

SECTION 1 – PURPOSE AND INTENT

This Zoning Ordinance is enacted, without limitation, for the purpose of providing a means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities; to preserve agricultural and other open lands; to promote the public health, safety and general welfare of the citizens of the Town of Becker and the City of Becker; to provide in advance for anticipated changes in population, transportation, public utilities, real estate development, and public improvements, thereby obtaining significant savings in both private and public expenditures; to provide a public guide for future municipal action, thereby enabling both public agencies and private agencies to plan their activities in harmony with the municipal plans of the Becker Joint Planning Board; to assist citizens in developing their land more wisely, to serve citizens of the Town and City more effectively, to make the construction of future public services less costly, and to achieve a more secure tax base within the Town of Becker; to provide for the administration of the Zoning Ordinance and the powers and duties of administrative zoning officers; and to prescribe penalties for violations of this Zoning Ordinance.

The purpose and intent of this Zoning Ordinance is authorized by, and is intended to be carried out pursuant to Minnesota Statutes § § 462.351 through 462.364, inclusive, and Minnesota Statutes § 414.0352.

SECTION 2 – TITLE

This Ordinance shall be known and may be cited and referred to as the “Becker Zoning Ordinance”; when referred to herein, it shall be known as “this Ordinance”.

SECTION 3 – VALIDITY

SUBDIVISION 3.01 SEPARABILITY

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SUBDIVISION 3.02 SUPREMACY

When any provision of this Ordinance is more restrictive or less restrictive than provisions on the same subject matter imposed by State statute, State Rules and regulations, other Town ordinance or regulation, the more restrictive shall apply.

Where the provisions of this Ordinance impose greater or lesser restrictions than provisions on the same subject matter by a Sherburne County Ordinance, the provisions of this Ordinance shall be controlling. This Ordinance does not abrogate any easements, restriction or covenants imposed on the land by private declaration or agreement, but where such provisions are less restrictive than an applicable of this Ordinance, the Ordinance shall prevail.

SUBDIVISION 3.03 INTERPRETATION AND APPLICATION

This Ordinance establishes the minimum requirements for protecting the public health, safety, comfort, convenience and welfare of the Becker Joint Planning Area.

SECTION 4 – JURISDICTION, SCOPE AND INTERPRETATION

SUBDIVISION 4.01 JURISDICTION

The jurisdiction of this Ordinance shall apply to all the area of Becker Township, also defined as the Becker Joint Planning Area.

SUBDIVISION 4.02 SCOPE

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered in respect to height and/or area, added to or relocated, and every use within a building or use accessory thereto in the Town shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use or occupancy of properties not in conformity with the regulations herein prescribed shall be regarded as non-conforming, and shall be subject to the non-conforming use provisions of this Ordinance.

SUBDIVISION 4.03 PERMITTED USES

Permitted Uses, as hereinafter listed, shall be allowed in the District 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 is located, except as follows:

- A. Uses lawfully established prior to the effective date of this Ordinance subject to the non-conforming use provisions of this Ordinance.
- B. Conditional Uses and Interim Uses allowed in accordance with the provisions of this Ordinance.
- C. Essential services as defined in this Ordinance are allowed in any district by Conditional Use Permit.

SUBDIVISION 4.04 INTERPRETATION AND APPLICATION

This Ordinance establishes the minimum requirements for protecting the public health, safety, comfort, convenience and welfare of the Becker Joint Planning Area.

SUBDIVISION 4.05 LOTS OF RECORD

A Lot of Record is a parcel of land separated from other parcels by legal description and which satisfied the physical standards for width, depth, density, area, right of way frontage and sewage treatment requirements established by law on the date the lot was recorded with the Sherburne County Recorder, after approval by the then appropriate governmental authority as a division or a subdivision. A lot of record which no longer meets the requirements described in the preceding provision hereof, is subject to the non-conforming use provisions of this Ordinance.

SUBDIVISION 4.06 NONCONFORMING USES

Any structure, use or occupancy lawfully existing upon the effective date of this zoning code or a subsequent amendment thereto which does not conform to the provisions of this zoning code or subsequent amendment is a legal nonconforming use. A legal nonconforming use may be continued, and may be repaired, replaced, restored, maintained, or improved in order to maintain the same structural dimensions, use or occupancy as lawfully existed on the effective date of this zoning code or subsequent amendment thereto, unless prohibited or modified by one of the following provisions.

1. A legal nonconforming structure, use or occupancy which is vacant, unused, unusable, unfit for human habitation or discontinued for a period of one year must be brought into conformity with the zoning code and all subsequent amendments thereto.
2. Unless the owner of a legal nonconforming structure, use or occupancy which is partly destroyed by more than 50% of its market value by fire, flood, vandalism, dilapidation or other peril, applies for all necessary permits to rebuild, restore and reoccupy the use within 180 days of the partial destruction, (including payment of all fees and providing all documentation required by the Zoning Administrator) the structure, use or occupancy becomes illegal and loses its status as a legal nonconforming use. Such Permit must be approved by the Town zoning authority which may impose reasonable conditions to mitigate any newly created impact on adjacent properties.
3. The Town zoning authority may impose reasonable regulations on any legal nonconforming structure, use or occupancy deemed necessary to prevent or abate a nuisance, or protect the public health, welfare or safety.
4. No structure, use or occupancy designed, used or intended for use as an "Adults Only" business or attraction shall be granted the status of legal nonconforming use as otherwise provided in this Section.
5. No nonconforming structure, use or occupancy located in the floodplain shall increase flood damage potential, increase the degree of obstruction to flood flows in the floodway, or diminish the Town's, City's or County's eligibility in the National Flood Insurance Program.

SECTION 5 – DEFINITIONS AND RULES OF LANGUAGE CONSTRUCTION

SUBDIVISION 5.01 RULES OF LANGUAGE CONSTRUCTION

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Words used in the present tense shall include the future; words in the singular shall include the plural; and the words “shall” and “must” are mandatory and not discretionary. Unless otherwise specified, all distances shall be measured horizontally and in feet.

SUBDIVISION 5.02 DEFINITIONS

Accessory Structure: A structure which is customarily incidental and subordinate to, the principal use of a property, and which is located on the same lot as the principal structure. An attached garage is not an Accessory Structure.

Ordinance 2016-03; May 24, 2016

Accessory Use: A use that is ancillary to the principal use of a property.

Ordinance 2016-03; May 24, 2016

Adult Establishment:

- (a) any business that devotes a substantial or significant portion of its inventory, stock in trade, or publicly-displayed merchandise, or devotes a substantial or significant portion of its floor area (not including storerooms, stock areas, bathrooms, basements, or any portion of the business not open to the public) to, or derives a substantial or significant portion of its gross revenues from items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas; or
- (b) any business that engages in any Adult Use as defined in section 1.5.1 Subdivision 2 of Ordinance 09-03: An Ordinance providing for the regulation of Adult Establishments in the Town of Becker.

Ordinance 09-03; December 22, 2009

Adult Family Day Care Facility: A residential facility licensed pursuant to Chapter 245A of Minnesota Statutes providing day care less than twenty-four hours per day for functionally impaired adults, who are 55 years of age or older whose services are directed at maintaining or improving the self-care capabilities of their participants.

Agriculture: The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income including but not limited to the following:

- A. Field crops, including: barley, soybeans, corn, hay, oats, potatoes, rye, sorghum and sunflowers, and similar commodities.
- B. Livestock as defined in this Ordinance.
- C. Livestock products, including: milk, butter, cheese, eggs, meat, fur, and honey.
- D. Tree farms, sod farms, and orchards.

Agricultural Building: A structure used for agriculture purposes as defined in the Minnesota State Building Code.

Aircraft: Any machine for flying as defined by the Federal Aviation Administration.

Aircraft Landing Strip, Private: A small landing field having only one runway solely meant for the use of the property owner on which it is located.

Aircraft Landing Strip, Public: A small landing field having only one runway used by the general public.

Alley: A public or private roadway which affords only a secondary means of access to abutting property.

Animal Unit: Means a unit of measure to compare differences in the size of domestic farm animals as follows:

Animal Unit: Means a unit of measure to compare differences in the size of domestic farm animals as follows:

Animal Unit Calculation Table			
1. Animal Type	2. Number of Animals	3. MN Animal Unit Factor	4. Number of Animal Units
A. Dairy Cattle			
1. Mature cow over 1,000 pounds		1.4	
2. Mature cow under 1,000 pounds		1.0	
3. Heifer		0.7	
4. Calf		0.2	
B. Beef Cattle			
1. Slaughter steer or stock cow		1.0	
2. Feeder cattle or heifer		0.7	
3. Cow and calf pair		1.2	
4. Calf		0.2	
C. Swine			
1. Over 300 pounds		0.4	
2. Between 55 and 300 pounds		0.3	
3. Under 55 pounds		0.05	

D. Horse			
1. Full size standard horse		1.0	
2. Miniature horse (350 pounds or less)		0.33	
E. Sheep and lambs			
		0.1	
F. Chickens			
1. Laying hen or broiler (liquid manure system)		0.033	
2. Chicken over 5 pounds (dry manure system)		0.005	
3. Chicken under 5 pounds (dry manure system)		0.003	
G. Turkeys			
1. Over 5 pounds		0.018	
2. Under 5 pounds		0.005	
H. Ducks			
		0.01	
I. Animal not listed in item A to H		Average weight of the animal in pounds divided by 1,000 pounds	
Total Number of Animal Units (Add up all the numbers in column 4)			Animal Units =

Ordinance 2017-02; May 23, 2017

Apartment Building: Any building or portion thereof which is designed, built, used or intended for use, for three or more apartments.

Apartment: A room or suite of rooms in an Apartment Building used or intended for use by one family.

Application: The documents and written material by which a property owner justifies a request for a building permit, a zoning amendment, a conditional use permit, a variance, an appeal, or other request for approval, relief or consideration, which must include all information on any application form approved by the Zoning Administrator.

Aquaculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.

Automobile Repair Shop: Any building or lot or portion thereof, used or intended for use for motor vehicle repair, and minor motor vehicle related retail sales.

Automobile Service Station: Any building or lot, or portion thereof, used or intended for use for the retail dispensing or sale of automobile fuels, which activity may be accompanied by incidental uses such as sale of lubricants, tires, accessories, supplies, or food to be consumed off the premises.

Automobile or Trailer Sales Lot: A lot used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Wrecking, Salvage Yard: A lot used for the dismantling or disassembling of used motor vehicles or trailers, or the storage, or sale of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: The lowest story of a building which has more than half of its height below the finished grade.

Barber and Beauty Shops: Any building or portion thereof in which personal services are performed which require a license from the Board of Barber and Cosmetologist Examiners (Chapter 154, Minnesota Statutes) including without limitation, barbers, cosmetologists, estheticians, and manicurists.

Bed-and-Breakfast Establishment: A building or portion thereof designed and used or intended for use as a residence in which one or more bedrooms are rented to transient guests on a day-to-day basis and in which meals are served to these overnight guests.

Bio-Fuel Manufacturing: The conversion of organic materials to combustible fuel for use in an internal combustion engine.

Block: An area of land within a subdivision conforming to Minn. Stat. §505.02 which is entirely bounded by any combination of the following: Streets, exterior boundary of the subdivision, rivers, lakes, railroad lines used or intended for use as a boundary.

Boarding House: A dwelling where meals or lodging, or both, are provided for compensation to three or more persons by prearrangement of cost and for defined periods.

Boathouse: An accessory structure used or intended for use solely for the storage of boats or boating equipment.

Buffer: The use of land, topography (differences in elevation), space, fences, or landscape plantings to screen or partially screen a tract of property from another tract of property and thus reduce undesirable influences such as sight, noise, dust and other external effects which a land use may have upon other adjacent or nearby land uses.

Buildable Area: Any site, lot, parcel or any portion thereof that does not contain designated flood plain, wetlands or areas in excess of twenty-five (25) percent slope.

Building: A structure having a roof supported by columns or walls and any structure used or intended for use as an enclosure or shelter for persons, animals or property.

Building Height: The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Building Material Sales and Storage: The wholesale or retail sale and/or keeping of construction materials such as lumber, beams, trusses and metal sheeting.

Business: Any occupation, employment or enterprise where goods or services are offered, bought, sold, transferred, assembled, created or manufactured.

Cemetery: Property used for the burial of dead persons.

City: City of Becker.

Clinic: An establishment providing medical, dental or mental health treatment to its patrons as out-patients, only.

Commercial Agriculture Use: Any occupation, employment or enterprise where goods or services are offered, bought, sold, transferred, assembled, created or manufactured for use by an agriculture or farm- related operation.

Commercial Seasonal Storage: Facility used for the purposes of renting or leasing individual indoor or outdoor storage space to occupants who are to have access to such for the purposes of storing and removing personal property.

Communication Towers, Private: A structure containing electronic receptors or relays forming an integral component of a communications system serving the private communication needs of a single user.

Communication Towers, Commercial: A structure containing electronic receptors or relays forming an integral component of a communications system serving the public communication needs of numerous users.

Comprehensive Plan: Planning documents prepared by the Town of Becker and adopted by the Becker Joint Planning Board pursuant to authority granted in Chapter 462 of Minnesota Statutes.

Concrete and Asphalt Plant: A facility used for the manufacturing of concrete or asphalt.

Contractor's Offices, Warehouses, Yards: A facility with accessory outdoor storage, that serves as the headquarters for contractors involved in specialized activities such as plumbing, painting, plastering, masonry, carpentry, roofing, excavating, well drilling, landscaping and the like, where office activities take place and where tools, equipment and materials used in the business are stored.

Convenience Store: A store selling on a retail basis food for consumption off the premises along with other items sometimes including gasoline; differentiated from a grocery store by its building size of not more than 5,000 square feet.

County: Sherburne County.

County Board: The Sherburne County Board of Commissioners.

Diesel Repair Shop: A structure or portion of a structure used for the repair and maintenance of diesel engines.

Drive Through: A structure that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their vehicles.

Driveway: An area improved for vehicular and pedestrian traffic connecting a lot to a public road, which is wholly located on the lot to which access is provided.

Dwelling, Attached: A Single Family Dwelling which may include attached garage, which is attached to one or more other dwelling units.

Dwelling, Detached: A Single Family Dwelling which may include attached garage, which is not connected to any other dwelling unit.

Dwelling, Multiple-Family: A building containing more than one dwelling unit.

Dwelling, Second Farm Related: A Single Family Dwelling which may include attached garage, which is located on a farmstead with an existing primary dwelling unit.

Dwelling, Single-Family: A single residential accommodation including kitchen facilities permanently installed, which is arranged, designed, used or intended for use, as the permanent living quarters for one family.

Dwelling Unit: A building or portion of a building including kitchen facilities permanently installed which are arranged, designed, used or intended for use as living quarters for one family.

Easement: A grant by a landowner for a specific use of land by one or more persons.

Electric Power Manufacturing: permanent installation of generating equipment whose primary purpose is the conversion of an energy fuel (coal, gas, diesel, biomass or other fuel, but not wind or solar) to electric energy.

Ordinance 2016-01; January 30, 2016

Essential Services: Public conduits, including their appurtenant structures, used to provide sewage removal, water supply, electric power, fuel, communications (except wireless communication towers as regulated herein) and any other public convenience or necessity.

Extraction: The use of land for the mining of sand, gravel, rock or other earthen deposits from the land. Extraction shall not include the removal of materials associated with the construction of a building, the removal of excess materials in accordance with approved plats, utility construction, highway construction, sod removal, and agricultural uses.

Extraction, Major: Major Extraction is the taking of sand, gravel, rock or other earthen deposits from the land in an amount equal to or greater than 1,000 cubic yards, to a depth of more than three feet or more over an area of more than 9,000 square feet.

Major extraction does not include

- 1) the removal of materials associated with the construction of a building or other project in which a building permit has been lawfully obtained,
- 2) the removal of excess materials in accordance with approved plats,
- 3) sod removal,
- 4) agricultural uses,
- 5) extraction or filling of less than 1,000 cubic yards, or
- 6) extraction or filling for the purpose of utility construction or public road improvements and maintenance.

Extraction, Minor: Minor Extraction is the taking of sand, gravel, rock or other earthen deposits from the land

- 1) in an amount totaling less than 1,000 cubic yards, or to a depth of one foot or more, but less than three feet over an area of 9,000 square feet or more, and
- 2) extraction for the purposes of utility construction or public road improvements and maintenance.

Minor extraction does not include the removal of materials associated with 1) the construction of a building or other project in which a building permit has been lawfully obtained, 2) the removal of excess materials in accordance with approved plats, 3) sod removal, and 4) agricultural uses.

Family: Family is any of the following: Any number of individuals living together on the premises as a single housekeeping unit as distinguished from a group occupying a boarding or lodging house, licensed residential care facility, licensed day care facility or community based residential facility.

Ordinance 2016-03; May 24, 2016

Family Child Care Home: A Dwelling Unit in which child care is provided to no more than twelve children (including the day care operator's children under five years of age).

Farm: A lot exceeding 10 acres, the principal use of which is agriculture.

Farm Building: Any building or structure other than a single family dwelling which is used by the operator of a farm, in the farming operation.

Farm Equipment Sales: Any enterprise where farm related equipment are offered, bought, sold, or transferred.

Feedlot: A lot, building or structure, or any combination thereof, used or 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. Open lots for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots.

Fence: A partition intended as a dividing marker, a barrier, or an enclosure.

Floor Area, Ground: The area within the exterior walls of the main building or structure excluding the garage as measured from the outside walls at the ground level.

Game Refuge, Private: A lot and related structures in which the principal use is for the raising, release and hunting of sporting birds by the owner and invitees not for profit.

Glare: A light source that is located, directed or controlled such that the light source itself is visible from a point four feet above the ground or higher at any point off the lot on which the light source is located.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards that may include a clubhouse and shelter.

Grain Elevator: A Storage building for grain with a compartmented interior including the device for loading grain into the building.

Group Home: A specialized residential facility that provides care on a 24 hour basis for a selected group and providing specialized care and a planned treatment program under the direction and control of an agency, institution or independent operator.

Home Business: Any occupation which is clearly incidental to the principal use of the lot as a single family dwelling unit, is conducted in a building other than the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

Home Occupation: Any occupation which is clearly incidental to the principal use of the home as a single family dwelling unit, is conducted within the dwelling, is conducted by a resident occupant, and does not change the character of the principal use.

Hospital: An establishment providing medical, dental or mental health treatment to its patrons, both as out-patients and in-patients.

Hotel: A building with guest rooms in which lodging is provided and offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Housing, Child Care Center, Single Family: A residential facility licensed pursuant to Chapter 245A of Minnesota Statutes providing day care for twelve or fewer children, 13 years of age or younger.

Housing, Child Care Center, Multi-Family: A residential facility licensed pursuant to Chapter 245A of Minnesota Statutes providing day care for thirteen thru sixteen children, 13 years of age or younger.

Housing, With Services: A residential facility providing adult housing with services licensed pursuant to Chapter 144D, and defined in Minn. Stat. 144D.01, Subd. 4 (01), serving 6 or fewer persons.

Housing, Group Family Day Care: A residential facility licensed pursuant to Minnesota Rules and defined in Rule 9502.0315 serving 14 or fewer children 10 years of age or younger, including children of the caregiver.

Industrial Service or Supply: The production, manufacturing, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Interim Use: A temporary use of a lot until a particular date, or the occurrence of a particular event, as defined by the Town Board.

Irrigation System: Any structure or equipment used to supply water for agriculture including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

Joint Planning Board: The representative body established as part of an annexation agreement.

Joint Planning Area: The area encompassing Becker Township in its entirety in which planning, zoning, and subdivision activities are governed by the Becker Joint Planning Board.

Kenel, Commercial: Any commercial operation that boards dogs and/or cats.

Ordinance 2016-06; October 28, 2016

Kenel, Private: Any lot where four or more dogs over six months of age are owned or kept for private enjoyment.

Land Spreading: The application of processed human, or animal waste to agriculturally used land.

Lean-to: An extension of an enclosed building, sheltered by a roof that has rafters leaning against the building's wall or as an extension of the building's rafters, supported only by posts, columns, or end walls and open along the outside or longest edge. For the purposes of this ordinance, the lean-to may be as large as fifty (50) percent of the square footage of the building to which it is attached, and the square footage under the lean-to will not be counted toward the maximum accessory structure square footage allowed on the property. Lean-to square footage will count toward the maximum allowable impervious surface on a property.

Ordinance 2018-01; December 14, 2018

Living Quarters: The seasonal temporary use of designated rooms within a principal dwelling unit by employees of the owner of the dwelling unit.

Loading Space: A space accessible from a street, alley, or way, in a building or on a lot, for the use of trucks while loading or unloading merchandise or materials.

Local Street: A street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

Lot: A parcel of land separated from other parcels by legal description.

Lot Area: The contiguous horizontal plane of a lot, bounded by the lot lines.

Lot, Corner: A lot bounded by the intersecting boundaries of two (2) or more streets.

Lot Coverage: That portion of a lot covered with structures and hard surfaces such as parking, loading, and storage.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot Line: A line bounding the horizontal plane of a lot.

Lot Line, Front: The line connecting the side lot lines of a lot measured along the boundary of the right-of-way designated by the Town Board to serve the lot.

Lot Line, Rear: The lot line that is opposite the front lot line.

Lot Line, Side: Any lot line that is not a front lot line or a rear lot line.

Lot, Through: An interior lot having frontage on two (2) streets.

Lot Width: The horizontal distance between the side lot lines measured parallel to the front lot line at the front building setback.

Lots of Record: A Lot of Record is a parcel of land separated from other parcels by legal description and which satisfied the physical standards for width, depth, density, area, right of way frontage and sewage treatment requirements established by law on the date the lot was recorded with the Sherburne County Recorder, after approval by the then appropriate governmental authority as a division or a subdivision. A lot of record which no longer meets the requirements described in the preceding provision hereof, is subject to the non-conforming use provisions of this Ordinance.

Manufactured (Mobile) Home: A Dwelling Unit bearing the seal of the State Building Inspector classifying it as a manufactured or mobile home.

A structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width or 40 or more feet in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems contained therein. The term includes any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under State law.

Manufactured (Mobile) Home Park: A lot used or intended for use as the location or accommodation for two or more manufactured homes.

Motel: A series of sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Medical and/or Dental Office: An establishment providing medical, dental or mental health treatment to its patrons as out-patients, only

Milling: The mechanical grinding of wheat or other grains to produce flour.

Motor Vehicle Track: A racetrack and accessory structures used for motor vehicle races.

Non-Conforming Use or Structure: Any lot, building or structure, or the use thereof, which satisfied all legal requirements of this Ordinance (and amendments thereto) prior to the effective date thereof, and which does not satisfy the legal requirements of this Ordinance after its effective date.

