

LA CRESCENT TOWNSHIP ZONING ORDINANCE

SECTION 1 ~ PREAMBLE, TITLE, SHORT TITLE AND PURPOSE

0101 PREAMBLE

Pursuant to Minnesota Statutes, Sections 462.351 to 462.364 inclusive, the Board of Supervisors of La Crescent Township ordains this Ordinance regulating the use of land in La Crescent Township by districts, including the regulation of the location, size, use and height of buildings, the arrangement of buildings on lots and the density of population for the purpose of promoting the public health, safety, order, convenience, and general welfare of La Crescent Township.

0102 TITLE

This Ordinance shall be known, cited and referred to as the La Crescent Township Zoning Ordinance.

0103 SHORT TITLE

The "La Crescent Township Zoning Ordinance;" when referred to herein, it shall be known as "this Ordinance."

0104 PURPOSE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the citizens in the unincorporated areas of La Crescent Township and to conserve the resources of the Town by adopting the following policies:

Subdivision 1. To Promote And Protect The Health Safety And General Welfare. To implement policy and standards that protect the public health, safety, comfort, convenience and general welfare.

Subd. 2. To Preserve Agricultural Land. To implement policy and standards that protect and conserve agricultural land.

Subd. 3. To Provide For The Orderly Development Of The Town. To implement policy and standards that protect and conserve the social and economic stability of the Town by providing for agricultural, residential, commercial, and industrial land use districts that allow compatible uses and promote their orderly development.

Subd. 4. To Assure Adequate Utilities And Transportation. To facilitate adequate and economical provision of transportation, water supply, and sewage disposal.

Subd. 5. To Assure Adequate Public Facilities. To provide for general location of schools, recreation facilities and other public requirements.

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Subd. 6 To Conserve The Scenic Beauty Of The Town. To implement policy and standards that conserve the natural and scenic beauty and attractiveness of the Town.

Subd. 7. To Conserve Natural Resources. To implement policy and standards that conserve the natural resources in the Town including bluff-land, wetland, shoreland, and woodland.

Subd. 8. To Prevent Pollution. To implement policy and standards that minimize environmental pollution.

Subd. 9. To Encourage Solar And Earth-Sheltered Dwellings. To implement policy and standards that conserve energy by allowing solar and earth-sheltered housing.

SECTION 2 ~ IMPLEMENTATION

0201 JURISDICTION

The jurisdiction of this Ordinance shall apply to all the areas of La Crescent Township outside the incorporated limits of municipalities, and within the boundaries of any municipality which chooses to come under the jurisdiction of this Ordinance.

0202 STATUTORY AUTHORIZATION

The standards in this Ordinance are adopted pursuant to Minnesota Statutes Chapter 462.351 to 462.364, planning and zoning enabling legislation, and the authorization and policies contained therein, and such other statutory authorization as cited in this Ordinance.

0203 SCOPE

From and after the effective date of this Ordinance and subsequent amendments, the use of all land and every building or portion of a building erected, altered in respect to height and area, added to or relocated, and every use within a building or use accessory thereto in La Crescent Township shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of properties not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended or changed, subject to Section 8 of this Ordinance regulating nonconforming uses.

0204 APPLICATION

Subdivision 1. Interpretation And Application. In the interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.

Subd. 2. Abrogation Of Greater Restrictions. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

0205 SEPARABILITY

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

Subdivision 1. Shall Not Affect Any Other Provisions Of This Ordinance. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in the judgment

0206 RELATION TO COMPREHENSIVE PLAN

It is the policy of the Town Board that the enactment, amendment and administration of this Ordinance be accomplished with due consideration of the purposes and objectives of the La Crescent Township Comprehensive Plan as adopted or approved and amended from time to time by the Township Board of Supervisors.

SECTION 3 ~ RULES AND DEFINITIONS

0301 PERMITTED USES

Permitted uses of land or buildings as hereinafter listed, shall be permitted in the districts indicated under the conditions specified. No building or land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building, structure or land shall be located, except for the following exceptions:

Subdivision 1. Exceptions

1. Uses lawfully established prior to the effective date of this Ordinance in accordance with Sections 8 and 28 of this Ordinance.
2. Conditional uses established accordance with Section 6 of this Ordinance.

0302 CONDITIONAL USES

Conditional uses of land or buildings, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of Conditional Use Permits, in accordance with the provisions of Section 6. Whenever a conditional use is named as a major category, it shall be deemed to include all and only those itemized uses listed.

0303 MEASUREMENT OF DISTANCES

All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) foot or less, the integral foot next below shall be taken. All distances, unless otherwise specified, shall be measured horizontally.

0304 WORD USAGE

Subdivision 1. Interpretation Of Certain Words. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
2. The words 'shall' or "will" are mandatory, and not discretionary, the words "may" and "should" are permissive.
3. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.
4. The word "parcel" shall include the words "piece", "lot", and "plot". The word "building" shall include "structures" of every kind, regardless of similarity to buildings.

5. The masculine gender shall include the feminine and neuter.

0305 DEFINITIONS

Aboveground manure storage area. "Aboveground manure storage area" means a manure storage area for which all portions of the liner are located at or above the elevation of the natural ground level.

Access. The term include all public and private ingress and egress from private property to a public right-of-way. This definition includes, but is not limited to, access to building sites, accessory uses, fields and wood lots.

Access Approval. Any new access, or improvement of an existing access onto a public road or highway right-of-way shall be reviewed by, and comply with the design standards provided by the local government unit that has jurisdiction over the right-of-way.

Accessory Building. A subordinate building or a portion of a main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

Agricultural Use. The use of land and buildings for the growing or production of field crops or other cash crops, orchards, the raising of livestock, and livestock products for the production of income. For purpose of this definition the following terms are defined as:

1. Field crops shall include but not be limited to corn, soybeans, hay, oats rye, wheat, fruit, vegetable, foresters, or other products suitable for human or animal consumption;
2. Livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, goats or other animals as determined by the Planning Commission;
3. Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur and honey.
4. Temporary or permanent single family dwellings occupied by the owners of the farm and/or persons primarily engaged in the production of field crops or the raising of livestock on the farm on which the dwelling is located.
5. The necessary accessory uses and buildings for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses and buildings shall be secondary to that of primary agricultural activities.

Airport or Heliport. Any land or structure which is used or intended for use, for the landing and take-off of aircraft, and any appurtenant land or structure used or intended for use as port buildings or other port structures or right-of-ways.

Animal feedlot. "Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

Animal manure or manure. "Animal manure" or "manure" means poultry, livestock, or other animal excreta or a mixture of excreta with feed, bedding, precipitation, or other materials.

Animal unit. "Animal unit" means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or a manure storage area, calculated by multiplying the number of animals of each type in items 1 to 8 by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors shall apply:

1. DAIRY CATTLE:

- a. One mature cow (whether milked or dry);
 - (1) over 1,000 pounds, 1.4 animal unit; or
 - (2) under 1,000 pounds, 1.0 animal unit;
- b. One heifer, 0.7 animal unit; and
- c. One calf, 0.2 animal unit;

2. BEEF CATTLE:

- a. One slaughter steer or stock cow, 1.0 animal unit;
- b. One feeder cattle (stocker or backgrounding) or heifer, 0.7 animal unit;
- c. One cow and calf pair, 1.2 animal unit; and
- d. One calf, 0.2 animal unit;

3. SWINE:

- a. 55 pounds and over, 0.4 animal unit;
- b. Under 55 pounds, 0.05 animal unit;

4. HORSE:

- a. One horse, 1.0 animal unit;

5. SHEEP OR LAMB:

- a. One sheep or lamb, 0.1 animal unit;

6. CHICKEN:

- a. One laying hen or broiler, and a liquid manure system, 0.033 animal unit; or

- b. One chicken and a dry manure system:

- (1) Over five pounds, 0.005 animal unit; or

- (2) Under five pounds, 0.003 animal unit;

7. TURKEY:

- a. One turkey over five pounds, 0.018 animal unit; or

- b. One turkey under five pounds, 0.005 animal unit;

8. DUCK:

- a. One duck, 0.01 animal unit; and

For animals not listed in items 1 to 8, the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Apartment. A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any unit in buildings with more than two dwelling units.

Basement. A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bed and Breakfast. A home or other establishment which provides lodging, breakfast, and hospitality. The Bed and Breakfast establishment is highly individualized and offers unique facilities and services to the guests. Bed and Breakfasts can be found in cities and towns of all sizes and in rural areas. The term "Bed and Breakfast" excludes franchise operations, hotels, motels, resorts, and boarding houses. Bed and Breakfasts generally fall into two categories:

1. Bed & Breakfast Inn

- Up to 15 rooms available for guests
- Breakfast included in price of room
- Owner/innkeeper occupied or residing on contiguous property.

2. Bed & Breakfast Home

- 1 to 5 rooms available for guests
- Breakfast included in price of room
- May operate with domestic kitchen equipment
- Meals provided to guests only
- Owner occupied

Bluff. A topographic feature such as a hill, or embankment having the following characteristics:

1. The slope rises at least 25 feet above the ordinary high water level of the body of water in Shoreland.
2. The grade of the slope averages 24 percent or greater.
3. An area with an average slope of less than 18 percent over a distance of 50 feet or more, measured on the ground, shall not be considered part of the bluff.

Bluff Impact Zone. A bluff and land located within 20 feet from the top of a bluff.

Boarding House, Rooming, or Lodging House. A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed twenty (20) persons.

Buildable Lot. A lot of record, or other lot, tract, or parcel legally recorded with the County Recorder that meets the requirements of this Ordinance and which has 150 foot frontage on an improved and maintained public road. The buildable lot shall have the minimum lot area required for the district in which it is located, and which not more than ten (10) percent of the required lot area is collectively comprised of:

1. Area of a slope in excess of twenty-four (24) percent.
2. A shoreland impact zone as defined by this Ordinance.
3. Protected waters as defined in this Ordinance.
4. Wetlands as classified in the U.S. Fish and Wildlife Service. Circular No. 39.

Non-farm dwellings shall not be located on Class I-III soils as rated in the Soil Survey, Houston County, Minnesota, Soil Conservation Service U.S.D.A., 1984.

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Building. Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when the structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Height. The vertical distance to be measured from the lowest grade of a building line to the highest point of the roof structure.

Building Line. A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Building Line, Shoreland. A line measured across the width of the lot where the main structure is placed in accordance with setback provisions from the ordinary high-water mark.

Building Location Permit. A permit issued by the Zoning Administrator, pursuant to procedures specified in this Ordinance for the purpose of moving, altering, or constructing a structure.

Building Setback. The minimum horizontal distance between the building and a lot line.

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

Carport. An automobile shelter having one or more sides open.

Certificate of compliance. "Certificate of compliance" means a letter from the commissioner or the county feedlot pollution control officer to the owner of an animal feedlot or manure storage area stating that the feedlot or manure storage area meets agency requirements.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worships and which, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Commencement of Construction. "Commencement of construction" means to begin or cause to begin, as part of a continuous program, the placement, assembly, or installation of facilities or equipment; or to conduct significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, necessary for the placement, assembly, or installation of facilities or equipment at:

1. A new or expanded animal feedlot; or
2. A new, modified, or expanded manure storage area.

Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Community Water and Sewer Systems. Utilities systems serving a group of buildings, lot, or any area of the community, with the design and construction of such utility systems as approved by the community and the State of Minnesota.

Composite liner. "Composite liner" means a manure storage area liner which is designed to achieve a theoretical seepage rate of 1/560 inch per day or less and consists of a geomembrane liner, geosynthetic clay liner, or other comparable material, laid over a constructed cohesive soil liner having a thickness of two feet or greater.

Comprehensive Municipal Plan. "Comprehensive municipal plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and its environs, including air space and subsurface areas necessary for mined underground space development pursuant to sections 469.135 to 469.141, and may include, but is not limited to, the following: statements of policies, goals, standards, a land use plan, including proposed densities for development, a community facilities plan, a transportation plan, and recommendations for plan execution. A comprehensive plan represents the planning agency's recommendations for the future development of the community.

Compost. "Compost" means a humus-like product derived from the controlled microbial degradation of organic material. Only manure that has completed the composting processes described in MR part 7020.2150, subpart 2, is compost.

Construction short-form permit. "Construction short-form permit" means a permit issued for an animal feedlot or manure storage area according to MR parts 7020.0505 and 7020.0535.

Conditional Use. A land use or development as defined by Code that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that:

1. Certain conditions as detailed in the Zoning Ordinance exist.
2. The use or development conforms to the Comprehensive Plan of La Crescent Township.
3. The use or development is compatible with the existing neighborhood.

Condominium. A form of individual ownership within a multifamily building with joint responsibility for maintenance and repairs. In a condominium, each apartment or townhouse is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

Corrective or protective measure. "Corrective or protective measure" means a practice, structure, condition, or combination thereof which prevents or reduces the discharge of pollutants from an animal feedlot or manure storage area to a level in conformity with MPCA rules.

County feedlot pollution control officer. "County feedlot pollution control officer" means an employee or officer of a delegated county who is knowledgeable in agriculture and who is designated by the county board to perform the duties under MR part 7020.1600.

Curb Level. The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than 1 foot above ground.

Design engineer. "Design engineer" means a professional engineer licensed in the state of Minnesota or a Natural Resources Conservation Service (NRCS) staff person having NRCS approval authority for the project.

Discharge. "Discharge" means the addition of a pollutant to waters of the state, including a release of animal manure, manure-contaminated runoff or process wastewater from an animal feedlot, a manure storage area, or an animal manure land application site by leaking, pumping, pouring, emitting, emptying, dumping, escaping, seeping, leaching, or any other means. Discharge includes both point source and nonpoint source discharges.

Domestic fertilizer. "Domestic fertilizer" means:

1. Animal manure that is put on or injected into the soil to improve the quality or quantity of plant growth; or
2. Animal manure that is used as compost, soil conditioners, or specialized plant beds.

DNR. The Department of Natural Resources of the State of Minnesota.

Duplex, Triplex, and Quad. A dwelling structure on a single lot, having two, three, and four units, respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling. A building or portion thereof designed exclusively for residential occupancy; the term does not include hotels, motels, boarding or rooming houses, bed and breakfast, tourist homes, tents, tent trailers, travel trailers or recreational vehicles.

Dwelling Attached. A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Non-Farm. A dwelling on a separately described parcel of land in the same quarter/quarter section.

Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Easement. A grant by a property owner for the use of a strip of land by the public or any person for any specific purpose or purposes.

Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion Control and Wildlife Developments. Structures, water control developments, and ponds which are installed to control soil erosion or increase the habitat for wildlife. including but not limited to: erosion control structures, dams, diversions, terraces, waterways, culverts, pits and ponds.

Essential Services. Overhead or underground electric, gas, communication, steam or water transmission or distribution systems and structures, by public utilities or governmental departments or commissions as are required for protection of the public health, safety, or general welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

Expansion or expanded. "Expansion" or "expanded" means construction or any activity that has resulted or may result in an increase in the number of animal units that an animal feedlot is capable of holding or an increase in storage capacity of a manure storage area.

Exploration. The act of searching for or investigating a mineral deposit. It includes, but is not limited to, sinking shafts, tunneling, drilling core and bore holes and digging pits or cuts and other works for the purpose of extracting samples prior to commencement of development of extraction operations, and the building of roads, access ways, and other facilities related to such work. Any and all shafts, tunnels, or holes shall not exceed 18 inches in diameter unless the conditional use for exploration provides for a larger diameter. The term does not include those activities which cause no or very little surface disturbance, such as airborne surveys and photographs, use of instruments or devices which are hand-carried or otherwise transported over the surface to make magnetic, radioactive, or other tests and measurements, boundary or claim surveying, location work, or other work which causes no greater land disturbance than is caused by ordinary lawful use of the land by persons not involved in exploration.

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

Extraction Area. Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area of two feet in depth, excavated or made by the removal from the natural surface of the earth, of sod, soils, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.

Family. An individual, or two or more persons related by blood, marriage, adoption or foster care, or not more than five persons not so related, maintaining a common household and using common cooking and kitchen facilities.

Farm. A farm is a real property of 40 contiguous acres or more all contained in the same parcel and is devoted only to Agricultural Use as defined above.

Feedlot Advisory Committee. A committee of citizens knowledgeable in agriculture, the environment and feedlot management issues. The committee is appointed by the board of commissioners to serve a one (1) year term, and provide such advise as required by the Board or the planning commission. Rotation of committee members shall be consistent with the rotation of planning commissioners.

Feedlot/ Manure Storage Permit. "Feedlot/Manure Storage Permit" means a document issued by the agency or county animal feedlot pollution control officer which may contain requirements, conditions, or schedules for achieving compliance with the discharge standards and requirements for management of animal manure construction or operation of animal holding areas or manure storage areas. Permits issued under Minnesota Rules, Chapter 7020 are NPDES, state disposal system, interim, and construction short-form permits.

Fence. A fence is defined for purpose of this Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along the boundary, or within the required yard.

Flood. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Houston County. On the Flood Insurance Rate Map Panels dated June 6, 2001, the flood fringe shall include those areas shown as Zone AE that are located outside of the floodway

Flood Plain. DNR. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Floodplain. MPCA "Floodplain" means the areas adjoining a watercourse which have been or hereafter may be covered by a large flood known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100 year recurrence interval.

Flood Proofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages. For the purposes of this Ordinance, the classifications of buildings and structures (FP-1 through FP-4) shall be defined in Section 210.1 of the 1972 Edition of "Flood-Proofing Regulations," as developed by the Office of the Chief of Engineers, U.S. Army, Washington, D.C.

Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

Floor Area. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.

Floor Plan. A graphic representation of the anticipated utilization of the floor area within a building or structure but not necessarily as detailed as construction plans.

Flow distance. "Flow distance" means the distance runoff travels from the source of the runoff to waters of the state.

Forest Land Conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Frontage. That boundary of a lot which abuts an existing or dedicated public street.

Garage, Private. An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.

Good Neighbor Plan. A Good Neighbor Plan consists of a plan that the feedlot applicant is required to complete at the time of application for a feedlot permit. This plan addresses odor control, manure application, and weight restrictions that are site and operation specific, and is subject to review and approval by the county feedlot officer.

Governing Body. La Crescent Township Board of Supervisors.

Hardship. See "Undue Hardship" in this section.

Hazardous By-Product. Any by-product, or waste that cannot be handled by routine management techniques due to the potential harm to man or the environment. Categories include, but are not limited to, flammables, oxidizers, poisons, irritants, and corrosives.

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Highway. Any public thoroughfare or vehicular right-of-way with a federal, state or county numerical route designation.

Home Occupation. Any occupation or profession which is clearly secondary to the main use of the premises as the owner's dwelling place and which meets the standards set forth in Part 2803.

Horticulture. Horticulture uses and structures designed for the storage of products and machinery pertaining and necessary thereto.

Hotel. A building which provides a common entrance, lobby, halls and stairway and in which twenty or more people are for compensation, lodged with or without meals.

Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Immediate Incorporation. "Immediate Incorporation" means the mechanical incorporation of manure into the soil within 48 hours.

Interim permit. "Interim permit" means a permit issued by the commissioner or the county feedlot pollution control officer in accordance with MR parts 7020.0505 and 7020.0535.

Intensive Vegetation Clearing. The complete removal of trees or shrubs in a continuous patch, strip, row, or block.

Intermittent streams. "Intermittent streams" means all water courses identified as intermittent streams on United States Geological Survey quadrangle maps.

Junk Yard. An open area where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. This definition does not include sanitary landfills.

Kennel. Any structure or premises on which six (6) or more dogs over three (3) months of age are kept for sale, breeding, profit, etc.

Landscaping. Plantings such as trees, grass, and shrubs.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

Logging. The cutting of timber on any public or private land of one acre or more for the major purpose of selling the timber for profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing deadly or diseased trees.

Lot. A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map, for the purpose of sale or lease or separate use.

Lot of Record. Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the County Recorder for Houston County, Minnesota, prior to August 30, 1967.

Lot Area. The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner. A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line. The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the right of way line shall be the lot line for applying this Ordinance.

Lot Line, Front. That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner and filed with the Town Board.

Lot Line, Rear. That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten 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 the front lot line or a rear lot line.

Lot, Substandard. A lot or parcel of land for which a deed has been recorded in the office of the Houston County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area.

Lot, Through. A lot which as a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lines for applying this Ordinance.

Lot Width. The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth. In shoreland areas, lot width means the shortest distance between lot lines measured at the midpoint of the building line.

Manufactured Home. A structure, transportable in one or more sections, which in the traveling mode, is eight 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

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includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that the term includes any structure which meets all tile requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this chapter.

Manufactured Home Park. Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (I) or more occupied manufactured homes. "Manufactured home park" shall include any building, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.

Manufactured Home Stand. The part of an individual mobile home lot which has been reserved for placement of the manufactured home, appurtenant structure or additions.

Manure-contaminated Runoff. "Manure-contaminated runoff" means a liquid that has come into contact with animal manure and drains over land from any animal feedlot, manure storage area, or animal manure land application site.

Manure Storage Area. "Manure storage area" means an area where animal manure or process wastewaters are stored or processed. Short-term and permanent stockpile sites and composting sites are manure storage areas. Animal manure packs or mounding within the animal holding area of an animal feedlot that are managed according to MR part 7020.2000, subpart 3, are not manure storage areas.

Metes and Bounds Description. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Milling. The processing or enhancing of a mineral.

Mining. The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cub),, yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit.

Mobile Home. A mobile home is living quarters designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. A mobile home will be defined by reference to the latest publication of the United States of America Standards Institute Standard for Mobile Homes. This definition is hereby included in Manufactured Home.

Modular Home. A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module

to the site.

Motel/Tourist Court. A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of automobile transients.

MPCA. The Minnesota Pollution Control Agency.

Nonconformity. Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

National Pollutant Discharge Elimination System permit or NPDES permit. "National Pollutant Discharge Elimination System permit" or "NPDES permit" means a permit issued by the agency for the purpose of regulating the discharge of pollutants from point sources including concentrated animal feeding operations (CAFOs).

New animal feedlot. "New animal feedlot" means an animal feedlot or manure storage area:

1. Constructed, established, or operated at a site where no animal feedlot or manure storage area existed previously; or
2. That existed previously and has been unused for five years or more.

New technology. "New technology" means an alternative construction or operating method to those provided in MR parts 7020.2000 to 7020.2225. New technology construction or operating methods must achieve equivalent environmental results to the requirements in MR parts 7020.2000 to 7020.2225.

Nursery, Landscape. A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.

Nursing Home. A building with facilities for the care of children, the aged, infirm, or place of rest for those suffering bodily disorder. Said nursing homes shall be licensed by the State Board of Health as provided for in Minnesota Statute, Section 144.50.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Official Controls. "Official controls" or "controls" means ordinances and regulations which control the physical development of a town, or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps. (See also M.S. sections 469.135 to 469.141.)

Official Map. "Official map" means a map adopted in accordance with section 462.359 which may show existing and proposed future streets, roads, and highways of the municipality and county, the area needed for widening of existing streets, roads, and highways of the municipality and county, existing and proposed air space and subsurface areas necessary for mined underground space development pursuant to sections 469.135 to 469.141, and existing and future county state aid highways and state trunk highway public land and facilities within the municipality.

Off-Street Loading Space. A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of size as to accommodate one vehicle of the type typically used in the particular business.

Open Sales Lot/Exterior Storage. Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.

Open Space. Land areas which are undeveloped.

Ordinary High Water Level. A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the elevation of the top of the bank of the channel, For reservoirs and flowages the ordinary high water level shall be the operating elevation of the normal summer pool.

Outlot. Open space included in a plat and labeled "Outlot". Outlots are not intended for use as a buildable lot and shall be set aside solely for non-building purposes. A Zoning Permit shall not be issued for structures on outlots. An outlot may be eliminated by the subdivision of the outlot into one or more buildable lots. The subdivision of an outlot into a buildable lot must be approved by the governing body, and recorded at the office of the Houston County Recorder.

Owner. Feedlot/Manure Storage Area. "Owner Feedlot/Manure Storage Area" means all persons having possession, control, or title to an animal feedlot or manure storage area.

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 standard automobile.

Pastures. Means 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 except in the immediate vicinity of temporary supplemental feeding or water devices.

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

Permanent stockpiling site. "Permanent stockpiling site" means a manure storage area where manure is stored or processed that does not meet the requirements of MR part 7020.2125, subpart 2.

Permit. The granting of authority by governing body to conduct certain activities and which are compliant with applicable rules and ordinances.

Planning Agency. "Planning agency" means the planning commission or the planning department of La Crescent Township except when otherwise designated.

Planning Commission. The Planning Commission of La Crescent Township except when otherwise designated.

Pollution hazard. "Pollution hazard" means an animal feedlot or manure storage area that:

1. That does not comply with the requirements of MR parts 7020.2000 to 7020.2225 and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
2. That presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:
 - a. the size of the animal feedlot or manure storage area;
 - b. the amount of pollutants reaching or that may reach waters of the state;
 - c. the location of the animal feedlot or manure storage area relative to waters of the state;
 - d. the means of conveyance of animal manure or process wastewater into waters of the state; and
 - e. the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

Prefabricated Home. A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

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

Process wastewaters. "Process wastewaters" means waters and/or precipitation, including rain or snow, which comes into contact with manure, litter, bedding, or other raw material or intermediate or final material or product used in or resulting from the production of animals, poultry, or direct products, such as milk or eggs.

Property Line. The legal boundaries of a parcel of property which may also coincide with a right-of-way line of a road, cartway, and the like.

Property Rights. The words "area," "interest in real property," "ground," "land," "lot," "parcel," "property," "real estate," "real property," "site," "territory," and "tract," and other terms describing real property shall include within their meaning, but not be limited to, air space and subsurface areas necessary for mined underground space development pursuant to sections 469.135 to 469.141.

Protected Waters. All water basins, wetlands, and watercourses determined to be protected waters by the Commissioner of Natural Resources pursuant to Minnesota Statutes, Chapter 103G.005, Subd. 14 and 15. An official list and map of protected waters shall be on file in the Office of the County Auditor and the Zoning Administrator.

Public Waters. Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

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

Public Land. Land owned or operated by municipal, school district, county, state or other governmental units.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreation, Public. Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

Recreation, Commercial. Includes all uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

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

Registered Land Survey. A survey map of registered land designed to simplify a complicated metes and bounds description, designating the same into a tract or tracts of a Registered Land Survey Number. (See Minnesota Statutes 508.47)

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 an average frequency in the magnitude of the 100 year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Regulatory Flood Protection Elevation. A point not less than one foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the floodplain. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood-proofed.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane place or however otherwise designated. Ingress and egress easements shall not be considered roads.

Selective Cutting. The removal of single scattered trees.

Semipublic Use. The use of land by a private, nonprofit organization to provide a public service that is, ordinarily open to some persons outside the regular constituency of the organization.

Separation distance to bedrock. "Separation distance to bedrock" means the distance between stored manure and fractured bedrock.

Sewage Treatment System. A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Parts 2822 and 2824 of this Ordinance.

Sewer System. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

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 50 percent of the structure setback.

Shoreland. Land located within the following distances from public waters:

1. 1,000 feet from the ordinary high water level of a lake, pond or flowage;
2. 300 feet from a river or stream, or
3. The landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

The practical limits of shoreland may be less than the statutory limits whenever the waters involved are bounded by natural topographic divides which extend landward from the water for lesser distances and when approved by the Commissioner of the Department of Natural Resources.

Shoreland Setback. The minimum horizontal distance between a structure and the ordinary high water level.

Short-term stockpiling site. "Short-term stockpiling site" means a manure storage area where manure is stored or processed according to MR part 7020.2125, subparts 1 to 3.

Significant Historic Site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Sign. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

Sign, Advertising. A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located; a billboard.

Sign, Business. A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

Sign, Flashing. Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such a sign is in use.

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

Sign, Name Plate. Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Sign, Pylon. A freestanding sign erected upon a single pylon or post, which is in excess of ten (10) feet in height with the sign mounted on the top thereof.

Sign, Rotating. A sign which revolves or rotates on its axis by mechanical means.

Sign Surface Area. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements, outside the limits of such sign and not forming an integral part of the display. Only one side of a double face or V-type sign structure shall be used in computing the total surface area.

Sinkhole. "Sinkhole" means a surface depression caused by a collapse of soil or overlying formation above fractured or cavernous bedrock.

Solar Energy System. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system).

Special protection area. "Special protection area" means land within 300 feet of all:

1. protected waters and protected wetlands as identified on Department of Natural Resources protected waters and wetlands maps; and
2. intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways.

State disposal system permit or SDS permit. "State disposal system permit" or "SDS permit" means a state permit that may be processed in accordance with MR parts 7001.0040; 7001.0050; 7001.0100, subparts 4 and 5; and 7001.0110.

Steep Slope. Land having an average slope over 12 percent, as measured over distances of 50 feet or more, that is not a bluff.

Street. A public right-of-way which affords primary means of access to abutting property, and shall also include avenue, highway, road, or way.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.

Structure. Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.

Structural Alteration. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as tearing walls, columns, beams, girders or foundations.

Subdivision. As used in this Ordinance, the term "Subdivision" means any division, conveyance, re-subdivision, platting, or other transaction affecting any tract of land, the description of which was on file and of record in the office of the County Recorder in and for Houston County, Minnesota, as of August 30, 1967; except one parcel of land may be conveyed from a tract or parcel of land, which is on file and of record in the office of the County Recorder on August 30, 1967.

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Any additional parcels to be sold, regardless of the original recording date will require that the parcel be platted, except the conveyance of a parcel to be used as a farm, as defined by this ordinance, or to expand a presently existing farming unit.

