

GREY CLOUD ISLAND TOWNSHIP ZONING ORDINANCE #49.3

Table of Contents

	Page No.
SECTION 1. INTENT AND PURPOSE	3
1. Short Title	3
1. Purpose	3
1. Interpretation	3
SECTION 2. DEFINITIONS	3
SECTION 3. ZONING REGULATIONS	19
SECTION 4. DEVELOPMENT STANDARDS	19
1. Site Planning Requirements	19
2. Natural Resource Management	20
3. General Standards	24
4. Accessory Structures	26
5. Permitted Encroachment	28
6. Permitted Heights Exceptions	29
7. Environmental Regulations	29
8. Exterior Storage Along Major Highways and County Roads	31
9. Fences	32
10. Glare	32
11. Noise	33
12. Land Alteration and Grading	33
13. Land Clearing	36
14. Lighting	37
15. Parking	39
16. Signs	41
17. Utility Facilities	43
18. Public and Private Roads and Railways	44
19. Barge Fleeting and Loading Facilities	45
20. Public Marinas	45
21. Standards for On-site Sewage Disposal Systems	46
22. Standards for Sub-Division of Property for Residential Development	46
23. Dedications of Public Lands, Riverfront Access	47
SECTION 5. STANDARDS FOR USES	47
1. Accessory Apartments	47
2. Agricultural Business – Seasonal	48
3. Essential Services - Utility Substation	48
5. Golf Courses	48
6. Home Occupation	49
7. Temporary Dwelling Unit During Construction	49

SECTION 6. DISTRICT PROVISIONS	50
1. Definitions of Districts	50
2. Uses in Residential, Commercial Excavation Overlay District, and Conservancy Districts	51
3. Minimum Dimensional Requirements for Residential Zoning Districts	52
4. Additions and Exceptions to Dimensional Requirements	52
5. Planned Unit Developments	53
SECTION 7. OVERLAY DISTRICTS	55
SECTION 8. OPEN SPACE DEVELOPMENT	55
1. Purpose and Scope	55
2. Definitions	56
3. Applicability	56
4. Application	57
5. Resource Inventory	57
6. Uses Allowed Within Open Space	58
7. Ownership & Management of Open Space	58
8. Open Space	58
9. Homeowners' Associations	58
10. Density Standards	59
11. General Considerations	59
12. Residential Lot Requirements	59
13. Neighborhood Standards	59
14. Open Space Design	60
15. Sewage and Water Facilities	61
16. Golf Courses for Open Space Development	61
SECTION 9. MINING REGULATIONS	61
1. Operating Conditions	61
2. Hours of Operation	62
SECTION 10. ADMINISTRATION	62
1. Fees	62
2. Commercial Excavation Overlay, and Conservancy Districts Fee Schedule	63
3. Review Procedure	63
4. Conditional and Interim Use Permits	64
5. Zoning Amendment	64
6. Variances	65
7. Board of Adjustments and Appeals	65
SECTION 11. NON-CONFORMING USES	66
1. General Provisions	66
2. Non-Conforming Uses, Buildings and Structures Definitions	66
SECTION 12. ZONING DISTRICT MAP	67
SECTION 13. SEPARABILITY	67
SECTION 14. ENFORCEMENT AND EFFECTUATION	68
SECTION 15. EFFECTIVE DATE	68

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 1. INTENT AND PURPOSE

1. **Short Title.** This Ordinance shall be cited as the “Grey Cloud Island Township Zoning Ordinance.”
2. **Purpose.** This Ordinance is enacted in order to accomplish the following purposes:
 - a. Provide for orderly growth with stage land development to coincide with availability of community services and facilities.
 - b. Preserve the open, scenic, and natural characteristics and ecological and economic functions of the lands and waters of the Township.
 - c. 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.
 - d. Implement the Grey Cloud Island Township Comprehensive Plan (Comprehensive Plan) and the current Critical Area Regulations.
 - e. Grey Cloud Island Township must follow the Revised Washington County Development Code
Chapter One (1) Administration
Chapter Three (3) Subdivision Regulations
Chapter Four (4) Subsurface Sewage Treatment System Regulations
Chapter Five (5) Lower St. Croix River Bluffland and Shoreland Management Regulations
Chapter Six (6) Shoreland Management Regulations
Chapter Seven (7) Mining Regulations
Chapter Eight (8) Buffer Regulations
Chapter Nine (9) Floodplain Management Regulations
Chapter Ten (10) Official Map Regulation and Designation effective June 5, 2018, or most current version.
 - f. Where the current Washington County Development Code Zoning Regulations conflict with the current Grey Cloud Island Zoning Ordinance, the more stringent of the two shall apply.
3. **Interpretation.** The 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.

SECTION 2. DEFINITIONS

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

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.

Accessory Building – A detached single-story building used or intended to be used for the storage of personal property or for agricultural purposes.

Accessory Use or Structure – A use subordinate to and serving the principal use or structure on the same lot and customarily incidental to such principal use.

Administrators – The County Zoning Administrator i.e. Washington County Public Works Department, and Grey Cloud Island Township Town Board.

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 sub lessee of the building and members of their immediate families, their employees and persons engaged in the pickup or delivery of agricultural produce or products.

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 public, produce or any derivative thereof, grown or raised on the property.

Agricultural Use – Use of land that consists of the production of horticulture and nursery stock, fruit, vegetables, forage, grains, bees, apiary products and raising domestic farm animals. This use does not need to be the principal source of income to be considered agricultural use.

Alteration – To change or make a difference; to remodel or modify.

Animal Unit – A unit of measure used to compare differences in the production of animal waste.

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

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 are not considered domestic pets.

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

Appraised Valuation – The market value of a structure as determined by the current records of the County Assessor.

Barge Fleeting Area – a portion of the riverfront where barges are temporarily secured while awaiting loading, unloading or shipment.

Basement – Any floor level below the first story in a building, except that a floor level in a building having only one floor level is classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.

Barge Loading Facility – a facility located on the riverfront for the loading or unloading of a barge.

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

Bluff – As defined by Township Ordinance No 60 Mississippi River Corridor Critical Area, or its current version.

Bluff Impact Zone – As defined by Township Ordinance No 60 Mississippi River Corridor Critical Area, or its current version.

Bluff line – As defined by Township Ordinance No 60 Mississippi River Corridor Critical Area, or its current version.

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 persons unrelated to the owner, but not to exceed eight (8) persons.

Buffer – A strip of land intended to create physical separation between potentially incompatible uses of land. Also see the buffer definition per Minn. Stat. Section 103F.48, subd. 1(c) as it pertains to the Washington County Buffer Ordinance.

Buildable Land – Land with a slope of less than twenty-five (25) percent, above any floodway, drainageway, or drainage easement and outside of any required setbacks, except on natural environment lakes where a two hundred (200) foot structure setback is required, the buildable area calculation is measured from a one hundred fifty (150) foot setback rather than the required two hundred (200) foot setback.

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. Any portion thereof completely separated from every other part thereof is deemed a separate building.

Building Code – The Minnesota State Building Code.

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 is within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- b. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item (A) above is more than ten (10) feet above the lowest grade.

Building Official – The designated authority charged with the administration and enforcement of the State Building Code.

Building Permit – A permit required from the responsible governmental agency before any site work, construction or alteration of structures can be started.

Building Setback Line – A line that is parallel to a right-of-way line, a lot line, a bluff line, or a high-water line, and which delineates the minimum horizontal distance buildings or structures may be placed from those lines.

Building Setback – The minimum horizontal distance between a building or structure and a lot line, right of way line, bluff line, or high-water line.

Business – Any occupation, employment, or enterprise wherein merchandise is exhibited or sold, or where services are offered for compensation.

Car Wash – A building or area that provides hand or machine operated facilities for washing and cleaning motor vehicles.

Carport - Carports shall be open on at least two sides. Carport floor surfaces may be concrete, asphalt, sand, gravel, crushed rock, or natural earth. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this ordinance for accessory buildings.

Cellar – Any floor level below the first story in a building, except that a floor level in a building having only one floor level is classified as a basement unless such floor level qualifies as a first story as defined in the Building Code.

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, columbarium's, mausoleums and chapels when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Compliance – See the Washington County Development Code, Chapter One, Section 10.

Certificate of Occupancy – A certificate issued by the building official authorizing the use or occupancy of a building or structure.

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.

Commercial Food Producing Farm Operations – See “Farm” definition.

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.

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

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 unincorporated area of the County.

Conditional Use - The governing body may by ordinance designate certain types of developments, including planned unit developments, and certain land development activities as conditional uses under zoning regulations. Conditional uses may be approved by the governing body or other designated authority by a showing by the applicant that the standards and criteria stated in the ordinance will be satisfied. The standards and criteria shall include both general requirements for all conditional uses, and insofar as practicable, requirements specific to each designated conditional use. Public hearings on the granting of conditional use permits shall be held in the manner provided in Minnesota State Statute 462.357.

A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the municipality from enacting or amending official controls to change the status of conditional uses.

A certified copy of any conditional use permit shall be recorded with the county recorder or registrar of titles of the county or counties in which the municipality is located for record. The conditional use permit shall include the legal description of the property included.

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.

Conservation Easement – An interest in real property created in a manner that imposes limitations or affirmative obligations regarding the use of property including the retention, protection and maintenance of natural resources, open space, and agriculture.

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 ordinance.

Conveyance – A deed or other instrument conveying land or an interest in land.

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

County Road Any highway, road, or street under the jurisdiction of the County including but not limited to County Roads and County State Aid Highways (CSAH).

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.

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.

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.

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.

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.

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 "Standards on Sound Level Meters of the USA Standards Institute".

Density – The number of dwelling units permitted per acre of land.

Density Units – The number of individual dwelling units that can be located on a parcel of land as established using a yield plan. For the 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.

Depth of Lot – The horizontal distance between the road/street 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.

Depth of Rear Yard – The horizontal distance between the rear building line and the rear lot line.

Development Agreement – An agreement with the owner of a parcel which specifies the number of density units allocated amongst the parcels being created, the zoning district the parcels are in, and that the use and development and further conveyance of the parcels is subject to the regulations contained in this ordinance.

Development Code – The official controls adopted by Washington County regulating the physical development of land in those portions of the unincorporated areas where the County has zoning/land use authority.

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.

Driveway Access Permit – A permit issued by the responsible governmental agency which allows driveway access to a public road, and which must be acquired prior to the issuance of a building permit.

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

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

Dwelling, Multiple Family – A residential building, or portion of a building, containing two (2) or more dwelling units.

Dwelling Unit – A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes. There are three (3) principal types:

- a. Single-family detached – A free-standing residence structure designed for or occupied by one (1) family only.
- b. Single-family attached – A residential building containing two (2) or more dwelling units with one (1) common wall.
 1. Duplex – A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
 2. Townhouse – A residential building containing two (2) or more dwelling units with at least one (1) common wall, each unit oriented to have all exits open to the outside.
 3. Quadplex – A residential building containing four (4) dwelling units with at least one (1) common wall, each unit oriented to have all exits open to the outside.