Nursery, Retail: Land or greenhouses used to raise flowers, shrubs, and plants for sale.

Nursing Home: An establishment which provides full-time convalescent or chronic care for three or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Occasional Special Event: Events for business purposes conditionally permitted on properties in the Agriculture or General Rural zoning districts, limited to sixteen (16) occurrences per year in the Agriculture district and eight (8) occurrences per year and two (2) per month in the General Rural district. A weekend-long event up to three (3) consecutive days is considered one (1) occurrence.

Ordinance 2018-01; December 14, 2018

Open Space Use: A use which preserves the unimproved natural character of land, air and water and in which accommodations for human habitation or domestic animals are substantially prohibited.

Open Space Recreation Use: An open space use based on outdoor activities and including such improvements as hiking and riding trails, primitive camp sites, way-side rest and observation areas and other non-competitive recreation.

Outlot: A lot delineated on a plat as an outlot as approved by the Becker Town Board.

Outside Storage: The maintaining, outside of an authorized building or structure, of any personal property, whether usable or unusable, including recreational vehicles, or unlicensed or inoperable motor vehicles.

Owner: The term Owner in this Section includes the owner of the land, the owner of the extraction operations business, the applicant, and any third party operator contracting with or providing services to the land owner or the extraction operations business.

Pawnbroker: A person who lends money secured by pledged goods left in the possession of the person, and as otherwise described in Minn. Stat. § 325J.01.

Personal Service Business: An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. These services include, but are not limited to, health clubs, laundry services, shoe repair, and funeral services.

Personal Storage Structure: An accessory structure used for non-commercial use that in some cases may be conditionally permitted as the only structure on a parcel. *Ordinance 2016-03; May 24, 2016*

Planned Unit Development (Highway): A type of development, or redevelopment to allow, or preserve appropriate land uses adjacent to major county, state, and federal highway intersections in order to help meet the goals and objectives of the Comprehensive Plan of the Town of Becker, Sherburne County Transportation Plan, and related Ordinances. These developments may be accomplished by incorporating a mixture of dimensional regulations, and or uses as regulated by a Conditional Use Permit.

Pole Building: A post frame construction building made of wooden or metal parts, with metal panels covering three or more sides, and without a full foundation.

Portable Temporary Storage Unit: A transportable unit designed and used primarily for temporary storage of building materials, household goods, and other such materials. Such unit shall not be

considered an accessory structure as provided in the Becker Joint Planning Board Code of Ordinances. *Ordinance 2011-01; January 25, 2011*

Power Generation Plants: A facility used or intended for the conversion of any fuel into electricity or any other generated power, including extracting fuel from natural deposits for the purpose of converting it into power.

Principal Use: The predominate purpose or activity for which a lot, structure or building thereon is designed, used or intended for use, or for which it is occupied or maintained.

Railroad Yards, Terminals: An open area or building designed for the storage and repair of trains.

Recreation, Commercial: A privately owned business or lot offering recreational uses, services, or equipment for a fee.

Recreational Activities: Sports and leisure-time activities, of a formal or informal nature, often performed with others.

Recreational and Non-Commercial Uses: Recreational facilities, services, equipment or uses which may include water bodies and accessory buildings maintained for active or passive recreation including, without limitation, parks, playgrounds, golf courses, hunting preserves, equestrian facilities, nature trails, bridle paths, ski trails, picnic grounds, wildlife and nature areas.

Recycling Facility: A facility in which recyclables, such as newspapers, magazines, books, and other paper products; glass; metal; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used in new products.

Refineries: Facilities used for purifying a crude substance, such as petroleum or sugar.

Religious Institutions: A building or use of land in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to promote religious worship.

Restaurant: An establishment where food is prepared and made available to the general public for consumption on or off the premises.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Satellite Antenna: A device for the reception of signals from communication satellites.

Schools, Public and Private: Nursery, elementary, secondary and college institutions.

Seasonal Storage: The business of using agricultural buildings for the storage of personal property authorized by conditional use permit.

Setback: The minimum horizontal distance between a building, structure, improvement, or similar constructive facility, and a lot line boundary, road, natural feature, or similar landmark, measured in feet.

Setback Area: The area of a lot between any lot line and the building setback line in which buildings and structures are prohibited by this Ordinance.

Setback Area, Front Yard: The setback area between the building and the front lot line. **Setback Area, Rear Yard:** The setback area between the building and the rear lot line. **Setback Area, Side Yard:** The setback area between the building and the side lot line.

Setback Area, Building: A line within a lot which establishes the minimum distance between any lot line and the nearest permitted portion of a building or structure.

Sewage Treatment System, On-Site Individual: A sewage treatment system that uses a septic tank and subsurface soil treatment and disposal to serve a Dwelling Unit on the same lot pursuant to Minn. Stat. §115.55 and Minn. Rules adopted pursuant thereto.

Sewered Areas: An area that is serviced by a public wastewater treatment facility, or a publicly owned, operated, and supervised centralized septic systems servicing an entire development.

Shooting Range, Trap Range, Skeet Range: A lot and related structures used for shooting firearms at fixed or moving targets at fixed ranges.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site.

Single Family Residence: A dwelling which is a minimum of twenty four (24) feet wide and a minimum of seven hundred and twenty (720) square feet in main floor area.

Solar Energy Systems – Accessory: A solar panel or array mounted on a building, pole or rack that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use.

Ordinance 2016-01; January 30, 2016

Solar Farms: A solar array composed of multiple solar panels on ground-mounted rack or poles which is the primary land use for the parcel on which it is located.

Ordinance 2016-01; January 26, 2016

Stand, Roadside: A temporary structure for the display and sale of products with no space for customers within the structure itself.

Structure: Anything constructed or erected on or in the ground, or attached to something on the ground, including but not limited to buildings, decks, balconies, bay windows, cantilevered upper level projections, building eaves, tool and gardening sheds. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently.

Ordinance 2011-01; January 25, 2011

Subdivision: A parcel of land separated from other parcels of land by legal description in accordance with the Subdivision Regulations of the Town of Becker, or the County of Sherburne.

Subdivision, Boundary Adjustment: The division of one or more lots of record for the purpose of combining a portion or portions thereof with other lots of record, without creating additional lots and provided that no additional nonconforming lots shall be created, nor shall any existing nonconformity be increased nor any new nonconformity be created.

Ordinance 2012-01; January 24, 2012

Subdivision, Simple Lot: The division of a platted lot of record into two lots, each of which complies with all zoning and subdivision requirements

Temporary Residence: Any building, structure or other enclosure being used for human habitation which does not meet the minimum requirements of this Ordinance, or of the Minnesota State Building Code and which is approved as an Interim Use.

Ordinance 2018-01; December 14, 2018

Transmodal Facility: A facility that transfers goods and materials from one mode of transportation to another for delivery to another destination.

Truck Terminal: A warehouse and distribution business specializing in the shipment or storage of goods or materials.

United States Public Land Survey: The original survey commissioned by the U. S. Government and described in Minn. Stat § 381.12 and required by Minn. Stat § 389.04.

Veterinary Clinic with Kennels: A commercial activity catering to the medical needs of animals and having kennels or runs inside and/or outside the facility.

Warehousing: The storage of materials, goods, or equipment within an enclosed building as a principal use.

Waste Facility: A lot, structure, or portion of a structure used for the processing, transfer, or disposal of solid waste.

Wetland: Lands traditionally between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this Ordinance, wetlands must (1) have a predominance of hydric soils; (2) be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and (3) under normal circumstances, support a prevalence of hydrophytic vegetation.

- “A wetland” or “the wetland” means a distinct hydrologic feature with characteristics of the preceding paragraph, surrounded by nonwetland and including all contiguous wetland types except those connected solely by riverine wetlands. “Wetland are” means a portion of “a wetland” or “the wetland”.
- Wetlands do not include public waters wetlands and public waters that are designated on the public waters inventory maps prepared under Minnesota Statutes, Section 103G.201.

Wooded: A lot that has tree canopy over at least 75 percent of its area.

SECTION 6 – ESTABLISHMENT OF DISTRICTS.

SUBDIVISION 6.01 DISTRICTS

For the purpose of this Ordinance, Becker Township is hereby divided into classes of districts which will be designated as follows:

AG	Agricultural District
GR	General Rural
COM	Commercial
N-COM	Neighborhood Commercial
I-1	Industrial 1
I-2	Industrial 2
I-H	Heavy Industrial
SHR	Shoreland Overlay District

SUBDIVISION 6.02 ZONING MAP

The location and boundaries of the Districts established by this Ordinance are hereby set forth on the zoning maps. Said maps, known as “Becker Joint Planning Area Zoning Maps,” and consisting of sheets and all notations, references and data shown thereon, are hereby incorporated by reference into this Ordinance and shall be as much a part of it as if all were fully described herein. It shall be the responsibility of the Zoning Administrator to maintain said maps, and amendments thereto shall be recorded on said Zoning Maps within thirty (30) days after official publication of amendments. The official Zoning Maps shall be kept on file as part of the permanent record by the Becker Joint Planning Board.

SUBDIVISION 6.03: DISTRICT BOUNDARIES.

The boundaries between districts are, unless otherwise indicated, the center lines of highways, roads, streets or railroad rights of way or such lines extended or lines parallel or perpendicular thereto, or section, half section, quarter-section, quarter-quarter-section, or other fractional section lines of the United States public land surveys, as established by law, or lot lines of plats as established by plats on record with Sherburne County.

SUBDIVISION 6.04: USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS.

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such case the Joint Planning Board, the Planning Commission, or a property owner may request a study by the Joint Planning Board to determine if the use is acceptable and if so what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The Joint Planning Board and/or Planning Commission upon receipt of the staff study may, if appropriate, initiate an amendment to the Zoning Chapter to provide for the particular use under consideration or may find that the use is not compatible for development within the Township.

SUBDIVISION 6.05: SCOPE OF REGULATIONS.

- A.** No building or structure, or part thereof, shall hereafter be erected, moved, constructed, or expanded, and no new use, or change in use shall be made unless it is in conformity with the provisions of this Chapter and with the specifications outlined for the district in which it is located.
- B.** A lot or parcel of land for which a deed has been recorded upon or prior to the effective date of this Chapter, October 1, 2009, shall be deemed a buildable lot, provided it has frontage on a public right of way and the space requirements for the district in which it is located can be maintained or adjusted to conform as follows: a lot or parcel of land of record upon the effective date of this Chapter, October 1, 2009, which is in a Residential District and which does not meet the requirements of this Chapter as to area, width, or other open space, may be utilized for single family, detached dwelling purposes provided the measurements of such area, width and yard space are all within sixty (60%) percent of the requirements of this Chapter and it can be demonstrated that a proper and adequate sewage disposal system can be installed.
- C.** If in a group of contiguous platted lots under a single ownership, any individual lot does not meet the minimum requirements of this Chapter, such individual lot cannot be considered a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land, each meeting the full minimum requirements of this Chapter.

SECTION 7 – AGRICULTURAL DISTRICT

SUBDIVISION 7.01: PURPOSE.

The purpose of the Agricultural District is to preserve for farming those locations that have soils which, when properly managed, are capable of high crop yields, to prevent scattered non-farm growth, and to protect from deleterious influences those farm locations that have high investments in buildings, equipment or irrigation, and to stabilize increases in public expenditures for such public services as roads and road maintenance, police and fire protection, and schools.

SUBDIVISION 7.02: PERMITTED USES.

Agriculture, including the principal farm dwelling and agricultural buildings

Single Family Homes

Stands for the sale of agricultural products provided at least one half of said products are raised on the premises

Parks and open space areas, public wildlife refuges, and forest preserves

Unless further restricted in a conservation easement, open spaces can be used for the following:

- Conservation uses (i.e. woodland, wetland, and prairie restorations);
- Agricultural cropland and pasture, with the exception of animal feedlots;
- Public utilities and easements (not to include antennas or towers);
- Stormwater and erosion control systems;
- On site sewage collection and treatment systems; and
- Recreational and Non-commercial uses such as:
 - i. Common Land Use (trails, gardens, playgrounds, etc.)
 - ii. Common Structures (picnic shelters, restored barns, etc.)

Open space uses shall be limited to natural and recreational uses and shall not conflict with the intent of the Agricultural Zoning District and the Comprehensive Land Use Plan as determined by the Planning Commission.

Kennels, Private

Housing, With Services as defined herein.

SUBDIVISION 7.03: CONDITIONAL USES.

Land in the Agricultural District may be used for any of the following purposes only with the issuance of a Conditional Use Permit. Refer to Section 16 for additional Conditional Use Permit requirements.

Feedlots

Second farm-related dwelling Farm-related businesses

Home business in an accessory building that meets the criteria established in Section 16: Riding academies, boarding stables, stables and similar uses

Kennels, Commercial

Permanent municipal, township, or county structures or uses of land except roads and their appurtenances and drainage systems established pursuant to Minn. Stat. Ch. 103E, trails, picnic shelters and playground equipment

Temporary uses by a township, city, county, or state Commercial daycare

Historical sites and activities as recognized by the State Historical Society

Cemeteries

Aquaculture

Retail Nursery

Occasional special events

Recreational activities

Grading, excavating or filling of 1,000 to 10,000 cubic yards

School bus storage and service

Aircraft landing strip, private

Aircraft landing strip, public

Game refuge, private

Shooting range, trap range, skeet range

Religious Institutions

Private Communication Towers up to 200 feet in height (See Section 17 , Telecommunications Towers and Facilities) *Ordinance 2018-01; December 14, 2018*

Commercial Communication Towers and Antennas over 200 feet in height (See Section 17, Telecommunications Towers and Facilities)

Farm-related bunkhouse for temporary seasonal residence

Commercial Seasonal Storage in a building in existence on the date this Ordinance went into effect

Windpower Management

Organized group camps

Solar Farms

Ordinance 2015-01; January 22, 2016

Boarding house

Ordinance 2016-03; May 24, 2016

Group Home

Ordinance 2016-03; May 24, 2016

Personal Storage Structures

Ordinance 2016-03; May 24, 2016

SUBDIVISION 7.05: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.
- E. Grading, extraction or filling of 1,000 to 10,000 cubic yards per permitted operation (see Performance Standards for additional restrictions and conditions)

Ordinance 2015-02; February 24, 2015

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 7.06: ACCESSORY USES.

1. Private Garages
2. Home Occupations operated within the primary dwelling unit that meets the criteria established in Section 16
3. Solar Energy Systems - Accessory

SUBDIVISION 7.07: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

1. Minimum Lot Sizes One Lot in each Quarter/Quarter Section according to the United States Public Land Survey, or one Lot in each tract ranging between 38 and 42 contiguous acres, whichever is smaller.

In the Agricultural District when a portion of a property is platted and rezoned for either Commercial or Industrial use, the remaining property need not be platted so long as the remaining property remains zoned for Agricultural use and is held as one contiguous parcel of at least twenty (20) acres.

- 2. Housing Density 1 single family residence per lot
- 3. Minimum Setbacks, Principal or Accessory Structures:

a. Unplatted Parcels

Front, from centerline:

Township Road:	100 feet
County Road:	100 feet
County State-Aid Highway:	130 feet
Highway 25:	150 feet
Highway 10:	200 feet from centerline of closest traveled lane or 80 feet from centerline of service road, whichever is greater

Side or rear, unplatted parcels abutting

Agricultural land:	50 feet
Side:	20 feet*
Rear:	25 feet, if lot is 5 acres or less and does not abut agricultural land
Side or rear from Sherburne County National Wildlife Refuge:	100 feet
County Ditch (from top of ditch bank):	50 feet

*Property owner may reduce setback with submittal of a registered land survey showing the proposed building location and staking for inspection of both the property line and proposed building location. Minimum setback when meeting the above requirement is 10 feet.

Ordinance 2018-01; December 14, 2018

b. Platted Parcels

Front, Platted Lots (from right of way):

Township Road:	67 feet
County Road:	50 feet
County State Aid Highway:	70 feet
Highway 25:	80 feet
Highway 10:	100 feet

Interior Side:	20* feet
Side or rear:	25 feet, if not abutting agricultural land
Side or rear, non-farm housing abutting agricultural land (if platted after June 6, 1995):	250 feet
Side or rear, accessory structures abutting agricultural land:	50 feet
Side or rear from Sherburne National Wildlife Refuge:	100 feet
County Ditch (from top of ditch bank):	50 feet
Pipeline Easement / Right of Way	50 feet

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

*Property owner may reduce setback with submittal of a registered land survey showing the proposed building location and staking for inspection of both the property line and proposed building location. Minimum setback when meeting the above requirement is 10 feet.

Ordinance 2018-01; December 14, 2018

At the time a permit is required for any purpose on a non-conforming lot of record which abuts another lot or lots under the same ownership, the lot of record must be combined with such other lot or lots to the extent that all non-conforming features are brought into compliance with this Ordinance.

SUBDIVISION 7.08: ACCESS REQUIREMENTS.

1. The location of any driveway from a public road shall require approval by the Township Engineer.
2. The relocation of an existing driveway must receive written approval by the Township Engineer.
3. All Accesses must comply with Township Location and Engineering Standards.
4. An Access Permit is required for all new, relocated, or reconstructed accesses prior to construction.

Ordinance 2010-01; November 23, 2010

SECTION 8 – GENERAL RURAL DISTRICT

SUBDIVISION 8.01: PURPOSE.

The purpose of the General Rural District is to provide locations for agriculture, agriculturally-related development, and housing on lots without public sewer or water services.

SUBDIVISION 8.02: PERMITTED USES.

Agriculture and farm-related buildings

Single Family Homes

Parks and open space areas, public wildlife refuges, and forest preserves

Unless further restricted in a conservation easement, open spaces can be used for the following:

- Conservation uses (i.e. woodland, wetland, and prairie restorations);
- Agricultural cropland and pasture, with the exception of animal feedlots;
- Public utilities and easements (not to include antennas or towers);
- Stormwater and erosion control systems;
- On site sewage collection and treatment systems; and
- Recreational and Non-commercial uses such as:
 - Common Land Use (trails, gardens, playgrounds, etc.)
 - Common Structures (picnic shelters, restored barns, etc.)

Open space uses shall be limited to natural and recreational uses and shall not conflict with the intent of the Agricultural Zoning District and the Comprehensive Land Use Plan as determined by the Planning Commission.

Kennels, Private

Housing, With Services as defined herein

Housing, Child Care Center, Single Family as defined herein Housing, Group Family Daycare as defined herein

SUBDIVISION 8.03: CONDITIONAL USES.

Land in the General Rural District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to 16 for additional Conditional Use Permit requirements.

Second farm-related dwelling

Farm-related businesses on unplatted parcels 10 acres in size or larger

Riding academies, boarding stables, stables and similar uses on unplatted parcels 10 acres in size or larger

Kennels, Commercial on unplatted parcels 10 acres in size or larger

Permanent municipal, township, or county structures or uses of land except roads and their appurtenances and drainage systems established pursuant to Minn. Stat. Ch. 103E, trails, picnic shelters and playground equipment

Temporary uses by a township, city, county, or state

Commercial daycare

Private Communication Towers up to 175 feet in height (See Section 17, Telecommunications Towers and Facilities) *Ordinance 2018-01; December 14, 2018*

Historical sites and activities as recognized by the State Historical Society

Cemeteries

Occasional special events

Religious Institutions

Farm-related bunkhouse for temporary seasonal residence

Personal Storage Structures

Organized group camps on unplatted parcels 10 acres in size or larger

Ordinance 2016-03; May 24, 2016

SUBDIVISION 8.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 8.05: ACCESSORY USES.

Private Garages

Home Occupations operated within the primary dwelling unit

Solar Energy Systems - Accessory

Platted or Unplatted:

Side Setback:	20* feet
Rear Setback:	25 feet
Side or rear from Sherburne County National Wildlife Refuge:	100 feet
County Ditch (from top of ditch bank)	50 feet
Pipeline Easement / Right of Way:	50 feet

When a lot is located at the intersection of two or more roads or highway, there shall be a front yard setback on each road or highway side of the lot.

* Property owner may reduce setback with submittal of a registered land survey showing the proposed building location and staking for inspection of both the property line and proposed building location. Minimum setback when meeting the above requirement is 10 feet.

Ordinance 2018-01; December 14, 2018

5. Maximum Building Heights:

Dwellings:	25 Feet in shoreland or 35 Feet elsewhere
Agricultural Buildings:	No Restriction
Others:	35 Feet

SUBDIVISION 8.07. ROAD INTERSECTIONS / HIGHWAY ACCESSES.

Road intersections and highway accesses shall conform to the Becker Township or Sherburne County Transportation Plan as determined by the jurisdiction of the roadway the property access abuts.

SUBDIVISION 8.08: ACCESS REQUIREMENTS.

1. The location of any new driveway from a public road shall require approval by the Township Engineer.
2. The relocation of an existing driveway must receive written approval by the Township Engineer.
3. All Accesses must comply with Township Location and Engineering Standards.

4. An Access Permit is required for all new, relocated, or reconstructed accesses prior to construction.

Ordinance 2010-01; November 23, 2010

SECTION 9 – COMMERCIAL DISTRICT

SUBDIVISION 9.01: PURPOSE.

The purpose of the Commercial District is to provide locations for businesses that achieve the following purposes:

- A. To provide retail and service uses that serve the whole community and cater to the whole range of goods and services by the resident population.
- B. To permit development of a size and in the appropriate location shown on the Land Use Map.
- C. To protect adjacent properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, traffic, fire, explosion, noxious fumes, and other hazards.
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking, truck loading areas, and on-site stormwater retention.

SUBDIVISION 9.02: PERMITTED USES.

Retail Sales

Service Businesses

Shopping Centers

Motels

Office Buildings

Permanent and Temporary Government Structures

Convenience Store

Personal Service Businesses Including Barber and Beauty Shops and Tanning Salons

Commercial Child Care Facilities

Public Buildings

Commercial Agriculture Uses

Office / Showroom

Office / Warehouse

Athletic Clubs of no more than 1,200 square feet

SUBDIVISION 9.03: CONDITIONAL USES.

Land in the Commercial District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for a additional Conditional Use Permit requirements.

Vehicle Sales Meeting Specified Design Standards

Farm Equipment Sales

Auto Repair Shops

Pawnbroker

Medical and/or Dental Offices

Restaurants

Automobile Service Stations

Veterinary Clinics with Kennels

Commercial Recreation Excluding Motor Sports

Radio Facilities

Communication Towers (See Section 17, Telecommunications Towers and Facilities)

Private Utilities

Religious Institutions

Athletic Clubs exceeding 1,200 square feet

SUBDIVISION 9.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and

- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 9.05: ACCESSORY USES.

Solar Energy Systems – Accessory

Ordinance 2016-01; January 26, 2016

SUBDIVISION 9.06: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

All commercially developed property **must** be platted prior to building permit issuance.