Subdivision Regulation. "Subdivision regulation" means an ordinance adopted pursuant to section 462.358 regulating the subdivision of land.

Surface Water-Oriented Commercial Use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Temporary Use. The use of a property in any district for a use customarily incidental to the construction of roads, buildings, utilities, or public projects such as asphalt plants or others.

Toe of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper slope above. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff. The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Town Board. The La Crescent Township Board of Supervisors.

Town or Township. The term "Town" or "Township" as used in this Ordinance, shall mean La Crescent Township, Houston County, Minnesota. (See also M.S. 462.352 Subd. 2.)

Townhouse. A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.

Tree Removal. See Logging.

Travel Trailer. A vehicle without motor power used or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term Trailer shall include camper car, camp bus, camper or house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the standards as found in the Minnesota Building Code.

Unpermitted or noncertified liquid manure storage area. "Unpermitted or noncertified liquid manure storage area" means a liquid manure storage area that is in operation and:

1. the owner does not have an agency or delegated county permit or certificate of compliance for the manure storage area and was required to apply for and obtain a permit or certificate of compliance prior to the construction or operation of the manure storage area; or
2. the owner has not complied with the pre-operational requirements of MR part 7020.2100 or permit requirements, if applicable.

Undue Hardship. The term "Undue Hardship", (M.S. Chapter 462.357, Subdivision 6.), as used in connection with the granting of a variance means:

1. The property in question cannot be put to reasonable use if used under the conditions allowed by the official controls.
2. The plight of the landowner is due to the circumstances unique to the property and not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.

Urban Growth Area. "Urban growth area" means the identified area around an urban area within which there is a sufficient supply of developable land for at least a prospective 20-year period, based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.

Use. The purpose or activity for which the land or building thereon is designated, arranged or oriented.

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

Use, Non-Conforming. Use of land, buildings or structures legally existing at the time of adoption of this Ordinance but which does not comply with all the regulations of this Ordinance or any amendments hereto governing the zoning district in which such use is located.

Use, Permitted. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.

Use, Principal. The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.

Variance: Land Use. Variance means any modification or variation of the strict provisions of this Ordinance, as applied to a specific piece of property in order to provide relief for a property owner because of undue hardship or particular difficulty imposed upon him by this Ordinance.

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Economic considerations alone shall not constitute a hardship. A variance shall normally be limited to height, bulk, density and yard requirements.

Variance: Animal Feedlot. Any person may apply for a variance from any requirements of MN Rules Part. 7020.2000 to 7020.2225. Such variances shall be applied for and acted upon by the MPCA in accordance to MN Statutes, Section 116.07, Subdivision 5, and other applicable statutes and rules.

Water Contamination. A concentration of any toxic material in Waters of the State which is a product, byproduct, or otherwise associated with any land use activity and which exceeds the maximum contaminate levels established by the Federal Safe Drinking Water Act and regulations promulgated thereunder.

Waters of the state. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions of the state.

Wetland. "Wetland" means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Yard. A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to where such lot is located.

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

Yard, Side. The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

Yard, Front. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.

Zoning Administrator. The duly appointed person charged with enforcement of this Ordinance.

Zoning Amendment. A change authorized by the Town Board either in the allowed use within a district or in the boundaries of a district.

Zoning District. An area or areas within the limits of the Township for which the regulations and requirements governing use are uniform.

Zoning Permit Application. The term includes, but not limited to, applications for the following: building location permits, vegetative alteration permits, topographic alterations permits, conditional use permits, amendments to this Ordinance, variances from the provisions of Ordinance, and the subdivision of real estate.

The application is not be complete and will not be accepted by the Zoning Administrator unless all fees are paid, preliminary reviews and approvals completed, submitted with associated supporting information and documents as set forth in Part 0501, and such other information as required by the Zoning Administrator.

SECTION 4 ~ ZONING ADMINISTRATION

0401 OFFICE OF ZONING ADMINISTRATOR

The La Crescent Township Board of Supervisors hereby establishes the Office of Zoning Administration, for which the Town Board may appoint an Administrator and other employees together with sufficient office personnel to discharge the duties of this department. The term of office of Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Town Board.

0402 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

Subdivision 1. Administration and Enforcement. The Zoning Administrator shall enforce and administer this Ordinance.

Subd. 2. Building Location Permits. The Zoning Administrator shall issue Building Location Permits and maintain records thereof.

Subd. 3. Ordinance Amendments And Conditional Use Permits. The Zoning Administrator shall receive and forward to the Town Board and the Planning Commission all applications for Conditional Use Permits and Zoning Amendments.

Subd. 4. Variances. The Zoning Administrator shall receive and forward all applications for variances and petitions for other matters to come before the Board of Adjustment.

Subd. 5. Town Board Report. The Zoning Administrator shall report on a regular basis to the La Crescent Township Board, the recommendations, findings and decisions of the commission, boards and committees for final action.

Subd. 6. Inspections. The Zoning Administrator shall inspect all construction and development to assure compliance with the standards of this Ordinance.

Subd. 7. Public Information. The Zoning Administrator shall provide and maintain a public information bureau relative to matters arising out of this Ordinance.

Subd. 8. Zoning Map. The Zoning Administrator shall maintain the Township Zoning Map.

Subd. 9. Flood Plain Administration. The Zoning Administrator shall administer and enforce Section 20 of this Ordinance in the Flood Plain Districts. Prior to granting a Building Location Permit, Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.

Subd. 10. Zoning Permit Applications. The Zoning Administrator shall review and accept Zoning Permit Applications when it has been determined that they are complete.

0403 FEES

The Board of Township Supervisors shall establish fees by ordinance as necessary for the administration of this Ordinance. The fees shall be collected by the Zoning Administrator and deposited with the Town.

SECTION 5 ~ PERMITS

0501 ZONING PERMIT APPLICATION

Subdivision 1. Zoning Permit Application Required. A Zoning Permit Application must be completed when applying for any permit. The term zoning permit includes the following: building location permits, sign permits, vegetative alteration permits, topographic alterations permits, conditional use permits, and amendments and variances of the provisions of this Ordinance.

Subd. 2. Zoning Permit Application Procedure. A Zoning Permit application is not complete and will not be accepted by the Zoning Administrator unless all fees are paid, preliminary reviews and approvals completed, and submitted with associated supporting information and documents as set forth below:

1. A pre-application meeting with Zoning Administrator during which the application procedures, requirements and applicable Ordinance provisions are reviewed and explained.
2. When the application is for a building location permit, and the structure is to be located in either the shoreland or flood plain districts; or, if the structure impacts a wetland; or, requires an on-site sewage treatment system permit, then the person proposing the development shall also have a pre-application meeting with the County Zoning Administrator.
3. Submittal of a completed Zoning Permit Application and all supporting information required by Ordinance, or as a part of the application procedures. documents that are included with the Zoning Permit Application.
4. Submittal of all fees associated with the Zoning Permit Application.

0502 BUILDING LOCATION PERMITS

Subdivision 1. Building Location Permits Required. Hereinafter, no person shall install, repair, add to, erect, alter, or move any building or part thereof, including a deck, without first securing a Building Location Permit. Interior and exterior maintenance and minor repairs of existing structures shall be exempt

1. A Building Location Permit shall not be issued until a Zoning Permit Application has been accepted by the Zoning Administrator.

Subd. 2. Application. A Zoning Permit Application for a Building Location Permit shall be made by the owner, except if a General Contractor is employed, who shall make the application to the Zoning Administrator on forms furnished by La Crescent Township. Each application for a permit to construct or alter a building, shall be accompanied by a plan showing the following:

1. Dimension and legal description of lot to be build upon and proof of ownership or legal

interest.

2. Location, dimensions and setback of all structures.
3. Location of access and road jurisdiction.
4. Location of the well, individual sewage treatment system and drainfield
5. A plan of any topographic and vegetative alteration that requires a permit.

Subd. 3. Building Location Permits in the Flood Plain District. In the Flood Plain Districts, a Building Location Permit must be secured prior to the erection, addition or alteration of any building, structure or land; prior to the change of a non-conforming use; and prior to the placement of fill or excavation of materials, or the storage of materials or equipment.

Subd. 4. Issuance of Building Location Permit. The Zoning Administrator shall issue the Building Location Permit only after determining that the Zoning Permit Application is complete, the lot is buildable and that the plan comply with the provisions of this Ordinance

Subd 5. Permit Valid for One Year. A Building Location Permit issued under the terms of this Ordinance shall be valid for one (1) year from the date of issuance and shall be non-transferable.

Subd. 6. Extensions of Building Location Permits. If construction has not been completed within one year after a permit has been issued, the permit may be extended by yearly intervals in instances where reasonably diligent construction could not complete the proposed structure, provided that no such extension shall exceed five (5) years.

Subd. 7. Loss By Disaster. In cases of involuntary loss through catastrophe such as fire, wind, etc., no fee shall be charged for a permit to rebuild.

Subd. 8. Penalty for Beginning Without a Building Location Permit. Any activity requiring a Building Location Permit which is begun prior to obtaining the required permit shall be subject to a penalty of seventy-five dollars (\$75) plus the normal permit fee. Any activities in violation of this Ordinance shall be subject to the legal remedies available.

0503 TEMPORARY USE PERMIT

Subdivision 1. Incidental Temporary Use Permit. The temporary use of a property in any district for a use customarily incidental to the construction of roads, buildings, utilities or public projects may be allowed upon approval by the Zoning Administrator of a temporary or revocable permit subject to the following:

1. The Temporary use shall not exceeding ninety (90) days in length.
2. The Zoning Administrator may attach any conditions to the permit to protect the public

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health, safety and welfare.

Subd. 2. Renewal of a Temporary Use Permit. The renewal of such a temporary permit or a request for a permit to exceed ninety (90) days in length shall require the submission of a Conditional Use Permit following the procedures in Section 6 of this Ordinance.

1. In no event shall the permit exceed twelve (12) months in duration.

0504 SIGN AND BILLBOARD PERMITS

Subdivision 1. Permit Required. A permit shall be required in all cases where a sign or billboard is erected, altered or relocated within the area of jurisdiction of this Ordinance. Specific requirements are set forth in Parts 0805 and 2807.

0505 SEWAGE AND WATER SYSTEMS LICENSE AND PERMITS

Subdivision 1. Permit Required. A permit shall be required to install, alter, repair or extend any individual treatment system. Specific requirements are set forth in Part 2822.

1. A license shall be required of any person, firm, or corporation engaging in the business of installing, constructing, servicing, or cleaning sewage treatment systems. Specific requirements are set forth in Part 2822.
2. A license shall be required of any person, firm, or corporation engaging in the business of servicing and cleaning septic tanks. Specific requirements and application procedures are set forth in Part 2822.

0506 TOPOGRAPHIC ALTERATION PERMITS

Subdivision 1. Permit Required. In all cases where grading and/or filling of any land within the Township would result in substantial alteration of existing ground contour, a permit shall be required. NRCS projects shall be exempted from this section. Specific requirements are set forth in Sections 21, 23 and 24.

Subd. 2. Substantial Alterations. Substantial alteration shall included the following:

1. The movement of earth or materials in excess of fifty (50) cubic yards in Shoreland.
2. The movement of earth or materials in excess of five hundred (500) cubic yards in all other Districts, except agricultural to be (5,000) cubic yards.

Subd. 3. Agricultural Exemption. Tiling, terracing, or cultivation of land for purposes of raising crops shall not be considered substantial alteration.

0507 EXCAVATION PERMITS

Subdivision 1. Permit Required. The use of land for the removal of topsoil, sand, or gravel, or any other material is permitted only by the issuance of an excavation permit. Specific requirements are set forth in Sections 21 and 25.

0508 MANUFACTURED HOME PARK PERMITS

Subdivision 1. Permit Required. Before any manufactured home park or travel trailer park shall be constructed, altered or extended in any manner, a permit shall be required. Specific requirements are set forth in Sections 20 and 30.

0509 MOVING PERMITS

Subdivision 1. Permit Required. No building may be moved onto property without first securing a moving permit and approval from the Zoning Administrator. When requested, a photograph of a building may be required.

0510 ROAD DAMAGE SECURITY DEPOSIT REQUIRED

The Zoning Administrator may require a “Road Damage Security Deposit” when any permit is issued pursuant to Parts 0502 – 0509 of this section.

Subdivision 1. Security Deposit Required. The amount of the Road Damage Security Deposit shall be determined by the Zoning Administrator. The maximum amount of the deposit shall not exceed one-thousand (\$1,000.00) dollars.

Subd. 2. Documentation of Road Condition. Whenever a Road Damage Security Deposit is required, the Zoning Administrator will document the condition of the road. Documentation shall include photographs and written observations. The Zoning Administrator shall document the condition of the road prior to the commencement of the permitted activity, and then again after the activity is completed.

Subd. 3. Return of Road Damage Security Deposit. The deposit will be returned in full if the Zoning Administrator determines that there is no damage to the road. If Zoning Administrator determines that the road has been damaged as a result of the permitted activity, the cost of repairing the road will be deducted from the deposit.

Subd. 4. Appeals From Zoning Administrator’s Determination. The Zoning Administrator’s determination regarding damage to the road may be appealed to the Board of Adjustment and Appeals, pursuant to Part 1104, Subdivision 2 of this Ordinance.

SECTION 6 ~ CONDITIONAL USE PERMITS

0601 APPLICATION

Applications for Conditional Use Permits shall be made to the Zoning Administrator together with the required fees.

Subdivision 1. Site Plan Required. The application shall be accompanied by a site plan and operation plan and such additional information as determined by the Zoning Administrator as necessary to show compliance with this Ordinance.

0602 NOTIFICATION AND PUBLIC HEARING

Subdivision 1. Publication. At least ten (10) days in advance of each public hearing, the Zoning Administrator shall cause a notice of the time and place of such hearing shall be published in the official newspaper of the township.

Subd. 2. Notification. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the Conditional Use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed Conditional Use shall be given proper notice.

Subd. 3. Omission in Notification. The Zoning Administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published Notice of Public Hearing or failure to notify a specific property owner of the application for a Conditional Use Permit shall not be considered cause to declare the public hearing invalid.

Subd. 4. Public Hearing. Upon receipt in proper form of the application and other requested material, the La Crescent Township Planning Commission shall hold at least one (1) public hearing at location to be prescribed by the Planning Commission.

0603 TOWN BOARD APPROVAL REQUIRED

For each application for a Conditional Use, the Township Planning Commission shall report to the Town Board of Supervisors findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. Upon receipt of the report of the Planning Commission, the Town Board of Supervisors shall hold whatever public hearings it deems advisable and shall make a decision upon the proposal for Conditional Use Permit.

0604 INVALIDATION OF PERMIT

An approved Conditional Use Permit shall become invalid unless all conditions of the permit are

complied with_ within nine (9) months of final approval by the Town Board.

0605 STANDARDS FOR GRANTING A CONDITIONAL USE PERMIT

Subdivision 1. Findings Required. No Conditional Use shall be recommended by the La Crescent Township Planning Commission or Zoning Administrator unless said Commission or Administrator shall find:

1. That the proposed use conforms with the Township Comprehensive Plan.
2. That the proposed use will not degrade the water quality of the La Crescent Township.
3. That the proposed use will not adversely increase the quantity of water runoff.
4. That soil conditions are adequate to accommodate the proposed use.
5. That the proposed use does not create a potential pollution hazard.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
8. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
9. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
10. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
11. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
12. That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

Parts 0605-0610

13. That the intensity of proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

14. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Subd. 2. Authority to Impose Conditions. The Town Board in order to achieve the standards set forth in Part 0605, Subd. 1. of this Section may require reasonable conditions.

0606 ADVERSE ENVIRONMENTAL EFFECT

The applicant for a Conditional Use Permit which, in the opinion of the Planning Commission, may result in a material adverse effect on the environment may be requested to demonstrate the nature and extent of the effect.

0607 DURATION

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 governing body, at its discretion, from enacting or amending official controls to change the status of conditional uses.

0608 RECORDING

The Zoning Administrator shall file a certified copy of any Conditional Use Permit with the Land Records Department for record. The Conditional Use Permit shall include the legal description of the property involved.

0609 COMPLIANCE

Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. Failure to comply with the terms of the permit shall cause automatic termination of the permit and the use may not be continued or re-started without Town Board approval.

0610 TIME LIMIT ON AMENDMENT APPLICATION AFTER DENIAL

No application for a conditional use permit shall be resubmitted for a period of one year from the date the request is denied except that the Planning Commission may allow a new application if in the opinion of the Commission, new evidence or a change in circumstances warrant it.

SECTION 7 ~ AMENDMENTS

0701 ZONING AMENDMENTS

The Town Board may adopt amendments to the Zoning Ordinance and Zoning Map in relation both to land uses within a particular district or to the location of the district lines. An amendment to this Ordinance may be initiated by the governing body, the planning agency, or by petition of affected property owners as defined in this Ordinance.

0702 REQUIRED INFORMATION AND EXHIBITS

Subdivision 1. Applications To Change The Text Of This Ordinance. All applications for a text amendment to an official control shall include the following:

1. Stated reason for requested change.
2. Statement on compatibility with the La Crescent Township Comprehensive Use Plan.
3. Text or portion of the existing ordinance to be amended.
4. Proposed amended text and statements outlining any other effects that the amendment may have on other areas of this Ordinance.
5. Additional information as may be requested by the Planning Agency.

Subd. 2. Applications to Change District Boundaries or Land Use.

1. The names and addresses of the petitioners, and their signatures to the petition.
2. A specific description of the area proposed to be rezoned or amended and the names and addresses of all owners of property lying within one quarter (1/4) mile of such area, and a description of the property owned by each.
3. The present district classification of the area and the proposed district classification.
4. Proposed use of the land (a statement of the type, extent, area, etc.).
5. Compatibility with the Comprehensive Plan of La Crescent Township a statement of conditions warranting the change in zoning district or uses.
6. A legal description of the property to be rezoned or amended.
7. Map, plot plan, or survey plot of property to be rezoned or amended showing location, dimensions, zoning of adjacent properties within five hundred (500) feet in incorporated areas, and one-half (1/2) mile in unincorporated areas drawn to scale.

0703 JURISDICTIONAL COORDINATION AMENDING DISTRICT BOUNDARIES

Any zoning district change on land adjacent to or across a public right-of-way from an adjoining county or community shall be referred to the Planning Commission, and the adjacent community for review and comment prior to action by the Town Board granting or denying the zoning district classification change. A period of at least thirty (30) days shall be provided for receipt of comments; such comments shall be considered as advisory only.

0704 AMENDMENT PROCEDURE

Subdivision 1. Initiation of an Amendment. This Ordinance may be amended by following the procedure specified in this section. Proceedings for amendment of this Ordinance shall be initiated by a Zoning Permit Application to amend this Ordinance and:

1. A petition of the affected property owners. For purposes of this subdivision, affected property owners shall refer to owners of the property specified on the application; or,
2. A recommendation of the La Crescent Township Planning Commission; or,
3. By action of the La Crescent Township Board of Supervisors.

Subd. 2. Application. An application for an amendment shall be filed with the Zoning Administrator on such forms as shall be provided by the Zoning Administrator.

0705 NOTIFICATION AND PUBLIC HEARING

Subdivision 1. Publication. At least ten (10) days in advance of each public hearing, the Zoning Administrator shall cause a notice of the time and place of such hearing shall be published in the official newspaper of the township.

Subd. 2. Notification. Notice of public hearing, containing date, time and location of hearing as well as a description of the requested amendment, shall be mailed to property owners or record within five hundred (500) feet of incorporated areas and/or one-half (1/2) mile of unincorporated areas. This notification shall be accomplished by a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the boundaries of the property proposed to be rezoned shall be given proper notice.

Subd. 3. Omission in Notification. The Zoning Administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published Notice of Public Hearing or failure to notify a specific property owner of the application for a Conditional Use Permit shall not be considered cause to declare the public hearing invalid.

Subd. 4. Public Hearing. Upon receipt in proper form of the application and other requested material, the La Crescent Township Planning Commission shall hold at least one (1) public hearing at location to be prescribed by the Planning Commission.

0706 FINDINGS AND RECOMMENDATION REQUIRED

Following the public hearing, the La Crescent Township Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Board of Township Supervisors and the Zoning Administrator within sixty (60) days after the hearing. If no report or recommendation is transmitted by the Township Planning Commission within sixty (60) days after the hearing, the Board of Township Supervisors may take action without awaiting such recommendation.

0707 TOWN BOARD ACTION

Upon the filing of such report or recommendation, the La Crescent Board of Supervisors may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Board of Supervisors may adopt the amendment or any part thereof in such form as it deems advisable. Action for approval by the Town Board shall be not less than a two-thirds (2/3) vote of its members. The person making application for the amendment shall be notified in writing of the Town Board's action.

0708 RECORDING

Upon the adoption of any other official control including any maps or charts supplemented to or as a part thereof, the County Auditor shall file a certified copy thereof with the Land Records Department for record. Ordinances, resolutions, maps or regulations filed with the Land Records Department pursuant to this Ordinance do not constitute encumbrances on real property.

0709 TIME LIMIT ON AMENDMENT APPLICATION AFTER DENIAL

No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the planning commission within the one-year period following a denial of such request, except the commission may permit a new application, if in its opinion, new evidence or a change of circumstances warrant it.

SECTION 8 ~ NON-CONFORMING USES

0801 INTENT AND GENERAL APPLICATION

Subdivision 1. Establishment Of Nonconforming Uses. Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before August 30, 1967, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.

Subd. 2. Nonconforming Uses May Be Continued. It is the intent of this Ordinance to permit these nonconforming uses or structures to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.

Subd. 3. Nonconforming Uses May Not Be Extended Or Enlarged. A non-conforming use of a structure, a non-conforming use of land and water, or a non-conforming structure, shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

Subd. 4. Discontinued Nonconforming Uses. If a non-conforming use of a structure or building, other than a residential-use structure, is discontinued for a period of six (6) months, further use of the structure or property shall conform to this Ordinance. The County Assessor shall notify the Zoning Administrator or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve (12) consecutive months.

Subd. 5. Destruction of Non-conforming Uses. If a non-conforming structure, other than a residential-use structure, is destroyed by any cause, to an extent exceeding fifty (50) percent of its market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.

Subd. 6. Non-Conformities; Certain Classes of Property. This subdivision applies to homestead and non-homestead residential real estate and seasonal residential real estate occupied for recreational purposes. A non-conformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an official control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion. If the nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent use or occupancy of the land or premises must be a conforming use or occupancy. If a nonconforming building or structure is destroyed by fire or other peril to the extent of 50% of its market value, the board may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

0802 ALTERATIONS

Subdivision 1. Change Of A Nonconforming Use To A Different Nonconforming Use. The lawful use of a building existing as of August 30, 1967, may be continued, although such use does not conform with the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

Subd. 2. Nonconforming Use Alteration For The Health, Safety Or Welfare Of Occupants. Alterations may be made to a residential building containing non-conforming residential units when they will improve the health, safety or welfare of the occupants of such units' provided, however, that they do not increase the number of dwelling units in the building.

Parts 0803-0806

0803 NORMAL MAINTENANCE

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator.

0804 CHANGES AND SUBSTITUTIONS

Once a non-conforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the lot area, established setback lines along arterial streets, highways and property lines, and the yard, height, parking, loading, unloading, access and any other applicable provisions of this Ordinance, it shall not revert back to a non-conforming use of a substandard structure. Once the Board of Adjustment has permitted the substitution of a more restrictive non-conforming use for the existing non-conforming use, the prior existing use shall lose its status as a legal non-conforming use and the substituted use shall become subject to all the conditions required by the Board of Adjustment.

0805 NONCONFORMING SIGNS

Subdivision 1. Business Signs On A Nonconforming Building. Business signs on the premises of a non-conforming building or use may be continued, but such signs shall not be increased in number, area, height, or illumination. New signs not to exceed thirty-five (35) square feet in aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of the adoption of this Ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.

Subd. 2. Nonconforming Signs Shall Not Be Rebuilt, Altered Or Moved. Signs erected before the passage of this Ordinance shall not be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this Ordinance.

Parts 0805-0807

Subd. 3. Discontinuance Of Nonconforming Signs. In the event that the use of a non-conforming sign is discontinued or its normal operation stopped for a period of six (6) months, the sign or structure shall be removed by the owner.

0806 NON-CONFORMING USES IN THE FLOOD PLAIN DISTRICTS

Subdivision 1. Nonconforming Uses May Not Adversely Effect Flows, Velocities Or Stages. Non-conforming uses within the flood plain may be continued, subject to the terms of this section of the Ordinance, provided such uses will not have an unduly adverse effect on flood flows, velocities or stages associated with the regional flood. Any addition or modification to a lawful non-conforming use within the flood plain shall be in conformance with the provisions of the flood plain districts and shall not increase the degree of obstruction to flood flows. Where applicable, provisions shall be made to allow the proposed modifications and additions to be protected to the flood protection elevation by an approved use of flood-proofing measures.

Subd. 2. Alteration Of A Flood Plain Nonconforming Structure Or Nonconforming Use. Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e., FP-1 through FP-4 flood proofing classifications) allowable in the State Building Code, except as further restricted in Subd. 3 below.

Subd. 3. Alteration Shall Not Exceed 50 Percent Of The Market Value. The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the County's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If current cost of all previous and proposed alterations and additions exceeds 50 percent of the current market value of the structure, then the structure must meet the standards of Section 20 for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

0807 NON-CONFORMING SEWAGE TREATMENT

Sewage treatment systems inconsistent with the size, construction, use, maintenance, or depth to ground water or bedrock requirements referenced in Part 2822, or sewage treatment systems that are a nuisance, that endanger the safety of any domestic water supply, or that pollute any waters of the state are non-conforming systems.

1. Required Compliance of Non-conforming Sewage Treatment Systems. Non-conforming sewage treatment systems shall be brought into conformity when a permit or variance of any type is required for any improvement on, or use of, the property. Sewage systems installed according to Houston County shoreland management standards in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with insufficient separation from groundwater shall be considered nonconforming.

SECTION 9 ~ VIOLATIONS, PENALTIES AND ENFORCEMENT

0901 VIOLATIONS, PENALTIES AND ENFORCEMENT

Any person, firm, or corporation and/or both landowners and contractors who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of misdemeanor. Each day that a violation continues shall constitute a separate offense.

Subdivision 1. Enforcement. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated the enforcing officer.

Subd. 2. Suspected Ordinance Violation. When an Ordinance violation is either discovered by, or brought to the attention of the Zoning Administrator, the Zoning Administrator shall investigate the situation and document the nature and extent of the violation of the official control.

Subd. 3. Notification of Suspected Violation. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls.

Subd. 4. Stop Work Order. When a Stop Work Order is instituted by the Zoning Administrator for any reason whatsoever, the work shall not again be resumed until the reason for the work stoppage has been completely removed.

Subd. 5. Violation or a Threatened Violation of this Ordinance. In the event of a violation of this Ordinance, the Town Board or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations.

Subd. 6. County Sheriff Duties. It shall be the duty of the Sheriff of Houston County, when called upon by the Town Board of Supervisors, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

Subd. 7. Township Attorney Duties. It shall be the duty of the Township Attorney, when called upon by the Town Board, to perform such duties as may be necessary to enforce the provisions of this Ordinance.

1. The Township Attorney may at his discretion institute such action in a lesser court than the district court.

Subd. 8. Writ of Mandamus. Any taxpayer or taxpayers of the Township may institute mandamus proceedings in the district court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

0902 ENFORCEMENT IN FLOOD PLAIN DISTRICTS

Subdivision 1. Notification of DNR and FEMA. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the plan of action to correct the violation to the degree possible.

Subd. 2. Enforcement Actions Available. In responding to a suspected Ordinance violation in a flood plain district, the Zoning Administrator and County and Township may utilize the full array of enforcement actions available, including, but not limited to, prosecution and fines, injunctions, after-the-fact permits' orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party.

Subd. 3. After-the-Fact Enforcement. If the construction or development is already completed, then the zoning administrator may either issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with official controls, or notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

0903 APPLICATION TO TOWNSHIP PERSONNEL

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

SECTION 10 ~ PLANNING COMMISSION

1001 ESTABLISHMENT

A Planning Commission is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, 462.351 to 462.364, as amended

1002 ORGANIZATION AND MEMBERSHIP

The Planning Commission shall consist of not less than five nor more than 11 members appointed by the Town Board of Supervisors. At least two members shall be residents of the portion of the Township outside the corporate limits of municipalities. No more than one voting member of the commission shall be an officer or employee of the Township.

Subdivision 1. Potential Conflict of Interest. No voting member of the commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the Township for urban and urban related purposes.

Subd. 2. Term of Office, the Filling of Vacancies and Removal from Office. Members of the Planning Commission shall serve at the pleasure of the Town Board.

1. The term of office is three (3) years and may be continued in three (3) year terms at discretion of the Town Board.
2. The Town Board shall make appointments to fill vacancies on the Planning Commission. Appointments to fill an unexpired term of office shall be for the remaining term of the office. All other appointments shall be at the completion of a three (3) year term.
3. Members may be removed from office, prior to the completion of the term of office, by a majority vote of the Town Board.

1003 PROCEDURE

Subdivision 1. Officers. The Planning Commission shall elect a Chairman and Vice Chairman from among its members.

Subd. 2. Meetings. The meetings of the Planning Commission shall be held at the call of the chairman and at such other times as its' rules of procedure may specify.

Subd. 3. Rules and Public Record. The Planning Commission shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

Subd. 4. Secretary. The Zoning Administrator shall act as Secretary to the Planning Commission.

1004 DUTIES AND POWERS

Subdivision 1. Duties. The Planning Commission, shall cooperate with the Zoning Administrator and other employees of the Township in preparing and recommending to the board for adoption a comprehensive plan and recommendations for the execution of the plan.