Engineer – an engineer registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors.

Environmental Impact Worksheet or Statement – A document which may be required per Minnesota Statute Chapter 116C and D. See Washington County Development Code, Chapter One, Section 12.

Essential Services - Utility Substation – A utility use that functions to reduce the strength, amount, volume, or configuration of utility flow from a bulk wholesale quantity in large size through long distance transmission lines to small retail quantities in neighborhood distribution systems. 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.

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.

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

Family – a family is: 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.

Farm – Land use consisting of agricultural uses or the raising and/or breeding of livestock.

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.

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

Fence – A partition, structure, wall, or gate erected as a dividing device, visual or physical barrier, or enclosure.

Fill – Soil, earth, sand, gravel, rock, or any similar material that is deposited, placed, pushed, or transported. Fill does not include crushed concrete.

Final Plat – A map of an approved subdivision, meeting all requirements of the Washington County Development Code, Chapter Three and Grey Cloud Island Township zoning ordinance.

Flashing Light – A light source which is always not constant in intensity or color while in use.

Floodplain – The beds and the areas adjoining a wetland, lake or watercourse which have been or may be inundated by a regional flood.

Floor Area – The gross area measured in square feet, of the main floor of a residential building not including attached garages, breezeways, or similar attachments.

Frontage – That boundary of a lot which abuts a public or private street or road.

Front yard – the boundary of a lot that abuts a public street or private road.

Greenhouse – A structure covered with transparent or translucent materials for the purpose of admitting natural light and controlling the atmosphere for growing horticultural products, not to be used as a structure for storage of materials nonrelated to growing horticultural products within the greenhouse.

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

Governing Body – The Grey Cloud Island Township Town Board.

Hazardous Buildings or Hazardous Property – Any building or property which is due to inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Hazardous Material – A chemical or substance, or mixture thereof which:

Is regulated by the Federal Occupational Safety and Health Administration under Code of Federal Regulations, title 29, part 1910, subpart Z; or Is either toxic or highly 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.

Historic Building and Structure – A structure which has been identified by the Washington County Historical Society inventory or the State Historic Preservation Office as having public value due to notable architectural features relating to the cultural heritage of the County.

Home Occupation – Use for gainful employment, of a property zoned residential which a.) is clearly incidental and subordinate to the use of the property as residential; b.) is carried on solely within the main dwelling or an accessory building; c.) does not alter or change the exterior character or 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.

Homeowners Association – A formally constituted non-profit association or corporation consisting of the property owners and/or residents of the development for the purpose of owning, operating, and maintaining the common open space and facilities.

Hotel – A building having provision for nine (9) or more guests in which lodging is provided with or without meals, for compensation, and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.

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 run off the surface in greater quantities and at an increase rate of flow.

Individual Parcel – A parcel as a whole according to the tax roll, or two or more contiguous parcels under common ownership on the effective date of the Washington County Development Code, and this ordinance.

Inland – the area landward of the natural or pre-existing shoreline.

Interim Use - An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. Nothing in this section shall prevent the municipality from enacting or amending official controls to change the status of interim uses. Zoning regulations may permit the governing body to allow interim uses. The regulations may set conditions on interim uses. The governing body may grant permission for an interim use of property if:

1. the use conforms to the zoning regulations;
2. the date or event that will terminate the use can be identified with certainty;
3. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
4. the user agrees to any conditions that the governing body deems appropriate for permission of the use. Any interim use may be terminated by a change in zoning regulations.

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.

Land Alteration – The changing of land by depositing or moving material to alter the grade or topography.

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.

Land Surveyor – a land surveyor registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors.

Landscape Architect – a landscape architect registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects and Land Surveyors.

Landscaping – Planting trees, shrubs, and turf cover such as grasses and shrubs.

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.

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 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.

Light Source – A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

Lighting, Outdoor – Any light source or collection of light sources, located outside of 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.

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.

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.

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.

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.

Lot Area – The area of a horizontal plane encompassed within the lot lines.

Lot Area, Minimum per Dwelling Unit – The minimum number of square feet or acres of lot area required per dwelling unit.

Lot, Buildable – A lot which meets or exceeds all requirements of the Washington County Development Code and this zoning ordinance without the necessity of variances.

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.

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.

Lot Depth – The horizontal distance between the front and rear lines of a lot.

Lot, Interior – A lot other than a corner lot, including through lots.

Lot Line – The property line bounding a lot, except that where any portion of a lot extends into a public right-of-way or proposed public right-of-way, the right-of-way line is considered the lot line for purposes of the Washington County Development Code and this ordinance.

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 is 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 is deemed to have frontage on both streets.

Lot Line, Rear – That boundary of a lot which is opposite of 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.

Lot Line, Side – Any boundary of a lot which is not a front lot line or a rear lot line.

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 are considered the front lines.

Lot Width – The horizontal distance between the side lot lines of a lot measured at the setback line.

Luminaire – A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

Major Highway – Those highways and/or roadways which are classified as principal and minor arterials and collectors in Figure T- 1, Existing Functional Classification System of the Comprehensive Plan.

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 Minnesota Statutes Chapter 327. 31, Subd. 3. No manufactured dwelling shall be moved into the unincorporated areas of Washington County that do not meet the Manufactured Home Building Code as defined in Minnesota Statutes Chapter 327.31, Subd. 3.

Manure – Any solid or liquid containing animal excreta.

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.

Mausoleum – A structure for the entombment of the dead in crypts or vaults in a place used, or intended to be used, for cemetery purposes.

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.

Mississippi River Corridor Critical Area - As defined by MN Rules Chapter 6106, or its current version.

Multiple family – A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

- a. Apartment – A room or suite of rooms, available for rent which is occupied as a residence by a single family, or a group of individuals living together as a single-family unit.
- b. Condominium – A form of individual ownership within a multi-family building with joint responsibility for maintenance and repairs of the land or other common property.
- c. Operative – A multi-unit development operated and owned by its occupants. Individual occupants' own shares in the enterprise rather than owning a specific housing unit as in a condominium.

Municipality – A city or township, however organized.

Natural Drainageway – A depression in the earth's surface, such as ravines, draws and hollows, that has definable beds and banks capable of conducting surface water runoff from adjacent lands.

Natural Resources – The physical values of the land supplied by nature include but not limited to animal life, plant life, soil, rock, minerals, and water.

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.

Nonconforming Lot – A separate parcel or lot of record on the effective date of the Washington County Development Code, this zoning ordinance, or any amendments thereto, that does not conform to the regulations, including dimensional standards, contained in the Washington County Development Code, this zoning ordinance, or amendments thereto.

Nonconforming Structure – Any structure lawfully and legally existing on the effective date of the Washington County Development Code, this zoning ordinance, or any amendments 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 the Washington County Development Code, this zoning ordinance, or any amendments thereto. And any structure that was built, altered, or modified subject to a variance granted due to the structure not conforming to the regulations and/or dimensional standards of the Washington County Development Code and this zoning ordinance.

Nonconforming Use – Any legal and lawful use of land or any legal and lawful use of a structure existing on the effective date of the Washington County Development Code, 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 the Washington County Development Code, this zoning ordinance, or such amendment.

Noxious Matter – Material which can cause injury or is in any way harmful to living organisms or can cause detrimental effects upon the physical or mental health of human beings.

Nursing Home – A building with facilities for the care of children, the aged, infirm, or a place of rest for those suffering from bodily disorder.

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.

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.

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 Washington County as the Development Code and this ordinance.

Official Map – A map adopted in accordance with the provisions of Minnesota State Statutes, 394.361.

Offshore – the area water ward of the natural or pre-existing shoreline.

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

Open Space Development – A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.

Open Storage – Storage of any material outside of a building.

Ordinance – The Washington County Development Code and Grey Cloud Island Township Zoning Ordinance.

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 section 103G.005, subd. 14.

Overlay District – A zoning district shown as an overlay on the zoning map.

Owner – All persons possessing interest in a property such as fee simple owner, life estate holder and encumbrancer.

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.

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.

Pedestrian Way – A public or private right-of-way across or within a block or tract, to be used by pedestrians and/or non-motorized vehicles.

Performance Standards – The minimum development standards as adopted by the governing body and on file in the office of the Zoning Administrator.

Perimeter Road – A road lying outside of and abutting the development parcel.

Person – Any person, corporation, or association, including governmental agencies and political entities.

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.

Planning Commission – The duly appointed planning and zoning commission of Grey Cloud Island Township.

Plant Community – A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.

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.

Pleasure Craft – a canoe, boat or yacht used primarily for recreational activity.

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.

Principal Structure or Use – One which determines the predominant use as contrasted to accessory use or structure.

Protective or Restrictive Covenant – A contract entered between private parties which constitutes a restriction of the use of a particular parcel of property.

Public Land – Land owned and/or operated by a governmental unit, including school districts.

Public Stables – a stable where horses are kept for hire or sale.

Public Uses – Municipal, County, School District, State, Federal and other public uses.

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.

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.

Quarter-Quarter Section – A tract of land legally described as a full quarter-quarter section, or a nominal forty (40) acre parcel not reduced by more than ten (10) percent due to road right-of-way dedication.

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, playhouses exceeding twenty-five (25) square feet in floor area, or sheds utilized for storage of equipment.

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

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.

Resource Inventory – A survey of the land’s features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

Restaurant – A commercial establishment with a principal business consisting of preparing and selling unpackaged food to the customer in a ready-to-consume state.

Retaining Wall – a structure utilized to hold a slope in a position in which it would not naturally remain.

Road, Approved Private – A private road which has been approved by Town Board resolution identifying the road, indicating that it is capable of supporting emergency vehicles and specifying that provisions exist for the ongoing maintenance of the road.

Road, Public – A road owned and maintained by a government jurisdiction.

School – 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, high schools and technical or college instruction.

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

Septic Permit – A permit issued by the responsible governmental agency for the installation of any new or replacement on-site sewage disposal system.

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.

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 from being projected below an imaginary horizontal plane passing through the light fixture.

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. As defined by Township Ordinance No 60 Mississippi River Corridor Critical Area, or its current version.

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.

Sign, Advertising – A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.

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

Sign, Development Identification – A sign that identifies the name of a residential, commercial, or industrial development at a street entrance to the development.

Sign, Flashing – An illuminated sign which has a light source that is not constant in intensity or color at all times while such sign is in use or a sign containing an electric reading board.

Sign, Real Estate – A sign offering property (land and/or buildings) for sale, lease, or rent.

Sign, Roof – A sign erected upon or above a roof or parapet of a structure.

Single-family Dwelling – A building intended for human habitation by one family or not more than six unrelated people.

Slope – The inclination of the natural surface of the land from the horizontal.

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

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 is 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 six (6) feet above the grade as defined in the Building Code for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined in the Building Code at any point, such usable or unused under-floor space is considered a story.