1. Minimum Lot Size:

Serviced with public sewer and water: 22,500 Square Feet

Private on-site sewer and water: 2.5 Acres

2. Minimum Lot Size:

Width: 150 feet (measured at the building setback line)

Depth: 150 Feet

3. Minimum Setbacks, Principal or Accessory Structures:

Front (from Right of Way):

Township Road: 67 feet

County Road: 50 feet

County State-Aid Highway: 70 feet

Highway 25: 80 feet

Highway 10: 100 feet

Interior Side: 20 feet

Rear: 20 feet

County Ditch

(From top of ditch bank): 50 feet

When 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 the lot.

4. Minimum Setbacks, Commercial Driveways or Parking Areas:

Front: 10 feet

Side: 10 feet

Rear: 10 feet

As measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Commercial Buildings: 2 and ½ Stories or 35 feet. This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.

SUBDIVISION 9.07. ACCESS REQUIREMENTS.

1. The location of any driveway from a public road shall require approval by the Town Board with advice from the Township and County Engineers.
2. The minimum distance between any two driveway – road intersections shall be 75 feet. No driveway shall be located closer than 75 feet to the intersection of the pavement of two public roads.

SUBDIVISION 9.08. LANDSCAPE STANDARDS.

1. Parking setback areas must be landscaped and maintained as a protective buffer and may not be used for storage; nor any structure or building other than a fence.
2. Minimum landscape requirements in the protective buffer must include one tree (at least 2 inch caliper deciduous tree or six foot high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs.

SUBDIVISION 9.09. LOT SCREENING.

All commercial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings (at least 2 inch caliper deciduous tree or six foot high conifer tree) as approved by the Planning Commission shall be measured at the time of installation.

SUBDIVISION 9.10. LOT COVERAGE.

Impervious lot coverage shall not exceed 75% of the lot area. Stormwater treatment meeting State regulations is required for all developments.

SUBDIVISION 9.11. STORAGE AND DISPLAY.

All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, provided that materials stored shall not exceed the height of the fence. Outdoor storage is permitted only in conjunction with a principal building on the same property.

SUBDIVISION 9.12. SOLID WASTE.

Incineration of solid waste must be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.

SUBDIVISION 9.13. BUILDING DESIGN REQUIREMENTS.

Building design standards are hereby established to ensure commercial buildings meet acceptable aesthetic standards.

1. Applicability. The design standards in this section shall apply to the following:
 - (a) All facades of new principal buildings;
 - (b) All facades of new accessory buildings;
 - (c) Remodeling of existing buildings that result in “refacing” more than one side of an existing building, or refacing of the wall oriented towards the nearest public road.
 - (d) Additions to buildings that increase the gross floor area by more than 25%. Additions not exceeding this threshold may be constructed using exterior materials that match or are compatible with the existing building materials.

2. Design Standards.
 - (a) Height. The maximum height of all buildings must not exceed the lesser of two and one half stories or 35 feet. This height limitation does not apply to farm buildings, grain elevators, silos,

windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.

- (b) Allowed materials for principal buildings. Principal commercial buildings in the commercial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural Stone or Stone Veneers;
 - (3) Decorative concrete block (color impregnated with a split faced, robbed or textured surface;
 - (4) Glass curtain wall panels;
 - (5) Stucco or synthetic stucco;
 - (6) Exterior insulation and finish systems (EIFS);
 - (7) New materials. The Town recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non- listed material, they must first receive approval from the Town Board. In reviewing a request to consider a new material, the Town will consider the following:
 - a. Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);
 - b. Will the style, color, and appearance of the proposed product integrate with adjacent commercial properties and other materials currently allowed within the commercial zoning district;
 - c. Will the style, color and appearance of the proposed product be acceptable in cases when visible from residential units on adjacent properties.
 - (c) All exterior vertical surfaces must be treated as a facade and have an equally attractive or same fascia on all sides of the structure.
 - (d) Mechanical protrusions. All necessary mechanical protrusions visible to the exterior must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not visible from a point six feet above any common property line or street right of way. Screening must consist of either a parapet wall along the roof's edge or by an opaque screen constructed of the same material as the building's primary vertical exposed exterior finish. All mechanical protrusions must be highlighted on the site plan.
3. Performance standards. The following standards apply to all uses in the commercial district.
- (a) Explosives. Activities involving the storage, manufacture, or use of explosives, highly toxic, or extremely flammable materials are not permitted.
 - (b) Noise. Noise must not exceed 55 decibels on any octave band frequency measured at any point along the property line.
 - (c) Vibration. No activity or operation may cause earth vibration perceptible beyond the boundaries of the lot on which the commercial use is approved.
 - (d) Odor. No commercial use may discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.

- (e) Glare and Heat. Glare and heat must be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the commercial use is permitted.
- (f) Storage of Waste. All solid waste, debris, refuse, or garbage not disposed of by incineration or by on-site sewage disposal must be stored in a completely enclosed building or in a closed container that is enclosed within a six foot high opaque fence or wall.
- (g) Fuel Storage. All storage tanks and containers for flammable and combustible liquids and liquefied gases must be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Codes, and the National Fire Protection Association Codes including NFPA-30 for flammable and combustible liquids and NFPA-58 for liquefied gases.

SECTION 10 – NEIGHBORHOOD COMMERCIAL DISTRICT

SUBDIVISION 10.01: PURPOSE.

The purpose of the Commercial District is to provide locations businesses that achieve the following purposes:

- A.** To provide retail and service uses that serve the surrounding neighborhood and cater to the household goods and service needs by the resident population.
- B.** To permit development of a size and in the appropriate location shown on the Land Use Map.
- C.** To protect adjacent properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, traffic, fire, explosion, noxious fumes, and other hazards.
- D.** To provide adequate space to meet the needs of modern commercial development, including off-street parking, truck loading areas, and on-site stormwater retention.

SUBDIVISION 10.02: PERMITTED USES.

Retail Sales

Service Businesses

Shopping Centers

Office Buildings

Personal Service Businesses Including Barber and Beauty Shops and Tanning Salons

Permanent and Temporary Government Structures

Convenience Gas and Food Establishments

Commercial Day Care Facilities

Public Buildings

Athletic Clubs of no more than 1,200 square feet

SUBDIVISION 10.03: CONDITIONAL USES.

Land in the Commercial District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for additional Conditional Use Permit requirements.

- Medical and/or Dental Offices
- Restaurants
- Automobile Service Stations
- Veterinary Clinics with Kennels
- Private Utilities
- Religious Institutions
- Athletic Clubs exceeding 1,200 square feet

SUBDIVISION 10.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 10.05: ACCESSORY USES.

Solar Energy Systems – Accessory

Ordinance 2016-01; January 26, 2016

SUBDIVISION 10.06: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

All commercially zoned properties must be platted prior to development.

- 1. Minimum Lot Size: Unserviced: 2.5 Acres

Serviced: 22,500 Square Feet

2. Minimum Lot Dimensions:

Width: 150 feet (measured at the building setback line)

Depth: 150 feet

3. Minimum Setbacks, Principal or Accessory Structures:

Front (from Right of Way):

Township Road: 67 feet

County Road: 50 feet

County State-Aid Highway: 70 feet

Highway 25: 80 feet

Highway 10: 100 feet

Interior Side: 20 feet

Rear: 20 feet

County Ditch

(From top of ditch bank): 50 feet

When 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 the lot.

4. Minimum Setbacks, Commercial Driveways or Parking Areas:

Front: 10 feet

Side: 10 feet

Rear: 10 feet

As measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Commercial Buildings: 2 and ½ Stories or 35 feet

SUBDIVISION 10.07. ACCESS REQUIREMENTS.

1. The location of any driveway from a public road shall require approval by the Town Board with advice from the Township and County Engineers.
2. The minimum distance between any two driveway – road intersections shall be 75 feet. No driveway shall be located closer than 75 feet to the intersection of the pavement of two public roads.

SUBDIVISION 10.08. LANDSCAPE STANDARDS.

- A. Parking setback areas must be landscaped and maintained as a protective buffer and may not be used for storage; nor any structure or building other than a fence.
- B. Minimum landscape requirements in the protective buffer must include one tree (at least 2 inch caliper deciduous tree or six foot high conifer tree) for each 40 feet of property line. The protective buffer must also contain grass, ground cover or shrubs.

SUBDIVISION 10.09. LOT SCREENING.

All commercial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation.

SUBDIVISION 10.10. LOT COVERAGE.

Impervious lot coverage shall not exceed 30% of the lot area. Lot coverage of up to 75% may be allowed by conditional use permit provided stormwater run-off and surface drainage is no greater than pre-development rates for one, ten and 100 year storm events. Stormwater treatment ponding is required for all developments.

SUBDIVISION 10.11. STORAGE AND DISPLAY.

All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, provided that materials stored shall not exceed

the height of the fence. Outdoor storage is permitted only in conjunction with a principal building on the same property.

SUBDIVISION 10.12. SOLID WASTE.

Incineration of solid waste must be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.

SUBDIVISION 10.13. BUILDING DESIGN REQUIREMENTS.

Building design standards are hereby established to ensure commercial buildings meet acceptable aesthetic standards.

1. Applicability. The design standards in this section shall apply to the following:
 - (a) All facades of new principal buildings;
 - (b) All facades of new accessory buildings;
 - (c) Remodeling of existing buildings that result in “refacing” more than one side of an existing building, or refacing of the wall oriented towards the nearest public road.
 - (d) Additions to buildings that increase the gross floor area by more than 25%. Additions not exceeding this threshold may be constructed using exterior materials that match or are compatible with the existing building materials.

2. Design Standards.
 - (a) Height. The maximum height of all buildings must not exceed the lesser of two and one half stories or 35 feet. This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.
 - (b) Allowed materials for principal buildings. Principal commercial buildings in the commercial zoning district shall use the following materials on their exterior facades:
 - (1) Brick;
 - (2) Natural Stone or Stone Veneers;
 - (3) Decorative concrete block (color impregnated with a split faced, robbed or textured surface;
 - (4) Glass curtain wall panels;
 - (5) Stucco or synthetic stucco;
 - (6) Exterior insulation and finish systems (EIFS);
 - (7) New materials. The Town recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non-listed material, they must first receive approval from the Town Board. In reviewing a request to consider a new material, the Town will consider the following:

- a. Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);
 - b. Will the style, color, and appearance of the proposed product integrate with adjacent commercial properties and other materials currently allowed within the commercial zoning district;
 - c. Will the style, color and appearance of the proposed product be acceptable in cases when visible from residential units on adjacent properties.
 - (c) All exterior vertical surfaces must be treated as a facade and have an equally attractive or same fascia on all sides of the structure.
 - (d) Mechanical protrusions. All necessary mechanical protrusions visible to the exterior must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not visible from a point six feet above any common property line or street right of way. Screening must consist of either a parapet wall along the roof's edge or by an opaque screen constructed of the same material as the building's primary vertical exposed exterior finish. All mechanical protrusions must be highlighted on the site plan.
3. Performance standards. The following standards apply to all uses in the commercial district.
- (a) Explosives. Activities involving the storage, manufacture, or use of explosives, highly toxic, or extremely flammable materials are not permitted.
 - (b) Noise. Noise must not exceed 55 decibels on any octave band frequency measured at any point along the property line.
 - (c) Vibration. No activity or operation may cause earth vibration perceptible beyond the boundaries of the lot on which the commercial use is approved.
 - (d) Odor. No commercial use may discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.
 - (e) Glare and Heat. Glare and heat must be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the commercial use is permitted.
 - (f) Storage of Waste. All solid waste, debris, refuse, or garbage not disposed of by incineration or by on-site sewage disposal must be stored in a completely enclosed building or in a closed container that is enclosed within a six foot high opaque fence or wall.
 - (g) Fuel Storage. All storage tanks and containers for flammable and combustible liquids and liquefied gases must be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Codes, and the National Fire Protection Association Codes including NFPA-30 for flammable and combustible liquids and NFPA-58 for liquefied gases.

SECTION 11 – INDUSTRIAL 1

SUBDIVISION 11.01: PURPOSE.

The purpose of the Industrial 1 District is to provide locations for businesses that achieve the following purposes:

- A.** To provide appropriately located areas for industrial and related activities.
- B.** To permit development of a size and in the appropriate location shown on the Land Use Map.
- C.** To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
- D.** To protect residential and commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, traffic, fire, explosion, noxious fumes, and other hazards.
- E.** To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other.
- F.** To provide adequate space to meet the needs of modern industrial development, including off- street parking, truck loading areas, landscaping and on-site stormwater retention. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants and nearby uses.
- G.** To minimize traffic congestion.
- H.** To establish and maintain high standards of site planning, architecture, and landscape design that will create an environment attractive to most industries.

SUBDIVISION 11.02: PERMITTED USES.

Technologically Innovative Industries

Manufacturing/Industrial Operations

Industrial Services or Supplies

Wood Products

Construction Establishments

Permanent and Temporary Government Structures

Warehouses

Assembly, Manufacturing, Packaging and Wholesaling Businesses

Office

Agriculture

Research and Development

SUBDIVISION 11.03: CONDITIONAL USES.

Land in the Industrial 1 District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for additional Conditional Use Permit requirements.

Truck Terminals

Building Material Storage

Auto/Diesel Repair Shops

Seasonal or Temporary Businesses

Communication Towers

Highway PUD

Public or Private Utilities

Transmodal Facilities

Communication Facilities

SUBDIVISION 11.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 11.05: ACCESSORY USES.

Solar Energy Systems – Accessory

SUBDIVISION 11.06: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

All industrially zoned properties must be platted prior to development.

1. Minimum Lot Size: 5 Acres

2. Minimum Lot Dimensions:

Width: 150 feet (measured at the building setback line)

Depth: 200 feet

3. Minimum Setbacks, Principal or Accessory Structures:

Front (from Right of Way):

Township Road: 67 feet

County Road: 50 feet

County State-Aid Highway: 70 feet

Highway 25: 80 feet

Highway 10: 100 feet

City Road: 75 feet

Interior Side 20 feet

Rear Side 20 feet

County Ditch

(From top of ditch bank): 50 feet

When 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 the lot.

4. Minimum Setbacks, Industrial Driveways or Parking Areas:

Front: 20 feet

Side: 10 feet

Rear: 10 feet

As measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Industrial Buildings: 50 feet

Ordinance 2018-01; December 14, 2018 removed #6 from code requirements.

SUBDIVISION 11.07. ACCESS REQUIREMENTS.

1. The location of any driveway from a public road shall require approval by the Town Board with advice from the Township and County Engineers.
2. The minimum distance between any two driveway – road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of two public roads.

SUBDIVISION 11.08. LANDSCAPE STANDARDS.

1. Landscaping will be required for all new industrial developments.
2. All Industrial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation. Screening shall consist of earth mounds, walls, fences, and/or planted materials.
3. All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall, berm or dense landscape material not less than six feet high, provided that materials stored shall not exceed the height of the fence, wall, berm or landscape materials. Outdoor storage is permitted only in conjunction with a principal building on the same property.
4. When an industrial development is located adjacent to any residential zone parcel, an eight foot high opaque fence or wall, in addition to plantings must be erected to provide screening of the industrial use. If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings, and/or berming. Screening plans shall be reviewed and approved as part of the platting process.

SUBDIVISION 11.09. LOT COVERAGE.

Impervious lot coverage shall not exceed 75% of the lot area. Stormwater treatment meeting State requirements is required for all developments.

SUBDIVISION 11.10. STORAGE AND DISPLAY.

All storage, display, service, repair, or processing must be conducted wholly within an enclosed building or behind an opaque fence or wall not less than six feet high, provided that materials stored shall not exceed the height of the fence. Outdoor storage is permitted only in conjunction with a principal building on the same property.

SUBDIVISION 11.11. SOLID WASTE.

Incineration of solid waste must be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.

SUBDIVISION 11.12. BUILDING DESIGN REQUIREMENTS.

Building design standards are hereby established to ensure industrial buildings meet acceptable aesthetic standards.

1. Applicability. The design standards in this section shall apply to the following:
 - (a) All facades of new principal buildings;
 - (b) All facades of new accessory buildings;
 - (c) Remodeling of existing buildings that result in “refacing” more than one side of an existing building, or refacing of the wall oriented towards the nearest public road.
 - (d) Additions to buildings that increase the gross floor area by more than 15%. Additions not exceeding this threshold may be constructed using exterior materials that match or are compatible with the existing building materials.
2. Design Standards.
 - (a) Height. The maximum height of all buildings must not exceed 50 feet. This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.
 - (b) Allowed materials for principal buildings. Principal industrial buildings in the industrial zoning district shall use the following materials on their exterior facades:
 - (1) Pre-engineered Steel Buildings with a minimum of 30% decorative façade from the following items 2 thru 7.
 - (2) Brick;
 - (3) Natural Stone or Stone Veneers;
 - (4) Concrete tip-up panels or concrete block;

- (5) Decorative concrete block (color impregnated with a split faced, robbed or textured surface);
- (6) Glass curtain wall panels;
- (7) Stucco or synthetic stucco;
- (8) Exterior insulation and finish systems (EIFS);

The I-1 Zoning District does not allow for post-frame buildings.

- (c) All exterior vertical surfaces facing public right-of-way must be treated as a front and have an equally attractive or same fascia on all sides of the structure.
 - (d) Mechanical protrusions. All necessary mechanical protrusions visible from the public right-of-way must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not visible from a point six feet above any common property line or street right of way. Screening must consist of either a parapet wall along the roof's edge or by an opaque screen constructed of the same material as the building's primary vertical exposed exterior finish. The zoning administrator may determine that the equipment may be painted a neutral earth tone color, or color deemed similar by the zoning administrator or must be designed to be compatible with the architectural treatment of the principal building, which will satisfy the screening requirement. All mechanical protrusions must be highlighted on the site plan.
 - (e) New materials. The Town recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non-listed material, they must first receive approval from the Town Board. In reviewing a request to consider a new material, the Town will consider the following:
 - (1) Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);
 - (2) Will the style, color, and appearance of the proposed product integrate with adjacent commercial properties and other materials currently allowed within the commercial zoning district;
 - (3) Will the style, color and appearance of the proposed product be acceptable in cases with visible from residential units on adjacent properties.
3. Performance standards. The following design standards apply to all uses in the commercial district.
- (a) Explosives. Activities involving the storage, manufacture, or use of explosives, highly toxic, or extremely flammable materials are not permitted.
 - (b) Noise. Noise must not exceed 55 decibels on any octave band frequency measured at any point along the property line.

- (c) Vibration. No activity or operation may cause earth vibration perceptible beyond the boundaries of the lot on which the commercial use is approved.
- (d) Odor. No commercial use may discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.
- (e) Glare and Heat. Glare and heat must be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the commercial use is permitted.
- (f) Storage of Waste. All solid waste, debris, refuse, or garbage not disposed of by incineration or by on-site sewage disposal must be stored in a completely enclosed building or in a closed container that is enclosed within a six foot high opaque fence or wall.
- (g) Fuel Storage. All storage tanks and containers for flammable and combustible liquids and liquefied gases must be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Codes, and the National Fire Protection Association Codes including NFPA-30 for flammable and combustible liquids and NFPA-58 for liquefied gases.

SECTION 12 – INDUSTRIAL 2

SUBDIVISION 12.01: PURPOSE.

The purpose of the Industrial 2 District is to provide locations for businesses that achieve the following purposes:

- A.** To provide appropriately located areas for industrial and related activities.
- B.** To permit development of a size and in the appropriate location shown on the Land Use Map.
- C.** To protect areas appropriate for industrial uses from intrusion by inharmonious uses.
- D.** To protect residential and commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, traffic, fire, explosion, noxious fumes, and other hazards.
- E.** To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other.
- F.** To provide adequate space to meet the needs of modern industrial development, including off- street parking, truck loading areas, landscaping and on-site stormwater retention. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants and nearby uses.
- G.** To minimize traffic congestion.
- H.** To establish and maintain high standards of site planning, architecture, and landscape design that will create an environment attractive to most industries

SUBDIVISION 12.02: PERMITTED USES.

Permitted Uses from the Industrial 1 zoning district

Recycling Establishments

Wood Milling

Grain Elevators

Paper Processing

SUBDIVISION 12.03: CONDITIONAL USES.

Land in the Industrial 2 District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for additional Conditional Use Permit requirements.

Conditional Uses from the Industrial 1 zoning district

Auto/Diesel Repair Shops

Seasonal or Temporary Businesses

Mini Storage Facilities

Contractor's Offices, Warehouses, Yards

Communication Towers

Bio-fuel Manufacturing Refineries

Public or Private Utilities

Transmodal Facilities

Communication Facilities

SUBDIVISION 12.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.
- E.

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 12.05: ACCESSORY USES.

Solar Energy Systems – Accessory

Ordinance 2016-01; January 26, 2016

SUBDIVISION 12.06: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

All industrially zoned properties must be platted prior to development.

- | | | |
|----|-------------------|---------|
| 1. | Minimum Lot Size: | 5 Acres |
|----|-------------------|---------|

2. Minimum Lot Dimensions:

Width: 150 feet (measured at the building setback line)

Depth: 200 feet

3. Minimum Setbacks, Principal or Accessory Structures:

Front (from Right of Way):

Township Road: 67 feet

County Road: 50 feet

County State-Aid Highway: 70 feet

Highway 25: 80 feet

Highway 10: 100 feet

City Street: 75 feet

Interior Side 20 feet

Rear Side 20 feet

County Ditch

(From top of ditch bank): 50 feet

When 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 the lot.

4. Minimum Setbacks, Industrial Driveways or Parking Areas:

Front: 20 feet

Side: 10 feet

Rear: 10 feet

As measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Industrial Buildings: 50 feet

SUBDIVISION 12.07. ACCESS REQUIREMENTS.

1. The location of any driveway from a public road shall require approval by the Town Board with advice from the Township and County Engineers.
2. The minimum distance between any two driveway – road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of two public roads.

SUBDIVISION 12.08. LANDSCAPE STANDARDS.

1. Landscaping will be required for all new industrial developments.
2. All Industrial uses must be screened from adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation. Screening shall consist of earth mounds, walls, fences, and/or planted materials.
3. All storage, display, service, repair, or processing visible from the public right-of-way must be conducted behind an opaque fence or wall, berm or dense landscape material not less than six feet high. Outdoor storage is permitted only in conjunction with a principal building on the same property.
4. When an industrial development is located adjacent to any residential property, an eight foot high opaque fence or wall, in addition to plantings must be erected to provide screening of the industrial use.
5. If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings, and/or berming to the satisfaction of the Township Planning Commission. Screening plans shall be reviewed and approved as part of the platting process.

SUBDIVISION 12.09. LOT COVERAGE.

Impervious lot coverage shall not exceed 75% of the lot area. Stormwater treatment meeting State requirements is required for all developments.

