the following standards:
 - (1) The facilities shall be located to avoid wetlands, woodlands and areas of unstable soils.
 - (2) All underground placing of utility facilities and pipelines shall be followed by re-vegetation and rehabilitation.
2. Public and Private Roads and Railways – new roads and railways shall meet the following standards:
- a. Roads and railways shall be constructed to preserve and protect the natural resources and to minimize impacts on the natural terrain and natural landscape.

- b. Cuts and fills are to be avoided and when necessary minimize impacts on the natural terrain and the natural landscape.
- c. Steep slopes greater than twelve percent (12%) are to be avoided.
- d. New roads and railways shall not utilize the river Corridor as a convenient right-of-way for new arterials or main lines. New and modified transportation facilities shall complement the planned land and water uses and shall not stimulate incompatible development.
- e. New roads and railways shall be restricted to those facilities needed to access existing and planned residential and commercial excavation uses.
- f. Minimize river crossings and concentrate river crossings at existing crossings where possible.
- g. When planning and designing the construction or reconstruction of all public transportation facilities, which occur within the river corridor, consideration shall be given to the provision of scenic overlooks for motorists, safe pedestrian crossings and facilities along the river corridor, access to the riverfront in public ownership and reasonable use of the land between the river and the transportation facility.
- g. Access routes. Commercial excavation activities adjacent to roadways shall be required to provide off-street parking, service roads and limited controlled access points to highways.

I. **Barge Fleeting and Loading Facilities.** Barge fleeting, loading and storage shall be permitted only in compliance with the following provisions:

- 1. Any barge cleaning facilities must be serviced by public sewer.
- 2. Barge fleeting areas shall be located more than 200 feet from marina access and boat access points in order to provide a clear line of sight for boaters using these facilities.
- 3. Barge fleeting areas shall not be located immediately adjacent to park areas, unless it is shown that there is no conflict with the park usage.
- 4. Existing trees shall not be utilized for tie-up facilities.

5. First priority for new barge fleeting sites shall be given to those sites adjoining commercial excavation uses and where the topography serves as a buffer from noise and visual obstructions.

J. Marinas.

1. Public Marinas- Public marinas and accessory uses shall only be permitted through the conditional use process and must also comply with the following conditions:
 - a. The location of the marina above the ordinary high water level shall be off-shore and suitable for a marina without initial dredging, or continuous removal of sediment deposits from flooding or other causes. Excavations for inland harbor marinas are not allowed.
 - b. The marina shall not have an adverse effect upon the ecological and hydrologic characteristics of the water.
 - c. The marina shall not destroy or adversely shade vegetation, aquatic habitat or wildlife habitat.
 - d. There shall be no cumulative adverse impacts on areas within the Mississippi River Critical Area Corridor.
 - e. All applicable state and federal permits shall be obtained.
 - f. The marina must have sewage treatment facilities and sanitary pump-out facilities compliant with the minimum standards as set forth in MPCA Minnesota Rules, Chapter 7080 and the Washington County Sanitary Sewer Disposal Ordinance, and adequate to serve the marina clientele.
 - g. Off-street parking areas, fuel storage tanks, and structures associated with the marina shall comply with all setbacks, site plan approval requirements, and other provisions of this Ordinance.
 - h. Boat ramps shall be of the minimum dimensions and site alteration necessary, and shall comply with all site plan approval, grading and filing, soil erosion control, vegetative management and other provisions of this Ordinance.
 - i. Areas for the winter storing of boats shall be naturally screened vegetatively from view from the river and from up-land lots.

- j. The marina shall be designed for and used only by pleasure craft. Moored watercraft may be used for living quarters up to one week without an additional permit. Use of watercraft as temporary living quarters for more than one week shall only be permitted through the conditional use process. In no case shall watercraft be used for living quarters for more than three months.
- k. Accessory uses, which are consistent in scale and intensity with the marina and surrounding uses and are compliant with this Ordinance shall be permitted. These uses may include fueling stations, a marina office, lavatory facilities, on-site repairs and necessary maintenance, and a minor boating supplies store that also offers items such as: bait, pop, ice etc., but not commercial boat sales, or motor sales and the like. (Restaurants and commercial uses are prohibited.)