Street – A public right-of-way which affords a primary means of access to abutting property.

Street, Collector – A street which serves or is designed to serve as a trafficway for a neighborhood or as a feeder to a major road.

Street, Intermediate or Minor Arterial – A street 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.

Street, Local – A street intended to serve primarily as an access to abutting properties.

Street Pavement – The wearing or exposed surface of the roadway used by vehicular traffic.

Street Width – The width of the right-of-way measured perpendicular or radially to the centerline of the street.

Structure – anything manufactured, constructed, or erected which is normally attached to or positioned on land, including buildings and portable structures.

Structural Alteration – Any change, other than incidental repairs, which affect the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.

Structure, Nonconforming – Any structure lawfully and legally existing on the effective date of the Washington County Development Code, 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 the Washington County Development Code, this zoning ordinance, or amendments thereto. And any structure that was built, altered, or modified subject to a variance granted due to the structure not conforming to the regulations and/or dimensional standards of the Washington County Development Code and this zoning ordinance.

Subdivision – The process of dividing land into 2 or more parcels for the purpose of transfer of ownership, building development or tax assessment purposes by platting, replating, registered land survey, conveyance sale, contract for sale or other means by which a beneficial interest in land is transferred.

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.

Subdivision, Minor – Any subdivision containing three (3) or fewer lots fronting on an existing street, not requiring a new street or road, the extension of municipal facilities, or the creation of any public improvements, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Regulations, or this Ordinance.

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

Temporary Dwelling Unit, 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.

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

Temporary Dwelling, Farm – A mobile home which is an accessory dwelling unit occupied by members of the family engaged in farming on the premises located in an agricultural district and meeting other criteria specified in the Washington County Development Code.

Terrace – a relatively level area bordered on one or more sides by a retaining wall.

Tourist Home - A private home with rooms for rent, usually for one night for tourists, travelers, etc.

Town Board - The duly elected and appointed Board Members of Grey Cloud Island Township. The Board is the governing body of Grey Cloud Island Township.

Use – The function for which property is used.

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

Use, Open Space – The use of land without a structure or including a structure incidental to open space use.

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.

Utility Facility – Physical facilities of electric, telephone, telegraph, cable television, water, sewer, solid waste, gas, and similar service operations.

Variance – See Washington County Development Code, Chapter One, Section 6.4 and Section 10 of this ordinance.

Vegetation, Natural – Plant life which is native to the location, and which would grow naturally if the ground was left undisturbed.

Warehousing – The storage of materials or equipment within an enclosed building.

Water Body – Any lake, stream, or river.

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.

Wetland – Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of the Washing County Development Code, 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. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesaling – The selling of goods, equipment, and materials by bulk to another business that in turn sells to the final customer.

Yard – The open space on an occupied lot which is not covered by any structure.

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.

Yard, Side – A yard between the sideline of the lot and the nearest building line.

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 Washington County Development Code and this ordinance.

Zoning District – An area or areas within the county in which the regulations and requirements of zoning regulations are applied.

SECTION 3. ZONING REGULATIONS

This Chapter of the Zoning Ordinance shall be known as Zoning Regulations and may be referred to within this chapter as, "this Ordinance" or "this chapter". This zoning regulation is adopted by Grey Cloud Island Township pursuant to the planning and zoning enabling legislation in Minnesota Statutes, Chapter 394.

Some land in the Township is within the Shoreland Management zoning overlay districts. Allowed uses within these overlay districts are defined in Chapter Six of the Washington County Development Code.

The Shoreland Management District is zoning overlay districts located within portions of the Township. These districts allow primary uses and uses allowed with a Conditional Use Permit. Unless a use is specifically defined as a primary use or allowed with a Conditional Use Permit, it is a prohibited use.

The boundaries of the Shoreland Management District are as shown and described in the Washington County Development Code Chapter Six. All notations, references and other information shown thereon 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.

If uses in a district are listed as both primary and permitted with a Conditional Use Permit, or if any other conflict is contained, the more restrictive provisions apply.

SECTION 4. DEVELOPMENT STANDARDS

1. Site Planning Requirements.

- a. 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.
- b. 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.
- c. 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 Mississippi Critical Corridor Area (MRCCA). See Chapter 5 of the current Grey Cloud Island Township Comprehensive Plan.
- d. 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.
- e. Site Plans shall contain specific conditions with regard to buffering, landscaping, and re-vegetation.

- f. 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.
- g. 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.
- h. 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 the mining regulations of this ordinance.
- i. The applicant shall be given a building application form from the Town Clerk when filing fees are paid. Three (3) copies of the completed form and plot 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 the mining regulations of this ordinance. Additional information may be supplied to or requested by the Planning Commission or Town Board if necessary, during the review process.

2. 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:

- a. General Development Standards – 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.
- b. Building Constraints – 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.
- c. 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.

Development on all slopes less than a bluff as defined in the current Critical Area Regulations must comply with the following conditions:

- a. It can be demonstrated that the development can be accomplished without increasing erosion or the rate of runoff.

- b. 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.
- c. 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.
- d. Conditions on the site shall be stabilized within thirty (30) days following completion of the work.
- e. 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.
- f. 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 bioengineering; 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.

Development on slopes between 12 and 18% shall comply with the following conditions:

- a. 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.
- b. 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.
- c. 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.

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.

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:

Grading and Filing Filling - a minimum amount of grading or filling may be allowed when necessary, in compliance with the following requirements:

- a. The grading or filling shall minimize site alteration, minimize adverse effects, and maximize beneficial effects. Any site alteration should be to the minimum area necessary for a structure or development undertaken pursuant to an approved use.
- b. Only fill free of chemical pollutants and organic wastes shall be used.
- c. Wetlands shall not be used for solid waste disposal.
- d. All disturbed areas shall be restored at the completion of the project.
- e. 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.
- f. Final grades shall be in conformity with the permit and topography of the surrounding land.
- g. 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.

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:

- a. It shall be located so as to maximize the activity in the areas of lowest vegetation density.
- b. It shall not significantly change the water flow characteristics, or adversely affect significant fish and wildlife habitat or protected vegetation.
- c. The size of the dredged area shall be limited to the absolute minimum.
- d. 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.
- e. 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.

- f. Only one approved boat channel shall be allowed per residential lot.
- g. 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.
- h. 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.

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.

On all other lands, not specified in Standards for Vegetation Management, clear cutting shall require a permit from the Town Board and shall be guided by the following provisions:

- a. Clear cutting shall not be used where soil, slope or other watershed conditions are fragile and subject to injury.
- b. The cutting, including topping, involves trees less than six inches (6") in diameter at breast height; and
- c. The essential character, quality and density of existing growths is preserved and as much canopy cover as possible is maintained;
- d. The size of clear-cut blocks, patches or strips shall be kept at the minimum necessary.
- e. 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.

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:

- a. On other lands not specified in A, the minimal clearing for a validly permitted structure, septic system, roadway, and parking areas.

- b. 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.
- c. Lawn mowing.
- d. 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.
- e. Maintenance trimming in transportation or utility rights-of- way to the minimum amount necessary.
- f. Permitted agricultural uses, except for clear cutting.

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 pre-settled 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.

3. General Standards

1. All lots or uses are subject to these general standards as well as other specific regulations which apply to the lot or the proposed use.
2. All agricultural and livestock operations being conducted in compliance with the terms of this Development Code shall not be deemed a violation of this Development Code notwithstanding the fact that there may have been changes in the surrounding character of the area.
3. Sloping or Erodible Building Sites. Structures shall not be constructed on sites with slopes of greater than twenty-five (25) percent or on easily erodible soils as defined on the community soils maps and compiled by the Washington Conservation District.
4. Corner Lots – Sight Corners. In order to maintain a clear line of vision through sight corners, nothing other than seasonal crops shall be placed or allowed to grow, which impedes vision between a height of two and one-half (2 1/2) and ten (10) feet above the intersecting street centerline grades, within the triangular sight corner which is encompassed within the area between the right of way lines of intersecting streets and a line connecting points that are a distance of fifty (50) feet as measured along said right of way lines from the point of

intersection of said right of way lines.

5. Setbacks Along Arterials. The minimum setback for all structures is one hundred fifty (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 Comprehensive Plan.

6. Minimum Width and Foundations. In districts where single family dwellings are permitted, the following standards apply for single family dwellings, except for temporary dwellings permitted by Chapter Two, Sections 2.8 and 2.9 and 2.10 of this Development Code:

- a. The minimum width of the main portion of the structure is 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.

7. 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.

8. Buildable Land. All new parcels created, which are not served by public sanitary sewer and not part of an approved Open Space Development, must have at least one (1) contiguous acre of accessible buildable land. Buildable land is defined as:

- a. Land with a slope less than twenty-five (25) percent, and
- b. Outside of any required setbacks, except that on a natural environment lake where a two hundred (200) foot structure setback is required, the buildable area calculation would be measured from a one hundred fifty (150) foot setback rather than the required two hundred (200) foot setback; and
- c. Above any 100-year floodplain, drainageway, or drainage easement.

All new lots created which are served by public sewer must contain at least three thousand two hundred (3,200) square feet of buildable area as defined above. Property located within the St. Croix River Management Overlay District, or the Shoreland Management Overlay District are also subject to the requirements of Chapters Five and Six of the Development Code, respectively.

9. Number of Structures. No more than one (1) principal structure is permitted on any-one (1) parcel of land, unless otherwise authorized by the Development Code.

10. Dwelling Unit - Use Prohibited. The use of a cellar, garage, recreational vehicle, trailer, basement with unfinished exterior above or accessory building as a dwelling unit is prohibited.

11. Occupancy of a Single-Family Residential Dwelling. No more than six (6) people not related by blood, marriage or adoption may reside in a single-family residential dwelling.

12. Traffic Control. The traffic generated by any use shall be controlled to prevent congestion of the public streets, traffic hazards and excessive traffic through residential areas, including truck traffic. Internal traffic shall be regulated to ensure safe and orderly flow. Traffic into and out of business areas shall be forward moving with no backing into streets.

13. 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.
14. Access Drives, Access, and Service Roads. Access drives onto County roads require an access permit from the County Engineer. This permit shall be issued prior to the issuance of any building permits. The 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. A request for an access drive permit onto a County road may, at the County Engineer's discretion, be referred to the Planning Advisory Commission for its recommendations.
15. Private Roads. Private roads are prohibited in any new subdivision created after the effective date of the Development Code. Existing lots of record on private roads are subject to the Standards contained in Chapter One, Section 13.4 (1) (A).
16. Structures shall not exceed the maximum height permitted, except Church spires, chimneys, flag poles and wind generators which have a maximum height of forty-five (45) feet.
17. Structures must be set back a minimum of fifty (50) feet from underground pipeline easements.
18. Unclassified water bodies. All lots having frontage on or containing an unclassified water body as defined in Washington County Development Code Chapter Six, Shoreland Management Regulations, Washington County Development Code shall be subject to the setback regulations for unclassified water bodies as established in Chapter Six.
19. No structure, building or other improvement shall be constructed, altered, moved, or erected in violation of the regulations specified in this Ordinance.
20. 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.
21. 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.