SUBDIVISION 12.10. SOLID WASTE.

Incineration of solid waste must be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.

SUBDIVISION 12.11. BUILDING DESIGN REQUIREMENTS.

Building design standards are hereby established to ensure commercial buildings meet acceptable standards.

1. Applicability. The design standards in this section shall apply to the following:
 - (a) All facades of new principal buildings;
 - (b) All facades of new accessory buildings;
 - (c) Remodeling of existing buildings that result in “refacing” more than one side of an existing building, or refacing of the wall oriented towards the nearest public road.
 - (d) Additions to buildings that increase the gross floor area by more than 15%. Additions not exceeding this threshold may be constructed using exterior materials that match or are compatible with the existing building materials.
2. Design Standards.
 - (a) Height. The maximum height of all buildings must not exceed the lesser of two and one half stories or 50 feet. This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.
 - (b) Allowed materials for principal buildings. Principal industrial buildings in the industrial zoning district shall use the following materials on their exterior facades:
 - (1) Pre-engineered Steel Buildings with 30% decorative façade from the following items 2 thru 7.
 - (2) Brick;
 - (3) Natural Stone or Stone Veneers;
 - (4) Concrete tip up panels or concrete block;
 - (5) Decorative concrete block (color impregnated with a split faced, robbed or textured surface;
 - (6) Glass curtain wall panels;
 - (7) Stucco or synthetic stucco;
 - (8) Exterior insulation and finish systems (EIFS);

The I-2 Zoning District does not allow for post-frame buildings.

- (c) All exterior vertical surfaces facing public right-of-way, must be treated as a front and have an equally attractive or same fascia on all sides of the structure.
- (d) Mechanical protrusions. All necessary mechanical protrusions visible from the public right of way must be screened or painted in a manner so they are not visually obvious and are compatible with the surrounding development. Satisfaction of this requirement must be demonstrated by the screening of the equipment in such a manner that it is not visible from a point six feet above any common property line or street right of way. Screening must consist of either a parapet wall along the roof’s edge or by an opaque screen constructed of the same material as the building’s primary vertical exposed exterior finish. The zoning administrator may determine that the equipment may be painted a neutral earth tone color, or color deemed similar by the zoning administrator or must be designed to be compatible with the

architectural treatment of the principal building, which will satisfy the screening requirement. All mechanical protrusions must be highlighted on the site plan.

- (e) New materials. The Town recognizes that technologies change and new products are continually available which may not be listed as allowed under these building design requirements. If an applicant wishes to utilize a non-listed material, they must first receive approval from the Town Board. In reviewing a request to consider a new material, the Town will consider the following:
 - (1) Is the proposed material of sufficient quality to ensure on-going maintenance will not be of concern (applicant should provide detailed information on the proposed product and its history of use);
 - (2) Will the style, color, and appearance of the proposed product integrate with adjacent commercial properties and other materials currently allowed within the commercial zoning district;
 - (3) Will the style, color and appearance of the proposed product be acceptable in cases when visible from residential units on adjacent properties.
3. Performance standards. The following design standards apply to all uses in the commercial district.
- (a) Explosives. Activities involving the storage, manufacture, or use of explosives, highly toxic, or extremely flammable materials are not permitted.
 - (b) Noise. Noise must not exceed 55 decibels on any octave band frequency measured at any point along the property line.
 - (c) Vibration. No activity or operation may cause earth vibration perceptible beyond the boundaries of the lot on which the commercial use is approved.
 - (d) Odor. No commercial use may discharge, beyond the boundaries of the lot on which it is approved, toxic or noxious odors or particulate matter.
 - (e) Glare and Heat. Glare and heat must be shielded to prevent light or heat rays to project beyond the boundaries of the lot on which the commercial use is permitted.
 - (f) Storage of Waste. All solid waste, debris, refuse, or garbage not disposed of by incineration or by on-site sewage disposal must be stored in a completely enclosed building or in a closed container that is enclosed within a six foot high opaque fence or wall.
 - (g) Fuel Storage. All storage tanks and containers for flammable and combustible liquids and liquefied gases must be constructed and located in accordance with regulations of the Minnesota Uniform Building Code, Minnesota Uniform Fire Codes, and the National Fire Protection Association Codes including NFPA-30 for flammable and combustible liquids and NFPA-58 for liquefied gases.

SECTION 13 – HEAVY INDUSTRIAL

SUBDIVISION 13.01: PURPOSE.

The purpose of the Heavy Industrial District is to provide locations for industrial activities that have greater than average off-site effects. This District should be located in an area in accordance to the Land Use Plan that achieves the following purposes:

- A.** To provide appropriately located areas for heavy industrial activities.
- B.** To permit development of a size and in the appropriate location shown on the Land Use Map.
- C.** To protect residential and commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, traffic, fire, explosion, noxious fumes, and other hazards.
- D.** To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other.
- E.** To provide adequate space to meet the needs of modern industrial development, including off- street parking, truck loading areas, landscaping and on-site stormwater retention. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants and nearby uses.
- F.** To minimize traffic congestion.
- G.** To provide locations where industries that desire larger sites and outside storage can operate with minimum restriction and without adverse effects on other uses.

SUBDIVISION 13.02: PERMITTED USES.

Permitted Uses from the Industrial 1 and Industrial 2 Zoning Districts

Railroad Yards, Terminals

Permanent and Temporary Government Structures

SUBDIVISION 13.03: CONDITIONAL USES.

Land in the Heavy Industrial District may be used for any of the following purposes upon the issuance of a Conditional Use Permit. Refer to Section 16 for additional Conditional Use Permit requirements.

Conditional Uses in the Industrial 1 and Industrial 2 Zoning Districts

Used Vehicle Parts or Scrap Material Yards

Adult Establishments as defined in Ordinance 09-03 Section 1.5.

Recycling for Hazardous Wastes

Power Generation Plants

Concrete and Asphalt Plants

Solid Waste Facilities

Communication Towers

Auto Salvage

Excavating including 10,000 Cubic Yards or more

Motor Vehicle Tracks

Large L.P. Tanks

Solar Farms

SUBDIVISION 13.04: INTERIM USES.

Interim uses are uses allowed on the property for a limited period of time provided conditions for the use are met. The review and approval process for interim uses shall follow the process used for conditional uses. A permit may be granted for an interim use of a property if:

- A. the use conforms to the zoning regulations;
- B. the date or event that will terminate the use can be identified with certainty;
- C. permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
- D. the user agrees to any conditions that the governing body deems appropriate for permission of the use.
- E. Grading, Extraction or Filling including 10,000 Cubic Yards of material or more per permitted operation (see Performance Standards for additional restrictions and conditions)

Ordinance 2015-02; February 24, 2015

Any interim use may be terminated by a change in zoning regulations.

SUBDIVISION 13.05: ACCESSORY USES.

Solar Energy Systems – Accessory

Ordinance 2016-01; January 26, 2016

SUBDIVISION 13.06: DIMENSIONAL REGULATIONS (ALL DIMENSIONS ARE MEASURED IN FEET).

1. Minimum Lot Size: 35 Acres

2. Minimum Lot Dimensions:

Width: 1,200 feet

Depth: 1,200 feet

3. Minimum Setbacks, Principal or Accessory Structures:

Front (from Right of Way):

Township Road: 67 feet

County Road: 50 feet

County State-Aid Highway: 70 feet

Highway 25: 80 feet

Highway 10: 100 feet

City Street: 75 feet

Interior Side 30 feet

Rear Side 30 feet

County Ditch

(From top of ditch bank): 50 feet

When 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 the lot.

4. Minimum Setbacks, Industrial Driveways or Parking Areas:

Front: 30 feet

Side: 20 feet

Rear: 20 feet

As measured from the right-of-way or easement of the public road

5. Maximum Building Heights:

Industrial Buildings: 50 feet

This height limitation does not apply to farm buildings, grain elevators, silos, windmills, elevator legs, cooling towers, water towers, chimneys and smokestacks, church spires, or electric transmission lines.

SUBDIVISION 13.07. ACCESS REQUIREMENTS.

1. The location of any driveway from a public road shall require approval by the Town Board with advice from the Township and County Engineers.
2. The minimum distance between any two driveway – road intersections shall be 75 feet. No driveway shall be located closer than 100 feet to the intersection of the pavement of two public roads.

SUBDIVISION 13.08. LANDSCAPE STANDARDS

1. Landscaping will be required for all new industrial developments.
2. All Industrial uses must be screened from public right-of-way and adjacent residential properties with berms, fencing, hedges, or other landscape materials. Earth berms shall not exceed a slope of 3:1. The screen shall be designed to provide an effective visual barrier during all seasons. Height of plantings shall be measured at the time of installation. Screening shall consist of earth mounds, walls, fences, and/or planted materials.

SUBDIVISION 13.09. LOT COVERAGE.

Impervious lot coverage shall not exceed 75% of the lot area. Stormwater treatment meeting State requirements is required for all developments.

SUBDIVISION 13.10 SOLID WASTE

Incineration of solid waste must be conducted in equipment approved by the Minnesota Pollution Control Agency regulations.

SECTION 14. SHORELAND OVERLAY DISTRICT

RESERVED FOR FUTURE USE

SECTION 15. FLOODPLAIN MANAGEMENT

SUBDIVISION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- 1.1 **Statutory Authorization:** The legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Joint Planning Board of Becker Township, Minnesota does ordain as follows:
- 1.2 **Findings of Fact:**
- A. The flood hazard areas of the Becker Township, Minnesota, 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 or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 - B. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
 - C. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to establish Becker Township's eligibility in the National Flood Insurance Program.
- 1.3 **Purpose:** It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subdivision 1.2A by provisions contained herein.

SUBDIVISION 2.0 GENERAL PROVISIONS

- 2.1 **Lands to Which Ordinance Applies:** This Ordinance shall apply to all lands within the floodplain jurisdiction of the Becker Joint Planning Board, shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts.
- 2.2 **Establishment of Official Zoning Map:** The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include: 1) the Flood Insurance Study, Sherburne County, Minnesota And Incorporated Areas; 2) the Flood Insurance Rate Map Index, Sherburne County, Minnesota, with a Map Number of 27141CINDOA; and Flood Insurance Rate Maps Sherburne County, Minnesota And Incorporated Areas with map numbers 27141C0210F, 27141C0220F, 27141C0240F, 27141C0245F, 27141C0330F, 27141C0335F, and 27141C0345F. All of the aforementioned documents are dated November 16, 2011 and have been prepared by the

Federal Emergency Management Agency. The Official Zoning Map shall be on file in the Office of the County Auditor and the County Zoning Department.

- 2.3 **Regulatory Flood Protection Elevation:** The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 2.4 **Interpretation:**
- A. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 - B. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Becker Joint Planning Board adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain on November 29, 1974, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- 2.5 **Abrogation and Greater Restrictions:** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- 2.6 **Warning and Disclaimer of Liability:** This Ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Becker Township, Minnesota, the Becker Joint Planning Board or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- 2.7 **Severability:** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 2.8 **Definitions:** The words and phrases used in this Section shall have the same meaning as defined in Section 5 of this Ordinance, except as provided below. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same

meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

- A. Accessory Use or Structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- B. Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- C. 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.
- D. 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.
- E. Flood Frequency - the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- F. 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, Sherburne County, Minnesota And Incorporated Areas.
- G. Flood Plain - the beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood (base flood or 100 year flood).
- H. 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.
- I. 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.
- J. Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.
- K. Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."
- L. 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.
- M. Principal Use or Structure - means all uses or structures that are not accessory uses or structures.

- N. 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.
- O. Recreational Vehicle - a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this Ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle.
- P. 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," 1-percent annual chance flood or 100-Year flood elevation.
- Q. Regulatory Flood Protection Elevation - The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- R. Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Subdivision 9.31 of this Subdivision and other similar items.
- S. Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- T. Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:
 - (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (b) Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

2.9 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Subdivision 2.2 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this Ordinance and any area that may detach from a municipality and come under the zoning jurisdiction of the Becker Joint Planning Board after the date of adoption

of this Ordinance shall be subject to the provisions of this Ordinance immediately upon the date of detachment from a municipality.

SUBDIVISION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

- A. **Floodway Overlay District.** The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Subdivision 2.2. For lakes, wetlands or other basins, the Floodway District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in Subdivision 2.2 that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- B. **Flood Fringe Overlay District.** The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in Subdivision 2.2, as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District shall include those areas designated as Zone AE (that do not have a floodway designated) and Zone A on the Flood Insurance Rate Map panels adopted in Subdivision 2.2 that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- C. **General Flood Plain Overlay District.** The General Flood Plain District shall include those areas designated as Zone A and Zone AE (without a floodway designated) on the Flood Insurance Rate Map adopted in Subdivision 2.2, which are not subject to criteria in 3.1A and 3.1B above.

3.2 **Compliance:** No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations which apply to uses within the jurisdiction of this Ordinance, including the uses and standards of the underlying zoning district. Within the Floodway, Flood Fringe and General Flood Plain Overlay Districts, all uses not listed as permitted uses or conditional uses in Subdivisions 4.0, 5.0 and 6.0 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Subdivision 9.0.
- B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses-of structures or land are regulated by the general provisions of this Ordinance and specifically Subdivision 11.0.
- C. 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 the general provisions of this Ordinance and specifically as stated in Subdivision 10.0 of this Ordinance.

SUBDIVISION 4.0 FLOODWAY OVERLAY DISTRICT (FW)

4.1 Permitted Uses:

- A. General farming, pasture, grazing, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
- B. Industrial-commercial loading areas, parking areas, and airport landing strips.
- C. Private and public golf courses, tennis courts, driving ranges, archery 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.
- D. Residential lawns, gardens, parking areas, and play areas.

4.2 Standards for Floodway Permitted Uses:

- A. The use must have a low flood damage potential.
- B. The use must be permissible in the underlying zoning district if one exists.
- C. The use must not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

4.3 Conditional Uses:

- A. Structures accessory to the uses listed in 4.1 above and the uses listed in 4.3B - 4.3H below.
- B. Extraction and storage of sand, gravel, and other materials.
- C. Marinas, boat rentals, docks, piers, wharves, and water control structures.
- D. Railroads, streets, bridges, utility transmission lines, and pipelines.
- E. Storage yards for equipment, machinery, or materials.
- F. Placement of fill or construction of fences.
- G. Recreational 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 Subdivision 9.3 of this Section.
- H. 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 equal to or less than the 10-year frequency flood event.

4.4 Standards for Floodway Conditional Uses: The following standards shall apply conditional uses within the FW District in addition to the standards applicable to all conditional uses pursuant to this Ordinance.

- A. 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.
- B. All floodway conditional uses shall be subject to the procedures and standards contained in Subdivision 10.4 of this Section.

- C. The conditional use shall be permissible in the underlying zoning district.
- D. Fill:
 - (a) 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.
 - (b) 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.
 - (c) As an alternative, and consistent with Subsection (b) immediately 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 Governing Body 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.
- E. Accessory Structures:
 - (a) Accessory structures shall not be designed for human habitation.
 - (b) 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:
 - 1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - 2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - (c) 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 State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
 - 1) 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;
 - 2) Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed; and
 - 3) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- F. Storage of Materials and Equipment:

- (a) 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.
- (b) 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 Governing Body.
- G. 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, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- H. 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.

SUBDIVISION 5.0 FLOOD FRINGE OVERLAY DISTRICT (FF)

- 5.1 **Permitted Uses:** Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe District "Permitted Uses" listed in Subdivision 5.2 and the "Standards for all Flood Fringe Uses" listed in Subdivision 5.5.
- 5.2 **Standards for Flood Fringe Permitted Uses:**
- 1) 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 erected thereon.
 - 2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Subdivision 4.4E (c).
 - 3) 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 said fill is specifically intended to elevate a structure in accordance with Subdivision 5.2A of this ordinance.
 - 4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
 - 5) The provisions of Subdivision 5.5 of this Ordinance shall apply.
- 5.3 **Conditional Uses:** Any structure that is not elevated on fill or flood proofed in accordance with Subdivision 5.2A - 5.2B and or any use of land that does not comply with the standards in Subdivision 5.2C - 5.2D 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 Subdivisions 5.4-5.5 and 10.4 of this Ordinance.

5.4 Standards for Flood Fringe Conditional Uses: The following standards shall apply conditional uses within the FF District in addition to the standards applicable to all conditional uses pursuant to this Ordinance.

- 1) 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:
 - (1) the enclosed area is above-grade on at least one side of the structure;
 - (2) it is designed to internally flood and is constructed with flood resistant materials; and
 - (3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - (b) 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.
 - (c) 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:
 - (1) A minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic 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 without any form of human intervention; and
 - (2) 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.
- 2) Basements, as defined by Subdivision 2.8B of this Ordinance, shall be subject to the following:
 - (a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

- (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with Subdivision 5.4C of this Ordinance.
- 3) 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. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classification 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 effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.
- 4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the Becker Joint Planning Board is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- 5) Storage of Materials and Equipment:
 - (a) 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.
 - (b) 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 Governing Body.
- 6) The provisions of Subdivision 5.5 of this Ordinance shall also apply.

5.5 Standards for All Flood Fringe Uses:

- 1) 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 or 1 foot below the 100 year flood elevation with floodway stage increase included. 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.
- 2) 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 and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

- 3) Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Subdivision 5.5B above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- 4) 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.
- 5) 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 has not been specified on the Official Zoning Map.
- 6) Standards for recreational vehicles are contained in Subdivision 9.3.
- 7) 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 to be 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.

SUBDIVISION 6.0 GENERAL FLOOD PLAIN OVERLAY DISTRICT

6.1 Permissible Uses:

- A. The uses listed in Subdivision 4.1 of this Ordinance shall be permitted uses.
- B. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Subdivision 6.2 and 6.3 below. Subdivision 4.0 shall apply if the proposed use is in the Floodway District and Subdivision 5.0 shall apply if the proposed use is in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations for Streams Located Within the General Flood Plain District:

- A. Upon receipt of an application for a permit or other approval 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.
 - (a) A typical valley cross-section(s) 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.

- (b) Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - (c) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - (d) 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.
- B. 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 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer 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:
- (a) Estimate the peak discharge of the regional flood.
 - (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' 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.
- C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, 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 District Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Subdivision 4.0 and 5.0 of this Ordinance.

6.3 Procedures for determining 1% annual chance flood elevations (100-YR flood elevations) for lakes located in Zone A:

- A. Upon receipt of an application for a permit or other approval within a Zone A, the Zoning Administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Zoning Administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.

- B. 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 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer 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.
- C. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the Zoning Administrator shall process the permit application consistent with the applicable provisions of Subdivision 4.0 and 5.0 of this Ordinance.

SUBDIVISION 7.0 SUBDIVISIONS

- 7.1 **Review Criteria:** No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that 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 feet below the regulatory flood protection elevation or one (1) foot below the 100 year flood elevation with floodway stage increase included. For all subdivisions in the flood plain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- 7.2 **Floodway/Flood Fringe Determinations in the General Flood Plain District:** In the General Flood Plain District, applicants shall provide the information required in Subdivision 6.2 and 6.3 of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- 7.3 **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 requested.

SUBDIVISION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

- 8.1 **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 or one (1) foot above the 100 year flood elevation with floodway stage increase included.
- 8.2 **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Subdivisions 4.0 and 5.0 of this Ordinance. Elevation to the regulatory flood protection elevation or one (1) foot above the 100 year flood elevation with floodway stage increase included 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.
- 8.3 **On-site Sewage Treatment and Water Supply Systems:** Where public utilities are not provided:
- 1) On- site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - 2) New or replacement on-site sewage treatment 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.

SUBDIVISION 9.0 MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

- 9.1 New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Subdivision 7.0 of this Ordinance.
- 9.2 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 Subdivision 5.0 of this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Subdivision 5.5A, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
- A. 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 to be 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.

- 9.3 Recreational vehicles that do not meet the exemption criteria specified in Subdivision 9.3A below shall be subject to the provisions of this Ordinance and as specifically spelled out in Subdivisions 9.3C-9.3D below.
- A. Exemption - Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Subdivision 9.3B below and further they meet the following criteria:
 - (a) Have current licenses required for highway use.
 - (1) 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 recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - (2) The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
 - B. Areas Exempted For Placement of Recreational Vehicles:
 - (a) Individual lots or parcels of record.
 - (b) Existing commercial recreational vehicle parks or campgrounds.
 - (c) Existing condominium type associations.
 - C. Recreational vehicles exempted in Subdivision 9.3A lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational 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 Subdivisions 4.0 and 5.0 of this Ordinance. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
 - D. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - (a) Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle 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 Subdivision 5.5A of this Ordinance. No fill placed in the floodway to meet the requirements of this Subdivision shall increase flood stages of the 100-year or regional flood.
 - (b) All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of 10.4 of the Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Subdivision 9.3A (a) and (b) of this Ordinance will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or

contaminated during times of flooding in accordance with Subdivision 8.3 of this Ordinance.

SUBDIVISION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the Governing Body shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Subdivision 12.0 of the Ordinance.

10.2 Permit Requirements:

- A. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the flood plain.
- B. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
- C. State and Federal Permits. Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
- D. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.
- E. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided by Subdivision 12.0 of this Ordinance.
- F. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

- G. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.
- H. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the county authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- I. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

10.3 Board of Adjustment:

- A. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by State law.
- B. Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Section, as provided for in Section 18.
- C. Variances. The following standards and procedures shall apply to all applications submitted to the Board of Adjustment for properties located within the Floodway, Flood Fringe and General Flood Plain Overlay Districts, in addition to the standards and procedures set forth in Section 18 of this Ordinance. No variance shall have the effect of allowing in any district uses prohibited in that district, 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. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (a) Variances shall not be issued by a county within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (b) Variances shall only be issued by a county upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- D. Notice. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- E. Decisions. In granting a variance the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Subdivision 10.4F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and enforceable pursuant to Subdivision 12.0. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- F. Appeals. Appeals from any decision of the Board of Adjustment may be made, and as specified in the Ordinance and applicable law.
- G. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and 2) 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. Becker Township and the Becker Joint Planning Board shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

10.4 **Conditional Uses.** The following standards shall apply to conditional uses within the Floodway, Flood Fringe and General Flood Plain Overlay Districts in addition to the standards applicable to all conditional uses pursuant to this Ordinance.