K. Standards for On-Site Sewage Disposal Systems.

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal. Public or municipal collection and treatment facilities must be used where available and where feasible. Where public or municipal facilities are not available, all on-site individual sewer disposal systems shall conform to the minimum standards as set forth in MPCA Minnesota Rules, Chapter 7080 and the Washington County Sanitary Sewer Disposal Ordinance, Chapter 4 of the County Development Code. On-site system regulations will be administered through Washington County

L. Standards for Uses Within Designated Floodplains.

All land in the Mississippi River Corridor Critical Area that is within the designated floodplain shall comply with applicable standards as administered by Washington County.

M. Standards for Subdivision of Property for Residential Development.

- 1. Land suitability. No land shall be subdivided which is found to be unsuitable for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewer disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or the community. The Town Board in applying the provisions of this Section shall in writing cite the particular features upon which it bases its conclusions that the land is not suitable for the proposed use and afford the sub divider an opportunity to present evidence regarding such suitability at

a public hearing. Thereafter, the Town Board may affirm, modify or withdraw its determination of unsuitability.

2. Planned Cluster Development. Open Space Development design will be permitted as a conditional use in the Rural Residential Districts.
 - a. The standards listed in the Washington County Development Code, Chapter Two, Part 32, section 4; Section II E of this Ordinance; and all other more restrictive standards of this Ordinance shall apply.

N. Dedication of Public Lands, Riverfront Access

1. Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property, except where:
 - a. Unavoidable hazards exist to the public.
 - b. Public pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.
 - c. Access to the riverfront may be denied to any person who creates a nuisance or who engages in illegal conduct on the property, public access may be temporarily or permanently closed upon a finding that such offensive conduct cannot otherwise be reasonable controlled.
2. The sub divider shall consult with the Planning Commission, at the time this sketch plan is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, riverfront, scenic overlooks, or other public property. The plan shall show the location and dimensions of all areas to be dedicated in this manner.
3. In all new residential subdivisions and planned unit developments of three units or more, a developer shall be required to dedicate to the public reasonable portions of land. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition of land for parks, preservation of open space, scenic overlooks, and protection of natural resources, storm water drainage areas or other public services within the Township.

No areas may be dedicated for public use until they have been approved by the governing body as being suitable and necessary for the public health, safety, and convenience and/or general welfare.

SECTION V. MINING REGULATIONS

Grey Cloud Island Township has adopted the Washington County Development Code Chapter Seven Mining Regulations, Ordinance #140 with the following modifications to SECTION 6. OPERATING CONDITIONS: The map showing the mining overlay district is attached as Appendix A.

A. Operating Conditions

The following operating conditions and standards must be met for all mining operations.

1. Setbacks. No mining, stockpiling or land disturbance shall take place within:
 - a. 500 feet of adjoining property lines;
 - b. 500 feet of any existing occupied structures not owned by the operator or owner;
 - c. 500 feet of any contiguous property subdivided into residential lots;
 - d. 500 feet of any road right-of-way of any existing or platted street, except the amount of material stockpiled on the effective date of this Ordinance may continue but not be expanded.
 - e. If two (2) or more mining operations are contiguous to one another, the common boundary may be mined if the Planning Commission approves the respective restoration plans.
2. Fencing. Where deemed necessary by the Planning Advisory Commission for the protection of the general public, a fence shall be constructed prior to the commencement of the operation, enclosing the area authorized by the permit to be mined. Where fencing is required by the Planning Advisory Commission, said fence shall be, at a minimum a three-strand wire fence and the fence shall be posted with warning signs. The Planning Advisory Commission reserves the right to require alternative fencing standards if conditions warrant. The fence shall be maintained and shall remain until reclamation is determined to be complete.
3. Hours of Operation
 - a. Excavation, crushing, screening, washing and stockpiling may be conducted only on weekdays between the hours of 7:00 a.m. and

7:00 p.m. Blasting will only be conducted weekdays between the hours of 8:00 a.m. and 4:00 p.m. "Weekdays" for the purposes of this Ordinance shall mean Monday through Friday.