4. Accessory Structures

1. Required Permits. A building permit is required for all accessory structures except agricultural buildings on a farm as defined in Minnesota Statute 16B.61.
2. The performance standards established in this Chapter apply within Township, and overlay districts identified in subsection 3.1 of the Washington County Development Code Chapter One. 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 the Township is subject to this ordinance, the Washington County Development Code chapters 1, 3, 4, 6, 7, 8, 9, and 10 and are required to meet these standards which also apply to existing development where so stated.
 - a. Accessory structures shall not be constructed prior to construction of the principle structure unless the property is a rural farm containing forty (40) acres or more.
 - b. An accessory structure building shall have the same exterior design and color as that of the principal structure or be of an earthen tone. The height shall not exceed the height of the principle structure unless deemed appropriate and approved by the Town Board. Sidewalls shall not exceed 16 feet high, and overall building height shall not exceed 35 feet high. More restrictive portions of this Ordinance prevail.

- c. An accessory structure is considered attached to the principle building if it is within six feet of the principal building.
- d. Detached accessory structures shall not be located closer to the road right-of-way than the principal building unless all of the following conditions are met:

- 1. The local unit of government approves the building location; and
- 2. All setbacks are met.

3. The following standards apply within the Township and the Shoreland Management Overlay District. Many of our lots / parcels are partially in this area. See attached map from county (Appendix C) showing Shoreland Management Area.

- a. On parcels less than two and one half (2 1/2) acres, one (1) accessory structure is allowed. On parcels greater than two and one half (2 1/2) acres and less than twenty (20) acres, a maximum of two (2) accessory structures are allowed. On parcels greater than twenty (20) acres, there is no limit on the number of accessory structures, provided the accessory structure is an agricultural building. One (1) single story accessory structure of two hundred (200) square feet or less is permitted in addition to the accessory structures. All accessory structures are limited to one (1) story in height.
- b. The permitted sizes of accessory structures are as follows, where two or more accessory structures are allowed, the square footage of all structures shall be combined for structure size determination.

<u>Lot Area</u>	<u>Structure Size</u>
<u>Parcels less than 2.5 acres</u>	<u>1,000 sq. ft.</u>
<u>2.5 – 5 acres</u>	<u>2,000 sq. ft.</u>
<u>5.01 acres – 20 acres</u>	<u>2,500 sq. ft.</u>
<u>20.01+ acres</u>	<u>*unlimited</u>

*provided they are agricultural structures

c. All detached accessory structures are to be used for personal or agricultural use only. Commercial use and/or commercial related storage is prohibited in these structures. 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 the accessory structures were part of the farmstead as it existed on January 1, 2001, subject to the following conditions:

- 1. Construction of additional accessory structures on the property is prohibited.
- 2. Any existing accessory structures that become “Hazardous Buildings” shall be repaired or removed by the owner.

d. Domestic Farm Animals. Accessory structures used to shelter domestic farm animals shall meet the following requirements:

- 1. All domestic farm animal structures, feedlots and manure storage sites shall be setback as follows:

<u>Natural/Man Made Features</u>	<u>Horizontal Setback</u>
<u>Any property line</u>	<u>100 Feet</u>
<u>Any existing well or residential structure on same parcel</u>	<u>50 Feet</u>

<u>Any existing well or residential structure on adjacent or nearby parcel</u>	<u>200 Feet</u>
<u>Any-body of seasonal or year-round surface water</u>	<u>200 Feet</u>

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

3. 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 ground surface grade in any area within one hundred (100) feet of the proposed structure and/or feedlot.

4. Marshes and wetlands (as indicated by the predominant wetland vegetation and/or soils) shall not be utilized for placement of the proposed structure, feedlot, or grazing area.

5. Permitted Encroachments

1. Permitted Encroachments into Required Setbacks. The following are 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 (3) feet in width.

2. The following shall be considered as permitted encroachments into setback areas. (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 the 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 Chapter Six of the Washington County Development Code Shoreland Management Regulations.
- e. Fences along the side lot lines, not exceeding six (6) feet in height. Fences around swimming pools in existence as of the date of adoption of this ordinance.
- f. Temporary canopies.

3. 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.

4. In areas outside of slopes defined as bluffs in the current Mississippi River Corridor Critical Area Ordinance 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 six (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 six (6) feet in height or less are permitted. However, in a corner lot no obstruction higher than three (3) feet above curb level shall be located within twenty (20) feet of the lot corner formed by any two streets, or within fifteen (15) feet of any street right-of-way.
 - c. In rear yards: balconies, breezeways, porches, detached outdoor living rooms, barbecue facilities.

6. Permitted Height Exceptions

1. 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.
 - a. A freestanding communication tower shall not exceed one hundred fifty (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.
 - a. Communication antenna attached to an existing structure or tower exceeding fifteen (15) feet above the highest point of the structure or a tower up to fifty (50) feet all require a conditional use permit.
 - b. No tower over thirty-five (35) feet shall be erected within the Critical Area.

7. 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 more than two thousand (2,000) gallons shall secure a Conditional Use Permit within twelve (12) months following enactment of the Washington County Development Code, unless the tank(s) is located on agricultural property.
 - 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 shall have secondary containment, suitably sealed with a leakage capacity equal to one hundred ten (110) percent 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 the facility shall:
 1. Connect the floor drain to a closed holding tank, or;
 2. 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 twenty-five (25) gallons or one hundred (100) pounds dry weight shall be set back a minimum of one hundred fifty (150) feet from a water supply well.
 - f. Hazardous materials stored in an above ground storage tank with containment shall be setback a minimum of one hundred (100) feet from a water supply well.
 - g. Dry commercial fertilizers shall not be in areas where stormwater runoff from stockpiles could enter storm sewers, sanitary sewer or other surface or ground water.
 - h. Dry bulk pesticides with a dry weight of one hundred (100) pounds or more shall be stored under a roof or tarpaulin that prevents precipitation from contacting 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.
2. Explosives. Uses involving the commercial storage, use or manufacture of materials or products which could detonate by decomposition are prohibited.
3. Radiation and Electrical Interference. Activities that emit dangerous radioactivity beyond enclosed areas are prohibited. Electrical disturbance (except from domestic household appliances) adversely affecting the operation of ordinary business or household equipment and appliances is prohibited. Any such emissions are hereby declared to be a nuisance.
4. Nuisances. Noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, and other such adverse conditions that have an objectionable effect upon adjacent or nearby property owners and residents are prohibited . Minimum standards are 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 are the applicable standards.
 - b. Vibration. The following vibrations are prohibited:
 - 1. 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.
 - 2. Any vibration on any structure resulting in any combination of amplitudes and frequencies beyond the "safe" range of the most current standards of the United States Bureau of Mines. These standards do not apply to vibrations created during the process of construction.
5. 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 sewage, industrial waste, or other substances to pollute any public well, cistern, stream or lake, canal, or body of water.
 - c. Failing to dispose of carcasses of animals within twenty-four (24) hours after death.
 - d. Any use that results in the discharge of toxic or noxious matter in a concentration detrimental or dangerous to public health, safety, or welfare, or that causes injury or damage to property or business, across the boundaries of the lot, through evaporation into the atmosphere or into the subsoil beyond the boundaries of the lot wherein such use is located.
 - e. The ownership, possession or control of any unused refrigerator or other container with doors which fasten automatically when closed, and 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.
6. Refuse. All waste material, debris, refuse, or garbage (with the exception of agricultural uses and crop residue) shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. Landowners are responsible for keeping their land free of refuse.
7. Inoperable Vehicles. Inoperable passenger vehicles and trucks shall not be parked outside of an enclosed building on any property other than an authorized vehicle reduction yard for a period exceeding seven (7) consecutive days.
8. Hazardous Waste. Any use which 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.
9. Exterior Storage and Refuse. 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.

8. Exterior Storage Along Major Highways and County Roads

- 1. Applicability. The following standards are applicable within the Shoreland Management Overlay District.
- 2. Performance Standards.
 - a. In the Shoreland Management Overlay District 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.

9. Fences

1. Fences are permitted in accordance with the following regulations:
 - a. Solid walls more than four (4) feet above adjacent ground grades are 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. Construction of fences on public right-of-way is prohibited.
 - d. Fences shall not impede vision of the roadway from a driveway providing access to the road.
2. Where a property line is not clearly defined, a Certificate of Survey may be required to establish the location of the property line prior to constructing the fence.
3. Fences may be placed along a property line provided no physical damage results to abutting property.
4. On properties located in the Shoreland Management Overlay District that have lake or river frontage, fences must comply with the following standards:
 - a. A building permit is required prior to the construction of any fence.
 - b. Within the non-buildable setback area, fences are 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.
5. 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, 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 are subject to the regulations of the local unit of government.

10. Glare

1. Any lighting used to illuminate an off-street parking area or sign shall be arranged 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.

11. Noise

1. Noise levels in the Critical Area Corridor must comply with the Minnesota Pollution Control Agency standards for rural residential community. Noise levels must comply with Township Ordinance 61 regulating noise, or its current version.

12. Land Alteration and Grading

1. Permit Required: Grading Permit. Land alteration and grading of fifty (50) cubic yards or more and/or the disturbance of land area of one thousand (1,000) square feet or more is permitted with a grading permit. A permit is not required for 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.

a. The application for a permit shall include an existing and 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 disburshed from wind or hauling of material to or from the site.

b. Grading permit applications will be reviewed by the Washington Conservation District and may be reviewed, at the discretion of the Zoning Administrator or in accordance with other rules, by the Minnesota Department of Natural Resources, the Community Engineer, and the appropriate Watershed Management Organization.

c. A grading, drainage and erosion control plan may be required at the discretion of the Zoning Administrator, if significant soil erosion, vegetation destruction or drainage damage may occur during the land alteration process. This plan shall be prepared by the Washington Conservation District and shall contain specific recommendations regarding soil protection, preservation of vegetation and drainage patterns during the land alteration process.

d. At the discretion of the Zoning Administrator, the applicant may be required to post a bond or other financial guarantee to ensure compliance with the grading permit.

2. General Standards. The following general standards apply for grading, drainage, and erosion control:

a. All development shall conform to the natural limitations of the topography and soil to reduce the potential for soil erosion.

b. Slopes over twenty-five (25) percent shall not be altered.

c. Development on slopes with a grade between thirteen (13) percent and twenty-five (25) percent shall be carefully reviewed to insure adequate measures have been taken to prevent soil erosion, sedimentation, vegetative and structural damage.

d. Erosion and siltation control measures shall be coordinated throughout the stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.