- A. Notice. Upon filing with the Zoning Administrator a completed application for a conditional use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.
- B. Decisions. In granting a conditional use permit the Joint Planning Board shall prescribe appropriate conditions and safeguards, in addition to those specified in Subdivision 10.4F, which are in conformity with the purposes of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Subdivision 12.0. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
- C. Procedures to be followed by the Zoning Administrator and Planning Commission in Considering Conditional Use Permit Applications Within all Flood Plain Districts.
 - (a) Require the applicant to furnish such of the following information and additional information as deemed necessary by the Zoning Administrator and Planning Commission for determining the suitability of the particular site for the proposed use:

- (1) 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; and
 - (2) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- (b) Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the 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.
 - (c) Based upon the technical evaluation of the designated engineer or expert, the Joint Planning Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
- D. Factors Upon Which the Decision of the Joint Planning Board Shall Be Based. In passing upon conditional use applications, the Joint Planning Board shall consider all relevant factors specified in other sections of this Ordinance, and:
- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (b) 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.
 - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (e) The importance of the services provided by the proposed facility to the county.
 - (f) The requirements of the facility for a waterfront location.
 - (g) The availability of alternative locations not subject to flooding for the proposed use.
 - (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - (l) Such other factors which are relevant to the purposes of this Ordinance.
- E. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the Joint Planning Board shall attach such

conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Flood proofing measures, in accordance with the State Building Code and this Ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

SUBDIVISION 11.0 NONCONFORMING USES

11.1 A structure or the use of a structure or premises that was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic structures, as defined in Subdivision 2.8U(b) of this Ordinance, shall be subject to the provisions of Subdivisions 11.1A – 11.1E of this Ordinance.

- A. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
- B. Any structural 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 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.1C and 11.1F below.
- C. The cost of all 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 Subdivision are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of Subdivision 4.0 or 5.0 of this Ordinance for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
- D. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

- E. If any nonconforming use or structure is substantially damaged, as defined in Subdivision 2.8T of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Subdivisions 4.0, 5.0 or 6.0 will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Flood Plain District, respectively.
- F. If a substantial improvement occurs, as defined in Subdivision 2.8U of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Subdivision 4.0 or 5.0 of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SUBDIVISION 12.0 PENALTIES FOR VIOLATION

12.1 Enforcement actions may include but are not limited to:

- A. In responding to a suspected Ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it 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. Becker Joint Planning Board must act in good faith to enforce these official controls and to correct Ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- B. When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. 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 County's plan of action to correct the violation to the degree possible.
- C. 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. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either:
 - 1) 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 the official controls; or
 - 2) 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.
- D. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator

shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SUBDIVISION 13.0 AMENDMENTS

The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation 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 Ordinance, 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. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

Ordinance 2012-02; April 24, 2012

SECTION 16. GENERAL PERFORMANCE STANDARDS

1. Accessory Structures.

On parcels less than 5 acres, a detached accessory structure not over 25 feet in height (from the ground floor to the highest point), shall occupy not more than thirty percent of the area of any rear yard, providing further that no detached accessory structure shall be located within any rear lot line. On parcels 5 acres or more, the height restriction is 35 feet.

A detached accessory structure shall not be designed for living quarters and shall not occupy the only land available for sewer system replacement.

The total area of detached accessory structures shall not exceed the following:

Lot Size:	Maximum Square Footage for Accessory Structure(s):
Less than 2.49 acres:	1,200 square feet
2.5-4.99 acres:	1,800 square feet
5 acres or more platted	3,000 square feet
5 acres or more unplatted	No size limit. Must not conflict with other zoning regulations

Ordinance 2016-03; May 24, 2016

A lean-to as defined in Section 5 may be added to any accessory structure and shall not be counted toward the maximum square footage.

Ordinance 2018-01; December 14, 2018

2. Adult establishments.

Adult establishments are conditional uses in the Heavy Industrial District, subject to the following location requirements:

- (a) An Adult Establishment shall not be located within 1,000 feet of an existing Adult Establishment.
- (b) An Adult Establishment shall not be located within 500 feet of any PUD district, General Rural District, Residential District, or residential property.
- (c) An Adult Establishment shall not be located within 1,000 feet of an existing school or place of worship.
- (d) An Adult Establishment shall not be located within 500 feet of any property being used as a park.
- (e) For purposes of this Ordinance, the 500 and 1,000 foot distances shall be the shortest horizontal measurement from the property line of any General Rural District, Residential

District, residential property, PUD property, school, place of worship, park or an Adult Establishment to the property line where the proposed Adult Establishment is to be located.

Ordinance 09-04; December 22, 2009

3. Aircraft Landing Strip, Private and/or Public:

A private or public aircraft landing strip shall be subject to the following requirements:

- A. All parts, including the landing strip itself, of any private and/or public aircraft landing strips shall meet the minimum setback standards for primary structures in the zoning district in which the aircraft landing strip is located.
- B. All aircraft landing strips shall be subject to all applicable provisions of *Minnesota Rules, Chapter 8800; or successor Rules.*
- C. Private aircraft landing strips shall not be held out for public use nor shall they be displayed on aeronautical charts except as restricted facilities.

4. Animal Feedlot:

At all times, all Animal Feedlots, Manure Storage Areas, Structures, Facilities and Manure application sites in the County shall be operated and maintained in a manner consistent with their Registration, County Permitting, Conditional Use Permit, Variance (if applicable), State Disposal System Permit, National Pollutant Discharge Elimination System Permit, this Ordinance, and *Minnesota Rules, Chapter 7020; or successor Rules.*

5. Animal Unit Density Requirements.

No animal pen or fence shall be established or maintained within 75 feet of a neighboring property owner's primary structure. If the neighboring property does not have a primary structure on the property, at the time of construction of the pen or fence, the distance must be measured from the minimum side yard and front yard setback of the neighboring property.

When making density calculations to determine allowable animal units on a parcel, the acreage located within a designated wetland, lake, shoreland, or the 100 foot floodplain shall be excluded from the calculation unless the property owner can show the land to be excluded does not contain standing water.

Ordinance 2016-04 May 24, 2016

Permitted Density in the Agriculture Zoning District:

- 1. Less than 2 acres: 0.5 animal units.
- 2. 2.00 to 2.99 acres: 1.0 animal units
- 3. 3.00 and larger 1.0 animal units for the first two acres, and 1.0 animals per full acre owned above 2 acres.

In the Agriculture Zoning District, an animal unit density greater than those listed above requires a Conditional Use Permit, with a review of existing and proposed site conditions, structures, etc.

Cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel without a density restriction unless kept within a commercial kennel.

Permitted Density in the General Rural Zoning District:

1. Less than 2 acres: .5 animal units
2. 2.00 to 2.99 acres: 1.0 animal units
3. 3.00 and larger: 1.0 animal unit for the first two acres, and 1.0 animal units per full acre owned above two acres, with a limit of 20.0 animal units.

In the General Rural Zoning District, an animal unit density greater than those listed above or a total number of units greater than 20.0 requires a conditional use permit, with a review of existing and proposed site conditions, structures, etc.

Cats and dogs and other domestic animals customarily kept as household pets are allowed on any size parcel without a density restriction unless kept within a commercial kennel.

Ordinance 2017-01; April 25, 2017

Permitted Density in the Commercial Rural Zoning District:

1. Less than 2 acres: Cats and dogs and other domestic animals customarily kept as household animals.
2. 2.01 to 4.99 acres: 1.0 animal units; and cats and dogs and other domestic animals customarily kept as household pets.
3. 5.00 to 9.99 acres: 1.0 animal units plus 0.25 animal unit for each additional acre owned above 5 acres, with a maximum of 2.25 animal units; and cats and dogs and other domestic animals customarily kept as household pets.
4. 10.00 to 19.99 acres: 2.25 animal units plus 0.5 animal unit for each additional acre owned above 10 acres, with a maximum of 7.25 animal units; and cats and dogs and other domestic animals customarily kept as household pets.
5. 20.00 or more acres: 7.25 animal units plus 0.5 animal unit for each additional acre owned above 20 acres; and cats and dogs and other domestic animals customarily kept as household pets.

Ordinance 2011-02; February 22, 2011

5. Aquaculture:

All aquaculture operations shall comply with the standards set forth in *Minnesota Statutes, Sections 17.46 to 17.4999; or successor Statutes.*

Aquaculture operations shall be licensed by the State according to *Minnesota Rules, Part 7050.0216; or successor Rules.*

In order to protect surface and ground water resources, aquaculture operations may be required to include wastewater treatment or to be closed loop systems with no discharge.

6. Automobile Service Stations and/or Convenience Stores:

Automobile Service Stations and/or Convenience Stores shall be subject to the following provisions:

- A. Buildings, canopies and pump islands shall meet the setback requirements of the applicable zoning district.
- B. A minimum landscape buffer of 25 feet in width shall be planted and maintained along all abutting residential parcels and public rights of way.
- C. There shall be no hazardous material runoff.
- D. Wherever fuel pumps are installed, pump islands shall be installed.
- E. A transportation management plan shall be submitted to address off-street parking, loading and unloading, traffic control, and the impact of the facility on surrounding roadways.
- F. All parking areas and access drives to the parking areas shall be hard surfaced.
- G. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted and approved to address the impact of the facility on the environment.
- H. Only vehicles owned by employees or customers awaiting service are allowed to be parked on site.
- I. Parking shall meet the requirements of Section 16 of this Ordinance.
- J. Any outdoor lighting system shall be designed so as to prevent any undue light from being directly visible from a public right of way or an adjacent residential use.
- K. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways.
- L. The storage of hazardous materials and/or motor vehicle parts shall be prohibited.
- M. The grounds and all structures shall be maintained in a clean and safe manner.
- N. Signs shall meet the requirements of Section 16 of this Ordinance.

7. Auto/Diesel Repair Shops:

Auto/Diesel repair shops shall be subject to the following performance standards:

- A. The use shall comply with all applicable local, State, Federal, laws, rules, regulations and Ordinances.
- B. Buildings and vehicle storage areas shall meet the setback requirements of the applicable zoning district.
- C. There shall be no hazardous waste runoff. Storage of hazardous waste shall comply with all applicable local, State and Federal laws, rules, regulations and ordinances.
- D. Only vehicles owned by employees or customers awaiting service are allowed to be parked on the site.
- E. All parking areas and access drives to the parking areas shall be hard surfaced.

- F. Parking shall meet the requirements of Section 16 of this Ordinance.
- G. All areas used for storage or trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least six (6) feet in height, 80% opaque year round, and of neutral colored material and/or vegetation.
- H. The outdoor storage of hazardous materials is prohibited.
- I. The grounds and all structures shall be maintained in a clean and safe manner.
- J. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of waste on-site and a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. The outdoor storage of motor vehicle parts is prohibited.
- L. Signs shall meet the requirements of Section 16 of this Ordinance.

8. Cemeteries:

A cemetery shall be subject to the following standards:

- A. The use shall comply with all applicable Federal, State, and County rules and regulations.
- B. Burial plots, grave markers, monuments and buildings shall meet the primary structure setback requirements of the applicable Zoning District.
- C. Grave sites and structures used for burial or entombment shall be setback a minimum of fifty (50) feet from any well or surface water body.
- D. Cemeteries are prohibited below the regulatory flood protection elevation as defined by the Federal Emergency Management Agency.
- E. Crematoria are prohibited.
- F. Parking shall meet the requirements of Section 16 of this Ordinance.
- G. Signs shall meet the requirements of Section 16 of this Ordinance.

9. Commercial Seasonal Storage:

Commercial Seasonal Storage shall be subject to the following restrictions and performance standards:

- A. Seasonal Storage Business established after May 24, 2016 must be located on a minimum of twenty acres. Businesses established prior to this date may be located on any sized acreage, however the landowner must provide proof of the year established, such as commercial tax records. The business may not be located within a residentially platted parcel.
- B. The existing facility must consist of agricultural buildings converted for seasonal storage.
- C. If the buildings used for seasonal storage are damaged or destroyed beyond 50% of their value as determined by the Building Official, they may be rebuilt for the purposes of seasonal storage in accordance with the Minnesota State Building Code.

- D. An operational plan must be approved by the Joint Planning Board as stipulated within the conditions of approval.
- E. Days and hours of operation shall be included within the “operational plan” with the understanding this is a seasonal storage facility.
- F. The public shall not have individual access to the storage facilities. All access shall be gained by employees of the storage facility or their agent only.
- G. There shall be no exterior storage of any kind.

Ordinance 2016-04; May 24, 2016

10. Convenience Gas and Food Establishments and Restaurants:

Food establishments and restaurants shall be subject to the following performance standards:

- A. The use shall comply with all applicable Federal, State, and Town rules and regulations.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- D. The building and parking area shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods in accordance with standards outlined in the applicable zoning district.
- E. All parking areas and access drives to the parking areas shall be hard surfaced.
- F. Parking shall meet the requirements of Section 16 of this Ordinance.
- G. Signs shall meet the requirements of Section 16 of this Ordinance.

11. Drive Thru Facility:

Drive thru facilities shall be subject to the following performance standards:

- A. The drive thru function shall be accessory to a conforming convenience food establishment or service facility.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. The site shall accommodate a car stacking distance of at least six (6) cars without infringing upon the local roadways.
- D. A speaker system, if provided, shall not be audible from any residential parcel.
- E. The drive thru facility shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with the standards outlined in the applicable zoning district.
- F. Parking shall meet the requirements of Section 16 of this Ordinance.

- G. Signs shall meet the requirements of Section 16 of this Ordinance.

12. Extraction, Major:

Major Extraction facilities shall comply with the following standards:

- A. Setbacks. No extraction, stockpiling, structures or land disturbance with the exception of screening, shall take place within:
 - 50 feet of adjoining property lines;
 - 200 feet of any existing occupied structures not owned by the operator or owner;
 - 100 feet of any contiguous property subdivided into residential lots of 5 acres or less;
 - 100 feet of any road right-of-way of any existing or platted street, except the amount of material stockpiled on the effective date of this Chapter may continue but not be expanded. Mining may be allowed up to 50 feet of the road right-of-way so long as the property is restored to 100 feet within one mining season as set forth in the approved reclamation plans, and;

If two or mining operations are contiguous to one another, the common boundary may be mined if the Joint Planning Board approves the respective restoration plans.
- B. Hours of Operation. Those portions of the extraction or filling operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, unless other hours or days of operation are specifically authorized by the Joint Planning Board. Extraction or filling operations shall not take place on holidays. Blasting shall only take place between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Blasting is only permitted with a Certificate of Compliance and with three days' notice by written letter or e-mail to the Town.
- C. Depth of Extraction. The maximum depth of extraction will be regulated based on groundwater protection and/or the ability to restore the property. Dewatering for the purposes of extraction shall not be allowed.
- D. Public Access Roads. No permit will be granted for any project which may use public roads to transport material where such public roads have a bearing capacity of less than nine tons.
 - 1) The specific roads that may be used to transport material shall be identified at the time of the application, and once identified, it shall be a violation of the permit for any person to depart from the designated transport roads while operating a vehicle regularly used to transport fill.
 - 2) Street maintenance and sweeping required. Owner shall be responsible for monitoring roadways and roadway sweeping as necessary to maintain safe conditions. All transportation routes used by the facility shall not have any accumulation of visible debris or sand from the mine site.
 - 3) The Owner shall take all necessary precautions to avoid spillage on roadways.

- 4) If the extraction or filling operation does not access onto a paved road, the Owner shall be responsible for dust control, including application of calcium chloride or other dust retardant.
- 5) A Road Use Agreement shall be prepared and approved by the Town Engineer for Major Excavation or Filling as defined in this Code prior to an Interim Use Permit being granted. The agreement must address, but is not limited to, the following road infrastructure matters:
 - a. Responsibility for upgrading
 1. Pavement sections, bridges, and culverts structural condition
 2. Intersection signals and signage
 3. Geometric design, including entrances, intersections, railroad and pedestrian/bicycle facility crossings, geometric design of bridges and culverts, and typical road cross-sections;
 - b. Responsibility for exceptional maintenance attributable to the use, estimated based on Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology;
 - c. Responsibility for clean-up of spillage and public road dust control along haul routes;
 - d. Establishment of financial accounts to address costs associated with upgrading and exceptional maintenance costs;
 - e. Delineation of a haul route between site access and a truck route;
 - f. Schedules of operation and hauling, including construction operations;
 - g. Methods to verify and report type, number, and weight of truck loads;
 - h. Emergency conditions creating a need for immediate road repairs or road closing;
 - i. Required insurance; and
 - j. Remedies and enforcement measures.
- E. Site or Facility Access and Interior Haul Roads. The driveway access to the extraction site or facility must be setback at least 50 feet from neighboring property lines. The Owner, as part of the Interim Use Permit, must prepare a dust control plan. The Owner shall maintain all ways and roads within the site to minimize dust conditions by providing such surfacing or other treatment as may be deemed necessary by the Joint Planning Board and Town Engineer. The treatment shall produce no potential pollution hazards to the ground and surface waters of the area. All extraction site or facility access roads shall be provided and maintained with a dustless, non-oiled surface not less than twenty-two (22) feet wide from the connection to a public road to a point within one hundred (100) feet of the loading area. The Town may require a blacktopped access road if deemed necessary.
- F. Reporting vehicle weights. Owner shall be required to identify a method of positive controls regarding the weight of vehicles leaving the mine and method to insure vehicles do not exceed the weight limits of the roads and bridges upon which they will travel, and obtain approval by the Town Engineer on the methods and frequency of inspection used. Controls

such as scales and regular reporting on vehicle weights shall be implemented with quarterly reporting to the Town Engineer.

- G. Traffic Control. The Joint Planning Board may at any time require the installation of temporary traffic controls, may direct a cessation of hauling activity using public roads during peak traffic hours, or direct such other traffic safety measures to be implemented as are necessary to enhance traffic safety.
- H. Noise. All equipment and other sources of noise must operate so as to be in accordance with Federal, State, and Joint Planning Board noise standards. A noise mitigation plan shall be prepared by the Owner and provided to the Town.
- I. Appearance/Condition. The Owner must maintain buildings, processing plants and equipment in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the landscaped area. Existing trees and topsoil along existing public rights-of-way shall be preserved, maintained and supplemented for the depth of the setback or as stipulated in the IUP.
- J. Fencing. Where deemed necessary by the Town or the Joint Planning Board for the safety and physical protection of the general public, a fence shall be constructed prior to the commencement of the operations enclosing the area authorized by the permit for extraction and/or processing activities. Where fencing is required, the Town or Joint Planning Board will determine the type and location of fencing necessary to ensure adequate safety of the public. The Town or Joint Planning Board may require alternative fencing standards if conditions warrant. The fence shall be maintained and shall remain until reclamation is determined to be complete.
- K. Screening. Where deemed necessary by the Joint Planning Board or the Town, for the health and welfare of the general public, extraction and processing activities shall be screened and located in such a manner as to minimize the environmental impacts on surrounding properties. To minimize noise, dust, odors, erosion and visual impacts on surrounding properties, a continuous screen may be required by the Joint Planning Board or the Town to be installed and maintained, either along the street or along the perimeter of the visible portion of the site or facility.

The following shall serve as the minimum performance standards for screening and may be varied as determined by the Joint Planning Board.

- 1) The screen shall have a total height of not less than six feet and shall consist of one or more of the following types:
 - a. Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of four inches thick.
 - b. Berms. A berm shall be constructed of earthen materials, and it shall be seeded and mulched as shown on the landscape plan. Plans for berms must be provided that avoid creating additional environmental impacts, especially surface water runoff, onto neighboring properties. If berms are constructed of topsoil, they must remain until final reclamation. Berms must have a minimum slope of 3:1 and have a silt fence at the base closest to the public road or neighboring property. The silt fence shall be maintained until vegetation is established, at which time it shall be removed. No haul roads, either temporary or permanent,

material stockpiles or other mining-related activities shall occur outside the berm.

- c. Fences, Solid. A solid fence shall be constructed of wood and shall form a continuous screen.
 - d. Fences, Open. An open weave or mesh-type fence, when not used in combination with a berm, shall be combined with plant materials to form a continuous screen.
 - e. Planting. Plant materials, when used as a screen, shall consist of dense evergreen plants or a majority of dense evergreen plant materials combined with deciduous plants provided a continuous screen is established. They shall be of a kind or used in such a manner so as to provide a continuous screen within 24 months after commencement of operations in the area to be screened. Plant materials shall not be limited to a maximum height. The Screening Plan shall be prepared by a licensed landscape architect. Required screening shall be installed prior to commencement of operations.
- 2) The Joint Planning Board may require that either (a), (b), or (c) above shall be installed if, 24 months after commencement of operations in the area to be screened, plant materials have not formed an opaque screen, or if an opaque screen is not maintained.
 - 3) Required screening shall be setback at least 20 feet from:
 - a. The point of intersection of a vehicular accessway or driveway and a street;
 - b. The point of intersection of a vehicular accessway or driveway and a sidewalk or trail; and
 - c. The point of intersection of two or more vehicular accessways, driveways, or streets.
 - d. An adjoining property line. If a berm is the selected method of screening, the base of the berm shall not be closer than 20 feet of the adjoining property line.
- L. Sanitary Facilities. Sanitary facilities shall be provided through an approved septic system or portable facilities.
 - M. Waste Disposal. Any waste generated from the extraction operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State and Town requirements.
 - N. Fuel and Chemical Storage. Any extraction operation and related activities must meet Federal, State and Town requirements for storage of fuels. The Owner must prepare a Pollution Prevention Plan and submit it to the Town.
 - O. Contingency Response Plan. The operator shall prepare a Contingency Response Plan (CRP) and employee training to facilitate immediate and remedial response should any accident, release of containment, or other spills occur. The CRP must be on file with the Town and its fire department.
 - P. Permanent Onsite Processing. Owners desiring to have permanent processing equipment (more than fifteen {15} days per year) on site must meet the following standards:
 - 1) Processing equipment must be specified in the permit, except as provided in (Q) below.