- b. Loading of and hauling to barges, maintenance and repair of plant and equipment and drilling of blast holes may be conducted between the hours of 12:01 a.m. and 12:00 midnight.
- c. Loading of trucks for delivery may be conducted only between the hours of 7:30 a.m. and 4:00 p.m., weekdays. No truck loading is permitted on Saturdays, Sundays or on the following holidays: New Year's Day, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- d. Hauling by truck of excavation materials on public roads within the Township may be conducted only between the hours of 8:00 a.m. and 4:30 p.m., weekdays. No truck hauling is permitted on Saturdays, Sundays or on the following holidays: New Year's Day, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- e. The foregoing hours of operation and hauling may be modified by the Town Board in case of public emergency or upon the request of the operator when the seasonal nature of the work or unusual circumstance require longer working hours. An occasional modification may be granted by the Town Board Chair.

SECTION VI. ADMINISTRATION

A. Fees

1. Establishment of Fee Schedule – There shall be a schedule of fees charged to an applicant or its agent to reimburse the Town Board and the Planning Commission for costs incurred in the review, investigation and administration of any application, appeal or other submission required by this ordinance. Reimbursable costs shall include charges incurred for printing, mailing, reproduction and graphic illustration, as well as professional charges for engineering, land surveying, planning, architectural, legal, and other services, necessarily and reasonably attributable to the application, appeal or other submission. In the case of a zoning amendment initiated by the Town Board or Planning Commission, no fee shall be charged. The Town Board shall from time to time set the maximum fee charged on any single application.

2. Residential Districts Fee Schedule – The following schedule of fees shall apply to submissions relating to single-family residential development in any district:

<u>Document Submitted</u>	<u>Filing Fee and Costs</u>
Site Plan Zoning Amendment schedule.	Fee pursuant to Township’s fee schedule.
Conditional Use Permit/Variance	Actual cost of professional services.
Appeal	Other reimbursable costs described in this Ordinance
Building Permit	Total fee set by applicable regulating agency.
Other Application	Total fee set by applicable regulating agency.

3. Commercial Excavation Overlay, and Conservancy Districts Fee Schedule

The following schedule of fees shall apply to submission relating to the Commercial Excavation Overlay and Conservancy Zoning District, except submissions for single family residential purposes:

<u>Document Submitted</u>	<u>Filing Fee and Costs</u>
Site Plan Zoning Amendment	Fee pursuant to Township’s fee schedule.

Conditional Use Permit/Variance Actual cost of professional services.

Appeal Other reimbursable costs described
in this Ordinance

4. Procedure – Upon submission for review, the Planning Commission shall make a written estimate of protected review costs. Within thirty (30) days of receipt or at some other later date as determined by the Planning Commission, the applicant shall pay to the Town Clerk one-half of the projected review costs. Within thirty (30) days of the date of final action by the Town Board, or at some other date as it may determine, the Town Board shall provide the applicant with a final itemized statement of costs incurred by the Planning Commission and the Town Board, and shall certify that the costs were reasonably and necessarily related to the submission. The balance of the costs owed by the applicant to the Town Board shall be paid within thirty (30) days of date of mailing of the itemized statement to the applicant, or at some other later date as determined by the Town Board.