Subd. 2 Review Authority. The Planning Commission shall conduct public hearings, review all applications and prepare a report and recommendation to the Town Board on the following:

1. Conditional use permits
2. Plans for subdivisions of land.
3. Comprehensive plans, official controls and amendments thereto.
4. Plans for public land acquisition and development.
5. Additional duties and responsibilities assigned by the Town Board by ordinance.

1005 FINDINGS REQUIRED

Subdivision 1. Findings. The Planning Commission shall not recommend a conditional use permit unless they find the following:

1. That the proposed use conforms with the La Crescent Township Comprehensive Plan.
2. That the proposed use will not degrade the water quality of the Township.
3. That the proposed use will not adversely increase the quantity of water runoff.
4. That soil conditions are adequate to accommodate the proposed use.
5. That the proposed use does not create a potential pollution hazard.
6. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
8. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
9. That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

10. That the establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.

11. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

12. That the density of any proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable Zoning District.

13. That the intensity of any proposed commercial or industrial development is not greater than the intensity of the surrounding uses or not greater than the intensity characteristic of the applicable Zoning District.

14. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.

Subd. 2. Shall Recommend Conditions. In recommending any conditional use permit to the Town Board, under the provisions of this Ordinance, the Planning Commission shall assign such conditions in connection therewith as will, in its opinion, secure substantially the objectives of this Ordinance.

SECTION 11 ~ BOARD OF ADJUSTMENT

1101 ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

A Board of Adjustment is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes, Sections 462.357, Subdivision 6 and 462.359, Subdivision 4.

1102 MEMBERSHIP

The Board of Adjustment shall consist of not less than three (3) nor more than seven (7) members of which at least one (1) shall be a member of the Township Planning Commission and one (1) shall be from the unincorporated area of the Township. The Board of Adjustment members shall be appointed by the Township Board of Supervisors for terms coinciding with terms on the Township Planning Commission.

1103 RULES AND RECORDS

The Board of Adjustment shall elect a Chairman and Vice Chairman from among its members. It shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations. The Zoning Administrator shall act as Secretary to the Board.

The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as its' rules of procedure may specify.

1104 POWERS AND APPEALS

Subdivision 1. Powers. The Board of Adjustment shall have power to grant a variance to any of the provisions of this Ordinance to the extent of the following and no further:

- 1.** To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties or undue hardships in the way of such strict applications; no variance or modification of the uses permitted within a district shall be allowed, except as otherwise provided in this Ordinance.
- 2.** To hear and determine appeals as to the exact boundaries of Zoning Districts.
- 3.** To permit the extension of a district where the boundary line thereof divides a lot in one (1) ownership at the time of the passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.

Subd. 2. Appeals. The Board of Adjustment shall act upon all questions as they may arise in the administration of any ordinance or official control, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged

with enforcing any ordinance adopted pursuant to the provisions of Minnesota Statutes, Chapter 462.351 to 462.364, as amended.

1. Any aggrieved person, firm or corporation objecting to the ruling of any administrative official on the administering of the provisions of this Ordinance or other ordinance adopted pursuant to the provisions of Section 462.361, Minnesota Statutes, as amended, shall have the right to appeal to the Board of Adjustment.
2. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.
3. The decision of the Board of Adjustment shall be final unless any person having an interest affected by such Ordinance appeals to the District Court within 30 days on a point of fact or law.

1105 CRITERIA FOR GRANTING VARIANCES

A variance to a provision of the Zoning Ordinance may be issued to provide relief to the land owner in those cases where this Ordinance imposes undue hardship or practical difficulties to the property owner in the use of his land. No use variances may be issued. A variance may be granted only in the event that the following circumstances exist:

Subdivision 1. Exceptional or Extraordinary Circumstances. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography, or other circumstances over which the owners of property since enactment of this Ordinance have had no control.

Subd. 2. Deprived of Common Property Rights. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

Subd. 3. Special Conditions or Circumstances. That the special conditions or circumstances do not result from the actions of the applicant.

Subd. 4. Reconstruction of Nonconforming Sewage Treatment Systems. For existing developments, the application for variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.

Subd. 5. Will Not Grant Special Privilege. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.

Subd. 6. Minimum Variance. The variance requested is the minimum variance which would alleviate the hardship.

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Subd. 7. Not Detrimental to Uses Already Permitted in the Same Zoning District. The variance would not be materially detrimental to the purposes of this Ordinance, nor to the enjoyment of uses already permitted in the same zoning district.

Subd. 8. Economic Conditions Alone Not Sufficient. Economic conditions or circumstances alone shall not be considered in the granting of a variance request.

1106 PROHIBITED ACTIONS

Subd. 1. Use Variances Prohibited. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located.

Subd. 2. Lesser Degree of Flood Protection Prohibited. No variance may be granted which would allow for a lesser degree of flood protection than required by this Ordinance.

1107 FINDINGS REQUIRED

Subdivision 1. Findings. The Board of Adjustment shall not grant an appeal unless they find the following facts at the hearing where the applicant shall present a statement and evidence in such form as the Board of Adjustment may require:

1. That there are special circumstances or conditions affecting the land, building or use referred to in the appeal that do not apply generally to other property.
2. That the granting of the application will not materially adversely affect the health or safety of persons residing or working in the area adjacent to the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in the area adjacent to the property of the applicant.

1108 PROCEDURE

Subdivision 1. Application. Application for any appeal permissible under the provisions of this Part shall be made to the Board of Adjustment in the form of a written Zoning Permit Application for a permit or approval to use the property or premises as set forth in the application.

Subd. 2. Public Notice. Upon receipt of any application, the Board of Adjustment shall set a time and place for a public hearing before the Board of Adjustment on such application. At least ten (10) days before the date of the hearing, a notice of the hearing shall be published once in the official newspaper of the township.

Subd. 3. Fee. The Township Board shall set the fee for an appeal from the provisions of this Ordinance, or a decision of the zoning administrator when administering or enforcing this Ordinance. The fee shall be paid by the appellant at the time of the application for an appeal. If the appeal is sustained by the Board of Adjustment, the application fee shall be refunded to the appellant. If the appeal is denied by the Board of Adjustment, the application fee shall be retained by the Township.

1109 NOTIFICATION AND PUBLIC HEARING

Subd. 1. Notification. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the variance or appeal is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed Variance or Appeal shall be given proper notice.

Subd. 2. Omission in Notification. The Zoning Administrator shall be responsible for proper publication of notices and notification to adjacent property owners. However, an error in the published Notice of Public Hearing or failure to notify a specific property owner of the application for a Variance or Appeal shall not be considered cause to declare the public hearing invalid.

Subd. 3. Public Hearing. Upon receipt in proper form of the application and other requested material, the La Crescent Township Board of Adjustment shall hold at least one (1) public hearing at location to be prescribed by the Board of Adjustment.

1110 ADVERSE ENVIRONMENTAL EFFECT

The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment, may be required to demonstrate the nature and extent of the effect.

1111 MAY IMPOSE CONDITIONS

In granting any adjustment or variance under the provisions of this Section, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance, regulation or provision to which the adjustment or variance is granted.

1112 IF DENIED, ONE YEAR WAIT TO RESUBMIT VARIANCE APPLICATION

No application for a variance shall be resubmitted for a period of one year from the date the request is denied, except the Board of Adjustment may allow a new application, if in the opinion of the Board, new evidence or a change in circumstances warrant it.

1113 RECORDING

The Zoning Administrator shall file a certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by an administrative official, or a request for a variance, with the Land Records Department for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.

SECTION 12 ~ CLASSIFICATION OF ZONING DISTRICTS

1201 ZONING DISTRICTS

The zoning districts in this Ordinance are designed to carry out the Comprehensive Use Plan for La Crescent Township and protect the public health, safety, and welfare. For purposes of this Ordinance, La Crescent Township is hereby divided into the following Zoning Districts:

Symbol	District
AP	Agricultural Protection. Symbols shown on the Map as A-1 shall now constitute AP.
R	Residential Symbols shown on the Map as R-1 shall now constitute R.
HB	Highway Business Symbols shown on the Map as B-1 shall now constitute HB.
GB	General Business Symbols shown on the Map as B-2 shall now constitute GB.
LI	Limited Industry Symbols shown on the Map as I-1 shall now constitute LI.
GI	General Industry Symbols shown on the Map as I-2 shall now constitute GI.
SR	Salvage and Recycling Yard Symbols shown on the Map as I-3 shall now constitute SR.
FW	Floodway Symbols shown on the Map as F-W shall now constitute FW.
FF	Flood Fringe Symbols shown on the Map as F-F shall now constitute FF.
GFP	General Flood Plain Symbols shown on the Map as G-F-P shall now constitute GFP.
SL	Shoreland Symbols shown on the Map as S shall now constitute SL.
ST	Scenic Trail Symbols shown on the Map as S-T shall now constitute ST.

1202 OFFICIAL ZONING DISTRICT

Subdivision 1. Establishment of Official Zoning District Map. The location and boundaries of the districts, except Shoreland and Scenic Trail, established by this Ordinance are set forth on the Official Zoning District Map, herein referred to as the Map. The Map, and shall be as much as part of this Ordinance as if all were fully described herein. The Map and all notations, references and data shown thereon are hereby incorporated by reference into this Ordinance.

References shall include the Flood Insurance Study, Houston County Minnesota (Unincorporated Areas), prepared by the Federal Emergency Management Agency, and dated June 6, 2001; the Flood Insurance Rate Map Panels dated June 6, 2001, and numbered 270190 0065 C, 270190 0070 C, 270190 0105 C, and 270190 0110 C; the Flood Boundary and Floodway Map Panels dated January 6, 1982, and numbered 270190 0005, 270190 0015, 270190 0020, 270190 0040, 270190 0055, and 270190 0060; and the Flood Insurance Rate Map Panels dated January 6, 1982 and numbered 270190 0005 B, 270190 0010 B, 270190 0015 B, 270190 0020 B, 270190 0030 B, 270190 0035 B, 270190 0040 B, 270190 0045 B, 270190 0055 B, 270190 0060 B, 270190 0100 B, 270190 0115 B, 270190 0120 B, and 270190 0150 B.

Subd. 3. Flood Plain Overlay District. The Flood Plain Overlay Districts shall Include all lands designated as Floodway, Flood Fringe, or General Flood Plain in the Flood Insurance Study, Flood Insurance Rate Maps, and Flood Boundary and Floodway Maps adopted in Section 0110. 1202, Subdivision 1, above

Subd. 4. Shoreland Overlay District. The Shoreland Overlay District shall include all land located within 300 feet of a protected stream, or 1,000 feet from the Ordinary High Water Level of any protected lake. A list of protected streams and lakes is found in Section 21 of this Ordinance.

Subd. 5. Scenic Trail Overlay District. The Scenic Trail District includes the right-of-way of all publicly owned recreational trails and a five (5) feet strip of land beyond and parallel to the right-of-way line.

Subd. 6. District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following established municipal limits and county borders shall be construed as following such lines.
4. Boundaries indicated as following railroad lines shall be construed to be midway between main tracks.

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5. Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines.

Where physical or cultural features, such as flood plains, are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Adjustment shall interpret the district with the assistance of the Zoning Administrator and County Engineer. Where a conflict exists between the flood plain limits illustrated on the Official Zoning Map and actual field conditions, the 100 year flood elevations shall be the governing factor in locating the regulatory flood plain limits.

1203 FUTURE DETACHMENT

Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future, shall be placed in the AP, Agricultural Protection District until placed in another district.

1204 VACATION OF ROADS

When any road, highway, street or other public right-of-way is vacated, the land use classification of land abutting the center line of the public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.

1205 RELOCATION OF ROADS

When any road, highway, street or other public right-of-way is relocated, the land use classification and district boundary abutting the center line of the public right-of-way shall be relocated to abut with the center line of said road, highway, street or other public right-of-way.

1206 USES NOT PROVIDED FOR IN ZONING DISTRICT

Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case, the Town Board or the Planning Commission, on their own initiative, or upon request of the property owner, may conduct a study to determine if the use is acceptable and, if so, what Zoning District, conditions and standards relating to development of the use would be appropriate.

The Town Board, or Planning Commission, upon receipt of the staff study shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Township.

1207 APPEALS RELATING TO DISTRICT BOUNDARIES

Appeals from any administrative officer's determination of the exact location of district boundary lines shall be heard by the Board of Adjustment.

1208 GENERAL REGULATIONS FOR ALL DISTRICTS

Additional requirements and standards in all Zoning Districts are set forth in Section 28.

SECTION 13 ~ AGRICULTURAL PROTECTION DISTRICT

1301 PURPOSE AND PUBLIC NOTICE

Subdivision 1. Purpose. The purpose of the Agricultural Protection District is to provide a district that will:

1. Retain, conserve, and enhance agricultural land in the Township for agricultural uses.
2. Protect and preserve natural resources and environmentally sensitive areas.
3. Restrict scattered non-farm residential development in order to minimize incompatibility between agricultural uses and residential use, and to conserve the expenditure of public funds for new roads, road maintenance, schools, police and fire protection necessary to service scattered residential development.

Subd. 2. Public Notice. Persons choosing to reside in the Agricultural Protection District are hereby notified that the agricultural district is a zoning district in which land is used principally and foremost for agricultural production.

Subd. 3. Discomfort Resulting From Agricultural Uses. Owners, residents, and other uses of property in the Agricultural Protection District or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operation, including but not limited to the following:

1. Noise, odors, dust, and hours of operation.
2. The operation of machinery, including aircraft.
3. The production, storage and land application of animal manure.
4. The application of fertilizers, soil amendments, herbicides, and pesticides.

Owners, residents, and users of property in the Agricultural Protection District, or neighboring property should be prepared to accept such inconveniences or discomfort as occur from agricultural uses and are hereby notified that this declaration may prevent them from obtaining a legal judgment against such agricultural uses.

1302 PERMITTED USES

Subdivision 1. Permitted Uses. In the Agricultural Protection District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

1. Agricultural Uses. Agricultural Uses, but excluding greenhouses and animal feedlots producing 300 animal units or more of manure.

2. Flood Control, Watershed and Erosion Control Structures. Flood control watershed and erosion control structures provided they conform to standards established by the Natural Resources Conservation Service.

3. Manufactured Homes. Manufactured homes meeting standards set forth in this Ordinance, if determined by the zoning administrator to meet the requirements of an Agricultural Use residential dwelling.

4. Parks and Recreational Areas. Parks, recreational areas, wildlife management areas, game refuges, forest preserves, hiking and/or biking trails, boat liveries and boat repair owned and operated by governmental agencies.

5. Single Family Dwellings. Single family dwellings located on forty (40) or more contiguous acres are limited to the one (1) dwelling per quarter-quarter section unless it complies with the requirements of the Agricultural Use residential dwelling as defined in the Ordinance.

Subd. 2. Conversion of Farm Dwellings. A dwelling that was established and used as a farm dwelling as defined under the term Agricultural Use in this Ordinance and then is subsequently converted to a non-farm dwelling use must comply with part 1303, subdivision 1, paragraph 11 (changed from 10 - see note 1) of this Ordinance.

Dwellings converted to a non-farm use that do not meet the standards in part 1303, subdivision 1, paragraph 11 (changed from 10 - see note 1), shall be classified as a non-conforming use and shall be subject to the provisions of Section 8 of this Ordinance.

Note 1 - Changed to correct typographic error
Adopted at board meeting 5-11-09

1303 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Agricultural Protection District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

1. Agriculture Oriented Business, including but not limited to commercial storage or blending of liquid and dry fertilizers; grain and feed sales; general repair and installation services for agricultural equipment; custom meat processing; agricultural supplies and product sales or warehousing; livestock sales pavilion.

2. Aircraft Landing Fields. Aircraft landing fields and associated facilities.

3. Animal Feedlots. New or the expansion of existing animal feedlots that generate 300 or more animal units of manure.

4. Bed and Breakfast Home. Bed and Breakfast Home, but not Bed and Breakfast Inn.

5. Bituminous Plants. Bituminous plants and processing and storage of sand, gravel, stone or other minerals as a temporary use.

6. Cabins. Cabins, subject to the following:

a. Not more than one (1) cabin per quarter of a quarter section shall be allowed.

b. A cabin shall not have a permanent foundation or basement, or otherwise be permanently attached to the ground.

c. A cabin shall be for transient use only and shall not be used as a permanent, year-around dwelling.

d. No cabin shall have a gross floor area exceeding 200 square feet.

e. Cabins shall not be connected to modern utilities, including electricity, telephone service, and septic.

7. Campgrounds.

8. Cemeteries. Cemeteries and memorial gardens.

9. Churches.

10. Communication Services. Commercial radio and television towers and transmitters.

11. Dwellings. Single-family dwellings subject to the following:

a. Not more than one (1) dwelling per quarter-quarter section is permitted.

b. Dwellings built after the adoption of this Ordinance shall be setback at least one-fourth, (1/4), mile from all feedlots, except as otherwise provided in this Ordinance.

c. Dwelling units shall not be permitted on land which is of soil classifications of Class I-III soils rated in the Soil Survey – Houston County by the U. S. D. A. Natural Resource Conservation Service.

d. Dwelling units shall not be permitted in areas classified wetlands, flood plain, peat and muck areas and other areas of poor drainage. Dwelling units shall not be permitted on land which has a slope of twenty-four (24) percent or greater. All non-farm dwellings must have an erosion control plan as required by Section 24.

e. Dwelling units shall be required to be located on lots having at least 150 feet of

frontage on an existing public road, and a minimum lot area of one (1) acre.

12. Essential Services. Essential Services, including, regional pipelines, transmission cables, micro-wave and communication towers.

13. Exhibitions. Exhibitions, which shall be construed to mean any of the functions described in M. S. 375.40, and in addition thereto music festivals or so called "rock" festivals, but shall not include functions which may otherwise fall within the definition of exhibitions but are staged at and sponsored by any regularly established place of worship, stadium, athletic field, arena, auditorium, coliseum or similar permanently established place of assembly for exhibition which do not exceed by more than 250 people the maximum seating capacity of structures proposed to be staged by and at such place of worship, stadium, etc., and excluding also so called fairs, agricultural in nature, and sponsored by governmental units held on regularly established fairgrounds.

14. Exploratory Boring. Exploratory boring and drilling, including oil, natural gas and metallic minerals.

15. Greenhouses. Commercial greenhouses and nurseries.

16. Golf Course. Public golf courses and accessory structures.

17. Gun Clubs. Gun clubs and their accessory structures.

18. Home Occupations. Level I and II Home Occupations as regulated in Section 28.

19. Horse Stables. Horse stables, riding academies

20. Kennels. Kennels, keeping six (6) or more dogs.

21. Landfills. County owned or operated solid waste landfills and privately owned demolition landfills

22. Manure Storage. New, or the expansion of existing manure storage structures.

23. Mineral Extraction. Quarrying operations, sand and gravel extraction, other mineral or material excavation activities which exceed 50 cubic yards in total.

24. Municipal Service. Local municipal administration and service buildings.

25. Schools. Schools, public or private.

26. Solar Energy Systems. Solar energy systems and solar structures.

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27. Temporary Agricultural Employee Housing. Temporary agricultural employee housing shall meet the following standards:

- a.** Housing shall meet Minnesota Department of Health rules and regulations pertaining to boarding houses.
- b.** Housing shall be used for temporary farm employees only at the time that they are employed at the farm site.
- c.** Applications for temporary agricultural employee housing shall include the following information. The zoning administration or planning agency may require additional information on a site specific basis.

(1.) Expected annual duration of temporary agricultural housing use on a monthly basis.

(2.) Additional screening if applicable.

(3.) Soil borings for Individual Sewage Treatment System.

(4.) Soil erosion plan.

28. Water Supply. Water supply buildings, reservoirs, wells, elevated tanks, public sewage treatment facilities, sanitary landfill operations, and similar essential public utility and service structures subject to County and Minnesota Pollution Control Agency requirements.

29. Other Uses. Other uses as determined by the Planning Commission and the La Crescent Township Board of Supervisors that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

1304 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

1305 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty (30) feet.

Subd. 2. Exceptions. This height limitation shall not apply to grain elevators, silos, windmills, elevator lags, cooling towers, water towers, chimneys and smokestacks, church spires, public utility and communication towers.

1306 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subd. 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subd. 3. Other Public and Private Roads. There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.

Subd. 4. Exceptions.

1. Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above, would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least 20 feet beyond the right-of-way line.

2 Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

3. Existing Developed Areas. Within existing developed areas, the front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

4. Hedges and Shrubs. Hedges and shrubs shall have a minimum setback of 20 feet from the right-of-way.

1307 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifty (50) feet on each side of the building.

1308 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be fifty (50) feet.

1309 LOT AREA STANDARDS LOT AREA

Subdivision 1. Minimum Lot Area.

1. All new farm dwellings, and the division of farmsteads having two or more dwellings,

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shall have a Buildable Lot, as defined in this Ordinance, with a minimum lot area of one (1) acre for each dwelling.

2. All non-farm dwellings shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area of one (1) acre.

1310 LOT WIDTH AND DEPTH STANDARDS

Subdivision 1. Minimum Lot Width and Depth Standards. Every lot or plat of land on which a one family dwelling is constructed shall have a minimum width of one hundred and fifty (150) feet and depth of one hundred fifty (150) feet.

1311 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Section 28.

SECTION 14 ~ RESIDENTIAL DISTRICT

1401 PURPOSE

The purpose of the Residential District is to allow a continuation and limited expansion of existing residential development in the small unincorporated urban communities of the Township as well as areas adjacent to existing cities where services can be easily extended in the future.

1402 PERMITTED USES

Subdivision 1. Permitted Uses. In the Residential District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

- 1. Limited Agriculture Uses.** Limited agriculture uses including farming and truck gardening are permitted uses provided that no agricultural buildings shall be located within one hundred (100) feet of any lot line adjoining residential property. Kennels operated for commercial purposes are prohibited.
- 2. Churches.** Churches, provided that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.
- 3. Golf Courses.** Golf courses, except clubhouses, miniature courses and driving tees operated for commercial purposes.
- 4. Hospitals.** Hospital, convalescent or nursing home.
- 5. Manufactured homes.** Manufactured homes meeting standards of this Ordinance.
- 6. Nurseries.** Nurseries, excluding greenhouses
- 7. Pets.** Not more than two (2) dogs and two (2) cats may be kept at any residential premise.
- 8. Public Parks.** Public parks and recreational areas
- 9. Schools.** Public schools or private schools having a curriculum equivalent to a public elementary school or public high school, provided that no building shall be located within fifty (50) feet of the lot line of an abutting lot in any residence district.
- 10. Single Family Dwellings.** Single family detached dwellings.
- 11. Solar Energy Systems.** Solar energy systems and solar structures

1403 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Residential District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

1. Animals. The keeping of any livestock, poultry, ponies or horses in the Residential District shall require a feedlot permit, and shall only be kept on lots of that are larger than two (2) acres in area.

2. Bed and Breakfast Facilities. Bed and Breakfast Inns and Bed and Breakfast Homes.

3. Boarding House. Facilities for not more than four (4) individuals by a resident family.

4. Cemeteries. Cemeteries and memorial gardens.

5. Golf Clubhouse. Golf clubhouse, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

6. Home Occupations. Level I as regulated in Section 28.

7. Manufactured Home Parks. Manufactured home parks with approved central sewer and water systems.

8. Multi-Family Dwelling Units. Multi-family dwelling units including townhouses, apartments, condominiums with a maximum density of four (4), dwelling units per acre and a maximum of four (4), dwelling units per building subject to the standards in Section 28.

9. Municipal Buildings. Municipal administration buildings, police, and fire stations. community center buildings, public libraries, museums, art galleries, post office and other municipal buildings, except those customarily considered industrial in use and provided that no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

10. Offices. Offices of professional persons and home occupations.

11. Water Supply. Water supply buildings, reservoirs, wells, elevated tanks and similar essential service structures, except that no building shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

12. Other Uses. Other uses as determined by the Planning Commission and the La Crescent Township Board of Supervisors that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

1404 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

1405 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty (30) feet.

Subd. 2. Exceptions. This height limitation shall not apply to church spires, public utility and communication towers.

1406 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subd. 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subd. 3. Other Public and Private Roads. There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.

Subd. 4. Exceptions.

1. Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above, would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least 20 feet beyond the right-of-way line.

2. Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

3. Existing Developed Areas. Within existing developed areas, the front yard setback requirements may be adjusted to coincide with average setbacks occurring on either side of the proposed building within three hundred (300) feet except that no building shall be located less than twenty (20) feet from right-of-way line.

4. Hedges and Shrubs. Hedges and shrubs shall have a minimum setback of 20 feet from the right-of-way.

1407 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

1408 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be fifty (50) feet.

1409 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area. All new dwellings shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area as set forth below:

1. Lots With Individual Sewage Treatment Systems and Water Wells. Dwelling units with individual sewage treatment systems and water wells shall have a minimum lot area of 43,560 (changed from 22,000 – note 1) square feet. Individual sewage treatment systems and water wells must conform to the standards in this Ordinance.

2. Lots With Central Sewage Treatment and Water Systems. Dwelling units with central sewage treatment and water systems shall have a minimum lot area of 22,000 (changed from 10,000 – note 1) square feet.

3. Manufactured Home Park Lots. Lots in mobile home parks shall have a minimum lot area of 5,000 square feet.

Note 1 Changed to comply with county ordinance change
Adopted at board meeting 5-11-09

1410 LOT WIDTH AND DEPTH STANDARDS

Subdivision 1. Minimum Lot Width and Depth Standards. Every lot or plat of land on which a single family dwelling is constructed shall have the minimum standards as set forth below:

1. Lots With Individual Sewage Treatment Systems and Water Wells. Lots with individual sewage treatment systems and water wells shall have a lot width of one hundred (100) feet and lot depth of one hundred fifty (150) feet.

2. Lots With Central Sewage Treatment and Water Systems. Lots with central sewage treatment and water systems shall have a minimum lot width of seventy-five (75) feet and a lot depth of one hundred and twenty-five (125) feet.

1411 LOT OF RECORD EXCEPTION

The foregoing lot size, width, and depth requirements shall not apply to lots of record in the office of the County Recorder prior to the enactment of this Ordinance. However, a lot of less than twenty-two thousand (22,000) square feet shall not be allowed as a building site unless the owner can prove that adequate sanitary sewer facilities can be provided on a smaller lot.

If conditions warrant it, the Township Board may require a larger lot size.

1412 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and are set forth in Section 28.

SECTION 15 ~ HIGHWAY BUSINESS DISTRICT

1501 PURPOSE

The Highway Business District is intended to provide areas that will allow compact and convenient highway-oriented business, located near existing urban areas and major highways in the Township and at standards that will not impair the traffic-carrying capabilities of adjacent roads and highways.

1502 PERMITTED USES

Subdivision 1. Permitted Uses. In the Highway Business District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

1. Agricultural Uses. Limited agriculture uses including farming and truck gardening, provided that no agricultural buildings shall be located within one hundred (100) feet of any lot line adjoining residential property and also provided that no livestock or poultry be kept on lots of less than two (2) acres.

2. Clubs and Lodges

3. Commercial Recreation. Commercial recreation, including bowling alleys, archery, golf driving range, miniature golf courses

4. Food and Beverage Stands

5. Motels and Tourist Camps

6. Professional Offices

7. Recreational Equipment Sales. Recreational equipment including marine boats and sales.

8. Restaurants. Cafes, restaurants, including drive in restaurants, and supper clubs

9. Retail Uses. Retail uses, including drive-in uses, that do not generate hazardous by-products.

10. Produce Stands. Seasonal produce stands

11. Solar Energy Systems. Solar energy systems and solar structures

1503 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Highway Business District, the following uses may be allowed after obtaining a Conditional Use Permit in accordance with the provisions of Section 6.

1. Agricultural-Oriented Business

2. Auto Service Stations

3. Auto Sales Establishments

4. Drive-In Theater

5. Garden And Nursery Supplies.

6. Grain Elevators and Feed Mixing and Supplies.

7. Other Uses. Other uses as determined by the Planning Commission and the La Crescent Township Board that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

1504 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

1505 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty-five (35) feet.

Subd. 2. Exceptions. This height limitation shall not apply to church spires, grain elevators, public utility and communication towers.

1506 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subd. 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subd. 3. Other Public and Private Roads. There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.

Subd. 4. Exceptions.

1 Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above, would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least 20 feet beyond the right-of-way line.

2. Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

1507 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

Subd. 2. Additional Side Yard Setback. No building shall be located within thirty (30) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

1508 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be twenty-five (25) feet.

Subd. 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

1509 LOT AREA STANDARDS

Subdivision 1. Minimum Lot Area. All new commercial uses with individual sewage treatment systems and water wells shall be located on a Buildable Lot as defined in this Ordinance and have a minimum lot area as set forth below:

1. Lots With Individual Sewage Treatment Systems and Water Wells. Commercial uses with individual sewage treatment systems and water wells shall have a minimum lot area of one (1) acre.

1510 LOT WIDTH STANDARDS

Subdivision 1. Minimum Lot Width Standards. Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.

1511 LOT COVERAGE LOT

Subdivision 1. Maximum Lot Coverage. No more than fifty (50) percent of the lot shall be occupied by buildings.

1512 SERVICE ROAD STANDARDS

To the extent possible, commercial use adjacent to highways shall be provided with a service road between thoroughfare and the business establishment. No service roads shall have access to local residential streets nor shall highway business oriented traffic be routed in or directed to local residential streets.