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

- f. The drainage system shall be constructed and operational as soon as practical during construction.
- g. Natural vegetation shall be retained and protected to the greatest extent practical.
- h. 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 that existed prior to development.
- i. Soil exposure shall be for the shortest period of time necessary. Planned exposure exceeding sixty (60) days is prohibited. Said limit may be extended by the Zoning Administrator provided erosion and sedimentation control measures have been established.
- j. The natural drainage system shall be used to the extent feasible for the storage and flow of runoff. Storm water drainage shall be discharged to sediment detention or retention basins or other treatment facilities. Prior to discharge to wetlands, the diversion of stormwater to marshlands or swamps shall be considered for existing and planned surface drainage. Wetlands used for stormwater retention shall have adequate natural or artificial water level control. Creation of storage areas or retention basins scattered throughout developed areas is encouraged to reduce peak flow, erosion damage and construction cost.

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

- a. The grade of exposed slopes shall not be steeper than twenty-five (25) percent.
- b. Exposed slopes shall be protected to prevent erosion, taking into consideration 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. Control measures in lieu of those stated above may be used if it can be demonstrated that they will protect exposed slopes as effectively.

4. Sediment Control. The following measures shall be taken to prevent 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 to remove medium and large sized sediment particles from runoff and reduce discharge velocity may be required.
- c. The Zoning Administrator may require a temporary rock driveway at the site entrance to prevent sediment from leaving the site on vehicle tires.

5. Restoration. All permits shall include 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 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, slopes shall not exceed twenty (20) percent.

- e. If the restoration is not for crop production, grades shall not exceed twenty-five (25) percent.
 - f. All restored areas shall be seeded with a mixture recommended by the Washington County Conservation District or returned to crop production.
 - g. The requirements in (b), (c), (d) and (e) above may be increased or modified to accommodate a specific restoration plan.
6. Floodplains. Land alteration in floodplains shall also be in accordance with Floodplain regulations.
7. Public Waters. Any filling, partial filling, dredging, altering by grading, mining, or disturbing in any manner of any public water without first securing a permit from the Minnesota Department of Natural Resources, the United States Army Corp of Engineers and a Grading Permit from the Zoning Administrator is prohibited.
8. Drainage.
- a. Any development, alteration or use of land that results in surface water runoff causing significant flooding, erosion, or deposit of materials on adjacent properties or waterbodies is prohibited. Runoff shall be properly channeled into a storm drain, a natural watercourse or drainage way, a ponding area or other public facility.
 - b. The owner, developer or contractor of any proposed development site which has created or could create drainage problems may be required to complete a grading plan and apply for a Grading Permit.
 - c. The owner, developer or contractor of any natural drainage improvement or alteration may be required to obtain a Grading Permit.
 - d. The owner, developer or contractor may be required to obtain a grading permit on any slope in excess of thirteen (13) percent where the natural drainage pattern may be disturbed or altered.
9. Wetland Preservation. The alteration of wetlands shall comply with the rules and regulations of Federal, State, and local agencies.
10. Preservation of Natural Drainageways/Waterways. The regulation of this subsection shall be administered 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 not adequately dispose of runoff. Surface water drainage systems may be constructed to augment the natural drainage system.
 - b. The width of a constructed waterway shall be large enough to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
 - c. The construction of fences or structures across the waterway that will reduce or restrict the flow of water is prohibited.
 - d. The banks of the waterway shall be protected with permanent turf vegetation.
 - e. The slope of the banks of the waterway shall not exceed twenty (20) percent.
 - f. The gradient of the waterway bed shall not be at a grade that will result in a water velocity that will cause erosion of the banks and waterway.

- g. The bed of the waterway shall be protected with turf or sod. Rip rap may be used if it is determined that turf or sod will not function properly. 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 and no 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. Materials other than turf may be used on sidewalls if it is determined that flow velocity in the waterway will be such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures. Rip rap is allowed to prevent erosion at these locations.
- i. Flow velocity shall be controlled through the installation of diversions, berms, slope drains and other similarly effective velocity control structures.
- j. Pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed to prevent sedimentation of waterways.
- k. Temporary pervious sediment traps may 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 may serve as temporary sediment control features during the construction stage of the development. Development of housing and other structures shall be restricted from 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, desiltation 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 the Development Code.
- n. Sediment basins shall be maintained as necessary to insure continuous desilting 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.

13. Land Clearing

1. A permit is required if more than twenty thousand (20,000) square feet is to be cleared. A permit is not required for clearing trees and other woody plants in an area less than twenty thousand (20,000) square feet, for 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.
3. Performance Standards. Land clearing shall comply with the following:
 - a. Removal of trees located on slopes greater than twenty-five (25) percent, in wooded floodplains, in wooded wetlands, and in stream corridors is prohibited. Trees and woodlands within the Shoreland Management Overlay District are subject to the requirements as stated in Chapter Six, Shoreland Management Regulations in addition to the regulations of this section.

- b. Construction fences or barricades placed at the perimeter of the area to be cleared may be required.
- 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:
 - 1. All disturbed areas shall be restored at the completion of the project.
 - 2. All restoration shall include the application of a minimum of four (4) inches of topsoil or similar material that will support plant growth.
 - 3. All restored areas shall be seeded with a mixture recommended by the Washington Conservation District unless it is put into forest or row crop production.
 - 4. Final grades shall be in conformity with the permit and topography of the surrounding land.
 - 5. The standards above may be increased or modified to accommodate a specific restoration plan.
- f. The Grey Cloud Island Township Board may require the applicant to post a bond or other financial guarantee to ensure compliance with this ordinance.

14. Lighting

- 1. Exemptions. The standards of this section shall not apply to the following:
 - a. Temporary holiday lighting. The Development Code does not prohibit the use of temporary outdoor lighting used during customary holiday seasons.
 - b. Civic Event Lighting. The Washington County Development Code does not prohibit the use of temporary outdoor lighting used for civic celebrations and promotions.
 - c. Airport Lighting required for the safe operation of aircraft.
 - 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 ordinance are exempt from the regulations contained in this Section.
 - b. Whenever an outdoor light fixture that existed on the effective date 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 six (6) inches 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. Lighting Performance Standards.

a. Any lighting used to illuminate an off-street parking area or other structure, or area shall be arranged to deflect light away from any adjoining residential property or from the public street.

5. Shielding. The light source shall be hooded or controlled to prevent lighting of adjacent property in excess of the maximum intensity defined in Section 1.8 (4) (A) 2. Bare light bulbs that are visible from adjacent property or public right of way are prohibited.

6. Intensity. Any light source or combination thereof which cast light on a public street exceeding one (1) foot candle meter reading as measured from the centerline of said street and any light source or combination thereof which cast light on adjacent property exceeding four tenths (0.4) foot candle as measured at the property line is prohibited.

7. Outdoor Recreation: Outdoor recreational uses including but not limited to baseball fields, football fields, tennis courts and snow skiing areas have special requirements for nighttime lighting. Due to these unique circumstances, a Conditional Use Permit is required for all new outdoor lighting fixtures.

a. Illumination of outdoor recreation facilities, whether public or private, is prohibited after 11:00 PM unless the lighting conforms to this ordinance.

b. Illuminated off-street parking areas for outdoor recreation uses shall meet the requirements stated in Section 4, 14.6

8. Prohibitions: The following outdoor light fixtures are prohibited:

a. Search Lights used between 11:00 PM and sunrise.

b. Flashing Lights.

9. Submission of Plans. The applicant for any permit requiring outdoor lighting must submit evidence that 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.

15. Parking

1. No parking is allowed within road right of way in accordance with Township ordinance 4.
2. 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 of 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):
3. Residential Uses – minimum of two (2) spaces per dwelling unit.
4. Places of Assembly – One (1) space for each three (3) sets of each 4 feet of pew length.
5. 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.
6. Parking requirement for uses not listed shall be determined by the Town Board upon basis of probable parking need.
7. Off-Street Loading – All industrial uses shall provide off-street loading space on the basis of the following minimum requirements:

<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	1 Additional

8. The size of the berths will depend upon the size of the trucks to be used.
9. 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.
10. 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.
11. Surface and Drainage. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be graded and drained so as to dispose of all surface water accumulation within the parking area. Durable and dustless surfaces 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 community engineer. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the community.
12. Location. All accessory off-street parking facilities required herein shall be located as follows:
 - a. Spaces accessory to one- and two-family dwellings shall be on the same lot as the principal use served.
 - b. Spaces accessory to multiple family dwelling shall be on the same lot as the principal use served and within two hundred (200) feet of the main entrance to the principal building served. Parking as required by the Americans with Disabilities Act (ADA) for the disabled shall be provided.

13. General Provisions.

- a. Existing off-street parking spaces and loading spaces upon the effective date of the Development Code shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.
- b. Motor vehicles over one (1) ton capacity bearing a commercial license and commercially licensed trailers shall not 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.
- c. The parking space shall be a minimum of 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 provided there is adequate space for easy and safe vehicle ingress and egress . Proposed reductions or increases in parking space size shall be submitted for review and approval together with a dimensioned site plan indicating the size of vehicle intended to use the parking spaces. Signs specifying the appropriate vehicle size for the parking space shall be required. Parking spaces for the handicapped shall be in accordance with the Americans with Disabilities Act (ADA).
- d. 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 weight for each dwelling unit. Under no circumstances shall 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.
- e. 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 is 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.
- f. Off-street parking facilities that are provided on a lot other than the lot on which the principal use served is located shall be under the same ownership or control, either by deed or long-term lease, as the property occupied by such principal use. 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.
- g. Required off-street parking space shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable, for sale or for rent.
- h. Required off-street parking spaces are as follows:

Multiple Dwelling Units	Two (2) spaces per dwelling unit. A minimum of one-half (1/2) of the required spaces shall be enclosed.
Marinas	One and one-half (1 ½) spaces per slip plus one (1) space per employee and a minimum of twenty (20), twelve by twenty-five (12 x 25) foot trailer stalls.
Uses Not Specifically Noted	As determined by the Zoning Administrator.

Parking spaces for the uses outlined above may be reduced if a detailed parking analysis is provided and approved by the Town Board.

16. Signs

1. Non-applicability. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.
2. Permit Required. Except as otherwise provided in this ordinance, signs shall not be erected, constructed, altered, rebuilt, or relocated until an Interim Use Permit, or Conditional Use Permit for the sign has been issued. A permit is not required by this ordinance for the following signs:
 - a. All signs under ten (10) square feet in area, except those that require a Conditional Use Permit.
 - b. Yard signs which do not exceed nine (9) square feet in area.
 - c. Utility Warning signs which do not exceed nine (9) square feet in area.
If the work authorized by a Sign Permit has not been completed within six (6) months after the date of issuance, the permit is null and void.
3. Signs by Conditional Use Permit. Where a use is permitted with a Conditional Use Permit, the sign for that use also requires a Conditional Use Permit unless the sign is otherwise provided for in the Development Code.
4. General Standards.
 - a. Signs with a position, shape, movement, color, or any other characteristic that interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard or otherwise interferes with traffic control are prohibited.
 - b. All signs, other than public utility warning signs, are prohibited on Township property and within the public right-of-way of any major highway or County Road.
 - c. Yard signs are allowed on private property with the consent of the property owner. Such signs must be removed within seven (7) days after the completion of any process, situation, or event to which they apply.
 - d. Illuminated signs shall be diffused or indirect to prevent rays of light from being directed onto any major highway or County Road. Illuminated signs and their support structures shall not be located closer than twenty-five (25) feet from a major highway or county roadway surface or closer than ten (10) feet from a road right-of-way line, notwithstanding more restrictive portions of this Section.
 - e. Flashing signs are prohibited. Signs emitting intermittent, rotating, or direct light which may be confused with traffic, aviation, or emergency signaling are prohibited.
 - f. Yard signs may not be closer than ten (10) feet from any property line.
 - g. The plat of a development must be recorded with the Washington County Recorder and/or Registrar of Titles prior to the erection of a development identification sign. Signs are subject to the following standards:
 1. Signs shall not exceed one hundred (100) square feet in area.
 2. A sign permit is required for signs larger than 32 square feet in size.
 3. One (1) sign is permitted on each County Road frontage with a maximum of three (3) signs per development.