B. Review Procedure

1. Requirements – Where an application or other submission is proposed by a party other than the Planning Commission or Town Board, the application shall be filed with the Town Clerk, and shall be accompanied by such information as required by this Ordinance and by payment of the required fees, except that in the case of an application for a permit in a Commercial Excavation Overlay (CE) zoning district, application and review shall be in accordance with the procedures and requirements specified in Section 5 of this Ordinance. If an applicant seeks waiver of certain informational requirements of this Ordinance, a written request for each waiver and a brief explanation therefore, shall be attached to the application.
2. Planning Commission Hearing – The Town Clerk shall refer the application to the Planning Commission for consideration at its next regular meeting.
3. Notice – When the town board determines a public hearing is necessary, notice of the purpose, time and place of the public hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. When an application is for a zoning amendment, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of record affected property and property situated wholly or partly within the Township within 500 feet of

the property to which the amendment relates. For the purposes of giving mailed notice, the Town Clerk may use appropriate records determine the names and addresses of owners. A copy of the notice and a list of the owners to whom the notice is mailed, and their addresses, shall be attested to by the Town Clerk and shall be made a part of the records of the proceeding. The failure to give the notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this Section has been made. The applicant or his representative may appear at the public hearing to answer questions concerning the proposed application.

4. Planning Commission Report – The Planning Commission shall make its report on the application to the Town board, in writing, within sixty (60) days of the Public Hearing, unless the applicant agrees to an extension of time. The Planning Commission shall recommend approval, denial, conditions to be imposed or other action to be taken in regard to the application, and the reasons therefore. At the request of the applicant, a copy of the report shall be provided to the applicant.
5. Town Board Action – The Town Board shall make its decision on the application within sixty (60) days of the filing of the Planning Commission Report with the Town Clerk or after the last meeting date of the Planning Commission if no report is filed. The Town Board shall make written findings and shall state therein its reasons for its decision. Upon request, a copy of the written findings and shall state therein its reasons for its decision. Upon request, a copy of the written findings and reasons shall be mailed to the applicant. The Town Board may impose such conditions and restrictions, including time limits, as it deems appropriate to protect adjacent property, comply with the intent and purposes of this Ordinance and implement the current Critical Area Regulations and Comprehensive Plan.
6. Emergency Actions – A development permit may be issued when certified in writing by the Town Board that the development is essential to protect the public health, safety or welfare in the existing emergency and that a local ordinance or state regulation was in effect immediately prior to April 25, 1975 and a development would have been granted hereunder.

C. Conditional Use Permits.

1. Application for Conditional Use Permit – An application for a conditional use permit may be made to the Town Board by any affected person, in accordance with the application procedures specified in this Section, and upon payment of the required fees. The application shall contain sufficient

information for the Town Board to determine whether the proposed development or use will meet all applicable standards.

2. The Town Board, after review by the Planning Commission may grant a conditional use permit in any district provided the proposed use is designated in Section Two of this Ordinance as a conditional use for the district, upon a finding that:
 - a. It is consistent with the adopted Grey Cloud Comprehensive Plan; and
 - b. It is consistent with the intent of the current Critical Area Regulations and the Comprehensive Plan; and
 - c. It is consistent with the adopted policies of the Metropolitan Council; and
 - d. It is compatible with uses in the immediate vicinity; and
 - e. It is permitted by the standards and conditions of this Ordinance; and
 - f. It is permitted by the ordinances of the Township.
3. Conditions and Restrictions – The Town Board may impose such conditions and restrictions, including time limits, on the conditional use or periodic review if it appears necessary and proper to protect adjacent property and other township residents, to ensure conformity with the current Critical Area Regulations and the Comprehensive Plan, and to comply with the intent and purpose of this Ordinance.

D. Zoning Amendment.

1. Application for Amendment – An application for an amendment to the zoning ordinance may be initiated by the Town Board, the Planning Commission, or by petition of affected property owners, and upon payment of the required fees, if initiated by property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and recommendation, and may not be acted upon by the Town Board until it has received the recommendations of the Planning Commission or until 60 days have elapsed from the date of reference of the amendment without a report by the Planning Commission.
2. All applications for a zoning amendment shall be accompanied by an accurate list showing the names and mailing addresses of the record

owners of all the property within the township within 500 feet of the property for which the amendment is sought, verified as to accuracy by the applicant and a proposed site plan.

3. All applications for a zoning amendment shall be reviewed for consistency with the goals and policies of the current Critical Area Regulations and the Comprehensive Plan, other ordinances of the township, compatibility with adjacent land uses, and conformity with the Metropolitan Development Guide policies and plans of the Metropolitan Council.