Subdivision 1. Service or Frontage Roads. Frontage roads shall be subject to the following standards:

1. Each service road shall have a minimum of thirty (30) feet of right-of-way exclusive of adjoining thoroughfare right-of-way.
2. Each service road shall be at least twenty-four (24) feet wide.
3. Two-way traffic shall be allowed on service roads.
4. Access from service roads shall be no more frequent than one access for each five hundred (500) feet of thoroughfare frontage.

1513 GENERAL STANDARDS

Additional requirements for parking, signs and other regulations are set forth in Section 28.

SECTION 16 ~ GENERAL BUSINESS DISTRICT

1601 PURPOSE

This General Business District is intended to provide areas that will allow retail and general commercial uses in the small, unincorporated urban communities in the Township and adjacent to other incorporated urban communities where such use is in keeping with their long range plans for growth and expansion.

1602 PERMITTED USES

Subdivision 1. Permitted Uses. In the General Business District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

- 1. Banks and Financial Institutions**
- 2. Clubs, Lodges**
- 3. Commercial Recreation**
- 4. Government Buildings**
- 5. Hotel and Motel**
- 6. Indoor Recreation, including Movie Theaters**
- 7. Medical Buildings**
- 8. Offices**
- 9. Restaurants, Cafes and Supper Clubs**
- 10. Retail Trade Establishments**
- 11. Solar Energy Systems and Solar Structures**
- 12. Wholesale Buildings**

1603 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the General Business District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

1. Auto Service Stations

2. Drive-in Business

3. Passenger and Freight Transportation Terminals and Bus Barns

4. Single and Multi-Family Dwelling Units

5. Other Uses. Other uses as determined by the Planning Commission and the La Crescent Township Board that are similar to those uses listed above, and are found to be compatible to with other uses already permitted in the district.

1604 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

1605 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed two (2) stories or thirty (30) feet.

Subd. 2. Exceptions. This height limitation shall not apply to church spires, public utility and communication towers.

1606 FRONT YARD SETBACK STANDARDS

Subdivision 1. Minimum Front Yard Setback. The front yard setback shall be ten (10) feet, except where adjacent structures have different setbacks from those required, the front yard setback shall be the average setback of such structures.

Subd. 4. Exceptions.

1. Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

1607 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. None required.

Subd. 2. Additional Side Yard Setback. No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

Parts 1608-1609

1608 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be twenty-five (25) feet.

Subd. 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any residential or Agricultural District.

1609 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 28 and 29.

SECTION 17 ~ LIMITED INDUSTRY DISTRICT

1701 PURPOSE

The Limited Industrial District is intended to provide for compact, limited and highway oriented industries and industrial uses that may suitably be located in areas of relatively close proximity to non-industrial development. As such, industries that pose problems of air pollution, noise, vibrations and etc. will be restricted from this district.

1702 PERMITTED USES

Subdivision 1. Permitted Uses. In the Limited Industrial District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

- 1. Auto Repair Garage**
- 2. Building Materials and Lumber Yards**
- 3. Public Utility Buildings**
- 4. Public Vehicle Garage**
- 5. Security Personnel Dwelling Units.** Dwelling units for security persons and their families located on the premises where they are employed
- 6. Solar Energy Systems**
- 7. Terminals.** Transportation or freight terminal
- 8. Wholesale Business**
- 9. Warehouse or Storage**

1703 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Limited Industrial District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

- 1. Mining and Extraction**
- 2. Restaurants**
- 3. Retail Trade Establishments**

Parts 1703-1707

4. Other Production Processes. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which is not stated as a conditional or prohibited use provided the industry can conform to prescribed performance standards and is not injurious or offensive to the occupants of adjacent premises.

1704 PROHIBITED USES

Subdivision 1. Prohibited Uses. The following uses are prohibited in the Limited Industrial District.

- 1. Distillation.** Distillation of bone, coal, tar, petroleum, grain or wood
- 2. Explosives.** Manufacturing or bulk storage of explosives
- 3. Noxious Odors.** Fertilizer manufacturing, compost or storage processing of garbage, offal, dead animals, refuse, or rancid fats
- 4. Livestock Processing Plant.** Including livestock feeding yards or slaughter houses.
- 5. Chemicals.** Manufacturing, refining or processing of chemicals
- 6. Junk yards**
- 7. Potential Pollution.** Any industry that creates an excessive odor, noise, or air environmental pollution problem.

1705 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

1706 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed three (3) stories or forty (40) feet.

Subd. 2. Exceptions. This height limitation shall not apply to smoke stacks, grain elevators, public utility and communication towers.

1707 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subd. 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subd. 3. Other Public and Private Roads. There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.

Subd. 4. Exceptions.

1. Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above, would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least 20 feet beyond the right-of-way line.

2. Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

1708 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than fifteen (15) feet on each side of the building.

Subd. 2. Additional Side Yard Setback. No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

1709 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The rear yard for all buildings is forty (40) feet.

Subd. 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

1710 LOT WIDTH STANDARDS

Subdivision 1. Minimum Lot Width Standards. Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.

1711 LOT COVERAGE

Subdivision 1. Maximum Lot Coverage. No more than fifty (50) percent of the lot shall be occupied by buildings.

1712 SCREENING AND FENCING

The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face Residential or Agricultural Districts.

Parts 1713-1713

1713 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 28 and 29.

SECTION 18 ~ GENERAL INDUSTRIAL DISTRICT

1801 PURPOSE

The General Industrial District is created to allow industry which, due to its nature and size, will not conform to Limited Industry District.

1802 PERMITTED USES

Subdivision 1. Permitted Uses. In the General Industrial District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

1. Limited Industry District Permitted Uses. Any use permitted in Limited Industrial District that can conform to the performance standards set forth in this section.

2. Other Production Processes. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products subject to the performance standards set forth in this section

3. Highway Maintenance Shops and Yards

4. Motor Freight Terminals

5. Public Service Buildings

6. Solar Energy Systems and Solar Structures

1803 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the General Industrial District, the following uses may be allowed only after obtaining a Conditional Use Permit in accordance with the provision of this Ordinance.

1. Chemicals. Manufacturing, refining and processing of chemicals

2. Distillation. Distillation of bone, coal, tar, petroleum' grain or wood

3. Extraction and Processing. Extracting, processing and storage of sand, gravel, stone or other raw materials and bituminous products.

4. Noxious Odors. Fertilizer manufacturing, compact or storage processing of garbage.

5. Livestock Processing Plant. Livestock slaughter houses as processing plants

1804 ACCESSORY USES

Subdivision 1. Incidental to Principal Use. Structures and uses customarily incidental to any of the permitted or conditional uses listed above and when located on the same property.

1805 HEIGHT STANDARDS

Subdivision 1. Maximum Height. The maximum height of all buildings shall not exceed three (3) stories or forty (40) feet.

Subd. 2. Exceptions. This height limitation shall not apply to smoke stacks, grain elevators, public utility and communication towers.

1806 FRONT YARD SETBACK STANDARDS

Subdivision 1. Federal and State Highways. There shall be a front yard setback of one hundred thirty (130) feet from the center line of all Federal and State, except for divided highways which shall be one hundred (100) feet from the highway right-of-way line.

Subd. 2. County Highways. There shall be a front yard setback of not less than one hundred (100) feet from the center line of all County roads.

Subd. 3. Other Public and Private Roads. There shall be a front yard setback of not less than sixty-five (65) feet from the center line of all other public rights-of-way and private roads.

Subd. 4. Exceptions.

1. Right-of-Way Encroachment Prohibited. If the setback standards cited in Subdivisions 1-3 above would result in a structural encroachment into the road right-of-way, then the setback distance shall be increased to at least 20 feet beyond the right-of-way line.

2. Corner Lots. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory buildings shall project beyond the front yard of either road.

1807 SIDE YARD SETBACK STANDARDS

Subdivision 1. Minimum Side Yard Setback. There shall be a side yard width of not less than thirty (30) feet on each side of the building.

Subd. 2. Additional Side Yard Setback. No building shall be located within fifty (50) feet of any side lot line abutting a lot line in any Residential or Agricultural District.

1808 REAR YARD STANDARDS

Subdivision 1. Minimum Rear Yard Setback. The minimum rear yard for all buildings shall be forty (40) feet.

Subd. 2. Additional Rear Yard Setback. No building shall be located within fifty (50) feet of any rear lot line abutting a lot in any Residential or Agricultural District.

1809 LOT WIDTH STANDARDS

Subdivision 1. Minimum Lot Width Standards. Every lot shall have a width of not less than one-hundred (100) feet abutting a public right-of-way.

1810 LOT COVERAGE

Subdivision 1. Maximum Lot Coverage. No more than fifty (50) percent of the lot shall be occupied by buildings.

1811 SCREENING AND FENCING

The County may require the screening or fencing of industrial uses, to prevent visual blight, especially on side yards which face residential or agricultural districts.

1812 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 28 and 29.

SECTION 19 ~ SALVAGE AND RECYCLING YARD DISTRICT

1901 PURPOSE

The purpose of the Salvage and Recycling Yard District is to provide areas which will:

Subdivision 1. Salvage Yard. To allow the collection, disassembly and disposition of junk motor and other vehicles, accumulation of machinery, equipment and other such materials derived from salvage of material of some utility.

Subd. 2. Recycling Process. To encourage the utilization of junk and salvageable materials of all kinds to conserve resources and enhance the appearance of the communities and Township by preventing the haphazard accumulation of such junk and salvageable material.

1902 ESTABLISHMENT OF SALVAGE AND RECYCLING YARD DISTRICT

The Town Board shall not establish an Salvage and Recycling Yard District unless it makes the following findings:

Subdivision 1. Not Injurious. That the rezoning to Salvage and Recycling Yard District will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Sub. 2. Not Impede Development. That the establishment of the rezoning to Salvage and Recycling Yard District will not impede the normal and orderly development and improvement of the surrounding vacant property for uses predominant in the area.

Subd. 3. Adequate Utilities Provided. That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

Subd. 4. Off-Street Parking. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the Salvage and Recycling Yard District.

Subd. 5. Nuisance Control. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Subd. 6. Precautionary Measures. That embanking, diking or other such precautionary measures shall be taken as may be directed by the Town Board.

1903 PERMITTED USES

Subdivision 1. Permitted Uses. In the Salvage and Recycling Yard District no building structure

or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

- 1. Accessory Buildings.** Temporary accessory buildings necessary to accomplish the purposes for which Salvage and Recycling Yard District is intended.
- 2. Agricultural Uses.** Any uses permitted in the Agricultural Protection District.
- 3. Employee Dwellings.** Temporary dwelling facilities in a number adequate to accommodate the personnel required to operate the business permitted in this district.
- 4. Processing Buildings.** Temporary buildings for the collection, classification and disassembly of junk and salvageable vehicles of all kinds, machines, equipment and other materials of whatever kind which have a salvageable value and emanate from sources within the County.
- 5. Service Installations.** Service installations of all kinds necessary to provide utilities for the accomplishment of the permitted uses in this district.

1904 SCREENING STANDARD

All lands zoned Salvage and Recycling Yard District shall be effectively screened as follows:

Subdivision 1. Visibility of Facility. The facility shall not be visible from any public road or any dwelling existing prior to the establishment of the Salvage and Recycling Yard District.

Subd. 2. Screening Material. The Planning Commission/Town Board may designate plantings, fencing or such other such material as necessary to effectively screen the facility.

Subd. 3. Natural Screening. Nothing in this section shall prohibit the zoning authorities from approving adequate natural screening.

1905 SALVAGE AND RECYCLING YARD DISTRICT SETBACK

Subdivision 1. Community Setback. A Salvage and Recycling Yard District shall be located not less than one (1) mile of the city limits of any city, or platted area of an unincorporated town in the county.

Subd. 2. Other Setbacks. No Salvage and Recycling Yard District shall be located within 200 feet from any lake, creek, dry run, cemetery, church or school.

1906 TERMINATION OF THE SALVAGE AND RECYCLING YARD DISTRICT

Subdivision 1. Five Year Limit. All districts classified Salvage and Recycling Yard District shall be so designated for no greater period of time than five (5) years upon recommendation of the

Parts 1906-1907

Planning Commission and ratification of the Town Board. Salvage and Recycling Yard District designations may be assigned to areas for lesser periods of time when by findings properly made it is determined in the public interest and welfare of the community.

Subd. 2. Revert To Original Zoning District. Upon expiration of the period of time specified in zoning any area Salvage and Recycling Yard District, the area shall automatically revert to the zoning district designation, prior to being a Salvage and Recycling Yard District .

Subd. 3. Removal of Material and Structures. All materials stored, collected or otherwise accumulated, and all temporary structures and housing facilities, shall be removed upon the expiration of the Salvage and Recycling Yard District zoning designation.

Subd. 4. Restoration of Land. When a Salvage and Recycling Yard District designation terminates, the land shall be restored to a condition compatible with the district to which it reverts.

1907 GENERAL STANDARDS

Additional requirements for parking, signs, sewage systems, and other regulations are set forth in Sections 28 and 29.

SECTION 20 ~ FLOOD PLAIN DISTRICT

2001 STATUTORY AUTHORIZATION

The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 104 and 394.21 to 394.37 and 375.51, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Supervisors of La Crescent Township, Minnesota does ordain as follows:

2002 PURPOSE

The flood hazard areas of La Crescent Township are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. The purpose of these controls is to promote the public health safety, and general welfare by minimizing these losses.

2003 METHODS USED TO ANALYZE FLOOD HAZARDS

These controls are based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

2004 WARNING AND DISCLAIMER OF LIABILITY

These controls do not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. The controls shall not create liability on the part of La Crescent Township or any officer or employee thereof for any flood damages that result from reliance on the controls or any administrative decision lawfully made thereunder.

2005 FLOOD PLAIN DISTRICTS

Subdivision 1. Floodway District. The Floodway District shall include those areas designated as floodway on Flood Insurance Rate Map Panels numbered 270190 0065 C, 270190 0070 C, 270190 0105 C, 270190 0110 C, and those areas designated as floodway fringe on the Flood Boundary and Floodway Map Panels all as adopted in Part 0110.1202.

Subd. 2. Flood Fringe District. The Flood Fringe District shall include those areas shown as Zone AE located outside the floodway on Flood Insurance Rate Map Panels numbered 270190 0065 C, 270190 0070 C, 270190 0105 C, 270190 0110 C, and those areas designated as floodway fringe on the Flood Boundary and Floodway Map Panels all as adopted in Part 0110.1202.

Subd. 3. General Flood Plain District. The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Maps Panels adopted in Part 1202.

2006 COMPLIANCE

Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in Parts 2008, 2010, 2013, 2015 and 2019 that follow shall be prohibited.

In addition, a caution is provided here that:

Subdivision 1. Manufactured Homes and Travel Trailers. New manufactured homes, replacement manufactured homes and certain travel trailers and vehicles are subject to Part 2023.

Subd. 2. Modification or Repair of a Nonconformity. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by Part 0806.

Subd. 3. Certificate of Elevation and Flood Proofing. As-built elevations for elevated or flood proofed structures must be certified by ground surveys, and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in Part 2024.

2007 FLOODWAY DISTRICT

2008 PERMITTED USES

Subdivision 1. Permitted Uses. In the Floodway District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

- 1. General Farming.** General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry. sod farming and wild crop harvesting.
- 2. Loading and Parking Areas.** Industrial-commercial loading areas, parking areas, and airport landing strips.
- 3. Outdoor Recreation Areas.** Private and public golf courses, tennis courts, driving ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- 4. Lawns and Gardens.** Residential lawns, gardens, parking areas, and play areas.

2009 STANDARDS FOR FLOODWAY PERMITTED USES

Subdivision 1. Low Flood Damage Potential. The use shall have a low flood damage potential.

Subd 2. Zoning Consistency Required. The use shall be permissible in the underlying zoning district.

Subd. 3. Not Obstruct Flood Flows. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

2010 CONDITIONAL USES

Subdivision 1. Conditional Uses. In the Floodway District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following conditional uses:

- 1. Accessory Structures.** Structures accessory to the uses listed Parts 2008 and 2010.
- 2. Mineral Extraction.** Extraction and storage of sand, gravel, and other materials.
- 3. Water Oriented Uses.** Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 4. Utilities.** Railroads, streets, bridges, utility transmission lines, and pipelines.
- 5. Storage Yards.** Storage yards for equipment, machinery, or materials.
- 6. Placement of Fill.**
- 7. Travel Trailers.** Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Part 2023, Subd. 4.
- 8. Flood Control Structures.** Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event to or less than the 10-year frequency flood event.

2011 STANDARDS FOR FLOODWAY CONDITIONAL USES

Subdivision 1. No Stage Increase. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction! storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

Subd. 2. Procedures and Standards. All floodway Conditional Uses shall be subject to the procedures and standards contained in Part 2024, Subd. 6.

Subd. 3. Zoning Consistency Required. The Conditional Use shall be permissible in the underlying zoning district.

Subd. 4. Standards for Placement of Fill.

1. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
2. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion, sedimentation prevention element to the plan.
3. As an alternative, and consistent with (2), above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the Town Board has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.

Subd. 5. Standards for Accessory Structures:

1. Accessory structures shall not be designed for human habitation.
2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
3. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and, for a detached garage, the structure must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - a. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - b. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or be properly flood proofed.

Subd. 6. Storage of Materials and Equipment:

1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the County Board.

Subd. 7. Change the Course, Current, or Cross Section. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

Subd. 8. No Stage Increase. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

2012 FLOOD FRINGE DISTRICT

2013 PERMITTED USES

Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning districts. All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Part 2014 below, and the standards for all Flood Fringe "Conditional Uses" listed in Part 2016.

2014 STANDARDS FOR FLOOD FRINGE PERMITTED USES

Subdivision 1. Elevated on Fill to RFPE. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure.

Subd. 2. Accessory Structure Flood Proofing. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimensions at ground level may be internally flood proofed in accordance with Part 2011, Subd. 5.

Subd. 3. Cumulative Placement of Fill. The cumulative placement of fill where at any one time in excess of one-thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use unless the fill is specifically intended to elevate a structure in accordance with Subdivision 1 above.

Subd. 4. Storage of Material. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

Subd. 5. Standards For Flood Fringe Use Apply. The provisions of Part 2017 below, shall apply.

2015 CONDITIONAL USES

Any structure that is not elevated on fill or flood proofed in accordance with Part 2014 or any use of land that does not comply with the standards in Part 2014, shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Part 2016 and Part 2024, Subd. 6.

2016 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

Subdivision 1. Alternative Elevation Methods. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: the enclosed area is above-grade on at least one side of the structure; is designed to internally flood and is constructed with flood resistant materials; and is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

1. Design and certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

2. Specific standards for Above-Grade, Enclosed Areas - Above grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

a. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

b. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

Subd. 2. Basements shall be subject to the following:

1. Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.

2. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Subd. 3 below.

Subd. 3. Structural Dry Flood Proofing Required. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structural dry flood proofing must meet the FP-1 or FP-2 flood proofing classifications in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. Structures flood proofed to the FP-3 or FP-4 classifications shall not be permitted.

Subd. 4. Storage of Materials and Equipment

1. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the County Board.

Subd. 5. Standards For Flood Fringe Use Apply. The provisions of Part 2017 apply.

2017 STANDARDS FOR ALL FLOOD FRINGE USES

Subdivision 1. Vehicular Access Required. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

Subd. 2. Commercial Uses and Accessory Land Uses. Commercial Uses - accessory land uses, such as yards, railroad tracks and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

Subd. 3. Manufacturing and Industrial Uses. Manufacturing and industrial use measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood duration. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Subd. 2 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in the flood plain areas.

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Subd. 4. Placement and Protection of Fill. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation, FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area - designation will be requested.

Subd. 5. Adversely Affect the Hydraulic Capacity of the Channel. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit is not specified.

Subd. 6. Standards for Travel Trailers. Standards for travel trailers and travel vehicles are contained in Part 2023, Subd. 4.

Subd. 7. Anchoring Manufactured Homes. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subd. 8. Compliance With Easements in Flood Water Ponding Areas Behind Levees. This Subdivision specifies that any development in Zone AE areas landward of the Houston Flood Control Levee subject to restrictive easements must: (1) be developed consistent with these easements and must maintain the existing flood water storage and conveyance capacity on the property; and (2) have a copy of the permit application submitted to the U.S. Army Corps of Engineers, St. Paul District Office for review and comment at least 30 days prior to issuance.

Subd. 9. Maintenance of Flood Water Storage and Conveyance Capacity in Zone AE Ponding Areas Behind Levees and Subject to Easements: There must be compensating flood water storage volume and conveyance capacity for any development below the 100-year flood elevation. Certification by a registered professional engineer that this requirement has been met shall be submitted by the applicant to the zoning administrator.

2018 GENERAL FLOOD PLAIN DISTRICT

2019 PERMITTED USES

Subdivision 1. Permitted Uses. In the General Flood Plain District no building structure or part thereof shall be erected, altered, used or moved upon any premises nor shall any land be used in whole or part for other than one or more of the following permitted uses:

- 1. General Farming.** General farming, pasture, grazing, outdoor plant nurseries,

horticulture, truck farming, forestry, sod farming and wild crop harvesting.

2. Loading and Parking Areas. Industrial-commercial loading areas, parking areas, and airport landing strips.

3. Outdoor Recreation Areas. Private and public golf courses, tennis courts, driving ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Lawns and Gardens. Residential lawns, gardens, parking areas, and play areas.

5. All Other Uses. All other uses shall be subject to the floodway, flood fringe evaluation criteria pursuant Part 2020 below. Parts 2007-2011 shall apply if the proposed use is in the Floodway District and Parts 2012-2017 shall apply if the proposed use is in the Flood Fringe District.

2020 FLOODWAY AND FLOOD FRINGE DETERMINATION

The following procedures for floodway and flood fringe determination shall be apply within the general flood plain district:

Subdivision 1. Information Required. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.

1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

Subd. 2. Technical Evaluation. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 shall be followed in this expert evaluation. The designated engineer

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or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

1. Estimate the peak discharge of the regional flood.
2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and over bank area.
3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than .5 foot. A lesser stage increase than .5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

Subd. 3. Town Board Action. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Town Board. The Town Board must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District Boundary or deny the permit application. The Township Board, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the Town Board shall refer the matter back to the Zoning Administrator, who shall process the permit application consistent with the applicable provisions of Parts 2007-2017.

2021 SUBDIVISIONS

Subdivision 1. Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment capabilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities which comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawing and platting documents.

Subd. 2. Floodway/Flood Fringe Determination in the General Flood Plain District. Applicants shall provide the information required in Part 2020 to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation.

Subd. 3. Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100 year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards

for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be sought.

2022 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

Subdivision 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

Subd. 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Parts 2007-2017. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subd. 3. On-site Sewage Treatment and Water Supply Systems. Where public utilities are not provided, on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems. New or replacement on-site sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Subdivision.

2023 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF TRAVEL TRAILERS AND TRAVEL VEHICLES

Subdivision 1. Manufactured Home Parks. New manufactured home parks and expansions to existing parks shall be subject to the provisions placed on subdivisions by Part 2021.

Subd. 2. Placement of Manufactured Homes. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Part 2014. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Part 2017, Subdivision 1, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the County Board.

Subd. 3. Manufactured Home Must be Anchored. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

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Subd. 4. Travel Trailers and Vehicles. Travel trailers and travel vehicles that do not meet the exemption criteria specified in paragraph 1. below, shall be subject to the provisions in paragraphs 3 and 4 below:

1. Exemption - Travel trailers and travel vehicles are exempt from flood plain provisions if they are placed in any of the areas listed paragraph 2 below, and meet the following criteria:

- a.** Have current licenses required for highway use.
- b.** Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by- quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- c.** The travel trailer or travel vehicle and associated use must be permissible in the underlying zoning district.

2. Areas Exempted for Placement of Travel/Recreational Vehicles:

- a.** Individual lots or parcels of record.
- b.** Existing commercial recreation vehicle parks or campgrounds.
- c.** Existing condominium type campgrounds.

3. Travel trailers and travel vehicles exempted in a., above, lose this exemption when development occurs on the parcel exceeding \$1,000 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer, travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Parts 2007-2017.

4. New commercial travel trailer or travel vehicle-parks or campgrounds and new residential type subdivisions and condominium associations and the expansions of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

- a.** Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided it and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Part 2017, Subdivision 1. No fill placed in the floodway to meet requirements of this Section shall increase flood stages of the 100-year or regional flood.
- b.** All new or replacement travel trailers or travel vehicles not meeting the criteria of (1), above, may, as an alternative, be allowed as a Conditional Use if in accordance

with the following provisions and the provisions of Part 2024, Subd. 6. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. The plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as not to be impaired or contaminated during times of flooding in accordance with Part 2022, Subd. 3.

2024 ADMINISTRATION OF FLOOD PLAIN CONTROLS

Subdivision 1. Amendments. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas until it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he determines that through other measures, lands are adequately protected for the intended use. All amendments to this Section, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) technical Conditions and Criteria and must receive prior FEMA approval before adoption.

Subd. 2. Certification of First Floor Elevations and Floodproofing. The applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations or floodproofing were accomplished in compliance with the provisions of this ordinance. The Zoning Administrator shall maintain a record of these elevations or floodproofing certifications for all new structures or additions to existing structures in the flood plain districts.

Subd. 3. Variances. In the granting of a variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed which justifies the granting of the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by State law.

Subd. 4. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that the issuance of a variance to construct a structure below the base flood level would result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and that such construction below the 100 year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. The Zoning Administrator shall maintain a record of all variance actions in flood plain districts, including justification for their issuance, and report such variances issued in its annual or biennial report submitted the Administrator of the National flood Insurance Program.

Subd. 5. Procedures to be Followed by the Planning Commission in Passing on Conditional Use Permit Applications Within All Flood Plain Districts.

1. Require the applicant to furnish such of the following information as deemed necessary by the Planning Commission for determining the suitability of the particular site for the proposed use:
 - a. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel.
 - b. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
2. Transmit one copy of the information described in a., above, to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the
3. proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
4. Based upon the technical evaluation of the designated engineer or expert, the Planning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

Subd. 6. Factors Upon Which the Decision of the Planning Commission Shall be Based. In passing upon Conditional Use applications, the Planning Commission shall consider all relevant factors specified in other sections of this Ordinance and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
4. The proposed water supply and sanitation systems; and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
5. The importance of the services provided by the proposed facility to the community.
6. The requirement of the facility for a waterfront location.

7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. Such other factors which are relevant to the purposes of these flood plain controls.

Subd. 7. Time for Acting on Application. The Planning Commission shall act on an application in the manner described above within 60 days of receiving the application, except that where additional information is required pursuant Subd. 5 above. The Planning Commission shall render a written decision within 60 days from receipt of such additional information.

Subd. 8. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above, the Planning Commission shall attach such conditions to the granting of Conditional Use Permits as it deems necessary to fulfill the purposes of these controls. Such conditions may include, but are not limited to, the following:

1. Modification of waste treatment and water supply facilities.
2. Limitations on period of use, occupancy, and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
5. Flood proofing measures, in accordance with the State Building Code and these controls.

Subd. 9. Planning Commission Report. The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission, but not later than 60 days after the applicant has submitted the application.

Subd. 10. Town Board Action. The Town Board shall take action on the Conditional Use Permit application within 60 days following receipt of the findings and recommendations by the Planning Commission.

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- 1.** The Town Board may hold additional public hearings on the matter. Action for approval by the Town Board shall be not less than a four-fifths (4/5) vote of its members.
- 2.** If it grants the Conditional Use Permit, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
- 3.** The person making application for the Conditional Use Permit shall be notified in writing of the Town Board's action.

SECTION 21 ~ SHORELAND ZONING DISTRICT

2101 PURPOSE

The major purpose of this District is to control the density and location of developments in the shoreland of the public waters of the Township to preserve the water quality and natural characteristics of the shoreland and public waters.

2102 WATER BODIES INCLUDED IN THE SHORELAND DISTRICT

The regulations in the Shoreland Zoning District of La Crescent Township will apply to public waters classified by the Department of Natural Resources. The public waters of La Crescent Township have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Houston County, Minnesota.

Subdivision 1. Lakes Included Under the Shoreland Zoning District

Protected Waters

Inventory I. D. No.	Lake Name	Classification
28-0005 00	U.S. Lock and Dam No. 8 Pool	GD
28-0005 02	Target	NE
28-0005 03	Blue	NE

Subd. 2. Rivers and Streams Included Under the Shoreland Zoning District:

Tributary Streams. All protected watercourses in La Crescent Township shown on the Protected Waters Inventory Map for Houston County, a copy of which is hereby adopted by reference, not given a classification in Subd.2 above shall be considered "Tributary .

2103 PLACEMENT, DESIGN, AND HEIGHT OF STRUCTURES

Subdivision 1. Setback Rules. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Setbacks are measured from the ordinary high water level.

Subd. 2. Alignment With Adjacent Structures. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

Subd. 3. Uses Without Water Oriented Needs. Uses without water oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water surface by vegetation or topography, assuming

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summer, leaf-on conditions.

2104 MINIMUM LOT SIZE STANDARDS FOR LAKES

On General Development Lakes with lots requiring Individual Sewage Treatment Systems, ISTS, the minimum lot sizes apply only where soils percolation tests indicate that the lot will be sufficiently large enough to provide the ISTS setbacks required by this Ordinance. All lot areas below are in square feet, and all lot widths and setbacks are in feet.

Subdivision 1. General Development Lakes Lots Requiring ISTS

Riparian	Single	Duplex
Area	22,000	40,000
Width	100	180
Non-Riparian	Single	Duplex
Area	40,000	80,000
Width	150	265

Subd. 2. Natural Environment Lakes Lots Requiring ISTS

Riparian	Single	Duplex
Area	80,000	120,000
Width	200	300
Non-Riparian	Single	Duplex
Area	80,000	160,000
Width	200	400

Subd. 3. General Development Lakes Lots With Community Sewage Treatment Systems.