- 2) All Federal, State and Town air and water quality, and noise standards must be met.
 - 3) Processing equipment must be screened from view from other property and from public roads.
 - 4) Crushing equipment must be placed in the bottom of the pit if practical, otherwise located in such a manner as to have the least environmental and aesthetic impact.
 - 5) Setback requirements as set forth in Item A of this Section must be met.
- Q. Temporary Onsite Processing. A temporary processing plant in conjunction with a specific road project, located in the right-of-way or in proximity to the subject road, will be allowed subject to the following conditions:
- 1) All Federal, State and Town air, water and noise quality standards must be met.
 - 2) A Certificate of Compliance must be obtained from the Town.
 - 3) The processing equipment must be located so as to minimize its effect on surrounding property owners.
 - 4) The processing plant shall not be on the property for more than 120 calendar days.
 - 5) No materials, outside of the designated right-of-way, may be excavated or removed from the site without an Extraction IUP.
 - 6) A bond or other financial guarantee, in an amount determined by the Town, must be posted to assure restoration of the site.
- R. Blasting. If the project involves blasting, the applicant shall implement measures to minimize the impacts to nearby properties. Such measures shall include the following:
- 1) The applicant must provide written notification via letter or e-mail to the Town and every property owner within ½ mile of the extraction project at least 3 days in advance of blasting.
 - 2) The applicant must immediately notify the Town if any vibration measurement exceeds 0.75 inches of vibration per second for neighboring properties.
 - 3) Blasting may not occur on more than 10 days in any 12 month period, with no more than one blast per day, unless authorized by the Joint Planning Board. Additional blasts may be authorized in the first year of operation in order to construct a road to the pit floor.
 - 4) The Board may require the applicant to conduct a test blast before the permit is valid. If the test blasting illustrates additional concerns not already addressed, the Joint Planning Board may add additional conditions that relate to the new concerns, or prohibit further blasting on the project.
- S. Payment of Costs. The applicant shall be responsible for the payment of all of the Joint Planning Board and Town costs to third party professionals associated with the review of any proposed extraction operation.
- T. Sureties. The Joint Planning Board shall require financial guarantees for the prompt completion of each project, for road costs, well repair replacement and other hydrologic damage, restoration costs in the event of revocation of the permit or abandonment, and general performance and indemnity of the Joint Planning Board and Town Board. The

operator shall provide to the Town reasonable security that is satisfactory to the Town. The amount of the security will be determined by the Town and shall be proportionate to the risks posed by the project. The operator shall be entitled to a reduction in the security amount on a dollar for dollar basis as reclamation is completed and approved by the Town Engineer, except that the security shall not be reduced below an amount equal to 125% of the cost of the work to be completed as determined by the Town Engineer nor below 5% of the security, unless the reclamation has been accepted by the Town.

To obtain a reduction in the security the operator will give notice to the Town of completion of a portion of the reclamation or fulfillment of its requirements. The Town Engineer or Zoning Administrator will inspect the completed improvements within ten (10) working days of the operator's notice, and, provided the Engineer or Zoning Administrator approves the completed reclamation or fulfillment of requirements, the reduction in the security will occur on a dollar for dollar basis within thirty (30) working days after the Engineer or Zoning Administrator's approval subject to the limitations stated above.

If the security approved by the Town is a Letter of Credit that does not automatically renew, then at least thirty (30) days prior to the expiration of the security, the operator shall provide the Town with a new security for a period of at least one (1) year beyond the expiration date of and for the same amount as the security then in effect or the operator shall be in default hereunder with no opportunity to cure, and the Town may immediately demand from the surety the amount of the security then in effect.

Any security provided under this section shall permit the Town to draw upon the security immediately following any operator default hereunder that is not cured within any applicable notice period and for such portion thereof as is certified by the Town Engineer or Zoning Administrator to be reasonably necessary to cure such default.

Any request for a security reduction shall be accompanied by mechanics lien waivers covering completed work.

- U. Insurance. The operator shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,500,000 for any occurrence, including blasting insurance if blasting is allowed as part of the permit.
- V. Annual Operators Permit. The application for an Annual Operators Permit (AOP) for an extraction or filling operation must be filed with the Town. The application must be made in the name(s) of the operator of the extraction or filling operation and must be filed by January 31st of each year.
 - 1) A permit fee of \$500 shall be paid with the application for an AOP. An AOP will not be issued unless all outstanding fees and taxes are paid.
 - 2) The application shall contain the following:
 - a. The operator shall submit an Annual Report that summarizes the operating conditions regulated by This Section.
 - 1. The Annual Report shall summarize the annual activity for:
 - 1. the amount of material removed from the site,
 - 2. amount of add-rock brought onto the site,
 - 3. area reclaimed and type of reclamation,

4. average number of trips hauling material to and from the site per day for the season,
 5. any changes made to the site,
 6. and other conditions specific to the IUP.
- 3) The AOP Application shall identify how the operating conditions for the coming year will vary from the previous year, if any variation is expected.
 - a. The AOP Application shall include a site plan and aerial photos that show the active mining area and the location of existing and planned stockpiles for the coming year.
 - b. The AOP application shall describe reclamation to occur and describe the operating conditions planned for the coming year.
 - 4) The Town shall inspect the site annually during normal operating times. The inspection shall determine if the operation complies with the CUP. If the operator's application conforms to the requirements of this Chapter, and the inspection report indicates compliance with the terms of the CUP and AOP, the Annual Operators Permit may be issued.
- W. Permit Application. In addition to the general application for interim use permits required by this Ordinance, the following specific application information shall be provided by an applicant for an extraction interim use permit:
- 1) Application Information.
 - a. The correct legal description off the premises where the storage, filling, removal, or excavation of soil, sand, aggregate or other earthen material shall occur, including any easements.
 - b. The name and address of both the applicant and owner of the land.
 - c. A written description of the extractive use, the proposed methods for extraction and any other on-site operations.
 - d. The estimated time required to complete the extraction.
 - e. The public roads within the Joint Planning Area upon and along which the extracted material will be transported.
 - f. Amount of truck activity at highest and average levels.
 - g. Estimated annual extraction volumes of earthen deposits removed over the term of the permit.
 - h. The location and projected effect upon wildlife habitat and vegetation, including migration corridors.
 - i. Projected ambient noise levels to be experienced during peak extraction periods by adjoining properties, showing projected decibel levels from extraction equipment and hauling trucks.
 - j. Proposed dust control measures.
 - k. Proposed hours of operation.

- l. Types of barriers established if necessary for safety of people and livestock by the active area of excavation.
 - m. Reclamation plans.
 - n. Plans for screening from adjacent properties (including right of ways).
 - o. Plans for drainage from the site.
 - p. Long range plans for the site, including future development and reclamation.
 - q. Anticipated vegetative and topographic alterations.
 - r. Proposed mitigation of effects on wildlife.
 - s. Erosion and storm water control plans.
 - t. Proposed mitigation for any cultural and/or archaeological sites.
 - u. Noise abatement plans.
 - v. A description of all existing land uses within one mile radius of the proposed extraction site.
- 2) Site Plan. In addition to the application information required above, the applicant shall submit a site plan detailing the following information:
- a. A map or plat of the proposed pit or excavation to be made showing the limits of the extraction, together with the proposed finished elevations based on sea level readings, and a notation indicating high water levels and boundaries of floodplains.
 - b. Horizontal and vertical dimensions of the extraction site.
 - c. All setbacks from roads and adjacent property lines, including the buffer areas required by Section 5, on all sides of the operation.
 - d. Location, size and use of all structures on the parcel.
 - e. Location of all adjacent structures and their uses within ¼ of a mile of the site.
 - f. Area of excavation or phases of proposed excavation.
 - g. Extent of vegetation within the buffer area.
 - h. All lakes, streams, and wetlands on property.
 - i. Location of proposed stock piles or slag piles.
 - j. Location of reclamation materials.
 - k. Depth to saturated soil and seasonal high water table.
 - l. All wells, both proposed and existing, all water sources and discharge sites.
 - m. USGS topographical map of the area delineating the site boundaries and access roads.
- 3) Blasting Plan. If an extraction project will include blasting, the applicant must submit a blasting plan detailing the following information:

- a. Proposed number of blasts for the duration of the extraction project and the interval between such blasts.
 - b. Proposed time of blasts.
 - c. Notification plan for providing nearby property owners advance warning of blasts.
 - d. A plan for monitoring the vibrations from each blast, measured in inches of vibration per second.
 - e. The anticipated intensity of vibration to be experienced by neighboring property measured in inches of vibration per second.
 - f. A plan for conducting a test blast to demonstrate the effect of project blasting on neighboring properties.
- 4) DNR Permit. If the applicant excavates into groundwater or the extraction appropriates any public water, a permit must also be obtained from the Minnesota Department of Natural Resources or other applicable regulatory agency. A copy of the permit shall be provided to the Joint Planning Board prior to commencing operations.
- 5) MPCA Permit. If the operation involves one acre or more of disturbed soil, the owner and the operator shall jointly obtain the Minnesota NPDES/SDS Construction Stormwater General Permit through the MPCA. A copy of the permit application and required Stormwater Pollution Prevention Plan shall be submitted to the Town. Upon approved completion of the reclamation operation, a Notice of Termination is to be submitted to the MPCA.
- 6) Permit Evaluation Criteria. In addition to the general criteria for evaluating extraction Interim Use Permits in this Chapter, the following specific criteria shall be used in evaluating an application for an extractive interim use permit:
- a. The ability of roads to handle extraction related traffic.
 - b. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties according to MPCA standards.
 - c. Groundwater protection.
 - d. Property controlling access.
 - e. Control of erosion and sedimentation.
 - f. Impact within the watershed.
 - g. The consistency of the proposed extraction use with the Comprehensive Plan for the Joint Planning Area.
 - h. Compatibility with adjacent and surrounding land use, zoning patterns and patterns of development.
- X. Added Provisions. The operator must comply with such other requirements that the Joint Planning Board, from time to time, may find necessary to adopt for protection of the health, safety, welfare and prevention of nuisances in the area.

Ordinance 2015-02; February 24, 2015

13. **Extraction, Minor:**

Minor extraction activities shall comply with the following standards.

- A. Extraction or filling of any amount of material totaling less than 1,000 cubic yards, or to a depth of one foot or more, but less than three feet over an area of 9,000 square feet or more; or extraction for the purposes of utility construction or highway construction, shall require a minor excavation/filling permit from the Town Engineer.
- B. Application for minor excavating and filling permits shall be made in writing on forms supplied by the Town and shall be submitted to the Town Engineer for processing. Applications shall be filed jointly by the landowner and the earth moving contractor. The following information and exhibits shall be submitted with the completed application form:
 - 1) Legal Description of the property;
 - 2) Two copies of the plat map or half-section map of the property proposed to be excavated or filled indicating the area, depth/height where the activity is to occur together with an estimate of the amount of material to be moved.
 - 3) Designated haul routes for all excavation/filling truck activity to and from the site.
- C. A Road Use Agreement may be required by the Town to address possible damage to Town, or other public road entity, infrastructure. The Road Use Agreement shall be prepared and approved by the Town Engineer for and may address, but is not limited to, the following road infrastructure matters:
 - a. Restricting haul routes to 9 ton roadways.
 - b. Responsibility for upgrading
 - 1. Pavement sections, bridges, and culverts structural condition
 - 2. Intersection signals and signage
 - 3. Geometric design, including entrances, intersections, railroad and pedestrian/bicycle facility crossings, geometric design of bridges and culverts, and typical road cross-sections;
 - c. Responsibility for exceptional maintenance attributable to the use, estimated based on Minnesota Local Road Research Board (LRRB) Pavement Impacts of Large Traffic Generators methodology;
 - d. Responsibility for clean-up of spillage and public road dust control along haul routes;
 - e. Establishment of financial accounts to address costs associated with upgrading and exceptional maintenance costs;
 - f. Delineation of a haul route between site access and a truck route;
 - g. Schedules of operation and hauling, including construction operations;
 - h. Methods to verify and report type, number, and weight of truck loads;
 - i. Emergency conditions creating a need for immediate road repairs or road closing;
 - j. Required insurance; and

- k. Remedies and enforcement measures.

Ordinance 2015-02; February 24, 2015

14. Game Refuge, Private:

Private game refuges shall comply with the following standards:

- A. Private game refuges shall be subject to the standards set forth in *Minnesota Statutes, Section 97A.115; or successor Statutes, and Minnesota Rules, Chapter 6242; or successor Rules.*
- B. A detailed plan showing the following features shall be submitted with any application for a private game refuge:
 - a. Property lines.
 - b. Wetland boundaries for wetlands within the property.
 - c. Adjacent residences and structures within 500 feet of the property line.
 - d. A topographic map of the property.
 - e. Layout of proposed hunting areas.
- C. Firearms shall not be discharged within 500 feet of a residential dwelling.
- D. There shall be no discharge of lead shot into any wetland.

13. Home Business in an Accessory Building:

A home business in an accessory building shall comply with the following standards:

- A. The home business shall be clearly incidental and subordinate to the residential use of the property.
- B. The home business shall be conducted primarily by persons residing on the premises. The equivalent of one full time person not residing on the premises may be employed by the home business. No person other than the residents or one additional full time employee equivalent shall be employed or engaged in such home business.
- C. Operation of the home business shall be limited to the residential dwelling and accessory or agricultural buildings on the same parcel.
- D. Areas used for the outdoor display or storage of goods, equipment, vehicles, or other materials used for the home business in an accessory structure shall be located to the rear of the structure and further buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening.
- E. The home business shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- F. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.

- G. The home business shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- H. The home business at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- I. Parking shall meet the requirements of Section 16 of this Ordinance.
- J. Signs shall meet the requirements of Section 16 of this Ordinance.

14. Home Occupation:

A home occupation shall comply with the following standards:

- A. The home occupation shall be clearly incidental and subordinate to the residential use of the property.
- B. The home occupation shall be conducted primarily by persons residing on the premises. The equivalent of one full time person not residing on the premises may be employed by the home occupation. No person other than the residents or one additional full time employee equivalent shall be employed or engaged in such home occupation.
- C. Operation of the home occupation shall be limited to the residential dwelling and any attached garage.
- D. The use of any accessory or agricultural buildings for storage or business activity is prohibited.
- E. The outdoor display or storage of goods, equipment or other materials used for the home occupation is prohibited.
- F. The home occupation shall not generate excessive customer or client traffic that is detrimental to the character of the surrounding properties.
- G. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
- H. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
- I. The home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
- J. Parking shall meet the requirements of Section 16 of this Ordinance.
- K. Signs shall meet the requirements of Section 16 of this Ordinance.

15. Kennels, Commercial:

A Commercial Kennel shall be subject to the following standards:

- A. Commercial Kennels are limited to the boarding of dogs and cats. Boarded dogs and cats are to generally be considered domestic, or household pets. No wild or hybrid dogs or cats are allowed on the premises at any time.

- B. Commercial Kennels that transfer or sell dogs and/or cats must be licensed as a dealer by the Minnesota Board of Animal Health.
- C. Commercial Kennels are a conditional use and limited to the AG and GR districts on lots over 2.5 Acres.
- D. Commercial Kennel operators must be licensed by the township.
 - 1. Township Kennel Operator License applications must be submitted to the Township Planning and Zoning department on proper forms and must be accompanied with the following:
 - a. Payment in full of a predetermined fee set by the Township Board
 - b. One copy of the operator's general business plan
 - c. One copy of proof of licensure by the Minnesota Board of Animal Health, if applicable
 - d. A site plan that includes: Primary Structure, accessory buildings, property lines, perimeter fence (type, size and location), outdoor dog run locations and weather shelter type and location
 - e. Operational Plan
 - f. Manure management plan
- E. Township Kennel Licenses must be renewed annually.
 - 1. License Renewal Applications must be submitted on proper forms to the Township Planning and Zoning Department and accompanied by the following
 - a. Payment in full of a predetermined fee set by the Township Board
 - b. At the time of renewal, any changes or proposed changes related to the Commercial Kennel operation that were approved under the provisions of subsection C., require review by the township zoning administrator or their appointed representative to verify compliance. A copy of any new Minnesota Board of Animal Health license (if required), or new plans shall be submitted along with the renewal application.
- F. Commercial Kennels are subject to spot inspections by state, county or township authorities
- G. Confinement areas for dogs and cats must meet the following standards:
 - 1. Fence, wall and gate are a minimum 6 feet in height and secured to a solid, waterproof floor that that can be regularly cleaned and insulates the enclosure from earthen surface.
 - 2. Fencing material must be strong enough to prevent an animal from escape and be made of a material that is not injurious to an animal and secured to the floor in a manner that a dog or cannot escape, by digging, chewing, or forcibly causing an opening.
 - 3. The size of the confinement area must be large enough for the animal to stand, exercise, turn around, and fully lie down

4. Make available an access to a ventilated, covered shelter with adequate protection from precipitation and harmful weather conditions
5. Be kept clean and easily accessible for daily cleaning
- H. During any period that a dog or cat is not confined, an employee or the pet owner must maintain control of the animal by means of a leash or other device to prevent escape. Means of control may be subject to the discretion of the zoning administrator or his or her agent.
- I. The maximum allowable number of dogs and/or cats kept may not exceed 40 on any size lot. The maximum number of dogs or cats allowed at any given time on the premises is contingent upon the size of the property as follows: 5 dogs over six months of age, 10 cats over 6 months of age are allowed per acre of land. No more than 10 unsterilized female dogs may be kept on any property, regardless of acreage.
- J. All confinement areas must be 500 feet from any residence not including the on-site operator's residence.
- K. The use shall comply with all applicable Federal, State, County, and Town rules and regulations.
- L. Structures used for animal confinement require a minimum 100 foot setback from any property line and 500 feet from any residential dwelling, other than the applicant's, that is existing at the time of application.
- M. On-site waste facilities shall be designed to accommodate all waste generated from kennels including hosing and cleanup.
- N. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation, and lighting.
- O. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow, and cold weather.
- P. Kennel facilities shall be adequately cleaned and drained and maintained to provide a healthy environment for dogs and cats.
- Q. Kennel operations are not exempt from nuisance ordinances including, but not limited to noise, odor, and blight.
- R. Any Commercial Kennel is required to promote the health, safety and welfare of any dog or cat kept on the premises and any person that comes in contact with an animal.
- S. Dogs and cats kept in Commercial Kennel must be treated in a humane manner, be provided proper nutrition, and have constant access to fresh water.
- T. Any injuries or illness to a dog or cat must be treated as advised by a licensed veterinarian.
- U. Vaccination records for each dog and cat must be kept on the premises and vaccinations for each dog or cat must be current and compliant as required by the Minnesota Department of Animal Health on the premises.
- V. Any accessory structure(s) required for a Commercial Kennel must meet regulations for the zoning district it is located.

- W. A Commercial Kennel operated as a home occupation shall comply with all requirements of section 16.14 of the zoning ordinance.
- X. Each violation of any portion of this ordinance is considered a separate misdemeanor offence.

Ordinance 2016-06; October 28, 2016

16. Kennels, Private:

A private kennel shall be subject to the following standards:

- A. Structures used for animal confinement shall meet the setback requirements of the applicable zoning district.
- B. Kennel facilities shall be designed to accommodate winter boarding including adequate heating, ventilation and lighting.
- C. All outdoor kennel facilities shall provide adequate shelter from the elements including sunlight, rain, snow, and cold weather.
- D. Kennel facilities shall be adequately drained and maintained in a healthful manner.

17. Parking:

All parking shall comply with the following standards:

- A. General. Onsite parking or garage space shall be provided in all Districts, except as specifically exempted. There shall be adequate drive access to prevent the need to back onto collector streets or County Highways. Onsite parking spaces shall not be used for storage.
- B. Dimensions. Parking sites shall be a minimum of 20 feet long and 10 feet wide.
- C. Parking Ratios. Adequate parking shall be required, with the following standards to be guidelines subject to site specific review by the Planning Commission:
 - 1. Dwelling: two (2) parking spaces for each unit.
 - 2. Multiple Dwellings: One and one-half (1 ½) spaces per dwelling unit
 - 3. Tourist Accommodations: one-and-one-half (1 ½) parking spaces for each room or unit.
 - 4. Senior and/or Physically Handicapped Housing: One (1) space per dwelling unit
 - 5. Business and Professional Offices: One (1) space for each three hundred (300) sq. ft. of gross floor area.
 - 6. Medical and Dental Clinics: Two (2) spaces per examining room plus one space for each employee.
 - 7. Schools: One (1) space per seven (7) students and one (1) space for each two (2) employees.

8. Hospital/Nursing Homes: One (1) space for every three (3) beds plus one (1) space for each two (2) employees
9. Retail Stores: One (1) space for each 250 sq. ft. of gross floor area.
10. Furniture and appliance stores, household equipment, carpet sales, furniture repair shop or antique shop: One (1) space for each four hundred (400) sq. ft. of gross floor area.
11. Theater, stadium, auditorium, church or other places of public assembly: one (1) parking space for each three (3) seats, based on maximum seating capacity.
12. Office Building: one (1) parking space for each three hundred (300) square feet of office floor area.
13. Funeral Homes: One (1) space for each four (4) seats based on maximum capacity.
14. Eating and Drinking Establishments: one (1) parking space for each of three (3) seats based upon maximum seating capacity.
15. Industrial, manufacturing or wholesale establishments: one (1) parking space for each two (2) workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment or one (1) space for each two thousand (2,000) sq. ft. of gross floor area, whichever is larger
16. Other Uses Not Described: As determined by the Planning & Zoning Commission and Town Board.
17. Onsite Parking. Onsite parking shall not be closer than 10 feet from a lot line
18. Parking Surfaces. All parking areas shall be adequately drained to a pervious surface designed to allow entrapment of silts and nutrients prior to discharge to a public water.
19. Landscaping. More than 5 parking stalls contiguously located and any commercial parking adjacent to residential shall be landscaped according to a plan approved by the Zoning Administrator with review by the Planning Commission.
20. Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not interfere with residential use. Lighting will be designed to eliminate glare from adjacent roadways to ensure safe vehicular traffic.
21. Loading – General. All required loading berths shall be off street and shall be located on the same lot as the principal use served. Loading shall not occupy front yard space. Berths shall not be used for storage.

18. Personal Storage Structure:

Personal Storage Structure is an outbuilding without a primary residence that is limited to personal use and cannot be used for any business operation. Personal Storage Structures are only allowed under the following conditions and must meet all of the following standards:

- A. Only one Personal Storage Structure is allowed per parcel.

- B. Personal Storage Structures will not be allowed in a platted development, unless in a Shoreland District.
- C. The size of the Personal Storage Structure will be limited to 1800 sq. ft. unless the parcel is less than 2.5 acres and then the size limit will be a 1,200 sq. ft. building.
- D. A maximum height of the structure is 25 feet from the ground to the peak.
- E. The size and location of the Personal Storage Structure shall not impede the placement of a future home, or primary and secondary septic system.
- F. No plumbing or floor drains shall be allowed.

19. Portable Temporary Storage Units:

The following requirements shall apply to the placement of portable temporary storage units in all zoning districts:

- A. Portable Temporary Storage Units shall only be placed on the property owner's driveway or a parking area or, if access exists, at the side or rear of the property. The required number of parking spaces shall be maintained, at all times.
- B. Portable Temporary Storage Units must meet the setback requirements for the property, unless the Portable Temporary Storage Unit is placed on the property owner's driveway or parking area. No Portable Temporary Storage Unit shall be located in any right-of-way.
- C. Except for portable temporary storage units that are used for construction sites, which have a valid building permit, the maximum allowable time for a Portable Temporary Storage Unit to be located on a property shall be 60 calendar days per year.
- D. All portable temporary storage units in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration. Portable temporary storage units must be uniform in color.
- E. Signage – Portable temporary storage units shall have no signage other than the name, address and telephone number of the person or company engaged in the business of renting or placing the portable temporary storage unit. Signage may not exceed 32 square feet in size.

On all lots in which agriculture is the primary activity, there shall be no restrictions upon the use or time length, of the portable temporary storage unit, if it is being used in conjunction with such agricultural activity.