E. Variances.

1. Application for Variances – An application to the Town Board may be made by an affected person for a variance from the setback, lot size, height restrictions, line of sight or other provisions of this Ordinance, in accordance with the application procedures specified in this Section, and upon payment of the required fees.
2. Review Standard – Variances shall only be granted where there is a practical difficulty which makes strict enforcement impractical, because of circumstances unique to the individual property and characteristics of the land under consideration, not created by the property owner after April 25, 1975, and the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls.
3. In analyzing whether a showing of “practical difficulties” or hardship in the case of non-area variances has been met, the Board of Adjustments will need to consider the following six factors:
 - a. How substantial is the variation in relation to the requirement;
 - b. the effect that the variance would have on government services;
 - c. whether the variance will effect a substantial change in the character of the neighborhood or will be a substantial detriment to neighboring properties;
 - d. whether the practical difficulty can be alleviated by a feasible method other than the variance;
 - e. how the practical difficulty occurred, including whether the landowner created the need for the variance;
 - f. and, whether, in light of all the above factors, allowing the variance will serve the interest of justice;

4. Economic considerations alone shall not constitute a hardship (does not apply to practical difficulty variances).

F. Board of Adjustments and Appeals

1. Function – The Town Board shall serve as a Board of Adjustments and Appeals. The Board shall have the following powers and functions:
 - a. To hear and decide appeals where it is alleged that there is an error in any order, requirements, decision or determination made by an administrative officer in the enforcement of the zoning ordinance.
 - b. To hear request for variances from the literal provisions of this Ordinance.
2. Procedure – An appeal to the Board may be taken by any affected person upon filing a written application with the Town Clerk, payment of any required fees, and mailing of notice to appeal to adjacent property owners and the Planning Commission.
3. Hearing – A public hearing shall be held by the Board within sixty (60) days of the date of filing of the appeal with the Town Clerk, and after ten (10) days published notice in the official newspaper. Any party may appear at the hearing and provide testimony. The Board shall provide minutes of its meetings, its findings and the action taken on each matter before it, including the final order. An applicant may make a record of the hearing by a certified court reporter.
4. Order – The Board shall make its final order within a reasonable time and upon request of the applicant, shall serve a copy of its order upon the applicant by mail.

SECTION VII. NON-CONFORMING USES

A. General Provisions

1. Application Generally – Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended and no land, building or structure, or part thereof, shall be occupied or used unless in conformity with regulations specified in this Ordinance for the district in which it is located.
2. Application to Existing Structures – This ordinance shall not apply to existing buildings and structures, or to the existing use of any building, structure of land to the extent of such use on the effective date of this ordinance.
3. “Use” Defined – For the purpose of this Section, the word “Use” shall mean:
 - a. Any purpose of which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or
 - b. Any activity, occupation, business or operation carried on or intended to be carried on, in a building or other structure, or on a tract of land.

B. Non-Conforming Uses, Buildings and Structures

1. Definitions of Non-Conforming Uses, Buildings and Structures – “Non-Conforming Use”, “Substandard Building” or “Substandard Structure” means any lawful use, building or structure existing on the effective date of this Ordinance, or any amendment thereto, which does not conform with the regulations or standards for the zoning district in which it is located after the effective date of this ordinance or such amendment.
2. Preservation of Non-Conforming Uses – Except as hereinafter provided in this Section, the lawful use of land or the lawful use of a building or structure existing on the effective date of this Ordinance or on the effective date of any amendment thereto may be continued although such use does not conform to the provisions of this Ordinance, except as otherwise provided in this Section.
3. Preservation of Dimensionally Substandard Buildings or Structures – Except as hereinafter provided in this Section, buildings or structures lawfully existing on the effective date of any amendment thereto may be

maintained although such building or structure does not conform to the dimensional standards of this Ordinance but any such building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional standard residential building, accessory building or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed ten percent (10%) of the minimum setback requirements, but such alteration or improvement shall conform to all of the provisions of this ordinance and shall not increase the existing substandard square footage.