Riparian	Single	Duplex
Area	15,000	26,000
Width	75	135
Non-Riparian	Single	Duplex
Area	10,000	17,500
Width	75	135

2105 MINIMUM LOT WIDTH STANDARDS FOR TRIBUTARY STREAMS

	ISTS	CSTS
Single	100	75
Duplex	150	115

2106 MINIMUM SETBACKS FROM THE ORDINARY HIGH WATER LEVEL

Waterbody	Structure		Sewage System
	ISTS	CSTS	
General Development Lake	75	50	50
Natural Environment Lake	150	150	150
Tributary Stream	100	50	75

2107 ADDITIONAL DIMENSIONAL STANDARDS

Feature	Standard
Top of Bluff Structure Setback	40 ft.
Toe of Bluff Structure Setback	25 ft.
Unplatted Cemetery Structure Setback	50 ft.
Maximum Impervious Surface	25%
Side Yard Setback	20 ft.
Maximum Height	35 ft.

2108 LOWEST FLOOR ELEVATION

Subdivision 1. High Water Elevations. Structures must be placed in accordance with any flood plain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

1. Lakes: by placing the lowest floor at a level at least 3 feet above the highest known water level, or 3 feet above the ordinary high water level, whichever is higher:
2. Rivers and Streams: by placing the lowest floor at least 3 feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least 3 feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities; and

2109 ADDITIONAL SPECIAL PROVISIONS

Subdivision 1. Residential Subdivisions. Residential subdivisions with dwelling unit densities exceeding those in the Part 2104 above will not be allowed. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

Subd. 2. Bluff Impact Zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

Subd. 3. Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:

1. Stairways and lifts must not exceed 4 feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
2. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
3. Canopies or roofs are not allowed on stairways, lifts, or landings;
4. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
5. Stairways, lifts, and landings must be located, whenever practicable, in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
6. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, provided that the dimensional and performance standards of Paragraphs 1-5 above are complied with in addition to the requirements of Minnesota Regulations, Chapter 1340.

Subd. 4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

Subd. 5. Subdivisions of duplexes on Natural Environment Lakes must also meet the following standards:

1. Each building must be set back at least 200 feet from the ordinary high water level;
2. Each building must have common sewage treatment and water systems serving all dwelling units in the building;
5. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

4. No more than 25 percent of a lake's shoreline can be in duplex development.

2110 SEWAGE TREATMENT, SOIL EROSION CONTROL, AND RUNOFF DISPOSAL

Developments in the Shoreland Areas in La Crescent Township shall also conform to the standards and guidelines in the Sewage Treatment, Soil Erosion Control, Water Runoff Disposal and other pertinent sections of this Zoning Ordinance.

2111 VEGETATION ALTERATIONS

The removal of natural vegetation shall be restricted to prevent erosion into protected waters, to consume nutrients in the soil, and to preserve shoreland aesthetics. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Parts 2103, and 2116 of this Ordinance are exempt from the vegetation alteration standards that follow.

Subdivision 1. Removal or Alteration of Vegetation. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Parts 2113 and 2114 respectively, is allowed subject to the following standards:

1. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas; is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Soil And Water Conservation District.
2. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water oriented accessory structures or facilities, provided:
 - a. That the screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - b. That along rivers, existing shading of water surfaces is preserved.
 - c. That the above provisions are not applicable to the removal of trees, limbs. or branches that are dead, diseased, or pose safety hazards.

Subd. 2. Fertilizers and Pesticides. Use of fertilizers and pesticides in all districts must; minimize runoff into shore impact zones and public waters by use of earth, vegetation, or both.

2112 COMMERCIAL, INDUSTRIAL, PUBLIC, AND SEMIPUBLIC USES STANDARDS

Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

Subdivision 1. Screening. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;

Subd. 2. Short Term Watercraft Mooring. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and

Subd. 3. Signs. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

1. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;

2. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. They must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than 10 feet above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and

Subd. 4. Outside Lighting. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

2113 AGRICULTURAL USE STANDARDS

General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation district or the United States Soil Conservation Service, as provided by a qualified individual or agency. Shore impact zones where approved conservation plans do not exist shall use a setback of 10 feet and shall be maintained in permanent vegetation.

2114 FOREST MANAGEMENT STANDARDS

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

2115 EXTRACTIVE USE STANDARDS

Subdivision 1. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

Subd. 2. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

2116 PLACEMENT AND DESIGN OF ROADS, DRIVEWAYS, AND PARKING AREAS

Subdivision 1. Public and Private Roads. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

Subd. 2. Public and Private Roads and Parking Areas. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

Subd. 3. Public and Private Watercraft Access. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this Subdivision are met. For private facilities, the grading and filling provisions of Section 23 of this ordinance must be met.

SECTION 22 ~ SCENIC TRAIL DISTRICT

2201 PURPOSE

This section is intended to allow for the orderly development and use of the land along public recreational trails.

2202 DISTRICT BOUNDARY

The Scenic Trail District includes the right-of-way of all publicly owned recreational trails and a five (5) feet strip of land beyond and parallel to the right-of-way line.

2203 STANDARDS

The following requirements shall be in addition to those associated with the underlying zoning district.

Subdivision 1. Uses. There shall be no commercial uses conducted within the Scenic Trail District, with the exception of those facilities permitted and established before the effective date of this provision.

Subd. 2. Buildings. There shall be no new buildings or additions to existing buildings within the Scenic Trail District, except, those proposed by the managing public agency.

Subd. 3. Signs and Other Advertising. There shall be no advertising signs or advertisements of any other nature within the Scenic Trail District, unless such signs or advertisements are of a type which conforms to the natural appearance of the surroundings. No colors other than white, green, and brown may be used. No sign shall have an area greater than 200 square inches. No sign shall be placed within 80 rods of another sign on the same side of the trail.

SECTION 23 ~ LAND ALTERATION

2301 SUBSTANTIAL LAND ALTERATION

Subdivision 1. Substantial Land Alteration Defined. Substantial land alteration shall be defined as the extraction, grading or filling of land involving movement of earth and materials in excess of:

1. Fifty- (50) cubic yards in the Shoreland District outside of steep slopes and shore and bluff impact zones.
2. The movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
3. In excess of five hundred (500) cubic yards in all other districts, except Agricultural which is 5,000 cubic yards.

2302 PERMIT REQUIRED FOR SUBSTANTIAL LAND ALTERATION

Subdivision 1. Conditional Use Permit Required. A Conditional Use Permit shall be required in all cases where excavation, grading and/or filling of any land within the Township would result in any of the following:

1. The excavation, grading and/or filling would result in substantial alteration of existing ground contours.
2. The excavation, grading and/or filling would change existing drainage.
3. The excavation, grading and/or filling would cause flooding or erosion.
4. The excavation, grading and/or filling would deprive an adjoining property owner of lateral support.
5. The excavation, grading and/or filling would remove or destroy the present ground cover, resulting in less beneficial cover for present and proposed development.
6. The excavation, grading and/or filling would adversely affect the use and enjoyment of any property for purposes already permitted.

Subd. 2. Grading and Filling Under Existing Permits. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.

2303 PROCEDURE

Subdivision 1. Information Required for a Land Alteration Conditional Use Permit. Application for a land alteration conditional use permit shall be subject to the requirements of Section 6 of this Ordinance and shall contain the following additional information:

1. Map or plat of the proposed area of land alteration.
2. Legal description of land to be altered.
3. Nature of proposed alteration, rough grade estimates and future use of the property.
4. Starting date and approximate completion date of the operation.
5. The name of all owners of the land to be altered.
6. The names and addresses of all owners and occupants of the adjoining land that may be affected by the land alterations.

2304 STANDARDS

The following standards relating to land alteration shall be implemented to the maximum extent possible on each land alteration project.

Subdivision 1. Minimize Bare Ground. The smallest amount of bare ground shall be exposed for as short a time as feasible.

Subd. 2. Prevent Erosion and Trap Sediment. Methods to prevent erosion and trap sediment before it reaches any surface water feature shall be employed.

Subd. 3. Stabilize Fill. Fill shall be stabilized to accepted engineering standards and to accepted erosion control standards consistent with the field office technical guide of the Houston County Soil and Water Conservation District and the United States Soil Conservation Service.

Subd. 4. Maintain Ground Cover. The person responsible for the proposed land alteration shall agree to use mulches or similar materials for temporary bare soil coverage and to replace cover that has been removed, with seed or sod, such cover to be replaced within thirty (30) days after completion of grading, Where construction of homes or buildings is being done over an extended period of time, the Zoning Administrator or Town Board may require replacement of ground cover on a portion of the area before the entire project is completed.

Subd. 5. Placement of Fill on Steep Slopes Limited. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater.

Subd. 6. Placement of Fill in Bluff Impact Zone Prohibited. Fill or excavated material must not be placed in bluff impact zones.

Subd. 7. May Not Adversely Affect Adjacent Property. Alterations of topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties.

Subd. 8. Placement of Riprap. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed 3 feet horizontal to one foot vertical, the inland extent of the riprap is within 10 feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed 3 feet.

Subd. 9. Preserve Health and Safety. If, during the land alteration work, it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to immediately correct the dangerous situation created, and fence the area from the general public during the period of danger.

Subd. 10. Wetland Alteration. Prior to commencing any land alteration activity that will reasonably result in, partially or wholly, draining, filling, or degrading the water quality of any wetland, Types 1 through 8, the property owner shall contact the Local Government Unit representative responsible for administering the Wetland Conservation Act of 1991 and complete a *NA-02620-01, Local-State-Federal Water Resource Project Application Form*. Authorization to proceed must be received before beginning the wetland alteration activity.

Subd. 11. Shoreland Excavations. Excavations on shoreland, where the intended purpose is connection to a public water, shall not be allowed unless approved by the Department of Natural Resources. Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245.

Subd. 12. Premises a Public Nuisance. The Town Board may, in addition to any or all other remedies available for violation of this Ordinance, declare the premises a public nuisance and after a public hearing held after a ten (10) day notice by registered mail to the last known address of the owner or owners of the property, proceed to have the necessary work done to bring the land to reasonable standards of health and safety and assess all of the costs, and expenses thereof against the property.

2305 PERFORMANCE BOND

The Township may require from the person securing a land alteration conditional use permit, adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to a safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage of the site.

SECTION 24 ~ SOIL EROSION AND SEDIMENTATION CONTROL

2401 GENERAL STANDARDS

Subdivision 1. Design Standards. All erosion control measures required to comply with this Ordinance shall meet the design criteria, standards and specifications contained within the Minnesota Construction Site Erosion and Sediment Control Planning Handbook (BWSR) or the Urban Runoff, Erosion and Sediment Control Handbook (NCRS). Other control measures are allowed if they will accomplish the objectives of this Ordinance and are approved by the La Crescent Township Zoning Department.

Subd. 2. Must Conform to Natural Limitations of Landscape. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for preventing soil erosion.

Subd. 3. Development in Increments to Minimize Erosion. Land shall be developed in increments of workable size so adequate erosion and silt deposition controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one time.

Subd. 4. Drainage Systems Required. The drainage system shall be constructed and operational as quickly as possible during construction.

Subd. 5. Natural Vegetation Retained. Whenever possible, natural vegetation shall be retained and protected.

Subd. 6. Overburden Reserved. Where the topsoil is removed, sufficient soil shall be set aside for re-spreading over the developed area. After re-spreading, the soil will be supplemented with fertilizer as needed to establish rapid growth of a protective vegetative cover.

Subd. 7. Exposed Soil Limited. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed twenty-one (21) days. The time period may be extended if the Planning Commission is satisfied that adequate measures have been established and will remain in place.

Subd. 8. Natural Drainage System Shall be Used. The natural drainage system shall be used as far as feasible for storage and flow of runoff. Storm water drainage shall be discharged to adequate detention basins or other natural or constructed treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural and artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flow, erosion damage, and construction cost.

2402 SLOPES

Development on slopes may not proceed until an Erosion Control Plan has been prepared and an Erosion Control Permit has been issued. Plans must meet all requirements specified by the Planning

and Zoning Department.

Subdivision 1. Type I Slope Standard Erosion Control Plan. Development (including structures, roads and driveways) on slopes less than twelve (12) percent, shall require a Type I Slopes, Standard Erosion Control Plan.

Subd. 2. Type II Slope Site-Specific Erosion Control Plan. Development on slopes with an average grade between thirteen (13) and nineteen (19) percent, shall require a Type II Slopes, Site-Specific Erosion Control Plan.

Subd. 3. Type III Slope Site-Specific Erosion Control Plan Development on slopes with an average grade between twenty (20) and twenty-four (24) percent, shall require a Type III Slopes, Site Specific Erosion Control Plan.

Subd. 4. Type IV Slope Site-Specific Erosion Control Plan. The Township has determined that land development activities on slopes 25 percent or greater, Type IV Slopes, create an erosion hazard and that the potential for offsite damage to public and private property warrants protection of these environmentally sensitive areas.

1. Land development activities on Type IV Slopes, slopes 25 percent or greater, shall be limited to access roads for residential and nonresidential developments and shall require a "Site-Specific Erosion Control Plan." Final access road grades shall be no greater than twelve (12) percent slope, unless the design plan is approved by the Township Planning Commission, in which case, the road grade shall not exceed fourteen (14) percent slope.
2. An access road on a Type IV Slope, 25 percent or greater, which serves a development on land flat enough to not require an Erosion Control Plan for the development shall require a Site Specific Erosion Control Plan for the access road.

Subd. 5. Access Erosion Control. All access roads and driveways for development of building sites shall an erosion control plan for both the construction phase of the road and subsequent storm water management.

2403 EROSION CONTROL PERMITS

Permits shall be applied for at the Planning and Zoning Department on forms provided for the purpose. Permits shall be issued by the Zoning Administrator upon acceptance of the Control Plan by the Department and payment of any applicable fees.

Subdivision 1. Permit Valid For One Year. Permits shall be valid for one (1) year after the date issued.

Subd. 2. Bond Required. As a condition of approval and issuance of the permit, the Zoning Administrator shall require the applicant to deposit a minimum \$500 bond or irrevocable letter of credit to guarantee a good faith execution of the approved Erosion Control Plan and permit

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conditions. For any bond required in excess of \$500 the Zoning Administrator shall state reason justifying the increased amount. The applicant shall have the right to appeal the decision to the Planning Commission.

2404 INSPECTIONS

Subdivision 1. On-Site Inspection. The Planning and Zoning Department., SWCD, or designee of either are authorized to inspect the site at any time prior to, or after the issue of the permit.

Subd. 2. Failure To Obtain A Permit. If the land development is being carried out without a permit and Erosion Control Plan, the Zoning Administrator shall enter the land to implement enforcement provisions.

2405 ENFORCEMENT ACTIONS

Subdivision 1. Stop-Work Order. The Zoning Administrator-or designee may post a stop-work order if any of the following conditions exist:

1. Any land development regulated under this ordinance is being undertaken without a permit and approved Erosion control Plan;
2. The Erosion Control Plan is not being implemented as approved.

Subd. 2. Revocation Of Permit. If the applicant does not cease the land development activity and comply with the Erosion Control Plan within 48 hours after posting of the stop-work order, the Zoning Administrator may revoke the permit.

Subd. 3. May Institute Cease and Desist Order. Where no permit has been issued and a stop-work order has been posted, the Zoning Administrator may request the Township Attorney to obtain a cease and desist order, or any other form of injunctive relief as needed.

Subd. 4. May Issue A Notice Of Intent. After posting a stop-work order, the Zoning Administrator may issue a notice of intent to the landowner and land user, if applicable, of the Township's intent to perform work necessary to comply with this Ordinance.

The Township may go on the site and commence the work no sooner than 5 days after issuing the notice of intent. Exceptions may be granted in emergency situations where the potential for severe off site damage warrants immediate attention. The cost of the work performed by the Township, plus interest, at the rate authorized by the Town Board shall be billed to the landowner pursuant to Minnesota Statute Section. 334.01, Subdivision 1. In the event the landowner fails to pay the amount due, the Auditor shall enter the amount due on the tax rolls and collect as a special assessment against the property.

Subd. 5. Injunctive Relief. Compliance with this Ordinance may also be enforced by injunction.

2406 FEES

There will be only one fee for each Erosion Control Plan. Erosion Control Plans are to be submitted to and reviewed by the Planning and Zoning Department. The Erosion Control Plan fee shall be submitted to the Planning and Zoning Department. The Planning and Zoning Department will issue a permit after approval of the Erosion Control Plan. Erosion Control Plan fees are separate from other applicable Department fees.

2407 CATEGORIES OF PLANS CATEGORIES OF PLANS

- 1. Type I Standard Erosion Control Plan** - Development on a slope less than 12%.
- 2. Type II Site-Specific Erosion Control Plan** - Development on a slope of 12% - 19%.
- 3. Type III Site-Specific Erosion Control Plan** - Development on a slope of 20% - 24%.
- 4. Type IV Site-Specific Erosion Control Plan** - Access road on a slope of 25% or greater.

SECTION 25 ~ PRESERVATION OF NATURAL DRAINAGE WAYS

2501 GENERAL WATERWAY PROVISIONS

Subdivision 1. Use of Natural Drainage Systems. The use of natural drainage systems should be utilized to dispose of storm water runoff. Storm sewers may only be used where it can be demonstrated that the use of the above-ground natural drainage system will not adequately dispose of runoff.

Subd. 2. Natural Drainage Systems Augmentation. Above ground runoff disposal waterways may be constructed to augment the natural drainage system of the Houston County Soil and Water Conservation District.

Subd. 3. Restriction of Flow Prohibited. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.

2502 WATERWAY CONSTRUCTION STANDARDS

Subdivision 1. Construction Consistent With NRCS Technical Guide. When constructed facilities are used for storm water management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide

Subd. 2. Constructed Waterway Capacity. The widths of a constructed waterway shall be sufficiently large 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.

Subd. 3. Waterway Bank Gradient. The banks of the waterway should not exceed five (5) feet horizontal to one (1) foot vertical gradient.

Subd. 4. Waterway Bed Gradient. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.

Subd. 5. Waterway Bend Protection. The bend of the waterway should be protected with turf, sod, asphalt, concrete, or riprap. Riprap may be hand-placed, dumped or gabions and shall consist of quarried limestone or fieldstone. Rock sizes should be well mixed. no smaller than two (2) inches diameter or larger than two (2) feet.

Subd. 6. Waterway Bank Protection. Banks of the waterway shall be protected with a permanent turf vegetation.

Subd. 7. Waterway Erosion Control Measures. If the flow velocity in the waterway is such that erosion of the turf side wall will occur and the velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or riprap would be allowed to prevent erosion at these points.

Subd. 8. Sediment Basins Required for Outfalls to Public Waters. Newly constructed storm water outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

2503 WATERWAY VELOCITY

The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.

2504 SEDIMENT CONTROL

Subdivision 1. Sediment Control Structures Required. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.

Subd. 2. Temporary Pervious Sediment Control Structures. Temporary pervious sediment traps may consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty-five (25) year storm.

Subd. 3. Permanent Impervious Sediment Control Structures. Permanent impervious sediment control structures shall consist of sediment basins (debris basins, silt basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of waters.

2505 MAINTENANCE OF EROSION CONTROL SYSTEMS

Subdivision 1. Erosion and Velocity Control Structures. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.

Subd. 2. Sediment Basins. Sediment basins shall be maintained as the need occurs to insure continuous de-silting action.

Subd. 3. Unsightly Conditions. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition.

Subd. 4. Maintenance of The Erosion and Sediment Control System Required. Prior to the approval of any plat for development, the developer shall make provisions for continued maintenance of the erosion and sediment control system.

SECTION 26 ~ MINERAL EXTRACTION

2601 PURPOSE

The purpose of this Section is to minimize land use conflicts and potential nuisance caused by mining operations, and to provide for the reclamation of land disturbed by mining in order to encourage productive use thereof, including, but not limited to the following:

Subdivision 1. Agricultural Purposes. The seeding of grasses and legumes for grazing purposes, and the planting of crops for harvest.

Subd. 2. Commercial and Industrial Purposes. The establishment of commercial and industrial development sites in commercial and industrial zoning districts.

Subd. 3. Natural Resources Purposes. The planting of forests, the enhancement of wildlife and aquatic resources, and the conservation of natural resources.

Subd. 4. Health, Safety and General Welfare. The preservation of the natural beauty and aesthetic values of the Township; the establishment of recreational sites, and to provide for the health, safety and general welfare of the Citizens of La Crescent Township.

2602 JURISDICTION

Any excavation, quarrying or removal of surface material for the purpose of extracting minerals, stone, gravel, sand, soil, clay or other material as the function of such excavation shall be conducted subject to the requirements of this Section.

Subdivision 1. Exceptions. Excavations for purposes of residential, commercial, or industrial development or land alterations for agricultural purposes shall be exempt from the provisions of this Section.

2603 DEFINITIONS

For the purpose of this Section certain terms and words are defined as follows:

Subdivision 1. Excavation. Any artificial alteration of the earth, excavated or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter.

Subd. 2. Operator. Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

Subd. 3. Reclamation Plan. A document that details the activity which is to be taken during and following a mining operation to return the area to a natural state as much as possible or take actions that would substantially reduce adverse environmental effects from occurring.

Subd. 4. Quarry. Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, sand, gravel, limestone, or other non-metallic minerals.

2604 CONDITIONAL USE PERMIT

No person, firm, or corporation shall hereafter engage in the mining and processing of sand, gravel, limestone or other minerals on any land within La Crescent Township, located outside the boundaries of any city, village or incorporated town without first obtaining from the Township a Conditional Use Permit as regulated by Section 6 of this Ordinance.

Subdivision 1. Application for Permit. Any person, firm, or corporation desiring to commence or expand the mining and processing of sand, gravel, limestone or other minerals shall make written application for a Conditional Use Permit to the Zoning Administrator. Application for such permit shall be made upon a form furnished by the Zoning Administrator. The form shall contain the following items:

1. Applicant's true name and address, and a statement that the applicant has the right to ownership or lease to mine and to reclaim that land described.
2. An exact legal description of the tract, or tracts of land, and the number of acres to be mined by the applicant.
3. An existing conditions map as described in Part 2605 below.
4. An operation plan and map, as described in Parts 2606-2607 below.
5. A Reclamation plan and map as described in Part 2608 below.
6. A full and adequate description of all phases of the proposed operation to include an estimate of duration of the mining operation.
7. Any other information requested by the Planning Commission or governing body.

2605 EXISTING CONDITIONS MAP

Subdivision 1. Information Required on the Existing Conditions Map. The existing conditions map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show an outline of the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Existing topographical features at ten (10) foot contour intervals.
2. Location of wetlands, water courses, drainage systems and impounded waters.
3. Location of existing wooded areas and cultivated fields.

4. Location of existing structures and water wells.
5. Location and names of existing roads, trails, railroads, utility rights-of-way, and any other cultural features.

2606 OPERATIONAL PERFORMANCE STANDARDS

Each person, firm, or corporation to whom a mining operation permit is issued may engage in mining upon lands described in the license, subject to the following operational performance standards:

Subdivision 1. General Requirements.

- 1. Compliance.** The mining operations shall be conducted in compliance with the laws of the State of Minnesota and the Federal Government, especially as related to safety standards, and ordinances and resolutions of La Crescent Township, as amended from time to time, and in compliance with and furtherance of the approved reclamation plan for the affected land.
- 2. Operation of Equipment.** All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
- 3. Explosives.** When explosives are used, the operator shall take all necessary precautions not to endanger life and damage or destroy property. The method of storing and handling explosives shall conform with all laws and regulations relating thereto.

Subd. 2. Vegetation.

- 1. Removal of Trees and Shrubs.** Clearing of the mining site shall conform to the development and reclamation plan whenever possible. Existing trees and shrubs shall remain in their natural state and not prematurely stripped.
- 2. Weeds and Noxious Vegetation.** Weeds and other unsightly or noxious vegetation shall be cut or trimmed as may be necessary to preserve a reasonably neat appearance and to prevent seeding on adjoining property.
- 3. Preservation of Existing Trees and Ground Cover.** Existing trees and ground cover along public road frontage shall be preserved, maintained and supplemented for the depth of the roadside setback except where traffic safety requires cutting and trimming.

Subd. 3. Access.

- 1. Jurisdiction.** All access points must be approved by the local government agency having road jurisdiction, and shall preferably be located along a secondary road.

2. Avoid Residential Streets. All access points shall be located so as to avoid the routing of vehicles to and from the mining operation over streets that primarily serve abutting residential development.

3. Access Signage. Ingress and egress access points from or onto any road or highway shall be clearly signed, and only those signed access points shall be utilized.

4. Spillage on Roadways. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.

5. Dust. All access roads from mining operations to public highways, road, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.

Subd. 4. Water Resources.

1. Drainage Interference Prohibited. The mining operation shall not be allowed to interfere with surface water drainage beyond the boundaries of the mining operation.

2. Surface and Subsurface Water Quality. The mining operation shall not adversely affect the quality of surface or subsurface water resources.

3. Non-degradation of Surface Water. Surface water originating outside and passing through the mining district shall, at its point of departure from the mining site, be of equal quality to the water at the point where it enters the mining site. The mining operator shall perform any water treatment necessary to comply with this provision.

Subd. 4. Safety Fencing. Any mining operation adjacent to a residential zone or within three hundred (300) feet of two (2) or more residential structures shall comply with the following standards:

1. Ponded Water. Where collections of water occur that are one and one half (1 ½) feet or more in depth existing for any period of at least one (1) month, and occupy an area of seven hundred (700) square feet or more, all access to such collections of water shall be barred by a fence or some similarly effective barrier such as a snow fence of at least four (4) feet in height.

2. Steep Slopes. In locations where slopes occur that are steeper than one (1) foot vertical to three (3) feet horizontal existing for a period of one (1) month or more, access to such slopes shall be barred by a fence or some similarly effective barrier such as a snow fence at least four (4) feet in height.

Subd. 5. Screening. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier shall be planted with species of fast-growing trees or shrubs. The screening shall be maintained between the following:

1. Residential and Commercial Properties. The mining site and adjacent residential and commercial properties.

2. Public Roads. A screening barrier shall also be maintained between the mining site and any public road within five hundred (500) feet of mining or processing operations.

Subd. 6. Setback Requirements. When more than one (1) setback standard applies, the most restrictive standard shall apply. Mining operations shall not be conducted closer than:

1. Prohibited in District. One hundred (100) feet to the boundary of any district where mining operations are not permitted.

2. Residentially Zoned. Not closer than one thousand (1000) feet to the boundary of an adjoining property residentially zoned.

3. Adjoining Property Line. Not closer than fifty (50) feet to the boundary of an adjoining property line, unless the written consent of the owner of such adjoining property is first secured.

4. Excavating or Stockpiling. Excavating or stockpiling shall not be conducted closer than one hundred (100) feet to the right-of-way line of any existing or platted street, road, or highway, where such excavation may create a traffic or line of site problem.

5. Public Waters. Not closer than one-hundred (100) feet from the ordinary high water level of any public water.

6. Dust and Noise. Dust and noise producing processing or loading shall not be conducted closer than one thousand (1000) feet to the boundary of any residential structures existing prior to the implementation of the reclamation plan.

Subd. 8. Appearance. All buildings, structures and plants used for the production or processing of sand and gravel shall be maintained in such a manner as is practicable and according to acceptable industrial practice as to assure that such buildings, structures and plants will not become dangerously dilapidated.

Subd 9. Days of Operation. Mining operations may be conducted Monday through Saturday, except for legal holidays. The Zoning Administrator may temporarily approve operations beyond these days to respond to public or private emergencies or whenever any reasonable or necessary repairs to equipment need to be made.

Subd. 10. Dust and Dirt. All equipment used for mining operations shall be constructed, maintained and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within thirteen hundred and twenty (1320) feet of the mining operation.

1. Exception. These limitations above shall not apply to any mining operation in any industrial zone, unless such operations are closer than one hundred fifty (150) yard to a zone other than an industrial zone.

2607 OPERATION PLAN

Subdivision 1. Operation Plan Requirements. The Operation Plan shall include a narrative discussing the following topics, and providing such other information as may be required by the Zoning Administrator, the Planning Commission, or the Town Board.

1. A statement containing an estimate of the life expectancy of the proposed operation. The estimate shall include a starting date, and if within five (5) years, the completion date.
2. Material to be mined.
3. On site processing including crushing and washing operations.
4. Days and hours of operations.
5. Haul routes.
6. Soil erosion and sediment control plan.
7. A dust and noise control plan.

Subd. 2. Operations Map. The operations map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the tract to be mined and the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Outline of the maximum area to be excavated.
2. Vertical profile of area to be excavated indicating over-burden and other geological layers to the extent known.
3. Location of any structures to be erected.
4. Location of tailings deposits showing maximum height of deposits.
5. Location of machinery to be used in the mining operation.
6. Location of storage of mined materials, showing height of storage deposits.
7. Location of vehicle parking.
8. Location of explosive storage.

9. Erosion and sediment control structures.
10. Egress and ingress points and proposed turning lanes.
11. Machinery, excavation and stock pile setbacks.

2608 RECLAMATION PLAN

Subdivision 1. Reclamation Plan Required. Any mining operation legally commenced prior to the enactment of this Ordinance that does not have an approved reclamation plan, shall submit a reclamation plan to the Planning Agency for review and approval.