Ordinance 2011-01; January 25, 2011

20. Religious Institutions:

A religious institution shall be subject to the following standards:

- A. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- B. All parking areas and access drives to the parking areas shall be hard surfaced.

- C. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- D. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with the standards outlined in the applicable zoning district.
- E. All accessory residential, school or day care uses shall be subject to the provisions of this Ordinance.
- F. The grounds and all structures shall be maintained in a clean and safe manner.
- G. Parking shall meet the requirements of Section 16 of this Ordinance.
- H. Signs shall meet the requirements of Section 16 of this Ordinance.

21. Retail Nursery:

A greenhouse or nursery engaging in sales activities shall comply with the following standards:

- A. No sale of product shall take place in the public right of way of any Federal, State, County, or Town roadway.
- B. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- C. The exterior storage of landscaping equipment and storage areas shall be screened from view of adjacent residential uses and Federal, State, County or Town roadways.
- D. Parking shall meet the requirements of Section 16 of this Ordinance.
- E. Signs shall meet the requirements of Section 16 of this Ordinance.

22. Shooting Range, Trap Range, Skeet Range:

Shooting ranges, trap ranges, and skeet ranges shall be subject to the following provisions:

- A. The minimum size lot for each type of shooting range is listed below, including direct fire zone and/or shotfall zone, safety zone and ricochet zone, subject to the installation of additional baffles.
 - a. High Power Rifle:
 - i. Minimum range length: 5,500 yards
 - ii. Minimum range width: 3,500 yards
 - iii. Minimum acreage: 3,800 acres
 - b. Shotgun:
 - i. Minimum range length: 300 yards
 - ii. Minimum range width: 400 yards
 - iii. Minimum acreage: 40 acres

- c. Other range types are subject to the *National Rifle Association Range Sourcebook, 1997; or successor Sourcebook*.
- B. The range sizes listed may be lessened through the use of baffles and berms along the sides, the end and throughout the firing range and/or shotfall zone. Baffles and berms shall meet or exceed the standards listed in the *National Rifle Association Range Sourcebook 1997; or successor Sourcebook*.
- C. No part of any shooting range may be located within 500 feet of any residential dwelling, commercial or industrial building or other structure used for human occupancy

23. Shopping Centers:

Shopping centers shall be subject to the following performance standards:

- A. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
- B. A transportation management plan shall be submitted to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- C. The building and parking areas shall be buffered from adjacent residential uses with landscaping, fencing or other acceptable methods of screening in accordance with the standards outlined in the applicable zoning district.
- D. All areas used for trash disposal shall be fully screened from adjacent land uses and public roadways. Screening shall be at least six (6) feet in height, 80% opaque year round and of neutral colored material and/or vegetation.
- E. Parking shall meet the requirements of Section 16 of this Ordinance.
- F. Signs shall meet the requirements of Section 16 of this Ordinance.

24. Solar Farms:

Solar Farms shall be subject to the administrative requirements of *Section 20.05 of this Ordinance* and the following provisions:

- A. Stormwater management shall meet all Local, County, State and Federal requirements.
- B. Erosion and sediment control shall meet all Local, County, State and Federal requirements.
- C. Foundations. The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- D. Other standards and codes. All solar farms shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electric Code, as amended.
- E. Power and communication lines. Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings

shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

- F. Setbacks. Solar farms must meet the minimum building setback for the zoning district and be located a minimum of one hundred (100) feet from the property line.
- G. Application requirements. The following information shall be provided to the Town prior to issuance of the conditional use permit:
 - a. A site plan of existing conditions showing the following:
 - a. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
 - b. Existing public and private roads, showing widths of the roads and any associated easements
 - c. Location and size of any abandoned wells, sewage treatment systems and dumps
 - d. Existing buildings and any impervious surface
 - e. Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required
 - f. Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
 - g. Waterways, watercourses, lakes and public water wetlands
 - h. Delineated wetland boundaries
 - i. The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
 - j. Floodway, flood fringe and/or general flood plain district boundary, if applicable
 - k. The shoreland district boundary, if any portion of the project is located in a shoreland overlay district
 - l. In the shoreland overlay district, the ordinary high water level and the highest know water level
 - m. In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
 - n. Mapped soils according to the Sherburne County Soil Survey
 - o. Surface water drainage patterns
 - b. Site Plan of Proposed Conditions
 - a. Location and spacing of solar panels
 - b. Location of access roads
 - c. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
 - d. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
 - e. Proposed erosion and sediment control measures

- f. Proposed stormwater management measures as required
- g. Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
- c. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
- d. The number of panels to be installed;
- e. A description of the method of connecting the array to a building or substation;
- f. A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
- g. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Sherburne County Solid Waste Ordinance in effect at the time of disposal. *Stearns County Solid Waste Ordinance Number*. The Joint Planning Board or Town Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- h. Aviation Analysis. If the project is within two miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.
- i. Visual Impact Analysis. An analysis of the potential visual impacts from the project including solar panels, roads and fencing along with measures to avoid, minimize or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts.

Ordinance 2016-01; January 26, 2016

20. Solar Energy Systems, Accessory.

Solar energy systems are a permitted accessory use in all zoning districts, subject to the *Town of Becker's Ordinance adopting the State Building Code, Construction Licensing, Permits and Regulation* and the following provisions.

- A. Accessory Building Limit. Ground mounted systems shall count as an accessory building for the purpose of meeting limits on the number, size, and coverage standards of accessory structures allowed per lot.
- B. Height. Active solar systems are subject to the following height requirements:
 - a. Building or roof- mounted solar systems shall not exceed the maximum allowed height in any zoning district.
 - b. Ground or pole-mounted solar systems shall not exceed twenty-five (25) feet in height when oriented at maximum tilt.
- C. Location within Lot. Solar systems must meet the accessory structure setback for the zoning district.
 - a. Roof-mounted Solar Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - b. Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when
 - c. oriented at minimum design tilt.
- D. Stormwater management shall meet all Local, County, State and Federal requirements.
- E. Erosion and sediment control shall meet all Local, County, State and Federal requirements.
- F. Approved Solar Components. Electric solar system components must have documentation that the products have been independently tested by a Nationally Recognized Testing Laboratory.
- G. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.

Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

Ordinance 2016-01; January 26, 2016

SECTION 17. SPECIAL PROVISIONS

Section 17. Zoning: Telecommunications Towers and Facilities

17.1. Findings. The Becker Joint Planning Board finds:

Subd. 1. The Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the "Act") grants the federal communications commission exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from telecommunications facilities and the regulation of radio signal interference among users of the radio frequency spectrum.

Subd. 2. Consistent with the Act, the regulation of towers and telecommunications facilities in the town will not have the effect of prohibiting any person from providing wireless telecommunications services. The general purpose of this subsection is to regulate the placement, construction and modification of telecommunication towers and facilities in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications market place in the town. Specifically, the purposes of this chapter are:

- (a) to regulate the location of telecommunication towers and facilities;
- (b) to protect residential areas and land uses from potential adverse impacts of telecommunication towers and facilities;
- (c) to minimize adverse visual impacts of telecommunication towers and facilities through design, siting, landscaping, and innovative camouflaging techniques;
- (d) to promote and encourage shared use and co-location of telecommunication towers and antenna support structures;
- (e) to avoid damage to adjacent properties caused by telecommunication towers and facilities by ensuring that those structures are soundly and carefully designed, constructed, modified, maintained and promptly removed when no longer used or when determined to be structurally unsound;
- (f) to ensure that telecommunication towers and facilities are compatible with surrounding land uses;
- (g) to facilitate the provision of wireless telecommunications services to the residents and businesses of the town in an orderly fashion.

17.3. Definitions.

Subd. 1. For purposes of this chapter the following terms have the meanings given them, except where the context clearly indicates a different meaning:

Subd. 2. "Antenna support structure" means a building, athletic field lighting, water tower, or other structure, other than a tower, that can be used for location of telecommunications facilities.

Subd. 3. "Applicant" means a person who applies for a permit to develop, construct, build modify or erect a tower under this chapter.

Subd. 4. "Application" means the process by which the owner of a tract of land within the town submits a request to develop, construct, build, modify or erect a tower upon that land.

Subd. 5. "Engineer" means an engineer licensed by the state of Minnesota.

Subd. 6. "Person" means any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

Subd. 7. "Stealth" means designed to blend into the surrounding environment; examples of stealth facilities include, without limitation, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and telecommunications towers designed to appear other than as a tower, such as light poles, power poles, and trees.

Subd. 8. "Telecommunications facilities" means cables, wires, lines, wave guides, antennas or any other equipment or facilities associated with the transmission or reception of communications located or installed on or near a tower or antenna support structure; the term does not include:

- (a) A satellite earth station antenna two meters in diameter or less located in an industrial or commercial district;
- (b) A satellite earth station antenna one meter or less in diameter, wherever located.

Subd. 9. "Telecommunications tower" or "tower" means a self-supporting lattice, guyed, or monopole structure constructed from grade that supports telecommunications facilities.

17.05. Development of towers; approvals required.

Subd. 1. Conditional use. A tower is a conditional use in all zoning districts within the town. A tower may not be constructed in any district unless a conditional use permit has been issued by, and site plan approval obtained from, the Town Board, and a building permit has been issued by the building official.

Subd. 2. Town property. The town may authorize the use of town property for towers in accordance with the procedures of this code. The town has no obligation to allow the use of town property for this purpose.

17.07 Application process.

Subd. 1. A person desiring to construct a tower must submit an application for site plan approval and for a conditional use permit, to the town zoning administrator.

Subd. 2. An application to develop a tower must include:

- (a) name, address and telephone number of the applicant;
- (b) name, address and telephone numbers of the owners of the property on which the tower is proposed to be located;
- (c) legal description of the parcel on which the tower is proposed to be located;
- (d) written consent of the property owner(s) to the application;

- (e) a scaled site plan depicting the parcel and proposed tower, including the proposed landscaping, camouflage, lighting and fencing;
- (f) written evidence from an engineer that the proposed structure meets the structural requirements of this code;
- (g) written information demonstrating the need for the tower at the proposed site in light of the existing and proposed wireless telecommunications network(s) to be operated by persons intending to place telecommunications facilities on the tower;
- (h) a copy of relevant portions of a lease signed by the applicant and property owner(s), requiring the applicant to remove the tower and associated telecommunications facilities upon cessation of operations on the leased site, or, if a lease does not yet exist, a written agreement to include such a provision in the lease to be signed;
- (i) such other information as the zoning administrator reasonably requests; and
- (j) an application fee established from time to time by resolution of the Town Board.

Subd. 3. Board action. Requests for site plan approval and conditional use permit approval will be processed contemporaneously, according to the provisions of this ordinance. The Board may attach conditions to the approval of the site plan and conditional use permit as the Board determines to be reasonably necessary.

17.9. Performance standards.

Subd. 1. Co-location capability. Unless the applicant presents clear and convincing evidence that co-location is not feasible, a new tower may not be built, constructed or erected in the town unless the tower is capable of supporting at least two telecommunications facilities comparable in weight, size, and surface area to each other.

Subd. 2. Setback requirements. A tower must comply with the following setback requirements:

- (a) A tower must be located on a single parcel and must be set back from the parcel boundaries a distance equal to or greater than the height of the tower unless an engineer specifies in writing that the collapse of the tower will occur within a lesser distance under reasonably foreseeable circumstances.
- (b) Setback requirements for towers are measured from the base of the tower to the property line of the parcel on which it is located.

Subd. 3. Engineer certification. Towers must be designed and certified by an engineer to be structurally sound and in conformance with the Uniform Building Code, and any other standards set forth in this code.

Subd. 4. Height restriction. A tower may not exceed the lesser of 185 feet in height or a height equivalent to ten feet more than the distance from the base of the tower to the nearest point of any property line. Measurement of tower height must include the tower

structure itself, the base pad, and any other telecommunications facilities attached thereto. Tower height is measured from grade.

- Subd. 5. Lighting. Towers may not be artificially lighted except as required by the Federal Aviation Administration. At time of construction of a tower, in cases where there are residential uses located within a distance that is three times the height of the tower from the tower, dual mode lighting must be requested from the Federal Aviation Administration. Notwithstanding this provision, the town may approve the placement of an antennae on an existing or proposed lighting standard, provided that the antennae is integrated with the lighting standard.
- Subd. 6. Exterior finish. Towers not requiring Federal Aviation Administration painting or marking must have an exterior finish as approved in the site plan.
- Subd. 7. Fencing. Fences constructed around or upon parcels containing towers, antenna support structures, or telecommunications facilities must be constructed in accordance with the applicable fencing requirements in the zoning district where the tower or antenna support structure is located, unless more stringent fencing requirements are required by Federal Communications Commission regulations.
- Subd. 8. Landscaping. Landscaping on parcels containing towers, antenna support structures or telecommunications facilities must be in accordance with landscaping requirements as approved in the site plan. Utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and to meet setback requirements that are compatible with the actual placement of the tower. Ground mounted equipment must be screened from view as required by the screening standards in the Zoning District in which it is located
- Subd. 9. Accessory buildings and equipment. No more than one accessory building is permitted per tower. Accessory buildings may be no more than 300 square feet in size. Telecommunications facilities not located on a tower or in an accessory building must be of stealth design.
- Subd. 10. Security. Towers must be reasonably posted and secured to protect against trespass. All signs must comply with applicable sign regulations.
- Subd. 11. Design. Towers must be of stealth design as approved in the site plan unless the town determines that such design is not feasible due to the lack of comparable vertical structures in the vicinity of the proposed site.
- Subd. 12. Non-tower facilities. Telecommunications facilities not attached to a tower may be permitted as an accessory use to any antenna support structure at least 75 feet in height (except residential occupancies of three stories or less), or any existing tower, regardless of any other provision of this code, provided that the owner of the telecommunications facility, by written certification to the building official, establishes the following facts at the time plans are submitted for a building permit:
- (a) that the height from grade of the telecommunications facilities and antennae support structure does not exceed the maximum height from grade of the antenna support structure by more than 20 feet;
 - (b) that the antenna support structure and telecommunications facilities comply with the Uniform Building Code;

- (c) that the telecommunications facilities located above the primary roof of an antenna support structure are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement does not apply to antennas that are mounted to the exterior of antenna support structures below the primary roof, but that do not protrude more than six inches from the side of the antenna support structure.

Subd. 13. Removal of Towers. Abandoned or unused towers and associated above-ground facilities must be removed within twelve months of the cessation of operations of the telecommunications facility at the site unless an extension is approved by the Town Board. Any tower and associated telecommunications facilities that are not removed within 12 months of the cessation of operations at a site are declared to be public nuisances and may be removed by the town and the costs of removal assessed against the property pursuant to Ch. 463, Minnesota Statutes.

17.11. Additional requirements.

Subd. 1. Inspections. The town may conduct inspections at any time, upon reasonable notice to the property owner and the tower owner to inspect the tower for the purpose of determining if it complies with the Uniform Building Code and other construction standards provided by this ordinance, federal and state law. The expense related to the inspections will be borne by the property owner. Based upon the results of an inspection, the building official may require repair or removal of a tower.

Subd. 2. Maintenance. Towers must be maintained in accordance with the following provisions:

- (a) Tower owners must employ ordinary and reasonable care in construction and use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injuries, or nuisances to the public.
- (b) Tower owners must install and maintain towers, telecommunications facilities, wires, cables, fixtures and other equipment in compliance with the requirements of the National Electric Safety Code and all Federal Communications Commission, state, and local regulations, and in such a manner that they will not interfere with the use of other property.
- (c) Towers, telecommunications facilities, and antenna support structures must be kept and maintained in good condition, order, and repair.
- (d) Maintenance or construction on a tower, telecommunications facilities or antenna support structure must be performed by qualified maintenance and construction personnel.
- (e) Towers must comply with radio frequency emissions standards of the Federal Communications Commission.
- (f) If the use of a tower is discontinued by the tower owner, the tower owner must provide written notice to the town of its intent to discontinue use and the date when he use will be discontinued.

17.13. Variances.

Subd. 1. An applicant may request a variance to the setback, separation, buffer requirements, or maximum height provisions of this section according to the procedures set forth in subsection of this code. The Joint Planning Board may grant the requested variance if the applicant demonstrates with written or other satisfactory evidence that:

- (a) The location, shape, appearance or nature of use of the proposed tower will not substantially detract from the aesthetics of the area nor change the character of the neighborhood in which the tower is proposed to be located;
- (b) The variance will not create a threat to the public health, safety or welfare;
- (c) In the case of a requested modification to the setback requirement, that the size of parcel upon which the tower is proposed to be located makes compliance impossible, and the only alternative for the applicant is to locate the tower at another site that poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land;
- (d) In the case of a request for modification of separation requirements, if the person provides written technical evidence from an engineer that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage needs of the applicant's wireless communications system and if the person agrees to create approved landscaping and other buffers to screen the tower from being visible to the residential area;
- (e) In the case of a request for modification of the maximum height limit, that the modification is necessary to:
 - (1) facilitates co-location of telecommunications facilities in order to avoid construction of a new tower; or
 - (2) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer;
- (f) The requested variance satisfies the criteria set forth in section of this ordinance.

SECTION 18. SUBDIVISION STANDARDS

SUBDIVISION 18.01 PURPOSE, SCOPE AND COMPLIANCE.

1. Purpose.

All subdivisions of land hereafter submitted for approval shall comply in all respects with the regulations set forth herein. It is the purpose of these regulations to: (1) Encourage well-planned, efficient, and attractive developments by establishing adequate standards for design and construction; (2) Provide for the health, safety, and general welfare of the Community's residents and property owners, by requiring properly designed and coordinated streets and adequate sewage, water, and drainage facilities; (3) Secure the rights of the public with respect to public lands and waters; (4) Serve as a tool to carry out the objectives and policies of the Town's Comprehensive Land Use Plan; (5) Establish a means to provide adequate recreational areas, school sites, and other public facilities; (6) To assure equitable handling of all subdivision plats by providing uniform procedures.

2. Scope.

This Chapter shall apply to the division or re-division of a lot, tract, or parcel of land by plat, registered land survey or by United States Public Land Survey.

3. Compliance.

After the adoption of this Chapter, no lot in a Subdivision shall be sold and no permit shall be issued to alter or erect any building upon land in a Subdivision unless a Subdivision plat has been approved and recorded and until the improvements required by the Becker Joint Planning Board relative to the Subdivision have been constructed or arranged for as provided herein.

SUBDIVISION 18.02. REQUIRED APPROVALS OF PLATS.

Before any Plat shall have validity, it shall have been reviewed by the Becker Planning Commission as part of a public hearing process, approved by the Becker Joint Planning Board and recorded in the Sherburne County Recorder's Office.

SUBDIVISION 18.03. CONDITIONS FOR METES AND BOUNDS OR UNITED STATES PUBLIC LAND SURVEY CONVEYANCES.

1. No conveyance of land in which the land conveyed is described by metes and bounds, United States Public Land Survey, or by reference to an unapproved registered land survey made after the effective date of Laws 1961, Chapter 462, shall be made or recorded unless the parcel described in the conveyance:
 - A. Is a separate parcel of record at the effective date of this Chapter, or
 - B. Was the subject of a written agreement to convey that which was entered into prior to such date, or

- C. Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on November 1, 2009, or
 - D. Is a single parcel of commercial or industrial land of not less than five (5) acres and having a width of not less than (300) feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five (5) acres in area and three hundred (300) feet in width, or
 - E. Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of five hundred (500) feet. Conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than twenty (20) acres in area and five hundred (500) feet in width.
- 2. Any of the above transfers of land shall require a certificate of compliance duly executed by the Town Clerk after approval by the Town Board prior to recording of the land transfer in the County Recorder's Office.
 - 3. The Town Board may refuse to take over tracts as streets or roads or to improve, repair, or maintain any tracts which have been subdivided in this manner.

SUBDIVISION 18.04. ADMINISTRATION, ENFORCEMENT, AMENDMENTS AND FINDINGS.

1. Authority.

The Town Zoning Administrator, Building Inspector, or other designated Board Official, shall administer and enforce the provisions of this Chapter and for the purpose of this Chapter.

2. Amendments.

The Town Board may amend, supplement, or repeal the provision of this Chapter after a public hearing has been held thereon. Such amendment may be initiated by the Town Board, Joint Planning Board, or by petition. A notice of time, place, and purpose of hearing shall be published in the official newspaper of the Town at least ten (10) days prior to the day of the hearing.

3. Standards for Findings.

In reviewing all proposed subdivisions, plats and planned unit developments the Joint Planning Board and the Town Board shall consider, and use as a basis for their decisions the following factors:

- A. Consistency with the design standards and other requirements of this Chapter.
- B. Consistency with the Joint Planning Board's Future Zoning Map or other development plans.
- C. Consistency with the Zoning Chapter.
- D. The physical characteristics of the site, including but not limited to topography, erosion, and flooding potential, and soil limitations, are suitable for the type of development or use contemplated.
- E. The proposed development will not create a negative fiscal or environmental impact upon the Town.
- F. The proposed development is in accordance with the Comprehensive Land Use Plan.
- G. The Town will not face undue financial hardship due to the development in question.

- H. The Town will not face unnecessary interrupted use of public roadways, facilities, or property for an unspecified amount of time due to development the Town is not ready for.
 - I. The subdivision will not prohibit the orderly growth of the surrounding areas or the Township as a whole.
 - J. The subdivision will be developed and constructed in such a manner that there is a uniqueness about each building structure within the development and each structure must be at the construction standards that have been set within the Township.
4. Building Permits.

No building permit shall be issued by any governmental official for the construction of any building, structure, or improvement on any land required to be subdivided by this Chapter until final plat approval has been granted and, if required, a development agreement executed.

SUBDIVISION 18.05. BOARD OF ADJUSTMENT.

The Joint Planning Board shall act as the Board of Adjustment for the subdivision regulations and will hear all appeals and requests and will recommend approval or denial of these appeals or requests to the Town Board for final approval.

SUBDIVISION 18.06. VARIANCES, EXCEPTIONS, PLANNED UNIT DEVELOPMENT.

1. Variances.
- A. Variances may be approved where strict enforcement of the literal provisions of the Zoning or Subdivision Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration, and the grant of a variance will be in keeping with the spirit and intent of the ordinance. Practical Difficulties are described as follows:
 - 1. the property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - 2. the plight of the landowner is due to circumstances unique to the property not created by the landowner;
 - 3. the variance, if granted, will not alter the essential character of the locality.
 - B. The following conditions must be met:
 - 1. the landowner's land cannot be put to a reasonable use under the terms of the Zoning Ordinance or Subdivision Regulations;
 - 2. the plight of the landowner is due to circumstances unique to the land which were not created by the landowner;
 - 3. the grant of variance will not alter the essential character of the neighborhood;
 - 4. the grant of variance does not create a use not provided in the zoning district.
 - C. All applications for a Variance shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning

Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 500 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing.