4. Unlawful Uses, Buildings, and Structures – No unlawful use of property existing on the effective date of this Ordinance or any amendment thereto nor any building or structure which is unlawfully existing on such date shall be deemed a non-conforming use or a non-conforming building or structure.
5. Permit Holders and Permit Applicants – Any non-conforming structure that is ready for or under construction on the effective date of this Ordinance or any amendment thereto may be completed and occupied in accordance with the requirements of any valid building permit issued therefore prior to such effective date.
6. Change from One Non-Conforming Use to Another – A non-conforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, and provided such change is approved by the Town Board as provided by this Ordinance. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.
7. Change of Use with Approval of the Board of Adjustments and Appeals – A non-conforming use, all or partially conducted in a building or structure, may be changed to another non-conforming use only upon determination by the Board, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace, and will not be inconsistent with the goals and policies of the current Critical Area Regulations and the Comprehensive Plan.
8. Restoration of Non-Conforming Buildings or Structures – A non-conforming building or structure which is damaged or destroyed may be restored and the occupancy or use of such building, structure or part thereof, which was existing at the time of such partial destruction, may be continued or resumed, provided that the restoration is started within a period of one (1) year and is diligently prosecuted to completion.

9. Abandonment of Use – When any non-conforming use of land or of a building or structure is abandoned for a period in excess of ten (10) years, such land, building or structure shall thereafter be used only as provided in this Ordinance.

SECTION VIII. ZONING DISTRICT MAP

The boundaries of the zoning districts as established by this Ordinance are as shown on the map published herewith and made part of this Ordinance and designated as the Official Zoning Map of the Township. The district boundary lines on the map are intended to follow road right-of-way lines, road centerlines, or lot lines, unless such boundary line is described otherwise. See Appendix B attached to this document.

A. The Conservancy District, C, is described as follows:

The Southwest Quarter of the Southeast Quarter (SW¹/₄ of SE¹/₄) of Section 26, Township 27, Range 22 and Government Lot 4 of Section 26, Township 27, Range 22

B. The Commercial Excavation Overlay District, CE, is described as follows:

All that part of Upper Grey Cloud Island lying west of County Road 75 and North of the South 500 feet of the Southwest Quarter of the Northwest quarter (SW¹/₄ of the NW¹/₄) of Section 25, Township 27, Range 22, and North of a line described as follows:

Beginning at a point marked by an iron pipe set in the Section line between Sections Twenty-five (25), and Twenty-six (26); and running thence North 88°00' West a distance of 1,315.70 feet to an iron pipe; thence North 64°01', West to the western boundary of Government Lot Two (2)

C. The Residential Districts, RR, RL, RM, RH, contain all of the rest and remainder of Grey Cloud Township, Township 27, and Range 22, not included in the District described above.

SECTION IX ENFORCEMENT AND EFFECTUATION

A. Enforcement.

1. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof shall be a misdemeanor and the violator, upon conviction, shall be punished by imprisonment in the county jail for not to exceed 90 days or by a fine of not to exceed \$300 and costs for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.
2. In the event of a violation or a threatened violation of this Ordinance, the Governing Body, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

B. Effectuation.

1. It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:
 - a. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
 - b. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building or other structure, such judgment shall not affect that application or said provision to any other property, building or structure not specifically included in said judgment.
2. **Validity and Date Effective.** Ordinance Nos. 10, 17, 21 and all other ordinances or parts of ordinances of the Township of Grey Cloud in conflict with the provisions of this Ordinance are hereby repealed.

Effective this 14th day of May, 2001, by the Board of Supervisors, Grey Cloud Island Township.

Amended this 8th day of December, 2010, by the Board of Supervisors, Grey Cloud Island Township.

Richard Adams, Town Board Chairman

Pamela Dupre, Supervisor

Paul Schoenecker, Supervisor

Attest:

Richard E. Mullen, Clerk



Appendix A