Subd. 2. Reclamation Plan Commencement Requirement. All mining sites shall be reclaimed after mining operations cease. Reclamation shall be complete within one calendar year after operation ceases. Reclamation must commence when any of the following conditions occur:

1. Within a period of three (3) months after the termination of a mining operation.
2. Within three (3) months after abandonment of such operation for a period of six (6) months.
3. Within three (3) months after expiration of a mining permit.

Subd. 3. Reclamation Plan Standards. The following standards apply:

1. Removal of Buildings and Structures. All buildings, structures and plants incidental to such operation shall be dismantled and removed by, and at the expense of the mining operator last operating such buildings, structures and plants.

a. A temporary variance may be granted for those buildings, structures, machinery and plants required to process previously mined materials stored on the site. Such variance may apply for only one (1) year, after which said buildings, structures machinery and plants shall be removed.

2. Grading and Filling. The peaks and depressions of the area shall be graded and back filled to a surface which will result in a gently rolling topography in substantial conformity to the surrounding landscape, and which will minimize erosion due to rainfall. No finished slope shall exceed eighteen (18) percent in grade.

3. Soil Quality. Reclaimed areas shall be laid with sod or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three (3) inches.

4. Ground Cover. The required topsoil shall be planted with legumes and grasses. Trees and shrubs may also be planted but not as a substitute for legumes and grasses. The planting shall adequately retard soil erosion.

5. Ponds. Excavations completed to a water-producing depth need not be back filled if the water depth is at least ten (10) feet and if banks shall be sloped to the water-line at a slope no greater than three (3) feet horizontal to one (1) foot vertical.

6. Finished Grades. The finished grade shall be such that it will not adversely affect the surrounding land or future development of the site upon which mining operations have been conducted. The finished plan shall restore the mining site to a condition whereby it can be utilized for the type of land use proposed to occupy the site after mining operations cease.

Subd. 4. Reclamation Plan. The Reclamation Plan shall include a narrative discussing how the above standards will be met and shall also include any additional information required by the Zoning Administrator, the Planning Commission, or the Town Board.

Subd. 5. Reclamation Plan Map. The reclamation plan map shall be drawn at a scale of one (1) inch to one hundred (100) feet and shall show the adjacent area within five hundred, (500), feet to the proposed excavation. The map shall include the following:

1. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
2. Location and species of vegetation to be replanted.
3. Location and nature of any structures to be erected as part of the Reclamation Plan.

Subd. 6. Changes in the Reclamation Plan. In the event the operator finds the characteristics of the mining area to be different than what was previously determined, changes may be made in the original reclamation plan by mutual consent of the operator and the Planning Agency. Such change shall preserve, as substantially as possible, the original reclamation plan, and shall also provide for the previously unknown variables.

2609 PERFORMANCE BOND REQUIRED

A performance for mining operations shall be filed with the Zoning Administrator in such a form as the Town Board shall prescribe, and payable to the Township. The amount of the bond amount shall be set by the Town Board by resolution. The bond shall guarantee that either upon termination of the permit or of the operations, the ground surface of the land used shall be restored in conformity with the reclamation plan filed with the mining permit application. When and if the portions of the bonded property are completely rehabilitated in accord with the reclamation plan, and such restoration is certified by the Zoning Administrator, the performance bond protecting the restored acreage shall be returned.

2610 TERM OF PERMIT

Each Conditional Use Permit approved for mineral extraction shall be valid for a period of five (5) years from and after the date of approval, provided the requirements of operation and reclamation, comply with the conditions of the permit.

- 1.** An examination of the premises can be made by the Zoning Administrator at any time during the term of the operation.

2611 RENEWAL AND REVIEW

Each Conditional Permit shall be renewable for a period of five (5) years upon written application to the Zoning Administrator and with the concurrence of the Planning Agency. However, upon determination by the Zoning Administrator, or the Town Board, that the operation is in violation of the provisions of the Conditional Use Permit or other La Crescent Township Ordinances, a hearing may be held to review the existence of any alleged violations.

2612 REVOCATION OF PERMIT

Upon failure by the holder of a mining permit to fully comply with the provisions contained herein, the Zoning Administrator shall certify the non-compliance to the Town Board.

Subdivision 1. Notice of Violation. The Town Board shall give notice to said permit holder and owner of the land setting forth the provisions of this Section being violated.

Subd. 2. Hearing. The Board shall set a time and place of a hearing to be held by the Board to consider such violation of provisions of this Section.

Subd. 3. Suspension or Termination of Permit. If said Board of Supervisors shall find that provisions of this Section have not be complied with by the permit holder then the mining operations permit may be suspended or terminated by said Town Board.

SECTION 27 ~ OIL AND URANIUM EXPLORATION

2701 PURPOSE

Subdivision 1. Protection of Ground Water Supplies. To protect ground water supplies from contamination as the result of oil and uranium exploration.

Subd. 2. Health, Safety and Welfare. To provide controls and standards that will protect the health, safety and welfare of the Citizens of La Crescent Township.

Subd. 3. Exploration. To provide controls and standards that will allow safe and accountable oil and uranium exploration.

2702 CONDITIONAL USE PERMIT REQUIRED

All exploratory borings shall require a Conditional Use Permit in all zoning districts.

2703 CONDITIONAL USE PERMIT APPLICATION

In addition to the requirements of Section 6 of this Ordinance, the following information shall be required to be submitted by the applicant as part of the Conditional Use Permit application for exploratory borings.

Subdivision 1. Purpose of Exploration. A description of the materials which are the subject of the exploration.

Subd. 2. Legal Description and Lease. A complete legal description of the property to be explored, and a copy of the lease arrangement with the landowner shall be provided. This lease shall be recorded in the County Recorder's Office prior to granting the permit. The time limit and location of the Conditional Use Permit shall be identical to that of the lease arrangement.

Subd. 3. Map of Proposed Exploration. A map indicating the location of the proposed exploratory boring in the nearest 40 acre parcel.

Subd. 4. Minnesota State Health Department License. A copy of the license provided by the Minnesota State Health Department for Exploratory Boring.

Subd. 5. Technical Description of the Exploration Process. The exact technical description of the exploration process, types of equipment to be used and an estimated timetable for each phase of work and for final completion of the program.

Subd. 6. Description of Regional Environmental Conditions. A general description of the regional environmental conditions to include surface land use and vegetation as well as a general description of the area's geologic formations and hydrology.

Subd. 7. Description of Environmental Impacts and Proposed Mitigation. A description of the major environmental impacts that exploration will create as well as a proposed plan to mitigate those impacts including such items as soil erosion, air and water contamination as well as related hazards to public safety.

Subd. 8. Reclamation Plan. A plan shall be provided for the reclamation of the land after exploration is completed. Surface reclamation shall take into account the impact on adjacent land uses, natural resources and the proposed future use of the lands explored. The plan shall include the following:

1. A reclamation schedule.
2. The method used to plug drill holes.
3. The method of grading, back filling and contouring of exploration sites and access road.
4. The methods of waste management and disposal, including liquid and solid wastes such as tailings.
5. The method of re-vegetation.

2704 EXPLORATORY BORING MAP

At least ten (10) days prior to commencement of exploratory boring, the explorer shall submit to the Minnesota Department of Natural Resources a map indicating the location of the proposed exploratory boring to the nearest estimated 40-acre parcel. A copy of this map shall be submitted to the La Crescent Township Zoning Office and the Minnesota Department of Health. The explorer shall notify the Zoning Office on the day that drilling begins and allow State, County and Township Officials access to the drill site.

2705 BORE HOLE CONSTRUCTION AND RELATED REQUIREMENTS

All test borings shall be constructed in accordance with Minnesota Department of Health Rules and Regulations and shall be constructed in a manner as to prevent all known sources of contamination from entering the boring at any time.

Subdivision 1. Drilling Mud Additives. Drilling mud additives shall be stored in clean containers and shall be free of material that may adversely affect the aquifer.

Subd. 2. Cooling Water. Water used for cooling parts of engines, air compressors, or other equipment may not be returned into the boring.

Subd. 3. Drilling, Mud, Cuttings and Discharge Water. Drilling, mud, cuttings and discharge water shall not be disposed in a manner so as to create damage to public or private property.

Subd. 4. Artesian Conditions. Exploratory Borings encountering flowing artesian conditions should be constructed to prevent erection of the aquifer or the overlying confining layer.

Subd. 5. Cavernous Limestone Formations. Any boring encountering a cavernous limestone formation shall be cased and grouted to prevent the movement of surface water into the ground water and to prevent the passage of water from one aquifer to another.

Subd. 6. Emergencies Affecting the Health, Safety or Welfare of Area Residents. In the case of an unexpected emergency, including but not limited to any act or condition that would affect the health, welfare and property of area residents, the explorer shall have the ability to-cap the boring at any time. In this instance the explorer shall immediately notify the La Crescent Township Zoning Office and proper State Agencies of such an emergency. In case of such an emergency, all costs shall be borne by the explorer.

Subd. 7. Use as Water Well. No test hole shall be used as a water well unless a water sample is taken by the County Pollution Control Officer, tested for radiation and approved by the Minnesota State Health Department. Expenses for all related tests shall be paid for by the explorer.

2706 EXPLORATORY BORING SETBACKS

The following setbacks shall be apply to the location of exploratory drilling sites from the following uses.

Subdivision 1. Public Road Setbacks.

State Highway	130 feet from the centerline of the road
County and State Aid Road	100 feet from the centerline of the road
Township Road	65 feet from the centerline of the road

Subd. 2 Residences and Property Line Setbacks.

Adjoining Property Line	200 feet
Nearest Occupied Residence	500 feet

Subd. 3. Essential Service Setbacks.

Overhead or Underground Electric Line	100 feet
Any Gas Line	15 feet

Subd. 4. Certain Storage Areas. Preparation or storage area of spray materials, commercial fertilizers or chemicals that may result in pollution of the soil or ground water shall be setback 50 feet.

Subd. 5. Below Grade Manure Storage. Below grade manure storage area if in conformance with the Minnesota Pollution Control Regulations shall be setback 100 feet.

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Subd. 6. Sewage Treatment Systems. Buried sewer, septic tank, subsurface disposal field, or privy shall set back 100 feet

Subd. 7. Water Wells. Existing water wells shall setback 100 feet.

Subd. 8. Lakes Streams Wetlands and Drainage Ditches. Lakes streams wetlands and drainage ditches shall setback 200 feet from exploratory borings.

2707 ABANDONMENT OF EXPLORATORY BORINGS

Subdivision 1. Abandonment of Exploratory Borings. Abandonment of all Exploratory Borings shall be carried out in accordance with the following provisions.

1. Abandonment. Abandonment, whether temporary or permanent, shall be undertaken immediately upon completion of drilling activities. When the test hole is to be abandoned, the La Crescent Township Zoning Office shall be notified so that the abandonment process may be inspected.

2. Abandonment Report. Within thirty (30) days of the completion of drilling or the drilling equipment leaving the site, whichever occurs first, an abandonment report shall be completed by the explorer, and filed with the La Crescent Township Zoning Office on forms provided by that Office. The report shall include but not be limited to such things as water bearing formations encountered, method of construction used and method of abandonment. The abandonment report shall specify whether the boring is being temporarily or permanently abandoned.

a. When a temporarily abandoned boring is permanently abandoned a separate abandonment report shall be filed.

3. Site Restoration. The site of the exploratory boring shall be returned as near possible to its original condition.

Subd. 2. Temporary Abandonment. A boring which is temporarily abandoned shall be constructed to prevent the introduction of surface contaminants into the boring and to prevent passage of water from one aquifer to another.

1. Casing Requirement. At the minimum a temporary abandoned boring shall be cased from bedrock or from the bottom of the boring if the boring terminates in unconsolidated materials, to a point one foot above the ground surface, or if in a flood plain, at least two feet above the level of the highest flood of record. The casing shall be protected with an overlapping can which will prevent an, surface contamination from entering the boring.

2. Marked and Protected. Any boring which is temporarily abandoned shall be marked and protected with four steel posts (schedule 40 pipe) of at least 4"-diameter at equal distance from each other, 2 feet from the center of the casing. Such posts shall be

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Installed to a minimum depth of three (3) feet into solid ground.

3. Temporary Abandonment Limitation. A boring shall not be temporarily abandoned for more than two (2) years.

Subd. 3. Permanent Abandonment. Whenever the explorer determines that a boring need not remain open any longer, or whenever he is about to lose the right to explore, the explorer shall permanently abandon the boring.

1. Grouting Required. The boring shall be filled with grout to prevent contaminating materials from entering the water bearing ground formations.

2. Removal of Debris and Obstructions. All materials, debris and obstructions that may interfere with sealing operations shall be removed from the boring.

3. Salvage of Casing and Screens. All casing and screen may be salvaged except casing that has been cemented in place.

4. Grouting Procedure. When concrete, cement or heavy drilling fluid is used as a grout material, it shall be inserted in the boring through a grout pipe from the bottom of the boring upward to the surface under pressure.

5. Top of Casing Seal. The top of the hole shall be filled with 10 feet of cement or concrete grout to within 2 feet of the land surface. Casing remaining in the hole shall be cut off at least six (6) feet below land surface. The remaining top two (2) feet of the hole shall be filled with native topsoil.

Subd. 4. Permanently Abandoned Borings Fill Material. A permanently abandoned boring shall be filled and sealed using one or more of the following substances in accordance with geological materials penetrated.

1. Unconsolidated Geologic Deposits. The section of a boring in unconsolidated deposits shall be filled with neat cement, concrete or heavy drilling fluid to provide a permeability no greater than the natural condition.

2. Intact Rock Formations. The section of a boring in a rock formation shall be filled with neat cement or concrete.

3. Cavernous or Creviced Rock Formations. The section of a boring in a cavernous or creviced rock such as cavernous limestone or creviced granite shall be filled with concrete or neat cement or alternate layers of concrete or neat cement and gravel or stone aggregate. At the top of the cavernous or creviced formation, the filling shall be completed by a layer of neat cement or concrete extending at least ten (10) feet into the above overlying formation and finished as provided in these rules.

2708 SURETY PERFORMANCE BOND REQUIRED

The applicant shall post a surety performance bond in an amount of \$25,000 plus \$5,000 per hole to assure that sufficient funds will be available to carry out required reclamation and, if necessary, decontamination of affected ground and surface waters. The bond shall be released two (2) years after exploration has ceased unless the Board of Supervisors find, for good cause shown, that the water quality of the affected area has not been restored or the reclamation plan has not been completed.

SECTION 28 ~ GENERAL PROVISIONS

2801 LOTS OF RECORD

All lots which are a part of a subdivision legally recorded with the County Recorder, and lot or lots described by metes and bounds, the deed to which has been recorded in the office of the County Recorder prior to August 30, 1967, shall be considered to be Lots of Record and shall thereby be considered a legally buildable lot even though such lot or lots may not conform to the minimum requirements of this Ordinance, providing further that the lot is in separate ownership from abutting lands, and all sanitary sewer standards and setback requirements of the County are complied with.

2802 LAND SUITABILITY

Subdivision 1. Land To Be Subdivided Must Be Suitable In Its Natural State. Except for minimal alteration, no land shall be subdivided which is held unsuitable for the proposed use in its natural state for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, inadequate water supply or sewage treatment capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Township.

Any new lot, except an Outlot, resulting from the subdivision of land for the purpose of development, must be a Buildable Lot as defined in this Ordinance. Any new access entering onto a public right of way from private property must be an Access as defined in this Ordinance.

The Town Board in applying the provisions of this Section shall in writing recite the particular facts upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider 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.

2803 HOME OCCUPATIONS

Subdivision 1. Purpose. The purpose of this classification is to prevent competition with business districts, protect the natural resources of the Township, and provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of surrounding uses. The establishment and continuance of home occupations as accessory uses shall be conditionally permitted if the following requirements and conditions are satisfied.

Subd. 2. Level I Home Occupations. Level I home occupations shall comply with the following:

1. Level I home occupations shall be conducted entirely within the dwelling, carried on by the inhabitants thereof with no more than one (1) outside employee.

2. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
3. The Level I home occupations shall not exceed 500 square feet of floor space.
4. Accessory buildings and/or attached garages can be used as part of the home occupation as long as the structure is not specifically dedicated for the occupation and occupies less than thirty (30) per cent of the total structure and is incidental and secondary to the use of the principal residential structure on the property.
5. Such home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings.
6. There shall be no exterior display storage of equipment and materials.
7. Allowable signage shall be limited to one sign, one and one half (1 ½) square foot, non-illuminated, and attached to the dwelling.
8. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
9. The hours of operation may be determined by the Planning Commission.
10. A Level I home occupation shall not include the repair of internal combustion engines (other than small engine repair), body shops, machine shops, welding, ammunition, manufacturing, or any other objectionable uses as determined by the Zoning Administrator. Machine shops are defined as places where raw metal is fabricated, using machines that require more than one hundred ten (110) volts.
11. In the case of a Level I home occupation, only one vehicle shall be allowed which is associated with the home occupation. Such vehicles shall be parked off-street and upon the lot on which the home occupation is operated.

Subd. 3. Level II Home Occupation. Level II home occupations shall comply with the following:

1. All Level II home occupations shall be conducted entirely within the dwelling or accessory building and shall be carried on by the inhabitants thereof. Six (6) employees are allowed other than the inhabitants.
2. Such use shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor use area shall be 5,000 square feet.
3. Junk and scrap yards are prohibited.
4. Home occupation signs shall be limited to a thirty two (32) square feet of non-illuminated

signage, and must be located on the same property.

5. There shall be no undue indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line as determined by the Planning Commission.

6. The Planning Commission may require materials and equipment to be stored in an enclosed building or screened area.

7. In case of a home occupation which requires the use of a commercial truck, tractor, van, pickup or any vehicle whatsoever required to be registered as a "Y" type vehicle or any trailer or other machinery capable of being trailed behind, such vehicle shall be parked off-street and upon the lot of the owner from where such home occupation is conducted. Parking is allowed only on a hard surfaced or gravel parking area. All drives accessing a hard surfaced road shall be bituminous or concrete.

Subd. 4. Waste Disposal. All home occupations not serviced by an approved community water and sewage system must comply with County, State, and Federal waste disposal requirements.

Subd. 5. Nonconforming Home Occupations. All nonconforming home occupations legally existing prior to the adoption of this Ordinance shall be allowed to continue, but shall not be allowed to expand, be rebuilt, relocated, replaced or altered without being brought into compliance with all the requirements of this subdivision.

2804 FOSTER FAMILY HOMES

Any other provisions of this Ordinance notwithstanding, the maintenance of a foster family home or a facility for family day care of five or less children, including the provider's children, shall be a permitted use of a single family dwelling in a residential area if the licensure of each such facility meets the requirements of Minnesota Statutes. (Enacted July 19, 1977, Incorporating herein by reference as if set forth in full Chapter 274 of the Laws of Minnesota for 1974.)

2805 LICENSED RESIDENTIAL FACILITIES

The other provisions of this Ordinance, if any, notwithstanding, licensed residential facilities serving from seven through sixteen mentally retarded or physically handicapped persons shall be considered a permitted multi-family residential use of property for purposes of interpreting this Ordinance and the other provisions of Chapter 60 of the Laws of Minnesota for 1975 consistent herewith and with this Ordinance are incorporated herein by reference as if set out here in full, as are the provisions of Chapter 243 of the Laws of Minnesota for 1976, codified as Section 245.312. Minnesota Statutes.

2806 PERMITTED ENCROACHMENTS

The following shall be considered as permitted encroachments on setback and height requirements except as hereinafter provided:

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In any yard: Posts, off-street open parking spaces, flues, sills, pilasters, lintels, cornices, eaves, gutters, awnings, open terraces, open canopies, steps, chimneys, flag poles, ornamental features, open fire escapes, sidewalks, and fences, and all other similar devices incidental and appurtenant to the principal structure except as hereinafter amended.

2807 SIGN REGULATIONS

All signs hereafter erected or maintained shall conform with the provisions set forth in Minnesota Statutes, Chapter 173 as amended, along state, county or township roads and any other ordinance or regulations of La Crescent Township.

2808 SOLAR ENERGY SYSTEMS AND SOLAR STRUCTURES

Subdivision 1. Permitted by District. Solar energy systems and solar structures shall be a permitted use in all districts except the flood plain districts provided the system is in compliance with minimum lot requirements and setbacks. Within the flood plain district, solar structures shall be a conditional use.

Subd. 2. Setback Exemptions. Solar energy systems and solar structures may be exempted from setback, height, and lot coverage restrictions in all districts by variance.

Subd. 3. Access to Sun Light. In a residential zone, no owner, occupier, or person in control of property shall allow vegetation or structures to be placed or grow so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall ten (10) feet high located along the boundary line of the property between the hours of 9:30 a.m. and 2:30 p.m. Central Standard Time on December 21 provided, however, this standard shall not apply to vegetation or structures which cast a shadow upon the solar energy system at the time of installation of the system.

Subd. 4. Establishment of Right to Sun Light. As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the area with the Township prior to installation of the system.

Subd. 5. Violation Constitutes a Private Nuisance. Violation of this standard shall constitute a private nuisance, and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have in tort for the damages sustained thereby and may have such nuisance abated.

2809 EXTERIOR STORAGE

Subdivision 1. Residential Zoning Districts. In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties. Existing uses shall comply with this provision within six (6) months following enactment of this Ordinance. The following uses are permitted without screening:

1. Laundry drying equipment.
2. Recreational equipment.
3. Construction and landscaping materials and equipment currently being used on the premises.
4. Agricultural equipment and materials for use on the premises.
5. Off-street parking of currently licensed and operable automobiles and pickup trucks.
6. Boats and unoccupied trailers, less than twenty (20) feet in length.

Subd. 2. All Zoning Districts. In all districts, the Township may require a conditional use permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health and safety or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a nuisance.

2810 REFUSE

Subdivision 1. Unenclosed Storage of Refuse Prohibited. In all districts, all waste material, (with exception of crop residue) debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

Subd. 2. Parking of Inoperative, Licensed Vehicles. Licensed passenger vehicles and trucks in an inoperative state shall not be parked in residential districts for a period exceeding seven (7) days; inoperative shall mean incapable of movement under their own power and in need of repairs or junkyard.

Subd. 3. Designated as Refuse. All exterior storage not included as a permitted accessory use, a permitted use, or included as part of a conditional use permit or otherwise permitted by provisions of this Ordinance is designated refuse.

2811 LIQUID BULK STORAGE

Subdivision 1. Conditional Use Permit Required. A Conditional Use Permit is required for all uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids having hazardous by-products.

Subd. 2. Existing Uses. All existing, above-ground liquid storage tanks having a capacity in excess of ten thousand (10,000) gallons shall secure a Conditional Use Permit by September 13, 1995.

Subd. 3. Diking. The Town Board may require the development of diking around the tanks. Diking

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shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the tank capacity.

Subd. 4. Hazardous Storage Tanks Prohibited. Any existing storage tank that, in the opinion of the Town Board constitutes hazard to the public safety shall discontinue operation no later than September 13, 1998.

2812 NUISANCES

Subdivision 1. Nuisances Prohibited. Noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust, or other such adverse influences that will be detrimental to the use and enjoyment of adjacent or nearby property shall not be permitted in any district. Normal agricultural practices shall not be classified as a nuisance.

All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission or disposal facilities. The standards in Subdivisions 2, 3 and 4 below shall apply to non-industrial districts.

Subd. 2. Vibration. The following vibrations are prohibited:

1. Any vibration discernible (beyond property line) to the human sense of feeling for three (3) minutes or more duration in an one (1) hour.
2. Any vibration resulting in any combination of amplitudes and frequencies beyond the "safe" range of most current standards of the United States Bureau of Mines on any structure.

Subd. 3. Toxic or Noxious Matter. All uses shall be operated so as not to discharge toxic, or noxious matter in such concentration as to be detrimental to the use and enjoyment of adjacent property. Discharge means movement of toxic or noxious matter across the surface of the ground, or through volatilization into the atmosphere, or percolation through the subsoil, to nearby property beyond the boundaries of the lot wherein such use is located.

Subd. 4. Air Pollution. Any use shall be so operated as to control the emission of smoke or particulate matter to the degree that it is not detrimental to or shall endanger the public health, safety, comfort, or general welfare or the public. For the purpose of this Ordinance, the regulations and standards adopted by the Minnesota Pollution Control Agency shall be employed.

Subd. 5. Glare. In all districts, any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets.

1. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property.

2. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-ways.
3. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of the street.
4. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from the property.

Subd. 6. Miscellaneous Nuisances.

1. No person may store or keep any vehicle of a type requiring a license to operate on the public highway; but, without a current license, attached hereto, whether the vehicle be dismantled or not, outside of an enclosed building in the residential or agricultural districts.
2. No person may create or maintain a junkyard or vehicle dismantling yard except as provided herein.
3. The following are declared to be nuisances affecting public health or safety:
 - a. The effluence from any cesspool, septic tank drainfield, or human sewage disposal system discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
 - b. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial waste or other substances.
 - c. The ownership, possession or control of any unused refrigerator, or other container with doors that fasten automatically when closed and which is of sufficient size to retain any person, and is exposed and accessible to the public without removing the doors, lids, hinges or latches, or without providing locks to prevent access.

2813 SCREENING

Subdivision 1. Adjacent to Residential Use. Where any business or industrial use (structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential zone! but not on the side of a business or industry considered to be the front.

Subd. 2. Exterior Storage Screening. All exterior storage including salvage yards shall be screened. The following use do not have to be screened:

1. Merchandise being displayed for sale.

2. Materials and equipment currently being used for construction on the premises.
3. Merchandise located on service station pump islands.

Subd. 3. Types of Screening. The screening required in this section shall consist of earth mounds, berms or ground forms; fences and walls; landscaping (plant materials) or landscaped fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

2814 ACCESSORY BUILDINGS AND STRUCTURES

Subdivision 1. Accessory Buildings and Structures in Residential Districts.

1. No accessory buildings may be located within five (5) feet of the side lot line nor within eight (8) feet of the rear lot line.
2. No accessory building shall be located nearer the front lot line than the principal building on the lot.
3. No accessory building shall exceed the height of the principal building.
4. Accessory buildings, 200 square feet in area or less that are portable and not attached to any foundation, and which meet all other requirements of this Ordinance, are permitted uses and do not require a building permit. All other accessory structures in the Residential District, except as provided in paragraph 5. below shall require a conditional use permit.
5. No private garage used or intended for the storage of passenger automobiles shall exceed fifteen hundred (1,500) square feet of gross area, nor shall any access door or other opening exceed the height of ten (10) feet. Setback standards shall meet the requirements as set forth in Section 14 of this Ordinance
6. When a private garage is oriented so as to face onto a public street, it shall minimum of twenty (20) feet from the right-of-way line.

Subd. 2. Accessory Buildings and Structures in Commercial and Industrial Districts.

1. No accessory buildings shall exceed height of the principal building except by conditional use permit.
2. Accessory buildings may be located any place to the rear of the principal building subject to the building code, and the fire zone regulations.

Subd. 3. Accessory Buildings and Structures in all Districts.

1. No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.

2. An accessory building shall be considered as an integral part of the principal building if it is located less than six (6) feet from the principal building.
3. Accessory structures located on lake or stream frontage lots may be located between the public road and the principal structure provided it is clearly demonstrated that physical conditions require such a location. In no event, however, shall the structure be located closer than twenty (20) feet to the public road right-of-way.
4. An accessory building may be located within the rear yard setback provided that the lot is not a through lot and said accessory building does not occupy more than twenty-five (25) percent of a required rear yard.

2815 DWELLING UNITS PROHIBITED

A garage, tent, trailer, basement, cabin, or accessory building shall not be used as a permanent residence at any time. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp proofed, has suitable fire protection and exits, and is otherwise approved by the Zoning Administrator.

2816 RELOCATING STRUCTURES

Subdivision 1. Permit Required. Every licensed house mover shall, in each and every instance, before raising, holding up or moving any structure obtain a Moving Permit therefor from the Zoning Administrator.

Subd. 2. Application. An application for a Moving Permit shall include the following:

1. The origin of the structure.
2. The legal description of the property on which the structure to be located.
3. The route over which it is to be moved.
4. The time at which the moving of the structure will occur.

Subd. 3. Zoning Compliance. No permit to move a structure shall be issued unless and until the following conditions are fully complied with and approved by the Zoning Administrator:

1. The building to be moved must comply in all respects with the standards in the La Crescent Township Zoning Ordinance.
2. A site plan has been approved pursuant to Section 5 of this Ordinance.
2. A Building Location Permit, and any other applicable permits have been issued.

3. Parts 2817-2818

2817 BLUFF LAND PROTECTION

Standards within Shoreland Districts may be more restrictive than the following standards. The stricter requirements will prevail within the Shoreland Districts.

Subdivision 1. Prohibited in the Bluff Impact Zone. Structures and accessory facilities must not be placed within bluff impact zones.

Subd. 2. Setback From the Toe of a Bluff. Structures shall be set back forty (40) feet from the top of a bluff and twenty-five (25) feet from the toe of a bluff.

Subd. 3. Roads, Driveways, and Parking Areas. Roads, driveways, and parking areas must not be placed within bluff impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed in these areas, and must follow an approved Erosion Control Plan as described in Section 24 of this Ordinance.

Subd. 4. Vegetation Alterations. The removal of natural vegetation within bluff impact zones shall be restricted to prevent soil erosion and to preserve bluff land aesthetics. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Ordinance are exempt from the vegetation alteration standards that follow.

Removal or alteration of vegetation in bluff impact zones, except for agricultural and forest management uses as regulated in Sections 21 and 23, respectively, is allowed subject to the following standards:

1. Intensive vegetation clearing within bluff impact zones is not allowed.
2. In bluff impact zones limited clearing of trees and shrubs and cutting, pruning and trimming of trees is allowed to provide a view. Removal of more than thirty (28) percent of existing trees greater than six (6) inches DBH (Diameter at Breast Height) is prohibited.