4. Signs shall be removed when the development is eighty (80) percent completed, sold, or leased.
5. Signs must be located on the development property. Off-site development signs are prohibited.
 - h. One development identification sign is allowed for each street entrance to a development or municipality. The sign shall not exceed thirty-two (32) square feet per surface and signs shall not have more than two surfaces. The sign shall not exceed eight (8) feet in height.
 - i. 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.
 - j. Roof signs are prohibited.
 - k. 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. Electrically illuminated signs are prohibited.
 - l. Multi-faced signs shall not exceed twice the allowed square footage of single-faced signs.
 - m. Except for more restrictive parts of this Section, signs that exceed one hundred (100) square feet in area shall not be erected or maintained:
 1. Which would obstruct any traveler's view of approaching vehicles on any road for a distance of five hundred (500) feet.
 2. Which would be closer than one thousand three hundred fifty (1,350) feet from a national, state, or local park, or historic site.
 3. Which would partially or totally obstruct the view of a lake, river, rocks, wooded area, stream, or other point of natural and/or scenic interest.
 - n. Any sign for which a permit has not been issued shall be removed by the owner, agent or person having the beneficial use of the building or land upon which the sign is located within thirty (30) days after written notice from the Grey Cloud Island Township Town Board.
 - o. Any sign which becomes structurally unsafe or endangers public safety or the safety of a building or premises shall be 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) days after written notification from the Grey Cloud Island Township Town Board.
 - p. A sign permit is null and void if the authorized work has not been completed within six (6) months after the date of issuance.
5. Yard signs, utility warning signs and development identification signs erected within the development are the only signs permitted in the Shoreland Management Overlay District.
 - a. Signs with more than two (2) surfaces are prohibited.
 - b. One (1) yard sign for each purpose is permitted.
 - c. Signs exceeding thirty-two (32) square feet in size are prohibited.
 - d. The top of the Sign shall not exceed ten (10) feet above grade.

e. Any sign over two (2) square feet shall be setback at least ten (10) feet from any property line. Signs or any part of a sign shall not be closer than two (2) feet from a vertical line drawn at the property line.

6. Signs for uses requiring a Conditional Use Permit.

a. The type, number, size, height, and setback of signs shall be as specifically authorized by terms of the Conditional Use Permit. 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.

7. Home Occupation – No signs shall be allowed for home occupations.

8. 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.

9. Illumination – Illuminated but non-flashing signs are permitted in all Districts. The lighting must be indirect or diffused in Residential Districts.

10. 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.

11. Size – The following are the maximum permitted without a conditional use permit (total area per use):

- a. One- and two-family dwellings, 2 sq. ft. Larger signs require a conditional use permit.
- b. Distraction – Business signs shall be sufficient to identify, but not to distract:
- c. Except for grand openings and holidays, banners and stringers may not be used.
- d. 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.
- e. Wall Signs – Signs shall not be painted on the outside wall of a building or on a fence in any District.
- f. Views of the water from vistas and public roads and views from the water shall not be impaired by the placement of business signs.
- g. All advertising signs, the location of which is not in conformance with this ordinance and the Washington County Development 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.

17. Utility Facilities

Utility crossings or routing shall meet the following standards:

1. River crossings shall be minimized and concentrated at existing crossings where possible.

2. New and modified utility facilities shall complement the planned land and water uses and shall not stimulate incompatible development.
3. 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.
4. Overhead crossings, if required, shall meet the following criteria:
 5. The crossing shall be adjacent to or part of an existing utility Corridor, including bridge or overhead utility lines.
 6. All structures utilized shall be as compatible as practicable with land use, scenic views and existing transmission structure in height, material, color, and design.
 7. Right-of-Way clearance shall be kept to a minimum.
 8. Native vegetative screening shall be utilized to the maximum extent consistent with safety requirements.
 9. 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.
10. Utility substations shall be subject to the following standards:
 - a. 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.
 - b. Screening by natural means is encouraged and should be compatible with the surrounding environment.
11. Pipelines and underground utility facilities shall be subject to the following standards:
 - a. The facilities shall be located to avoid wetlands, woodlands, and areas of unstable soils.
 - b. All underground placing of utility facilities and pipelines shall be followed by re-vegetation and rehabilitation.

18. Public and Private Roads and Railways

New roads and railways shall meet the following standards:

1. Roads and railways shall be constructed to preserve and protect the natural resources and to minimize impacts on the natural terrain and natural landscape.
2. Cuts and fills are to be avoided and when necessary minimize impacts on the natural terrain and the natural landscape.
3. Steep slopes greater than twelve percent (12%) are to be avoided.
4. 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.

5. New roads and railways shall be restricted to those facilities needed to access existing and planned residential and commercial excavation uses.
6. Minimize river crossings and concentrate river crossings at existing crossings where possible.
7. 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.
8. 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.
9. New Roads shall only be constructed after design specifications have been approved by the Town Board. The Board may set design standards it deems necessary to meet the future uses of the road using County and State specifications.

19. 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 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.
6. Marinas.

20. Public Marinas

Public marinas and accessory uses shall only be permitted if an approved conditional, or interim use permit has been granted. And must also comply with the following conditions:

1. 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.
2. The marina shall not have an adverse effect upon the ecological and hydrologic characteristics of the water.
3. The marina shall not destroy or adversely shade vegetation, aquatic habitat, or wildlife habitat.
4. There shall be no cumulative adverse impacts on areas within the Mississippi River Critical Area Corridor.

5. All applicable state and federal permits shall be obtained.
6. 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.
7. 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.
8. 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.
9. Areas for the winter storing of boats shall be naturally screened vegetatively from view from the river and from up-land lots.
10. The marina shall be designed for and used only by pleasure craft. Moored watercraft may be used for living quarters for 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.
11. 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.)

21. Standards for On-Site Sewage Disposal Systems

1. 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 Washington County Development Code. On-site system regulations will be administered through Washington County Standards for Uses Within Designated Floodplains.
2. 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.

22. 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.
3. The standards listed in this ordinance, and all other more restrictive standards of this Ordinance shall apply.

23. 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.
2. 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.
3. 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.
4. 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.
5. 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 5. STANDARDS FOR USES

1. Accessory Apartments

The purpose of this section is to provide standards for the establishment and use of home accessory apartments, in owner-occupied single-family homes located in agricultural and residential districts where a single-family home is a permitted use.

An accessory apartment is defined as a secondary dwelling unit within an existing owner-occupied single-family dwelling for the use as a complete independent living facility. A density unit is not attributed to this dwelling unit when calculating density.

1. Other Requirements. The accessory apartment must comply with all rules and regulations of Federal, State, County, and local agencies.
2. Performance Standards. An accessory apartment must comply with all of the following standards.
 - a. More than one accessory apartment within a single-family dwelling unit is prohibited.

- b. The structure in which an accessory apartment is located shall be owner occupied.
- c. A separate driveway for the accessory apartment unit is prohibited.
- d. The owner shall obtain an Interim Use Permit.

2. Agricultural Business – Seasonal

- 1. Requirements. The business must comply with all rules and regulations of Township, Federal, State, County, and local agencies.
- 2. 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. Sale of product is prohibited within Township or County 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 one hundred (100) square feet.
 - c. Off-street parking may be required if deemed necessary by the Grey Cloud Island Township Town Board.
 - d. All structures, including temporary structures shall meet minimum setback requirements.

3. Essential Services - Utility Substation

- 1. Required Permits. Essential Services - Utility Substations are allowed in Tier Two Open Space Developments in the Shoreland Management Overlay District with an additional Conditional Use Permit, provided that local ordinance allows Essential Services – Utility Substations within the underlying zoning district.
- 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 the following standards.
 - a. Notwithstanding the prohibition against two or more uses on an individual parcel, the lot area for essential service-utility substation may be acquired by lease provided however, the lot shall be large enough, so all structures/facilities comply with required setbacks.
 - b. The applicant shall return the property to its original state if it is no longer needed or used by the utility. The zoning administrator may require a bond to ensure compliance with this standard.
 - c. A Conditional Use Permit 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 roads.

4. Golf Courses

- 1. Accessory Uses. Golf course accessory uses 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 Permit: Golf Courses are allowed in designated open space within Tier Two Open Space Developments in the Shoreland Management Overlay District with an additional Conditional Use Permit,

provided that local ordinance allows golf courses within the underlying zoning district

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 the following standards:

5. 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 Grey Cloud Island Township Town Board at the time of application for a Conditional Use Permit.

6. 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.

7. An Environmental Assessment Worksheet (EAW) is required for the development of a golf course facility. Washington County is the responsible governmental unit for the preparation of the Environmental Assessment Worksheet unless the local governmental unit previously required the EAW. Costs associated with the preparation of the Environmental Assessment Worksheet are the responsibility of the applicant.

5. Home Occupations

The purpose of this section is to allow for home occupations that demonstrate compatibility with the neighborhoods in which they exist.

1. The home occupation must comply with all rules and regulations of this ordinance, Federal, State, County, and local agencies. Any required State or County license shall be obtained.

2. Performance Standards. A home occupation must comply with the following standards:

- a. Home occupation by any persons other than the residents of the premises is prohibited.
- b. A home occupation shall not generate traffic in greater volume than would result from a single-family residence.
- c. Signs for home occupation are prohibited by this ordinance.
- d. A 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. A home occupation shall comply with all Township ordinances regarding, noise and nuisances.
- g. Outdoor display or storage of goods, equipment or materials associated with the home occupation is prohibited.
- h. Parking needs generated by the home occupation shall be provided for on-site.

6. Temporary Dwelling Unit During Construction

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.

1. Required Permit: A Temporary Dwelling Unit During Construction is allowed with an Interim Use Permit.
2. Other Requirements. Temporary dwelling units shall comply with all rules and regulations of Federal, State, County, and local government agencies.
3. Performance Standards. Temporary dwelling units must comply with the following requirements.
 - a. Each property is limited to one temporary dwelling unit during construction.
 - b. A temporary dwelling unit shall only be occupied by persons who are the present or potential occupants of the single-family residence being constructed, reconstructed, or altered.
 - c. A temporary dwelling unit shall use the existing or proposed road access drive of the principal dwelling that is under construction.
 - d. The temporary dwelling unit must be connected to an approved on-site waste disposal system.
 - e. The property owner shall submit a financial guarantee to the Township to ensure that the temporary dwelling unit will be removed upon termination of the Interim Use Permit. The amount of the guarantee shall be determined by the Grey Cloud Island Township Town Board.
 - f. The Interim Use Permit shall expire when construction is completed or within one hundred and eighty (180) days from the date of issuance, whichever is less. Renewal of the permit may be approved by the Grey Cloud Island Township Town Board.
 - g. The temporary dwelling unit shall be removed from the premises within thirty (30) days of termination of the Interim Use Permit.

SECTION 6. DISTRICT PROVISIONS

1. Definitions of Districts:

RR. The Rural Residential District was 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.

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.

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.

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.

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.

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.

PUD – Planned Unit Development will be considered upon application.

SOD – Solar Overlay District.

2. Uses in Residential, Commercial Excavation Overlay, and Conservancy Districts:

RR, RL, RM, RH Districts

Permitted Uses: agriculture, domestic pets, domestic farm animals, home occupation, single family detached dwellings, accessory structures. A state licensed residential facility serving six (6) or fewer persons, a licensed day care facility 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, except a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted pursuant to Minnesota Statutes Section 462.357, subdivision 7.

Conditional Uses: As required by other ordinances, wireless communication towers, transmission facility, utility substation, cemetery, church, government buildings, golf course, solar garden, wildlife preserve, marina, public park, and open space.

Interim Uses: Campgrounds for tents, and tent trailers, commercial animal boarding, club or lodge, temporary mobile home, recreational vehicle storage, roadside sale stand, temporary dwelling unit - during construction, tree and shrub nursery, and vehicle repair.

Conditional uses, and Interim uses will follow MN Statutes Chapter 462.

Permitted Accessory Uses:

Non-commercial boat dock, fences, private garage, off-street parking, private recreation equipment storage, one single story accessory structure of two hundred (200) square feet or less.

Substantially Similar Uses: An applicant who believes a use that is not included in the Zoning Uses contained is substantially similar to a use listed in as an allowed use, may make written application to the Township requesting a determination that the use should be allowed. The application must fully explain the proposed use and how it is similar to the use allowed under this ordinance. The Grey Cloud Island Township Town Board shall determine whether the use is substantially similar and, if so, whether the use shall be deemed a permitted use or a use requiring an Interim Use Permit, or a Conditional Use Permit for the purpose of this Ordinance. If the Town Board determines a use is allowed as being substantially similar to a listed use, the applicant must apply for any required permits or permissions as required herein and otherwise comply with the provisions of this ordinance. If a use is found not to be substantially similar, the owner may submit an application as provided herein seeking an amendment to the text of this ordinance to include the use in the Zoning Use as an allowed use. Unless the Town Board determines to grant the amendment, the use remains prohibited.

CE Overlay District

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.

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.

Conservancy District

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

Solar Overlay District

As permitted under Township ordinance 52. See Appendix B attached to this document.

3. 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 dwelling Unit	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.	

4. Additions and Exceptions to Dimensional Requirements

Legally buildable lots or parcels shall not be changed in area or dimension which will result in a non-legally buildable lot or parcel.

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.

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.

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.

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.

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.

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.

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.

Setbacks from Private Roads – All setback requirements of this Section shall be applicable to private roads and easement access rights-of-way.

Structure Setback – All new structures shall meet the following minimum setbacks.

Setback from bluff line: No structure shall be constructed less than 40 feet landward from the bluff line.

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.

5. Planned Unit Developments

1. Planned Unit Development

- a. 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.

- b. 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.
 - c. 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.
 - d. 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.
 - e. 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 this ordinance, Section 8 on Open Space Developments).
 - f. 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.
 - g. Housing is to be concentrated on sites that have low agricultural/ or natural resource amenities and instead have high natural housing appeal.
 - h. 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.
 - i. 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.
 - j. All setbacks, lot coverage, floor area per dwelling, and height requirements shall be met.
2. 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.
3. No PUD site plan should be for an area less than ten (10) acres.
 4. 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.
 5. 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.
 6. Subdivisions of three (3) or more parcels require platting to County regulations.
 7. Mobile homes are only permitted in designated mobile home communities.

SECTION 7. OVERLAY DISTRICTS

Properties and uses within this district are regulated in accordance with the Washington County Development Code.

1. Shoreland Management Overlay Area - Properties and uses within this district are regulated in accordance with the Washington County Development Code Chapter 6 Shoreland Management Regulations.
2. Solar Overlay District – Properties and uses within this district are regulated in accordance with Township ordinance 52 Solar Overlay District.
3. Commercial Excavation Area – Properties and uses within this district are regulated by this ordinance, and Washington County Development Code Chapter 7 Mining Regulations.

SECTION 8. OPEN SPACE DEVELOPMENT

1. Purpose and Scope

Open Space Development (OSD) is established to encourage development of rural housing clusters that meet the following purposes:

- a. Provide 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.
- b. Allow housing to be concentrated on sites that have low agricultural potential and/or high natural housing appeal.
- c. Create neighborhoods with direct access to open space, distinct identities, and sense of community.
- d. To encourage innovation and promote flexibility, economy, and creativity in residential development.

- e. 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.
- f. To provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
- g. To preserve scenic views and elements of the County's rural character by minimizing views of new development from existing roads.

2. Definitions

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.

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.

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.

Historic Building and Structure – A structure which has been identified by the Washington County Historical Society 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.

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.

Neighborhood – An area containing a contiguous group of residential lots where people live in close proximity to one another.

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

Open Space Development (OSD) – A pattern of subdivision development which places residential dwelling units into compact groupings while providing a network of dedicated open space.

Perimeter Road – A road lying outside of and abutting the development parcel.

Plant Community – A grouping of plants with common environmental requirements living within the landscape, i.e., wetlands, grasslands, boreal forests.

Protective or Restrictive Covenant – A contract entered into between private parties which constitutes a restriction on the use of a particular parcel of property.

Resource Inventory – A survey of the land's features including its natural resources, cultural resources, scenic views and viewsheds, and physical characteristics.

3. Applicability

The Open Space Development (OSD) standards are an alternative set of standards for residential development. OSD is permitted with a Conditional Use Permit within the Shoreland Management Overlay District, provided that the Township ordinance allows them within the underlying zoning district .

See the Washington County Development Code, Chapter Five, Shoreland Management Regulations, Section 7.3 and Chapter Six, Shoreland Management Regulations, Section 20.2 for additional OSD standards and requirements. The regulations of this ordinance are applicable only to Open Space Developments approved after the effective date of the Development Code.

4. Application

1. A Conditional Use Permit is required for an Open Space Development in Shoreland Management Overlay District.
2. A Conditional Use Permit application shall be filed in writing with the Grey Cloud Island Township Clerk.
3. In addition to the criteria stated in this ordinance, the Planning Commission shall consider the following:
 - 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 ordinance.
 - c. The Open Space Development supports the goals and policies of the County's Comprehensive Plan.

5. Resource Inventory

The plan for an Open Space Development shall include a resource inventory, to include the following, mapped at a scale of no less than 1 inch = 100 feet.

1. Topographic contours at ten (10) foot intervals, showing rock outcrops and slopes of more than fifteen (15) 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 drainageways.
4. Vegetation of the site, according to general cover type (pasture, woodland, etc.), defining boundaries of woodland areas and stand-alone trees with a caliper measurement of more than eighteen (18) inches. Vegetative types shall be classified as generally deciduous, coniferous, or mixed and described by plant community, relative age, and condition.
5. Current land use and land cover (cultivated areas, paved areas, etc.), all buildings and structures on the land and all encumbrances of record such as easements or 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 historic character of buildings and structures, historically important landscapes, and archeological 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 five hundred (500) feet of the tract. This information may be presented in an aerial photograph at a scale of no less than 1 inch = 400 feet.

6. Uses allowed within open space

See Shoreland Management Regulations, Chapter Six, Section 4.5 of the Washington County Development Code for the uses permitted within Open Space Developments.

7. Ownership & Management of Open Space

The designated open space and common facilities may be owned and managed by one or a combination of the following:

1. Homeowners' Association
2. Non-profit Organization
3. The County or another governmental body empowered to hold interest in real property (in accordance with Minnesota Statutes Section 84C.01-.05)

An alternative ownership and management plan may be proposed to the Township which shall determine whether that alternative plan is acceptable and meets the intent of this ordinance, considering such factors as the size, dimension, allowable use, management, and natural features of the open space. Any proposed alternative plan may be rejected at the discretion of the Township.

8. Open Space

The designated open space is subject to a conservation easement restricting its use and development.

1. The open space required per Section 13.4 is subject to a permanent conservation easement and shall be used for the purposes as defined by the Washington County Development Code, Chapter Six, Shoreland Management Regulations. The conservation easement shall be dedicated to a land trustee or other similar organization approved by the Township.
2. The uses within the open space shall be accessible to the residents of the development in accordance with Section 13.
3. These uses may also be available to the general public provided the proper approvals are received.
4. A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Grey Cloud Island Township Town Clerk.

9. Homeowners' Associations

1. A Homeowners' Association shall be formally 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.
2. 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:
 - a. The legal description of the common lands or facilities;
 - b. The restrictions placed upon the use and enjoyment of the lands or facilities including the persons or entities responsible for enforcing the restrictions;
 - c. A mechanism for resolving disputes among the owners or association members;

- d. 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:
- e. The conditions and timing of the transfer of ownership and control of land or facilities to the association or to common ownership;
- f. Any other matter the developer deems appropriate.
- g. The management of collector sewage treatment systems.

10. Density Standards

- 1. See the Washington County Development Code, Chapter Six, Shoreland Management Regulations for density standards and regulations.

11. General Considerations

- 1. For single-family attached structures, the maximum number of units per freestanding building is six (6).
- 2. Each residential lot shall be large enough to accommodate a house and a two (2) car garage.
- 3. All structures shall be set back a minimum of seventy-five (75) feet from unclassified waterbodies.
- 4. Multi-family structures shall be set back a minimum of fifty (50) feet from the lot line of a lot designated for single family detached dwelling units.
- 5. A maximum of forty (40) percent of the residential dwelling units may be multi-family residential.

12. Residential Lot Requirements.

- 1. See the Washington County Development Code, Shoreland Management Regulations for additional residential lot requirements.
- 2. All lots shall gain access from interior local streets.
- 3. At least fifty (50) 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.
- 4. Lots shall be oriented around a central focal point. This may be one or more of the following:
 - 5. Central green or square.
 - 6. Physical amenity such as a meadow, a stand of trees, a stream or other water body, or other natural feature.
 - 7. Street designed with boulevards planted with shade trees and with a central "parkway" or median, at least twenty-five (25) feet wide.