2818 TREE AND WOODLAND PRESERVATION IN RESIDENTIAL DEVELOPMENT

The following restrictions shall apply to all residential development occurring in wooded areas:

Subdivision 1. Minimize Structural Impact. Structures shall be located in such a manner that the maximum number of trees shall be preserved.

Subd. 2. Minimization of Impact. Prior to the granting of a building permit, the person seeking the permit must demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site. If trees are to be removed, the developer must restore the trees to the density that existed before the development was begun.

Subd. 3. Forestation, Reforestation or Landscaping. Forestation, reforestation or landscaping

shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible the locally.

Subd. 4. Grading and Contouring Impact. Development including grading and contouring shall talkie place in such manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

Subd. 5. Removal of Diseased or Damaged Trees. Notwithstanding the above. the removal of trees seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

2819 ACCESS DRIVES AND ACCESS

Subdivision 1. Access Permit Required. An Access Permit is required before construction begins on any new access, or the improvement of any existing access, entering a public road right-of-way. The permit shall be obtained from the local unit of government having jurisdiction over the right-of-way.

Subd. 2. Damage Deposit Required. The local unit of government having jurisdiction over the public right-of-way may require damage deposit until the construction is completed.

Subd. 3. Design Standards. The following design standards are general standards and may modified to meet site specific needs as determined by the jurisdiction.

1. Approach. The access approach immediately adjacent to the public right-of-way shall be a flat area twenty (20) feet wide and twenty (20) feet long.

2. Gradient. Driving Surface Gradient shall not exceed twelve (12) percent.

3. Width. The driveway shall have a width of not less than twelve (12) feet at the narrowest dimension.

4. Side Slopes. Driveway banks shall not exceed a 2:1 slope gradient.

Subd. 4. Erosion Control Standards.

1. Seed and Mulch. All bare ground shall be seeded and mulched as soon as possible after the construction is completed. Temporary seeding may include cereal rye or oats if permanent seeding is delayed more than twenty-one (21) days.

2. Silt Fences. Silt fences shall be installed along road ditches and above culverts.

3. Ditch Channel. All ditch channels shall include flat bottom construction.

4. Flowage Velocity. All driveway ditches that are designed with a flowage velocity of three (3) feet per second shall have a fiber blanket installed in the ditch.

5. Water Beaks. Water beaks located every one-hundred (100) feet shall be included in driveway design whenever possible.

2820 TEMPORARY FARM DWELLING

Subdivision 1. Temporary Farm Dwelling. A manufactured home may be permitted in an Agricultural District if the Zoning Administer finds one of the following conditions satisfied:

1. The manufactured home will be an accessory dwelling unit located on a farm.
2. The manufactured home will be occupied by persons who are:
 - a. Members of the family of the persons occupying the principal dwelling house on the premises.
 - b. Engaged in the occupation of farming on the premises as partners or other business associates or employees of the persons living in the principal dwelling house on the premises; and who earn fifty percent (50%) or more of their annual gross income for federal income tax purposes from such farming on the premises.
3. The permit is so conditioned that it will expire and terminate at such time as the persons occupying the mobile home are no longer engaged in farming or on the premises as required by paragraph 2.,b. above.
4. At the time of termination of the permit, the mobile home temporary farm dwelling shall be removed from the premises, within sixty (60) days when practical.
5. The permit is conditioned so as to be reviewed annually by the Zoning Administrator.

2821 MANUFACTURED HOMES

Subdivision 1. Standards. Manufactured homes shall be permitted in the Residential District provided they meet the following minimum standards.

1. That the manufactured home is twenty-four (24) feet or more in width and thirty-six (36) feet in length.
2. That the manufactured home has a minimum living floor area of 800 square feet.
3. That the manufactured home is placed on a permanent foundation.
4. That the manufactured home has a conventional dwelling roof and roof line.
5. That the manufactured home meets all other requirements of law and county code.

2822 SEWAGE TREATMENT

Subdivision 1. Standards Adopted by Reference. La Crescent Township hereby adopts by this reference, Minnesota Rules Parts 7080.0010 to 7080.0315 and 7080.0910 as now constituted and from time to time amended.

Subd. 2. Permit Required. No person shall install, alter, repair or extend any individual sewage treatment system in the Township without first applying for and obtaining an Individual Sewage Treatment System Permit from the Zoning Administrator and paying the required fee set by the Township and from time to time amended.

1. An Individual Sewage Treatment System Permit shall be valid for a period of twelve (12) months from date of issuance.

Subd. 3. License Required. No person shall engage in the evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance or pumping of on-site individual sewage treatment systems without first obtaining a license to perform such task from the Minnesota Pollution Control Agency, except as provided under part 7080.0700, Subdivision 1.

Subd. 4. Sewage System Contractor. No person shall commercially install, construct or repair a sewage treatment system within the Township without first securing a license from the MPCA.

Subd. 5. Septage Disposal Contractor. No person shall commercially service septic or sludge from sewage treatment systems within the Township without first securing a license from the MPCA. Any municipality shall not be required to secure a license for sewage sludge disposal, but any person under contract with a municipality shall be required to have a license.

Subd. 6. Additional Soil Treatment Area Required. On all lots created after January 23, 1996, the system design shall include at least one designated additional soil treatment area which can support a standard soil treatment system.

Subd. 7. Notice of Noncompliance. A Notice of Noncompliance for a “Failing System,” as defined in part 7080.0020, Subd. 16a, shall be issued and copies provided to the property owner and to the Township within thirty (30) days under the following conditions:

1. A failing ISTS shall be upgraded, replaced or its use discontinued within one (1) year. The Department will give consideration to weather conditions as it establishes compliance dates.
2. An ISTS posing an imminent threat to public health or safety shall be upgraded, replaced or repaired, or its use discontinued, within an appropriate time no greater than then (10) months.

2823 WATER SUPPLY

Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.

2824 WASTE WATER TREATMENT

Subdivision 1. Standards. Public waste water treatment systems shall be installed as required by standards and specifications as established by the County Board, the Minnesota Pollution Control Agency, and the Minnesota Department of Health.

1. The standards contained in MPCA Rules, Chapter 7080 and the attached Appendices A-E (Minnesota Pollution Control Agency's Individual Sewage Treatment Systems Standards) are hereby adopted by reference to supplement the provisions of this section. Copies of these standards shall be on file in the Offices of the County Auditor and the Township Zoning Administrator

Subd. 2. Franchise. Where municipal waste water treatment is not available the Town Board may by ordinance grant a franchise for such sewers to serve all properties in the area where a complete and adequate community waste water treatment system and plant are designed and complete plans for the system and plant are submitted to and approved by the Town Board, the Minnesota Pollution Control Agency, and the Minnesota Department of Health before construction.

2825 NOTIFICATIONS TO THE DEPARTMENT OF NATURAL RESOURCES

Subdivision 1. Shoreland and Flood Plain Notices of Public Hearings. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under local shoreland and flood plain management controls must be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

Subd. 2. Notice of Final Action. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under Township flood plain and shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification must also include the Board of Adjustment's record of the hearing and the findings and conclusions which supported approval of the variance.

2826 APARTMENTS, TOWNHOUSES, AND OTHER MULTI-FAMILY USE

All apartments, townhouses and other multi-family units shall require a conditional use permit. In addition, the following standards shall apply:

Subdivision 1. Site Plan Required. All requests for building or conditional use permits shall be accompanied by a series of site plans and data showing:

1. Building locations, dimensions, and elevations, all signs, structures, entry areas, storage sites, and other improvements to the site.
2. Circulation plans for both pedestrian and vehicular.
3. Fences and screening devices.
4. Solid waste disposal provisions and facilities.
5. Storm drainage plans.
6. Fire fighting and other public safety facilities and provisions such as hydrant locations and fire lanes.
7. Data pertaining to numbers of dwelling units, sizes, lot area, ratio, etc..
8. Exterior wall materials and design information.
9. A two (2) foot contour topographical map of the existing site.

Subd. 2. Grading Plan Required. A grading plan is required showing the proposed grade changes from the original topographical map. All site area, when fully developed, shall be completely graded to adequately drain and dispose of all surface water, storm water and groundwater in such a manner as to preclude large scale erosion, unwanted ponding and surface chemical runoff.

Subd. 3. Recreation Facility Plan Required. A recreation facility plan is required showing in detail all recreational facilities and structures.

Subd. 4. Landscape Plan Required. A landscape plan is required showing the site fully developed. The landscape plan is subject to review and approval by the Planning Commission. The landscaping plan shall specify the size, type, and location of all trees and shrubbery and the location of all seeded and sodded areas. The detailed landscape plan shall be prepared by a State Registered, Professional Landscape Architect.

Subd. 5. Soil Erosion Control Plan Required. A soil erosion control plan is required for the construction period. Areas within the construction zone shall be fenced with construction limit fencing as per the plan to prohibit heavy machinery and/or materials from being placed on areas not to be disturbed during construction. This shall, at a minimum, include all slopes in excess of eighteen percent.

Subd. 6. Performance Standards. The setback requirements, lot size, area, height and bulk are the same as those listed in the Residential District.

Subd. 7. Parking Requirements.

1. Two parking spaces per unit shall be provided on the same site as the dwelling unit. Each space shall not be less than nine (9) feet wide and twenty (20) feet in length, or as approved by the Zoning Administrator, and each space shall be served adequately with access drives.
2. A minimum of fifty percent (50%) of the parking spaces shall be in garages.
3. Parking spaces shall not be within twenty (20) feet of the side lot line, within the front yard or within five (5) feet of the rear lot line.
4. Bituminous or concrete driveways and parking areas with concrete curbing shall be required.

Subd. 8. Landscape Provisions. The design shall make use of all land contained in the site. All of the site shall be related to the circulation, recreation, screening, building, storage, landscaping, etc., so that no portion of the site remains undeveloped. A minimum of twenty (20) percent of the site shall be landscaped.

Subd. 9. Parking Area Screening. Screening of parking areas to a height of at least five (5) feet shall be required as follows:

1. For any off-street parking area contains more than six (6) parking spaces and is within thirty (30) feet of an adjoining residential zone.
2. When the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential zone.

Subd. 10. Exterior Storage Screening. All exterior storage shall be screened. Exterior storage screening required shall consist of a solid fence or wall not less than five (5) feet high, but shall not extend within fifteen (15) feet of any street driveway or lot line.

Subd. 11. Sidewalks. Sidewalks shall be provided from parking areas, loading zones and recreational areas to the entrances of the building.

Subd. 12. Recreation Facility Setbacks. Outdoor swimming pools or other intensive recreation shall observe setbacks required for the principal structure.

Subd. 13. Appearance. All buildings within an apartment development shall be so planned that they have the equivalent of a front appearance of each exterior vertical surface.

Subd. 14. Special Provisions Relating to Multiple Dwelling Unit Development. The following general standards apply:

1. No multiple family dwelling shall have an air conditioning unit protruding from any exterior wall, except to the extent required for proper functioning of said air conditioning unit. An appropriate grill shall be provided to cover any such protrusion and shall be designed to appear as an integral part of the exterior wall.
2. Open air drying of clothes shall not be permitted on the grounds of multiple family dwellings except when the following conditions are met:
 - a. The areas for open air drying of clothes are specifically drawn on the original site plans.
 - b. A durable and dust free surface and adequate screening is provided for the entire area to be used for the drying of clothes.
3. Each multiple family dwelling development containing more than four (4) dwelling units shall include a play area, part of which shall be a paved surface,
4. Any blighting or deteriorating aspects of the multiple family dwelling development shall be placed or absorbed by the site itself, rather than by neighboring residential uses. This provision particularly applies to the location of parking areas.
5. Except with townhouses and multiple family dwellings of four (4) or less units, no exterior trash or garbage disposal or storage shall be permitted. In the case of row housing and multiple family dwellings of four (4) units or less, there shall be no exterior incineration and all storage shall be completely enclosed by walls and roof.
6. The design shall make use of all land contained in the site. All of the site shall be related to the multiple family use, either parking, circulation, recreation, landscaping, screening, building, storage, etc., so that no portion remains undeveloped.
7. If it is intended that individual buildings of a multiple family dwelling complex be sold separately, provision shall be made so that each such building to be sold abuts upon a public street.

2827 SWIMMING POOL SAFETY FENCES.

Subdivision 1. Standards. The following fencing standards apply to all swimming pools that require zoning permit, whether in-ground or above ground, installed in the Township.

1. Safety Fence Required. A safety fence, to inhibit entry six (6) feet in heights shall enclose the pool. All openings or points of entry into the pool area, including those openings through a dwelling or other building which form a part of the enclosure in lieu of a fence, shall be equipped with lockable gates or doors. Any opening between the bottom of the fence and the ground level shall not exceed four (4) inches.

2. Gates. All gates in safety fences shall have a latch which shall be so constructed and so placed as to be at least forty-eight (48) inches from the bottom of the gate. Gates shall be self-latching when closed and shall be lockable. The fence shall be designed so as to inhibit entry except through gates or doors.

3. Above Ground Pools. The wall of a pool constructed above ground level, regardless of the height thereof may qualify as part of the safety fence, provided said wall is constructed in a comparable manner as a safety fence designed to inhibit entry.

4. Exception to Fencing. The requirements for fencing shall be met for those parts of the perimeter of the pool located adjacent to a private residence or building where entry at this location can be attained only through such residence or building.

2828 ENVIRONMENTAL HAZARD ABATEMENT

Environmental hazards are a threat to the health safety and general welfare of the public.

Subdivision 1. Environmental Hazard Abatement. Development permits and final plats shall not be approved until all known environmental hazards situated on the subject property have been abated in a manner prescribed by law. Environmental hazards include the following:

1. Unused or improperly sealed wells, cisterns, pits, tanks, and similar hazards.
2. Unapproved sites where man made articles are stored, abandoned or discarded.
3. Discarded appliances.
4. Inoperative, or unlicensed motor vehicles, combustion engines and parts.
5. Any man made product that is hazardous to life forms, or that has a hazardous by-product.

Subd. 2 Abandon and Burned Out Structure Abatement. Abandon and burned out structures are declared a hazard. Within six (6) months after an abandon or burned out structure's assessed market value has been reduced to 50 percent or less of its' original market value, the owner said property shall either restore it to the original market value, or abate the hazard by removing it. The county assessor shall determine the market value.

Subd. 3. Failure to Abate a Hazard. If the owner of property, after being served notice, or notified by registered mail, of a hazard located on the owner's property, fails to abate the hazard within six (6) months after notification, the governing body, at its discretion, may have the hazard removed and the cost of the abatement assessed back to the property.

SECTION 29 ~ PARKING STANDARDS

2901 PARKING AND LOADING STANDARDS

All parking hereafter constructed or maintained shall conform with the provisions of this Subdivision and any other ordinances or regulations of La Crescent Township.

2902 GENERAL REQUIREMENTS

Subdivision 1. Minimum Parking Space Size Standards. Each space shall be a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine (9) feet and a depth of not less than twenty (20) feet.

Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.

Subd. 2. Reduction and Use of Parking and Loading Space. On-site parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use.

On-site parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or for storage of vehicles that are inoperable or for sale or rent.

Subd. 3. Truck Parking In Residential Areas. No motor vehicle over one (1) ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district or a public street except when loading, unloading or rendering a service. Pickups are not restricted by the terms of this provision.

Subd. 4. Other Parking In Residential Areas. Parking in residential areas (off-street and on-street) shall be limited to motor vehicles for the use of the residents of those homes. Except for short-term parking (six (6) hours or less) and guest parking, the number of vehicles parking on or in front of a residential lot shall not exceed the number of persons residing on the premises and having automobile driver's licenses.

Subd. 5. Application of Parking and Loading Regulations. Parking and loading regulations shall apply to all buildings and uses of land established after the effective date of this Ordinance.

2903 REQUIRED OFF-STREET PARKING SPACES

Subdivision 1. Computing Parking Requirements. In computing the number of such parking spaces required, the following rules shall govern:

1. Floor space shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be construed to be the next whole number.
3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature, as determined by the Town Board and the Planning Commission.

Subd. 2. Required Number of Off-Street Spaces Parking Spaces. On-site parking areas, (One space equals 300 square feet), to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces are as follows:

1. **One and Two Family Residence** - Two (2) spaces per dwelling unit
2. **Multiple Dwellings** - Two (2) spaces per dwelling unit
3. **Hotel, or Motel** - One (1) space per rental unit plus one space per employee.
4. **Churches, Theaters, Auditoriums, and Other Places of Assembly** - One (1) space for each three (3) seats or for each five (5) feet of pew length based upon maximum design capacity.
5. **Funeral Homes** - Sufficient off street parking shall be required to accommodate the maximum number of guests expected to be in attendance at any given time. The number of required spaces shall be determined by the local governing body after due consideration is given to the expected parking needs of the funeral home.
6. **Business and Professional Offices** - One (1) space for each 400 square feet of gross floor space.
7. **Medical and Dental Clinics** - Five (5) spaces per doctor or dentist, plus one (1) space for each employee.
8. **Hospital** - At least (1) parking space for each three (3) hospital beds plus one (1) space for each four employees, other than doctors, plus one space for each resident and regular staff doctor.
9. **Elementary and Junior High School** - Three (3) spaces for each classroom.
10. **High School and College** - One (1) space for each four student based upon design capacity plus three (3) additional spaces for each class-room.

11. Restaurants, Cafes, Bars, Taverns and Night Clubs - At least one (1) space for each three (3) seats based on capacity design.

12. Drive-In Food Establishments - One (1) space for each fifteen square feet of gross floor space in the building allocated to drive-in operation.

13. Retail Stores - At least one (1) off-street parking space for each one hundred fifty (153) square feet of gross floor area.

14. Bowling Alley - At least five (5) parking spaces for each alley, plus additional spaces as may be required herein for related uses such as restaurant, plus one (1) additional space for each employee.

15. Automobile Service Station - At least two (2) off-street parking spaces plus four (4) off-street parking spaces for each service stall.

16. Industrial, Warehouse, Storage, Handling of Bulk Goods. One space for each employee on the major shift or one space for each two thousand square feet of gross floor area, whichever is larger.

17. Uses Not Specifically Noted - As determined by the County Board following review by the Planning Commission.

2904 PARKING LOT DESIGN PARKING LOT DESIGN

Subdivision 1. Parking Lot Site Plan Required. All plans submitted for a land development permits requiring more than four (4) parking spaces or loading facilities shall include a site plan approved by the Planning Agency.

The site plan shall be a part of the Building Location Permit and no final approval shall be issued until all items shown on the site plan for parking and loading facilities have been completed. The site plan should include at least the following:

1. Land Use District, setbacks, and statement of use.
2. North point and scale.
3. All adjacent rights-of-way.
4. Entire ownership of lot or parcel being developed.
5. Completely dimensioned parking layouts.
6. Emergency vehicle access.

7. Owner's name and current address.
8. Location and type of screening or landscaping when required.
9. Other information required by the Planning Agency or by this Ordinance.

Subd. 2. Yards. On-site parking and loading facilities shall be subject to the front yard, side yard and rear yard regulations for the use District in which parking is located, except that:

1. In the Highway Business District, no parking or loading space shall be located within ten (10) feet of any property line that abuts a road or highway right-of-way, or any residence districts.
2. In the General Business District, no parking or loading space shall be located within ten (10) feet of any highway, right-of-way.
3. In the Limited And General Industry Districts, no parking or loading space shall be located within ten (10) feet of any property line that abuts a highway right-of-way line, or any residence districts, except for railroad loading areas.

Subd. 3. Buffer Fences and Planting Screens. Off street parking and loading areas near or abutting a residence district shall be screened by a buffer fence of adequate cosign or a planting buffer screen; plans of such screen or fence shall be submitted for approval as part of the required site or plot plan, and such fence or landscaping shall be installed as a part of the initial construction.

Subd. 4. Access. In providing access to parking and loading space, the following rules shall govern:

1. Parking and loading space shall have proper access from a public right-of-way.
2. The number and width of access drives shall be located to minimize traffic congestion and abnormal traffic hazards.
3. Vehicular access to business or industrial uses across property in any residence districts are prohibited.

Subd. 5. Location of Parking Facilities. Required off-street parking space shall be provided on the same lot as the principal building or use, except as provided in Subd. 6 below.

Subd. 6. Combined Facilities. Combined or joint parking facilities may be provided for one (1) or more buildings or uses in the GB and HB Districts and in LI and GI Districts, provided that the total number of spaces shall equal the sum of the requirements for each use.

Subd. 7. Construction and Maintenance. In GB and HB Business Districts and in LI and GI Districts, parking areas and access drives shall be covered with a dust-free, all-weather surface with proper surface drainage, as required by the County Engineer. The operator of the principal building

or use shall maintain parking and loading areas, access drives and yard areas well-kept.

Subd. 8. Lighting. Lighting shall be reflected away from the public right of way and nearby or adjacent Residence Districts.

2905 OFF-STREET LOADING AND UNLOADING AREAS

Subdivision 1. Location. All required loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading berth shall be located at least twenty-five (25) feet from the intersection of two (2) street right-of-ways and at least fifty (50) feet from a residential district unless within a building. Loading berths shall not occupy the required front yard space.

Subd. 2. Size. Unless otherwise specified in this Ordinance. Each required loading berth shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, exclusive of aisle and maneuvering space.

Subd. 3. Required Loading Spaces. Determined by the Town Board following review by the Planning Commission.

Subd. 4. Access. Each required loading berth shall be located with appropriate review by the Planning Commission.

Subd. 5. Surfacing. All loading berths and access ways shall be improved with a durable material to control dust and drainage.

Subd. 6. Accessory use. Any space allocated as a loading berth or maneuvering area to comply with the terms of this Ordinance shall not be used for the storage of goods or inoperable vehicles, or be included as a part of the space requirements necessary to meet the off-street parking area.

Subd. 7. Off-street loading. In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space as follows:

1. Retail Stores, Service Establishments and Office Buildings - One (1) space for the first 10,000 square feet of gross floor area and one (1) space for each additional 50,000 square feet of gross floor area.

2. Hospitals, Rest Homes, Nursing Homes, Etc. - One (1) space plus one (1) additional space for each 100,000 square feet of gross floor area.

3. Restaurants - One (1) space for structures over 10,000 square feet of gross floor area.

4. Manufacturing, Fabrication, Warehousing and Storage - One (1) space for each 30,000 square feet of gross floor area.

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Subd. 8. Noise. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 10:00 p.m. and 7:00 a.m.

SECTION 30 ~ MANUFACTURED HOME PARKS

3001 PURPOSE

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

3002 CONSTRUCTION STANDARDS

Subdivision 1. Home Construction, Plumbing, Electrical And Mechanical Standards. All manufactured homes shall meet the construction, plumbing, electrical and mechanical standards as prescribed by the State of Minnesota and American Standards Association Code Provisions A-119, I-1963 to 1968, and shall be certified to these standards by a manufacturer's seal or certificate.

Subd. 2. Park Water Supply, Electrical Lines and Sanitary and Storm Sewer Standards. The construction and installation of sanitary and storm sewers, water and electrical lines within a manufactured home park shall comply with all Township and State codes.

3003 PERMITS REQUIRED

It shall be unlawful for any person to construct, alter, or extend any manufactured home park or structures within the park that are permanent in nature within the limits of La Crescent Township unless such person holds a valid permit issued by the Zoning Administrator in the name of such person for the specific construction, alteration or extension proposed.

3004 APPLICATION FOR A MANUFACTURED HOME PARK PERMIT

Subdivision 1. Information Required. Application for a Conditional Use Permit shall be subject to the requirements of Section 5 and shall contain the following information:

1. Name and address of applicant.
2. Location map and legal description of the proposed manufactured home park.
3. A site plan of the proposed development that includes the following information:
 - a. The area and dimensions of the tract of land.
 - b. Location of abutting existing streets and highways.
 - c. The existing topography.
 - d. The existing use of adjacent land and structures.

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- e.** The number, location, and dimensions of all proposed manufactured home lots.
- f.** The location and size of recreation areas.
- g.** Location and dimensions of all proposed roadways and walkways. Plans and specifications details shall be included as an attachment to the site plan.
- h.** Location and dimensions of all buildings to be constructed within the manufactured home park. . Plans and specifications details shall be included as an attachment to the site plan.
- j.** A landscape plan that shows the species, size and location of all plantings. The landscape plan shall be included as an attachment to the site plan.
- k.** A lighting plan that shows the location and specifications of all exterior lighting. The lighting plan shall be included as an attachment to the site plan.

3005 MANUFACTURED HOME PARK DEVELOPMENT STANDARDS

Subdivision 1. Minimum Site Requirements. The following are the minimum manufactured home park area and density standards:

- 1.** There shall be a minimum area requirement of ten (10) acres with a minimum width of three hundred (300) feet for any manufactured home park.
- 2.** No manufactured home park shall contain less than ten (10) lots.

Subd. 2. Lot Area and Setback Requirements. The following are the minimum manufactured home park lot area and setback standards:

- 1.** Each lot for a manufactured home shall contain an area of not less than five thousand (5,000) square feet.
- 2.** Minimum distance between units shall be twenty (20) feet, or the sum of the heights of the two units, whichever is greater: the point of measurement being a straight line at the closest point between the units being measured.
- 3.** There shall be a minimum setback of eighty (80) feet between the property line and any use within a manufactured home park or travel trailer court and adjacent properties.

Subd. 3. Parking and Street Requirements. All streets, parking spaces, and access drives to parking and home sites shall be paved with a bituminous or concrete surfacing material, designed to County standards. The following are the minimum manufactured home park parking and street development standards:

1. Parking:

- a. Parking requirements shall be subject to the requirements of Sections 28 and 29.
- b. Two (2) hard-surfaced off-street parking spaces shall be provided for each manufactured home. Off-street parking shall not be closer than fifteen (15) feet to the nearest home.
- c. Not more than two (2) vehicles may be stored on a site for a period of more than forty-eight (48) hours. Vehicles without current license shall not be allowed.
- d. Commercial vehicles with a gross weight larger than one (1) ton shall not be parked on any home site.

2. Streets:

- a. Streets shall have a minimum right-of-way of forty-four (44) feet in width, twenty-two (22) feet of which shall be paved.

Subd. 4. Site Development Requirements. The following are the minimum manufactured home park site development standards:

- 1. Each home site shall have a base of at least four (4) inches of compacted gravel or aggregate of adequate size on which the home shall be parked.
- 2. Each home shall be skirted with a uniform type of material approved by the park management. Such skirting must be installed within ten (10) days from the date of installation of the unit.
- 3. All manufactured home parks shall have at least ten (10) percent of the land area developed for recreational use and maintained at the owner's expense.
- 4. Manufactured home parks shall be laid with sod on the entire site except for areas used for streets, sidewalks, patios, parking base and off-street parking area.
- 5. All utilities such as water, gas, electric, sewage disposal and TV cable shall be underground. There shall be no overhead wires or supporting poles except those for street or other lighting purposes.
- 6. All manufactured home parks shall be screened with natural or artificial barriers as prescribed by the La Crescent Township Planning Commission.

Subd. 5. Storage Facilities. Each manufactured home park shall have an area of not less than five thousand (5,000) square feet for dead storage and over-load parking for each 50 home sites or percentage thereof.

Subd. 6. Emergency Shelters. All manufactured home or travel trailer parks shall be required to provide tornado shelter facilities adequate in size to accommodate safely all occupants of the park. The design and construction of the shelter facility shall be subject to the approval of the County Engineer and the Town Board.

Subd. 7. Service Building and Other Service Facilities. Each manufactured home park shall have a central service building as required by the Minnesota State Board of Health. All portions of the service building shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

Subd. 8. Fuel Supply and Storage. All fuel supply systems shall be installed and maintained in accordance with applicable state codes and regulations governing such systems.

3006 MANUFACTURED HOME PARK OPERATION REQUIREMENTS

Subdivision 1. Refuse Handling. The storage, collection, and disposal of refuse in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards or air pollution.

Subd. 2. Maintenance and Safety. The owner/operator of any manufactured home park shall be responsible for keeping the manufactured home park and its facilities and equipment in a clean, orderly, sanitary and safe condition. The failure of an employee to maintain the manufactured home park and its facilities and equipment in a clean, orderly, sanitary and safe condition does not relieve the operator for the violation of any provisions of these regulations pertaining to the operation of the manufactured home park.

Subd. 3. Fire Protection. Manufactured home parks shall be kept free of litter, rubbish, and other flammable material, except for material used for home heating purposes. In addition, the following standards apply:

1. Portable fire extinguishers rated for classes A, B and C fires shall be kept visible in service buildings and at other locations conveniently and readily accessible for use by all of the occupants and shall be maintained in good operating condition. Their capacity shall be not less than 2.5 gallons for Class A extinguishers and 5 pounds carbon dioxide or 10 pounds dry powder for Class B and C extinguishers.
2. Fires shall be made only in stoves, incinerators, and other manufactured home park equipment intended for such purposes.

Subd. 4. Manufactured Home Park Register. It shall be the duty of the operator of the manufactured home park to keep a register containing a record of all manufactured home owners and occupants located within the park. The register shall contain the following information:

1. The name and address of each manufactured home occupant.

2. The name and address of the owner of each manufactured home and motor vehicle by which it is towed.
3. The make, model, year and license number of each manufactured home and motor vehicle.
4. The state issuing such license.
5. The date of arrival and departure of each manufactured home.
6. Whether or not each manufactured home is a dependent or independent manufactured home.

Subd. 5. Inspection of Register. The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duty necessitates acquisition of the information contained in the register.

Subd. 6. Destruction of Register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant.

3007 MANUFACTURED HOME PARKS IN THE FLOOD PLAIN DISTRICT

Subd. 1. New Manufactured Home Parks and Expansions to Existing Manufactured Home Parks. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions within the Flood Plain District by Sections 20 and 21 of this Ordinance.

Subd. 2. Manufactured Homes in Existing Manufactured Home Parks. Manufactured homes in existing manufactured home parks that are located in flood plain districts are nonconforming uses and may be replaced only if in compliance with the following conditions:

1. The manufactured home lies in the Flood Fringe District.
2. The manufactured home is anchored with tie downs that comply with requirements of Minnesota Regulations MPH 450.
3. The manufactured home owner or renter is notified that the manufactured home site lies in the flood plain and may be subject to flooding.
4. The manufactured home park owner develops a flood emergency plan consistent with the time available after a flood warning. The plan shall be filed with and approved by the Town Board.

SECTION 31 ~ ESSENTIAL SERVICE UTILITY PERMITS

3101 ESSENTIAL SERVICES

Subdivision 1. General. Essential services have an effect upon urbanizing areas of the Township, land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams, and rivers. The plans for the construction or modification of essential services shall be filed with the Township, and a permit obtained, prior to beginning any condemnation action or construction.

3102 STATION TO STATION TRANSMISSION OF ESSENTIAL SERVICES

Applications for essential services being transferred from station to station, to be located parallel to a county highway, and not intended for local distribution service shall be processed as follows:

Subdivision 1. Information Required. The applicant shall file with the County Engineer and the Zoning Administrator maps indicating the location, alignment and type of the essential service proposed. If the essential service exceeds review thresholds for a Environmental Assessment Worksheet, (EAW), or Environmental Impact Statement, (EIS), as set forth in Minnesota Rules 1991, Minnesota Rules, Chapter 4410, the application shall include a copy of EAW or EIS. The County will act within sixty (60) days, upon acceptance of an application, with all supporting documents and fees.

Subd. 2. Planning Commission Review. All maps and accompanying data furnished by the applicant, together with comments from the Administrator and Engineer, shall be forwarded to the Planning Commission for a public hearing and review. In the process of review, the Commission may require the applicant to furnish additional information necessary for their decision and recommendation to the Town Board.

3103 LOCAL DISTRIBUTION SERVICES

Applications for essential services to be located parallel to a county highway and for immediate local distribution to the general public shall be processed as follows:

Subdivision 1. File Application With County Engineer. The applicant shall file an application with the County Engineer, on forms supplied by the Engineer, with maps showing the location, alignment and type of service proposed.

Subd. 2. Information Required. The Engineer may require with the issuance of a permit that:

1. The applicant submit as-built drawings after the construction is completed.
2. The applicant construct the essential services to take into consideration contemplated widening, re-grading or relocation of a township road, county highway or county state aid highway.

3. Other requirements as determined by the Engineer after discussion with the Essential Service provider.

Subd. 3. Review by County Engineer. The application and accompanying data will be reviewed by the Engineer, who will issue the permit normally within fourteen, (14) days after determining that the application is complete and the proposal is acceptable.

3104 ESSENTIAL SERVICES AND SUBSTANTIAL RECONSTRUCTION SETBACK

Subdivision 1. Located Entirely in Public Right-of-Way or Setback. It is the intention of this Ordinance that essential services, (not including transmission lines greater than 69 kilovolts) shall be located entirely within a public right-of-way, or setback a minimum of one hundred feet (100) feet from the centerline of any road on the La Crescent Township Road System when the following conditions exist:

1. When an essential service is to be constructed where it did not previously exist.
2. The substantial reconstruction of an existing essential service.
3. Other similar facilities defined in Part 0305 of this Ordinance as determined by the County Engineer after discussion with the Essential Service provider.

When essential services are to be relocated outside of the highway right-of-way as a result of this Subdivision, the County Engineer will notify the affected property owner and the reasons for the relocation.

Subd. 2. Maintenance Exceptions. The following exceptions are permitted without compliance with Subd. 1. above:

1. The minor, normal maintenance of existing lines and substations.
2. Service to individual users.
3. Essential service fed to the road right-of-way or easement of another jurisdiction from an essential service installed parallel to a road of the La Crescent Township Road System .

3105 VARIANCE

Pursuant to Section 11 of this Ordinance, the owner may apply for a variance from the setback requirements of Part 3104 of this Ordinance, including within private easements, when a hardship or practical difficulty exist.

SECTION 32 ~ LIVESTOCK FEEDLOT STANDARDS

3201 UNIQUE NATURAL RESOURCES

La Crescent Township and Houston County are unique in Minnesota because of their unrivaled beauty. Much of the beauty consist of steep wooded slopes, exposed bedrock walls and gently rolling valleys through which the Root River and its tributaries flow. Scattered throughout the valleys are farms, hamlets and rural communities. Traditionally, livestock agriculture has been an important part of the economy and industry of La Crescent Township and the County.

The Township is also unique because of its karst geology and porous soils. Because of all the reasons noted above, general manure management standards that may work well in other counties and townships may not be adequate for La Crescent Township. Each feedlot operation must be planned and managed based upon many factors that relate to its unique location in the landscape and existing land use of the Township.

3202 FEEDLOT REGISTRATION REQUIRED

Subdivision 1. Registration Required. Hereafter, no person shall own or operate an animal feedlot in La Crescent Township without first registering the feedlot with the county zoning office. Registration is also required when any of the following conditions occur:

1. A new animal or poultry confinement facility is proposed.
2. The expansion of an existing feedlot is proposed.
3. When there is a change in operator or owner of an existing feedlot.
4. When there is a change of species at an existing feedlot.

Subd. 2. Registration Update. Owners shall update their registrations prior to the registration update deadlines which shall be established by adding four-year increments to the initial registration deadline of January 1, 2002. Owners shall register at least once during each of the four-year registration update intervals as set forth in MR 7020.0350 subpart 4.

Subd. 3. Notification of Registration Update. The county zoning office shall notify the owner of registration updates as follows:

1. Notify owner at least 90 days prior to the scheduled registration update deadline about re-registration; and
2. Send a receipt of registration to owner within 30 days of receipt of the registration.

3203 NOTIFICATION OF INTENT TO CONSTRUCT OR EXPAND A FEEDLOT OR MAKE A CHANGE IN SPECIES AT AN EXISTING FEEDLOT.

Subdivision 1. Notification for Under 500 Animal Units. The expansion of an existing, or construction of a new feedlot under 500 animal units, or species at an existing feedlot requires written notice to the zoning office. The zoning office will provide notice to the township board in which the facility is located and other townships within one (1) mile, and all municipalities within two (2) miles of the facility.

Subd. 2. Notification for 500 or More Animal Units. An owner of an animal feedlot or manure storage area proposing to construct or expand an animal feedlot capable of holding 500 or more animal units, or a manure storage area capable of holding the manure produced by 500 or more animal units, shall no later than ten business days after the application is submitted to the MPCA or county, provide notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot by:

1. Publishing in the official newspaper of the county township notification containing the following information:

- a.** The names of the owners or the legal name of the facility.
- b.** The location of the facility by county, township, section, and quarter section.
- c.** Species of livestock and total animal units.
- d.** Types of confinement buildings, lots, and areas at the animal feedlot.
- e.** The types of manure storage areas.

2. Deliver in person, or send by first class mail, a written notice to each resident and each owner of real property within 5,000 feet of the perimeter of the proposed feedlot containing the information in paragraph 1. above.

Subd. 3. Affidavit Of Mailing. A certified affidavit of mailing will be provided to the zoning office.

3204 PERMIT REQUIREMENTS

Four types of permits are issued under MR 7020 and 7001: The permits are Construction Short-Form Permit, Interim Permit, SDS Permit, and NPDES Permit. An extended compliance schedule, part 3223, of this Ordinance, called the Open Lot Certification for feedlot operations with less than 300 animal units is also available.

3205 CONSTRUCTION SHORT - FORM PERMIT

Subdivision 1. Construction Short-Form Permit Required. A Construction-Short-Form Permit is required for the construction or expansion of an animal feedlot or manure storage area with a capacity of 300 animal units or more, or if the manure produced at the facility will exceed 300 animal units.

1. Exception. The facility is not required to obtain a Construction-Short-Form Permit if an Interim Permit, SDS permit, or a NPDES permit is required.

2. Expansion of a Pollution Hazard. A facility that is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, the owner shall apply for an interim permit.

3206 CONSTRUCTION SHORT-FORM PERMIT CONTENT

A construction short-form permit issued by the MPCA or county feedlot pollution control officer must state: "The permittee shall comply with MR, parts 7020.2000 to 7020.2225, and all applicable requirements." The permit must also identify at least the following information:

1. The permit number;
2. The owners' names and addresses;
3. The legal name of the animal feedlot, or manure storage area if different from that of the owner;
4. The location of the facility by county, township, section, and quarter section;
5. The existing and proposed animal types and types of animal holding areas;
6. The maximum number of animal units authorized at the facility after construction or expansion is complete; and
7. The types of existing and proposed manure storage areas. Design plans and specifications for proposed manure storage areas shall be incorporated by reference into the permit.

The general conditions in MR part 7001.0150, excluding subpart 3, item P, must be incorporated by reference in all construction short-form permits.

3207 INTERIM PERMIT

Subdivison 1. Interim Permit Required. Unless required to obtain a NPDES or SDS permit and the feedlot does not qualify for a construction-short-form permit or the open lot certification

then an interim permit is required under any of the following conditions:

1. The facility is identified as a potential pollution hazard;
2. An animal feedlot or a manure storage area with a capacity of 300 or more animal units prior to applying manure or process wastewater and any of the following conditions exist:
 - a. On land where the soil phosphorus test exceed the following levels:
 - (1) Fields in special protection areas or within 300 feet of open tile intakes that have an average soil phosphorus test level exceeding 75 ppm using the Bray P1 test or 60 ppm using the Olsen test.
 - (2) Fields outside the special protection areas and more than 300 feet from open tile intakes that have an average soil phosphorus test level exceeding 150 ppm using the Bray P1 test or 120 ppm using the Olsen test.
 - (3) When testing for phosphorus, soil samples must be collected from the upper six inches of soil at a minimum frequency of once every four years and analyzed for phosphorus using the Bray P1 or Olsen test.
 - (4) If soil phosphorus levels exceed the levels in paragraphs (1) and (2) above, then the owner must also complete a manure management plan.
 - b. On land in special protection areas with slopes exceeding six percent; or
 - c. In a drinking water supply management area where the aquifer is designated vulnerable under MR 4720.

3208 DURATION OF CONSTRUCTION SHORT-FORM AND INTERIM PERMITS

All construction short-form and interim permits expire within 24 months of the date of issuance. If the work for which a construction short-form permit was issued is not complete upon expiration of the permit, the expiration date of the permit may be extended by no more than 24 months if the owner complies with items 1 and 2 below. If the pollution hazard, for which an interim permit was issued, is not corrected upon expiration of the permit, the expiration date may be extended by no more than 90 days if:

1. The facility is currently eligible for the same permit; and
2. The owner notifies the MPCA or county feedlot pollution control officer at least 90 days prior to the expiration of the permit. The notification shall include:
 - a. The name of the owner, and the name of the facility if different from the owner;

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- b.** The permit number
- c.** The reason the work may not be completed prior to expiration of the permit;
- d.** The estimated amount of time required to complete the work; and
- e.** If the animal feedlot under construction or expansion will be capable of holding 500 animal units or more, or the manure storage area under construction or expansion will be capable of holding the manure produced by 500 animal units or more when completed, the notification requirements under part 3203, subd. 2 of this Ordinance. The notification must include the date on which the original permit was issued and the new proposed completion date.

3209 STATE DISPOSAL SYSTEM

Subdivision 1. State Disposal System Permit Required. When the facility is not required to apply for a NPDES permit under 3210 below, a SDS permit is required when the following conditions are found to exist:

- 1.** The construction and operation of an animal feedlot or manure storage area that has been demonstrated not to meet the criteria for CAFO and is capable of holding 1,000 or more animal units or the manure produced by 1,000 or more animal units;
- 2.** The facility does not comply with all applicable requirements of MR parts 7020.2000 to 7020.2225 and the pollution hazard cannot be, or has not been, corrected under the conditions in MR part 7020.0535 applicable to interim permits;
- 3.** The owner is proposing to construct or operate a new technology. A SDS permit is required for new technology operational methods while these operational methods are employed; or
- 4.** The facility is one for which conditions or requirements other than those in MR parts 7020.2000 to 7020.2225 were assumed:
 - a.** As a mitigation measure in an environmental impact statement; or
 - b.** In obtaining a negative declaration in an environmental assessment worksheet;

3210 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

A NPDES permit is required for the construction and operation of an animal feedlot that meets the criteria for CAFO as set forth in the Code of Federal Regulations, title 20, section 122.23.

3211 EXPANSION AND STOCKING LIMITATIONS

Prior to expansion, an owner required to apply for a construction or operating permit under part 3204 shall have obtained the permit, or permit modification, as applicable. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

3212 NO PERMIT REQUIRED

The owner of an animal feedlot or manure storage area is not required to apply for a permit for:

- 1.** A feedlot or manure storage area that meets the requirements of part 3223 of this Ordinance. (The Open Lot Certification).
- 2.** A short-term stockpile or compost site if the owner is not an owner of an animal feedlot or manure storage area other than a short-term stockpile or composting site;
- 3.** A livestock facility located on county fairgrounds; or
- 4.** A change in an existing facility that consists solely of a change in ownership of the building, grounds, or feedlot.
- 5.** A feedlot or manure storage area that has been inspected by a county feedlot officer or MPCA and:
 - a.** The owner has installed and maintained protective measures that prevent runoff to waters of the state and;
 - b.** The feedlot has received a “0” feedlot rating using the feedlot model “fleva”. This rating is based on MR 7050.0215 and limits the feedlot runoff to 112mg/l of COD or 25mg/l of BOD during a 25 year, 24 hour, (4.95 inches), rain event.

3213 CHANGE OF OWNERSHIP

Prior to the change in the ownership or control of an animal feedlot or manure storage area issued a permit under this Ordinance, the new owner shall submit to the MPCA or county feedlot pollution control officer the information required in item 1 or 2, as applicable.

If the MPCA or county feedlot pollution control officer determines that the new owner meets the requirements for obtaining the permit, then the MPCA or the county feedlot pollution control officer shall issue the permit to the new owner. The new owner shall submit:

- 1.** A request for permit modification according to MR part 7001.0190 for facilities covered under an SDS or NPDES permit; or

2. A change of ownership form provided by the MPCA.

3214 FEEDLOT PERMIT APPLICATION

Subdivision 1. Information Required for a Feedlot Permit Application. In general, the following information is required for review prior to the issuance of a 2-year Interim Permit; a Construction Short Form Permit; a State Disposal System Permit, or a National Pollution Discharge Elimination Systems Permit:

1. A completed State of Minnesota Permit Application as set forth in MR, 7020.0505.
2. A Good Neighbor Plan as defined in this Ordinance.
3. In some instances, because of site specific, or operational considerations, the feedlot officer may require additional information.
4. A plan for disposal of dead animals that is consistent with the Minnesota Board of Animal Health regulations.
5. The Feedlot Advisory Committee may be requested to conduct an on-site review of any new feedlot, or the expansion of an existing feedlot. The committee will provide to the planning commission findings of fact and make recommendations regarding setbacks, location concerns, the need for vegetative screening, or any other technical information deemed necessary.

3215 PERMIT PROCESSING PROCEDURES

Permit applications must be submitted according to subdivision 1 and 2 below. An application is complete when all applicable information in MR part 7020.0505, subpart 4, and application fees under MR parts 7002.0250 and 7002.0310 have been received by the MPCA or the county feedlot pollution control officer, as appropriate. Incomplete permit applications will not be processed by the MPCA or the county feedlot pollution control officer.

Subdivision 1. NPDES and SDS Permit Applications. NPDES and SDS permit applications must be submitted to the agency in accordance with MR 7020.0505 and MR 7001, with a copy submitted to the county zoning office.

Subd. 2. Interim Permit and Construction Short-Form Permit Applications. Interim permit and construction short-form permit applications must be submitted to the agency or the county in accordance with MR 7020.0505 and part 7020.0535.

3216 GENERAL FEEDLOT LOCATION AND SETBACK STANDARDS

The setback requirements are to be measured from the outermost boundaries of the feedlot structure or fence, to the existing dwelling. In the case of residential lots of record, public parks

and incorporated city limits, the measurement will be from the feedlot to the closest property line.

Subdivision 1. Feedlot Advisory Committee Review. The Feedlot Advisory Committee shall conduct an on-site review of all variance applications relating to feedlots. Upon completion of the review, the committee shall prepare a report and recommendation for the Board of Adjustment's consideration.

Subd. 2. Steep Slopes. New feedlots shall be setback a minimum of thirty (30) feet from the top of a steep slope or as determined by the Planning Commission. A new feedlot, or the expansion of an existing feedlot must apply for a site specific variance if the site is located on a slope that is over twelve (12) percent, or if the site is closer than thirty (30) feet from the top of a steep slope.

Subd. 3. Feedlot Setback from Urban Development. New feedlots, and the expansion of existing feedlots located within one-half, (1/2), mile of a school, church, platted subdivision, public park, or incorporated city limit, shall be reviewed as a site specific variance.

Subd. 4. Urban Development Setback from Feedlot. New, and the expansion of existing schools, churches, platted subdivisions, public parks, located within one-half, (1/2), mile of a registered feedlot shall be reviewed as a site specific variance.

Subd. 5. Feedlot Setback From Residential Dwelling. New feedlots and the expansion of existing feedlots located within one-fourth (1/4) mile of dwellings, other than the owner's, operator's, or their family member's dwelling, may be reviewed as a site specific variance.

Subd. 6. Residential Dwelling Setback from Feedlot. New dwellings and the expansion existing dwellings, other than the feedlot owner's or family member's dwelling, less than one-fourth 1/4 mile from a registered feedlot shall be reviewed by the feedlot advisory committee and shall require the granting of a site specific variance from the board of adjustment.

3217 SHORELANDS

Subdivision 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within the designated shoreland district.

Subd. 2. Existing Feedlots or Manure Storage. An existing animal feedlot or a manure storage area is a facility that is located in shoreland and that has been used within the past five (5) years.

Subd. 3. Feedlots Unused for More Than Five Years. A feedlot that has been unused for more than five (5) years, but less than ten (10) years is a pollution hazard and may resume operation only after applying for and obtaining an interim permit under part 3207 of this Ordinance.

Subd. 4. Feedlots Unused for Ten Years or More. A feedlot that has been unused for ten years or more shall not resume operation.

Subd. 5. Shoreland Expansion Limitations. An existing animal feedlot or manure storage area

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located in shoreland may not expand to a capacity of 1,000 animal units or more or the manure produced by 1,000 animal units or more. An existing animal feedlot or a manure storage area expanding in shoreland shall not locate any portion of the expanded animal feedlot or the manure storage area closer to the ordinary high water mark than any existing portion of the animal feedlot or the manure storage area.

Subd. 6. Livestock Access To Waters Restriction.

1. CAFOs and facilities capable of holding 1,000 or more animal units. Animals of a CAFO or of a facility capable of holding 1,000 or more animal units must not be allowed to enter waters of the state.

2. Non-CAFO animal feedlots. Except as required in subpart 1, by October 1, 2001, animals of a non-CAFO animal feedlot must be fenced to prohibit entry to, and must not be allowed to enter, a lake classified by the Minnesota Department of Natural Resources as a natural environment lake, recreational development lake, or a general development lake, as defined in MR part 6120.3000.

3218 FLOODPLAIN

Subdivison 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within the designated floodplain district.

Subd. 2. Floodplain expansion limitations. An existing animal feedlot or a manure storage area located in a floodplain may not expand.

3219 WATER SUPPLY PROTECTION AREAS

Subdivison 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within the following water supply protection areas:

- 1.** 100 feet of a private well, or
- 2.** 1,000 feet of a community water supply well or other wells serving a public school as defined under MS, section 120A.05, a private school excluding home school sites, or a licensed child care center where the well is vulnerable according to MR part 4720.5550, subpart 2.

Subd. 2. Exception. A new animal feedlot or manure storage area may be constructed within 1,000 feet of a community water supply well or other well serving a public school as defined under MS, section 120A.05, a private school excluding home school sites, or a licensed child care center if the following three conditions are met:

- 1.** The Minnesota Department of Health has approved a drinking water supply management area for the well under MR, part 4720.5360.

2. The animal feedlot or manure storage area is not within the drinking water supply management area; and
3. The animal feedlot or manure storage area is not within 200 feet of the well.

3220 SPECIAL PROTECTION AREAS

Subdivison 1. New Feedlots or Manure Storage Prohibited. New animal feedlot or a manure storage area are prohibited within 300 feet of a sinkhole, intermittent streams and ditches identified on United States Geological Survey quadrangle maps, excluding drainage ditches with berms and segments of intermittent streams which are grassed waterways

3221 AMBIENT AIR QUALITY STANDARD APPLICABILITY

Subdivision 1. Exemption From Ambient Air Quality Standards. The owner of an animal feedlot is exempt from the state ambient air quality standards during the removal of manure from barns or manure storage facilities pursuant to the limitations in MS, section 116.0713, paragraphs (b) and (c). Nothing in this part limits the emergency powers authority of the MPCA in MS, section 116.11.

Subd. 2 Notification. The operator of a livestock production facility that claims exemption from the state ambient air quality standards shall notify the MPCA or county feedlot pollution control officer. Notification must include:

1. The names of the owners or the legal name of the facility;
2. The location of the facility by county, township, section, and quarter section;
3. The facility's permit number, if applicable; and
4. The anticipated start date and the anticipated number of days of removal of manure from barns or manure storage facilities.

3222 WATER QUALITY DISCHARGE STANDARDS

Subpart 1. Animal Feedlots and Manure Storage Areas. Animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including CAFOs, or manure storage area is prohibited from flowing into a sinkhole, fractured bedrock, well, surface tile intake, mine, or quarry.

Subd. 2. CAFOs and Facilities with 1,000 Animal Units or More. An owner of an animal feedlot that is a CAFO or is capable of holding 1,000 animal units or more, or a manure storage area capable of holding the manure produced by 1,000 animal units or more, shall comply with the effluent limitation requirements of Code of Federal Regulations, title 40, part 412.

Subd. 3. Other facilities. An owner of an animal feedlot or a manure storage area shall comply with the effluent limitations in MR, part 7050.0215 unless the animal feedlot or the manure storage area is subject to the effluent limitation requirements in subpart 2 or if the owner of the animal feedlot is subject to and meets all of the requirements in subpart 4.

3223 CERTAIN OPEN LOT EXCEPTION TO WATER QUALITY DISCHARGE STANDARDS

Subdivision 1. Eligible Open Lot Feedlots Capable of Holding Fewer Than 300 Animal Units. Owners of animal feedlots capable of holding fewer than 300 animal units and having open lots meeting the eligibility requirements in items 1 to 4 below shall comply with subd. 2 and 3 below. If the facility expands to a capacity of 300 or more animal units, the facility is not eligible under this subdivision. This subdivision applies only to open lots that existed on October 23, 2000; discharges from other parts of the animal feedlot, including manure storage areas, must comply with the effluent limitations in MR part 7050.0215 and other applicable federal and state requirements.

1. The animal feedlot is not a new animal feedlot.
2. The animal feedlot has manure-contaminated runoff from one or more open lots that discharge to waters of the state and:
 - a. The manure-contaminated runoff does not create or maintain an immediate threat to human health or the environment; and
 - b. The facility has not been designated a CAFO.
3. The owner has registered the animal feedlot in accordance with MR, part 7020.0350.
4. The owner has submitted a certification, on a form provided by the MPCA, agreeing to comply with subd. 2 and 3 below. The certification form shall contain a provision for a conditional waiver of civil penalties for past violations of MR, part 7050.0215 caused solely by passive manure-contaminated runoff from open lots and for failure to apply for a permit provided the owner maintains compliance with subd. 2 and 3 below.

Subd. 2. Interim Corrective Measures for Eligible Open Lots. An owner meeting the eligibility requirements of subd. 1 above shall:

1. Operate and manage the animal feedlot to minimize discharges from eligible open lots at all times; and
2. Comply with the following by October 1, 2005:
 - a. Install and have operational:

(1) Diversions that prevent precipitation and snowmelt from building roofs and upslope land from flowing onto or through the animal feedlot or manure storage area; and

(2) Vegetated buffer areas or filter strips that have 100 feet or more of nonchannelized flow through perennial grasses or forages for all runoff from the open lots; or

b. Install and have operational interim corrective and protective measures that have been demonstrated, through completion of "An Evaluation System To Rate Feedlot Pollution Potential" (the model) by a person who has completed training in use of the model, to achieve a 50 percent or greater reduction in discharges of phosphorus and biochemical oxygen demand loading. The percent reduction in discharges must be based on a comparison of the corrective and protective measures in operation at the facility on October 23, 2000, and the proposed interim corrective and protective measures and practices. The owner shall maintain records of the model results until completing the requirements of subd. 3. below, and make the model results available to the MPCA or county feedlot pollution control officer upon request.

Subd. 3. Final Corrective Measures for Eligible Open Lots. An owner meeting the requirements of subd. 1 above shall:

1. Except as required in item 2 below, comply with MR, part 7050.0215 for all eligible open lots by October 1, 2010; and

2. If the owner is proposing an expansion, comply with part 3222 subd. 2 or 3 of this Ordinance, as applicable, prior to an increase in the number of animal units at the animal feedlot.

3224 LIQUID MANURE STORAGE AREAS

Minnesota Rules part 7020.2100 describes site restrictions and requirements for design, construction, maintenance, and operation of liquid manure storage areas. An owner shall submit a permit application, as applicable, under MR, part 7020.0405, subparts 1 and 2. Except as required in subpart 2, all liquid manure storage areas must be designed, constructed, and operated in accordance with subparts 3 to 7. An owner of a liquid manure storage area that has been unused for a period of three years or more shall, prior to using the structure for storing manure or process wastewater, have a design engineer evaluate and prepare a report on the condition of the liner and include this report with a permit application submitted according to MR, part 7020.0405.

3225 MANURE APPLICATION RATES

Animal manure application rates should minimize adverse effects on public waters. Whenever possible, manure should be applied at rates consistent with Best Management Practices that are site specific to each farm. The land application of manure shall comply with MR 7020.2225.

3226 TRANSPORTATION OF MANURE

Animal manure hauled on federal, state, or local highways, roads, or streets must be hauled in such a way as to prevent manure from leaking, spilling, or otherwise being deposited in the right-of-way. Manure deposited on a public roadway must be removed and properly disposed of by the hauler of the manure.

3227 MANURE TRANSPORTATION INTO LA CRESCENT TOWNSHIP

Any person located outside the jurisdiction of Houston County that transports manure into this township with the intent of storing or spreading said manure within this township shall comply with the provisions of this Ordinance.

Subdivison 1. May Impose Additional Conditions. The county township may require a conditional use permit and impose additional conditions to protect the public health, safety, and welfare.

3228 RESPONSIBILITY FOR FEEDLOT CLOSURE AND RESTORATION TO A SUITABLE USE

Subdivision 1. Responsibility. The landowner, and operator of any feedlot shall remain responsible for the following:

1. All costs of closure, cleanup or other costs necessary to bring the property into compliance with all federal, state, and county regulations, and to restore the property to a suitable use.
2. Within one (1) year of ceasing operation, remove and land apply manure and manure-contaminated soils from manure storage areas and animal holding areas in accordance with MR part 7020.2225.
3. As soon as practicable after completing the requirements of item 2, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five (5) years.
4. Within sixty (60) days after final closure, submit a certified letter to the MPCA, or the county feedlot pollution control officer stating that the animal feedlot or the manure storage area has been closed according to the requirements of this Ordinance. The letter must identify the location of the animal feedlot or the manure storage area by county, township, section, and quarter (¼) section.

3229 TRANSPORTATION, AND DISPOSAL OF ALL DEAD ANIMALS

The landowner, and operator, of any animal feedlot shall be responsible for the storage, transportation, and disposal of all dead animals in a manner consistent with the provisions of this Ordinance and state law.

SECTION 33 ~ REPEAL, ADOPTION AND EFFECTIVE DATE

3301 REPEAL

The La Crescent Township Subdivision Ordinance, adopted December 13, 1993, as amended, is hereby repealed upon the adoption and publication of this Ordinance. Any other ordinances or parts of ordinances of the Township in conflict with the provisions of this Ordinance are hereby repealed.

The adoption of this Ordinance, however, shall not effect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said La Crescent Township Subdivision Ordinance, adopted December 13, 1993, as amended, if the violation is also a violation of this Ordinance.

3302 PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION

The La Crescent Township Planning Commission, after proper notice and publication, held a public hearing at the La Crescent Community Building, 336 South 1st Street, La Crescent, Minnesota on the adoption of this Ordinance on July 29, 2002. After hearing public testimony and with due deliberation, the planning commission voted ___ Ayes and ___ Nays to recommend adoption of this Ordinance to the La Crescent Township Board of Supervisors.

3303 ADOPTION

The La Crescent Township Board of Supervisors, after proper notice and publication, met at the said La Crescent Community Building on July 29, 2002, and after considering the Planning Commission's recommendation, voted ___ Ayes and ___ Nay to adopt this La Crescent Township Zoning Ordinance.

3304 EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after publication.

Adopted: July 29, 2002.

Published: _____, 2002.

Chairperson, La Crescent Township
Board of Supervisors

Attest:

Township Clerk