13. Neighborhood Standards

- 1. Neighborhoods shall be located to minimize their impacts on the natural, scenic, and cultural resources of the site.
- 2. Neighborhoods shall not encroach on rare plant communities or endangered species identified in the Department of Natural Resources' County Biological Survey for Natural Communities and Rare Species.

3. Fragmentation of open space shall be minimized.
4. Open space shall connect with existing or potential open space lands on adjoining parcels to the extent practicable.
5. Neighborhoods shall be located and situated 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.
6. Avoid prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices;
 - a. Minimize disturbance to woodlands, hedgerows, mature trees, or other significant vegetation;
 - b. Protect scenic views of open land from adjacent roads.
 - c. Protect existing historic buildings or incorporate them through adaptive reuse.
 - d. The maximum number of residential lots permitted in a neighborhood is fifty (50).
 - e. More than one (1) neighborhood may be developed if separated by a clear boundary comprised of a combination of two (2) or more of the following elements: street pattern, marked topographical changes, drainageways, ponds, wetlands, streams, greenways, and woodlands.

14. Open Space Design

1. Open space shall be designated as part of the development. See the Washington County Development Code, Chapter Six, Shoreland Management Regulations for additional residential lot requirements.
2. The required open space shall be undivided and restricted from further development, as specified in Section 13.
3. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - a. Parking areas for access to and use of the open space.
 - b. Privately owned buildings or structures that are accessory to the use of the open space.
4. 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.
5. 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 twenty-five (25) percent.
6. At least twenty-five (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.
 - a. At least twenty-five (25) percent of the "accessible" open space shall be suitable for recreational uses such as trails, play fields, or community gardens.
 - b. The development plan shall include a pathway system connecting all parts of the open space areas accessible to neighborhood residents, and connecting those areas to neighborhood streets and to planned

or developed trails on adjacent parcels.

- c. That portion of the open space designated for the location of sewage treatment facilities shall not be included as part of this accessible open space.

15. Sewage and Water Facilities

1. Water for an OSD shall be provided by individual on-site wells or by one or more community wells meeting the requirements of the Minnesota Department of Health. The use of shared or community wells is encouraged.
2. All OSD's shall be provided with adequate sewage treatment facilities meeting the standards of the County Subsurface Sewage Treatment Standards Regulations and the permit requirements of the Minnesota Pollution Control Agency.

16. Golf Courses for Open Space Development

1. Golf courses located in the open space must comply with this ordinance
2. 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 the land is no longer used as a golf course.
3. The golf course shall be constructed prior to the sale of any residential lots.
4. A financial guarantee ensuring completion of the golf course in accordance with the approved plans and permits shall be submitted to the Township.

SECTION 9. MINING REGULATIONS

Grey Cloud Island Township has adopted the Washington County Development Code Chapter Seven Mining Regulations. with the following modifications:

The map showing the mining overlay district is attached as Appendix A.

1. Operating Conditions

1. The following operating conditions and standards must be met for all mining operations.
2. Setbacks. No mining, stockpiling or land disturbance shall take place within:
 3. 500 feet of adjoining property lines;
 4. 500 feet of any existing occupied structures not owned by the operator or owner;
 5. 500 feet of any contiguous property subdivided into residential lots;
 6. 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.
7. If two (2) or more mining operations are contiguous to one another, the common boundary may be mined if the Town Board approves the respective restoration plans.
8. Fencing. Where deemed necessary by the Town Board 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 Town Board, said fence shall be, at a minimum, a three-strand wire

fence and the fence shall be posted with warning signs. The Town Board 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.

2. Hours of Operation

1. 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.
2. 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.
3. 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.
4. 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.
5. 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 requires longer working hours. An occasional modification may be granted by the approval of two or more Town Board Supervisors. Where conditions exist where two or more Town Board Supervisors are not available, one Board Supervisor may grant the approval and notify the remaining supervisors of the modification.

10. ADMINISTRATION

1. 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	Fee pursuant to Township's fee schedule.
Conditional Use Permit/Variance	Fee pursuant to Township fee schedule, and actual cost of professional services.
Interim Use Permit	Fee pursuant to Township fee schedule, and 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.

2. 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.

1. 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.

3. 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 4 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 to 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.

4. Conditional and Interim Use Permits

1. Application for Conditional Use Permit or Interim Use Permit – An application for a conditional use permit or Interim 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 use will meet all applicable standards.
2. The Town Board, after review by the Planning Commission may grant a Conditional Use Permit or Interim Use Permit provided the proposed use is designated in Section Six of this ordinance as a Conditional Use or Interim Use for the Town, 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
 - 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.
 - g. It is permitted by Minnesota Statutes and Rules.
3. Conditions and Restrictions – The Town Board may impose such conditions, restrictions, time limits, and periodic review. If it appears necessary and proper to protect adjacent property and other township residents, to ensure conformity with the Mississippi River Critical Corridor Area, Comprehensive Plan, and to comply with the intent and purpose of the Township Ordinances.

5. 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.

6. 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.
 - g. Economic considerations alone shall not constitute a hardship (does not apply to practical difficulty variances).

7. 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 to the applicant by mail.

SECTION 11. NON-CONFORMING USES

1. 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.
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.

2. Non-Conforming Uses, Buildings and Structures Definitions

1. 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 12. 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 Districts described above.

- d. Solar Overlay District – Solar Overlay District Includes Property Identification Numbers as follows: 25.027.22.221.0001, 25.027.22.21.0005, 25.027.22.21.0004 and that portion of 25.027.22.21.0002 that is roughly west of the township cemetery to Grey Cloud Island Drive and north of Pioneer Road South to the property line to the north boundary of Property Identification Number 25.027.22.21.0005

SECTION 13. SEPARABILITY

- 1. The several provisions of this regulation are separable in accordance with the following:
 - a. If any court of competent jurisdiction adjudges any provision of this regulation to be invalid, such judgment does not affect any other provisions of this regulation not specifically included in said judgment.
 - b. If any court of competent jurisdiction adjudges invalid the application of any provision of this regulation to a particular property, building or structure, such judgment does not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

SECTION 14. ENFORCEMENT AND EFFECTUATION

1. Enforcement

- a. It is declared unlawful for any person to violate any of the terms and provisions of this ordinance. Violation of this ordinance can result in a misdemeanor and upon conviction thereof the violator is subject to a fine, imprisonment or both plus the cost of prosecution.
- b. 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.

SECTION 15. EFFECTIVE DATE

The regulations contained in this ordinance shall become effective immediately upon passage by the Town Board and upon publication according to law.

Ordinance 49.2 and all other ordinances or parts of ordinances of the Township of Grey Cloud Island in conflict with the provisions of this ordinance are hereby repealed. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this ordinance.

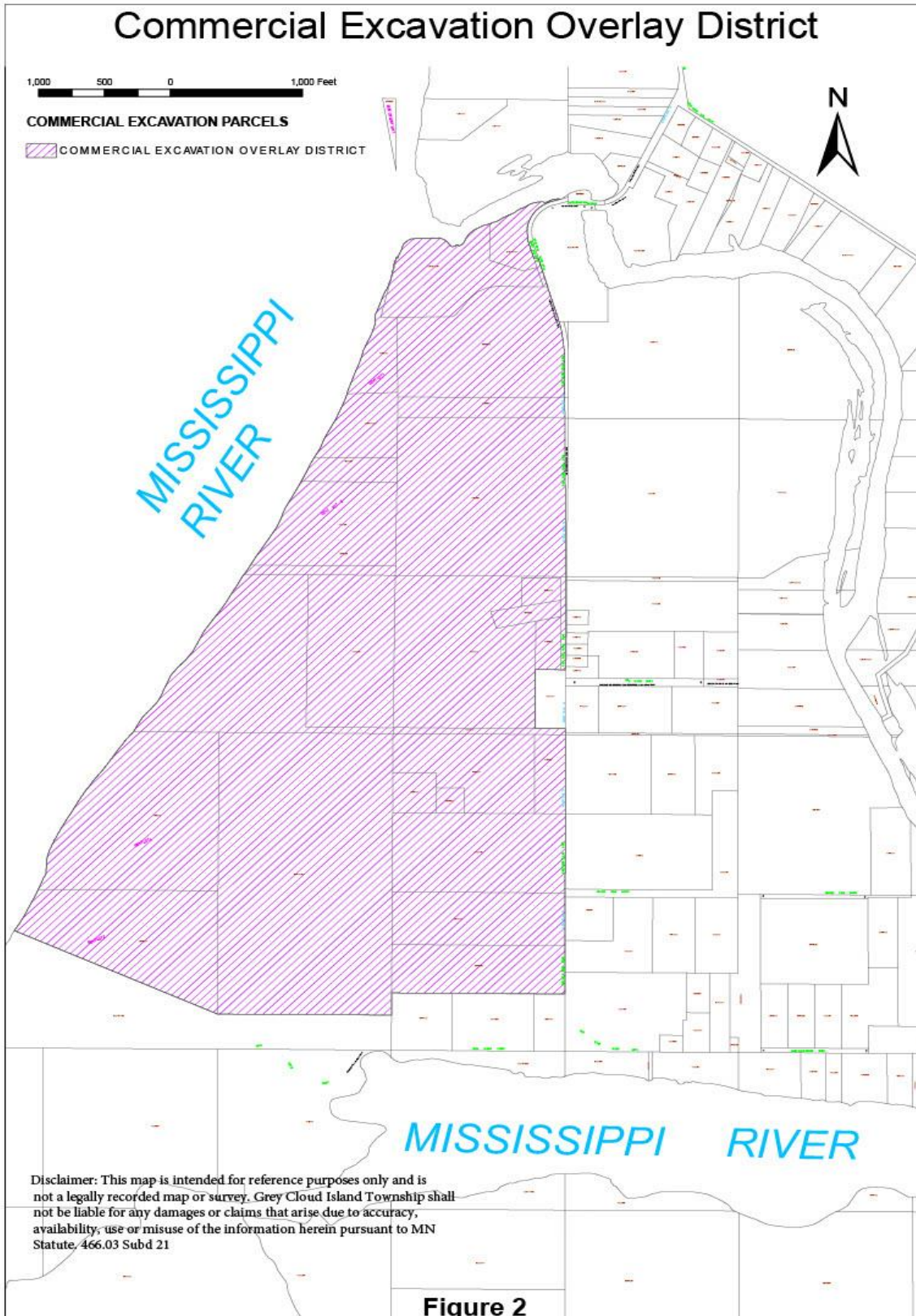
Passed by the Grey Cloud Island Township Town Board, Washington County, Minnesota, this 8th day of May 2024.

Dan Ohmann, Chair
Dick Polta, Supervisor
Paul Schoenecker, Supervisor

Board of Commissioners

Attest: Pam Dupre, Clerk

Appendix A



Appendix C