- D. Submissions for Variances. The applicant shall complete the Variance application approved by the Board of Adjustment. The application shall contain submittal requirements, criteria for approval, procedure for consideration and Town contact information. The Town shall not accept applications where the applicant has past due fees or charges due to the Town until the account is made current.
- E. When costs to the Town involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the Town for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Town may need to retain in reviewing permits.
- F. No Variance application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Variances can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
- G. Failure by the owner to act within 12 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
- H. Violations of the conditions of a Variance shall void the variance.
- I. Appeals from the action of the Town Board shall be filed with the District Court within 30 days after Council action.
- J. The Variance shall be filed by the Landowner with the County Recorder within 45 days of approval.

Ordinance 2011-03; September 27, 2011

2. Exceptions.

- A. Simple Lot Subdivisions. A simple, easily described division of a platted lot of record (e.g., East One- Half of Lot 31, West One-Half of Lot 31) into two separate lots may be exempt from the platting requirements of this Chapter at the discretion of the Joint Planning Board, provided the resultant parcels meet all zoning and subdivision requirements. Such division requires approval by the Town Board.
- B. Minor Subdivisions. The supplementary information required herein entitled "Specifications for Plats" may be waived at the discretion of the Joint Planning Board for Minor Subdivisions as defined herein.
- C. Boundary Adjustment Subdivisions. A Boundary Adjustment Subdivision as defined herein may be exempt from the platting requirements of this Chapter at the discretion of the Joint Planning Board.

3. **Planned Unit Development.** The requirements of this Chapter may be waived by fulfillment of the Planned Unit Development requirements established in the Zoning Chapter.

SUBDIVISION 18.07. DEFINITIONS.

The following terms, as used in this Chapter, shall have the meanings stated:

1. **Alley.** A minor way providing secondary vehicular access to the side or rear of two (2) or more properties abutting on a street.
2. **Block.** An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river, lake, or rail line.
3. **Boulevard.** The portion of the street right-of-way between the curb line and the property line.
4. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy.
5. **Building Setback Line.** A line parallel to a street between which line and the nearest street right-of-way line no building may be erected or placed.
6. **Butt Lots.** Any lot, or lots, at the end of a block, located between two corner lots.
7. **Certificate of Survey.** A survey prepared consistent with the standards of the surveying profession and signed by a licensed land surveyor.
8. **Collector Street.** A street so designated in the Comprehensive Plan.
9. **Comprehensive Guide Plan.** Compilation of policy statements, objectives, standards, and maps for guiding the physical, social and economic development, both public and private, of the Township and its environs, as defined in the Minnesota Municipal Planning Act, sometimes referred to as "Comprehensive Plan."
10. **Crosswalk or Pedestrian Way.** A publicly owned right-of-way which crosses a block and furnishes pedestrian access to adjacent streets or properties.
11. **Cul-De-Sac.** Short, local street having only one outlet and a vehicular turn-around area.
12. **Design Standards.** Specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right-of-way, blocks, easements, and lots.
13. **Double Frontage Lots.** A lot extending between and having frontage on a major street and a local street with vehicular access solely from the latter.
14. **Easement.** A grant by an owner of land for the specific use of said land for a public or quasi-public purpose.
15. **Final Plat.** Final map, drawing, or chart on which the subdivider's plan of a subdivision is presented, consistent with the standards of Minnesota Statutes Chapter 505, to the Town Board for approval and which, if approved, may be submitted to the County.
16. **Gang Mail Receptacle.** A structure approved by the Town of Becker that holds multiple U.S. Post Office approved individual mailboxes and newspaper boxes.

17. **Grade, Percentage Of.** The rise or fall of a street in feet and tenths of a foot for each one hundred (100) feet of horizontal distance measured at the center line of the street.
18. **Growth Management System.** The goals, policies, programs, ordinances, and regulations used to guide the Town's growth and development.
19. **Local Street.** A street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.
20. **Lot:** A parcel of land separated from other parcels by legal description.
21. **Lot Area:** The contiguous horizontal plane of a lot, bounded by the lot lines.
22. **Lot, Corner:** A lot bounded by the intersecting boundaries of two (2) or more streets.
23. **Lot Coverage:** That portion of a lot covered with structures and hard surfaces such as parking, loading, and storage.
24. **Lot Depth:** The average horizontal distance between the front lot line and the rear lot line.
25. **Lot, Interior:** A lot other than a corner lot.
26. **Lot Line:** A line bounding the horizontal plane of a lot.
27. **Lot Line, Front:** The line connecting the side lot lines of a lot measured along the boundary of the right-of-way designated by the Town Board to serve the lot.
28. **Lot Line, Rear:** The lot line that is opposite the front lot line.
29. **Lot Line, Side:** Any lot line that is not a front lot line or a rear lot line.
30. **Lot, Through:** An interior lot having frontage on two (2) streets.
31. **Lot Width:** The horizontal distance between the side lot lines measured parallel to the front lot line at the front building setback.
32. **Lots of Record:** A Lot of Record is a parcel of land separated from other parcels by legal description and which satisfied the physical standards for width, depth, density, area, right of way frontage and sewage treatment requirements established by law on the date the lot was recorded with the Sherburne County Recorder, after approval by the then appropriate governmental authority as a division or a subdivision. A lot of record which no longer meets the requirements described in the preceding provision hereof, is subject to the non-conforming use provisions of this Ordinance.
33. **Mail Receptacle.** A structure approved by the Town of Becker that holds U.S. Post Office approved individual mailboxes and newspaper boxes.
34. **Major Thoroughfare.** A street designated on the Comprehensive Land Use Plan as a freeway, arterial or collector street.
35. **Marginal Access Street.** A local street which is parallel and adjacent to the thoroughfare and which provides access to abutting properties and protection from through traffic.
36. **Parks and Playgrounds.** Public land and open spaces dedicated or reserved for recreational purposes.
37. **Planned Unit Development.** A tract of land planned and developed as a unit rather than an aggregate of improvements on individual lots.

38. **Plat.** A map or drawing indicating the subdivisions or re-subdivision of land, consistent with Minnesota Statutes chapter 505 and meeting the requirements enumerated herein, intended to be filed for record.
39. **Preliminary Plat.** A tentative map, drawing, or chart of a proposed subdivision meeting the requirements enumerated herein.
40. **Private Street.** A street serving as vehicular access to two (2) or more parcels of land which is not dedicated to the public but is owned by one or more private parties.
41. **Protective Covenants.** Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
42. **Registered Land Survey.** A survey meeting the standards of Minnesota Statute 508.47, or its subsequent amendments.
43. **Right-of-Way.** Land donated, dedicated and held in public trust for use as a street, alley, or crosswalk.
44. **Roadway Width.** See street width.
45. **Sketch Plan.** A plan drawn to scale used for planning and discussion purposes only.
46. **Street.** A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, road, avenue or boulevard.
47. **Street Width.** The width of the improved surface of the street as measured at right angles or radially to the centerline of the street from curb face to curb face, or on streets without curbs from the outside edge of the improved shoulder to the outside edge of improved shoulder.
48. **Subdivider.** Any person commencing proceedings under this Chapter to effect a subdivision of land for themselves or others.
49. **Subdivision.** The division or re-division of a lot, tract, or parcel of land by plat, registered land survey or by United States Public Land Survey description.
50. **Subdivision, Boundary Adjustment.** The division of one or more lots of record for the purpose of combining a portion or portions thereof with other lots of record, without creating additional lots and provided that all resultant lots are no less compliant with the zoning and subdivision requirements of this Ordinance than they were prior to the Boundary Adjustment Subdivision.

Ordinance 2016-03; May 24, 2016

51. **Subdivision, Minor.** Any subdivision containing not more than three (3) lots fronting on an existing street, not involving any new public street or road, or the extension of the Township streets or utilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of an adopted Comprehensive Plan, Official Zoning Map, Zoning Chapter, or these subdivision regulations.
52. **Subdivision, Simple Lot.** The division of a platted lot of record into two lots, each of which complies with all zoning and subdivision requirements

53. **United States Public Land Survey:** The original survey commissioned by the U. S. Government and described in Minn. Stat § 381.12 and required by Minn. Stat § 389.04.

SUBDIVISION 18.08. PROCEDURE FOR SUBDIVISION REVIEW.

1. Minor Subdivision Procedure.
 - A. Must be accompanied by a certificate of survey.
 - B. The request shall follow the procedure for subdivision review as outlined in this Code.
 - C. No more than one (1) minor subdivision or lot split will be permitted on an original parcel of record on the effective date of this Chapter.
 - D. The request shall include any additional requirements deemed necessary by the Zoning Administrator.
2. Sketch Plan Review.

An on-site review of a sketch plan by the Joint Planning Board is required prior to submission of an application for preliminary plat.

 - A. The subdivider shall submit a copy of the sketch plan 14 days prior to the regular Planning Commission meeting. At that time, the subdivider shall also request a site visit as part of the formal agenda.
 - B. The Planning Commission and Joint Planning Board members shall walk the property with the applicant. Members shall strive to identify any unique features of the property that should appear on a preliminary plat submittal.
 - C. The Planning Commission and Joint Planning Board shall not take action on the proposal, but may make suggestions to facilitate the preparation of an approvable preliminary plat or plan.
3. Preliminary Plat Procedures.

Application and Fee. The subdivider or owner shall file with the Town Clerk fourteen (14) copies of the preliminary plat and such supplementary information as may be required, along with a digital copy of the proposed subdivision in a format suitable for viewing and compatible with the County's GIS system, and a cash fee as set from time to time by the Town Board for the application and for each lot thereon. In addition to the application and fee, the subdivider shall be required to pay funds into escrow for all planning, engineering, and legal expenses incurred by the Township for the review of said request. Application for hearing by the Planning Commission and/or Joint Planning Board must be made to the Zoning Administrator on forms provided by the Joint Planning Board and shall include all information and data requested. The application must be reviewed by staff within a 10 day time frame to be assured of completion. If the application is incomplete a letter requesting additional information will be sent out prior to the ten day deadline.

 - A. **Distribution of Preliminary Plat.** The Zoning Administrator shall refer a copy of the preliminary plat to each of the following persons or agencies: Town Planning Commission, County Planning Commission, Town Engineer, Town Attorney, and the Joint Planning Board for review and report. The preliminary plat must contain all information stated herein. If

within thirty (30) days, any agency fails to submit a report, the Township may proceed on the assumption that the agency has approved the plat.

- B. **Planning Commission Review and Public Hearing.** The Planning Commission shall set a date for the official public hearing. Notice of such hearing shall be published at least once in the official paper of the Township and mailed to individual properties within five hundred (500) feet of the boundaries of the affected parcel included in the request not less than 10 days prior to the date of said hearing. Land separated by a public right-of-way shall be deemed to be adjacent for the purpose of this section. Failure of a property owner to receive said notice shall not invalidate any such proceedings. The public hearing may be continued from time to time to allow for full and fair consideration of the request.
- C. **Becker Joint Planning Board Action.** Upon receiving the report and recommendation from the Planning Commission, the Joint Planning Board shall have the option of holding a public hearing, if necessary, and may impose any conditions deemed necessary. If a public hearing is held, the notice and publication requirements set forth above must be followed. The Joint Planning Board shall act to approve or disapprove the preliminary plat on the basis of the Standards for Findings set forth herein. If disapproved, the reasons for disapproval shall be set forth in the minutes of the Town Board.
- D. **Response.** The Becker Joint Planning Board must approve or disapprove the preliminary plat application within 120 days from the date the application is deemed complete. Absent approval or disapproval within 120 days, the application is deemed approved.

4. Additional Information.

The Joint Planning Board and Staff shall have the authority to request additional information from the applicant concerning the preliminary plat or to retain expert testimony with the consent and at the expense of the applicant concerning said information to be declared necessary to establish compliance with all pertinent sections of this Chapter.

5. Approval or Denial of the Preliminary Plat.

- A. Within 120 days from the date the application for preliminary plat approval is deemed complete, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the preliminary plat to the Joint Planning Board, and the Joint Planning Board shall approve or disapprove the preliminary plat.
- B. For plats with multiple phases a final plat application for a subsequent phase must be submitted within two (2) years after approval of the previous phase final plat or the preliminary plat shall be considered void. Prior to the expiration of the final plat deadline, the Joint Planning Board may extend the approval for an additional (2) years. The extension request shall be in writing specifically designating the expiration date. Only one (1) extension may be granted per phase of the preliminary plat. If the preliminary plat is denied the subdivider or owner will be notified and informed of the reason(s) for denial.

6. Final Plat Procedures.

- A. **Final Submittal.** The owner or subdivider shall file at least three (3) full sized mylar copies and three (3) reduced sized copies of the final plat for consideration by the Joint Planning Board incorporating all changes or modifications required as conditions of approval of the preliminary plat as approved. The plat shall be complete as to the information required under this Section. The Planning Commission shall review the final plat to assure consistency

with the approved preliminary plat. The Planning Commission shall make a recommendation for approval or disapproval with conditions and reasons thereof to the Joint Planning Board. In a case where the plat is disapproved, the subdivider shall be notified in writing of the reasons for such disapproval and what requirements, if any, are necessary to meet the approval of the Commission.

- B. The final plat, together with the recommendations of the Planning Commission shall be submitted to the Joint Planning Board at its next regularly scheduled meeting. If accepted, the final plat shall be approved by resolution, including acceptance of all agreements for basic improvements, public dedication and other requirements as indicated in this Chapter, by the Planning Commission, and by the Joint Planning Board. It shall be the responsibility of the subdivider to file the plat with the appropriate county offices after final approval. Within sixty (60) days the subdivider must give a copy of the recorded subdivision to show proof of recording. Failure to do so within one (1) year of final approval shall result in the requiring of a new preliminary plat. This new preliminary plat must be reviewed in accordance with the procedure set out in this Chapter to ensure compliance with any new requirements.

SUBDIVISION 18.09. SPECIFICATIONS FOR PLATS.

- 1. Information Required For Preliminary Plats.
 - A. **General Requirements.** The plat shall be clearly and legibly drawn at a scale of one (1) inch equaling one hundred (100) feet or larger, and shall contain at least the following information:
 - 1. Proposed name of subdivision, not similar to any existing subdivision.
 - 2. Date and North Arrow.
 - 3. Scale of plat, not less than one (1) inch to one hundred (100) feet.
 - 4. Indication of any proposed covenants.
 - 5. Location map indicating location of proposed subdivision in relationship to general known area.
 - 6. Names and addresses of the subdivider and surveyor making plat and property owners of record within three hundred fifty (350) feet of the proposed subdivision.
 - 7. Legal description of proposed subdivision.
 - B. **Existing Conditions and proposed Design Features.**
 - 1. Boundary line of proposed subdivision.
 - 2. Zoning of land within and abutting the subdivision.
 - 3. Layout, dimensions and acreage of proposed lots and blocks.
 - 4. Name, location and right-of-way width of existing or proposed streets, highways, alleys, sidewalks, and pedestrian ways.
 - 5. Soil survey, grading plan, soil erosion and sediment control plan, and landscaping plan.
 - 6. Location and elevation of the Ordinary High water mark of all lakes, rivers, streams and wetlands.

7. Location, dimensions, and purpose of existing and proposed utilities and utility easements.
 8. Primary and secondary individual sewage treatment system locations for each lot.
 9. Existing and proposed storm water drainage systems including drainage easements.
 10. Boundary lines of adjoining unsubdivided or subdivided land within three hundred and fifty (350) feet, identifying by name and ownership.
 11. Statement of proposed use of development including type and number of structures and units.
 12. Proposed zoning changes, if necessary.
 13. Minimum front, side, and rear yard setbacks as required by the Zoning Chapter.
 14. Location, dimensions, and size of areas, other than streets, alleys, pedestrian ways, and utility easements, proposed to be dedicated or reserved for public uses.
 15. Inventory of existing trees above 6-inches diameter by type and size and the proposed tree preservation plan for property included within the subdivision.
 16. The Type of Structure proposed based on drainage, grading, and sewer elevations must be shown for each lot in the subdivision.
- C. **Supplementary Information.** The following information may be required if it is deemed necessary and appropriate by the Zoning Administrator, the Joint Planning Board, or the Town Board.
1. Statement of adequacy of existing or proposed utilities to accommodate or serve the proposed development.
 2. Statement relative to the relationship of the proposed subdivision with existing or potential adjacent subdivisions.
 3. Statement of estimated costs of proposed required improvements.
 4. Other information deemed necessary by the Joint Planning Board, Zoning Administrator, Town Board, or Subdivider.
2. Qualifications Governing Approval of a Preliminary Plat.

The approval of a preliminary plat by the Joint Planning Board Board shall only constitute acceptance of the design as a basis for the preparation of the final plat by the owners or subdividers. Subsequent approval by appropriate officials having jurisdiction will be required of the proposals pertaining to water supplies, storm drainage, sewage disposal, sidewalks, grading, gradients, roadway widths, and the surfacing of streets prior to the approval of the final plat. The subdivider shall also present evidence that the plat has been reviewed by, and meets the requirements of, those responsible for the provision of gas, electric, and telephone service. No plans will be approved for a subdivision which include any area subject to periodic flooding or which contains extremely poor drainage capabilities which would make adequate drainage of the streets and lots impossible, unless the subdivider agrees to make improvements, the design and construction which comply with the drainage requirements cited in the Township's Engineering Standards. The grading and drainage design is to be reviewed and approved by the Town Engineer.

3. Information Required for Final Plats.

The final plat shall be prepared in accordance with provisions of Minnesota State Statutes. The final plat must include all changes required from the preliminary plat. The following concurrent documents shall be submitted with the final plat:

- A. Review by an independent Professional Land Surveyor, verifying that calculations contained in the plat are accurate and that the plat conforms to the requirements of State Statutes.
- B. An up-to-date certified abstract of title or such other evidence as required by the Town Attorney.
- C. A development agreement, where required.
- D. All documents to be filed concurrent with the plat, including any declarations, deed restrictions, easements and covenants.

SUBDIVISION 18.10. SUBDIVISION DESIGN STANDARDS.

1. Streets and Alleys.

- A. **General.** All streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.
- B. Streets in a subdivision shall either provide for the continuation of existing streets in the surrounding areas, or conform to a plan adopted by the Town Board.
- C. Minor streets should be arranged so that their use is discouraged by through traffic.
- D. Permanent cul-de-sacs can have a length of no more than one thousand, four hundred (1,400) feet with a minimum radius for the turn around to be sixty six (66) feet. Lots within a cul-de-sac are required to be ninety (90) feet wide at the thirty (30) foot setback.
- E. There shall be no direct access to major thoroughfares from individual lots. If a proposed parcel of plat is adjacent to a freeway, arterial, or collector street a foliage buffer must be installed to block lots from the street.
- F. Private streets or half streets shall be prohibited.
- G. Where adjoining lands are not subdivided, some of the streets in the new subdivision shall be required to be extended to the boundary line of the tract to make provision for future access into adjacent areas.
- H. All subdivisions shall be required to conform to the Comprehensive Plan. Arterial and collector streets shown on the Land Use Plan shall be dedicated, on the locations and widths shown, to the Township as a condition of plat approval.
- I. Public right of way widths shall be dedicated using the following minimum standards or those recommended by the State or County Highway Department when applicable (in feet):

Type of Street Right of Way

Arterial:	100 feet
Collector:	66 feet

Minor or Local:	66 feet
Marginal Access:	66 feet
Cul-De-Sac:	66-foot radius

- J. Alleys should have a minimum right-of-way width of thirty (30) feet and shall conform to the gradient requirements of local streets.
2. Grading and Alignment.
 - A. **Horizontal Alignment.** The minimum roadway centerline radius shall be no less than three hundred (300) feet unless otherwise approved by the Town.
 - B. **Vertical Alignment.** Minimum stopping sight distances for vertical alignments shall be based on AASHTO standards for thirty (30) mile per hour design speeds for local streets and fifty five (55) mile per hour design speeds for collector streets.
 - C. **Minimum and Maximum Grades.** Minimum: five tenths (0.5%) percent; Maximum: four (4%) percent for collector streets, seven (7%) percent for local streets.
 3. Intersections.
 - A. Streets shall intersect as nearly to ninety (90) degrees as possible. In no case shall streets intersect at less than seventy-five (75) degrees.
 - B. No more than two (2) streets shall cross at any one intersection.
 - C. The minimum distance between the centerlines of offset intersections shall be one hundred fifty (150) feet.
 4. Easements.
 - A. **Utilities.** Easements at least twelve (12) feet wide centered on the rear and side lot lines shall be provided for utilities. They shall have continuity of alignment from lot to lot and block to block. At the option of the developer for commercial or industrial plats, easements along side lot lines can be granted subsequent to the platting of the lots. Easements are still required six (6) feet on both sides of the lot lines but these easements can be granted at a later date. Easements must be granted at the time of sale/development of a lot within the plat. It shall be the responsibility of the developer to provide said easement to the Township, along with the establishment of, documentation, recording, and fees at the developers expense. The developer shall also provide evidence that said easement is of record. A copy of said recorded easement shall be given to the Township no later than sixty (60) days of the sale date of the property. The Town Board must authorize said alternative easement arrangement at the time of approval of the final plat. In the event a sale involves a lot split, the developer will be required to furnish a copy of the proposed easement at the time of the request for the lot split.
 - B. **Drainage.** Easements shall be provided along each side of any water course to establish a storm sewer, drainage, or floodway right-of-way. Its boundaries shall conform substantially with the centerline alignment of such water course.
 - C. **Protective.** Protective or scenic easements shall be provided to a depth of one hundred (100) feet from the high water line of all lakes, ponds and streams or to such logical, natural or ecological boundary as can be agreed upon by the owner and the Township.

- D. **Right of Way.** An additional ten (10) foot easement shall be granted on either side of all rights-of-way within the boundaries of a subdivision.
 - E. **Perimeter.** A perimeter easement around the exterior of the entire plat shall be established to a minimum of ten (10) feet.
5. Blocks.
- A. **Arrangement.** A block shall be so designed as to provide two (2) tiers of lots except where lots back onto a major street, natural feature, railroad, or subdivision boundary, in which case, it may have a single tier of lots.
 - B. **Length.** The maximum length of blocks shall be one thousand five hundred (1500) feet and the minimum length, four (400) feet.
6. Lots.
- A. **Location.** All lots shall abut for their full frontage on a publicly dedicated street.
 - B. **Size.** The lot dimensions shall be such as to comply with the minimum lot areas specified in the Zoning Ordinance.
 - C. **Useable Open Spaces.**
 - 1. There must be a minimum of 40 feet of useable open spaces in the rear yards of all lots abutting delineated wetlands as measured from the ordinary high water level or elevation of the line of permanent aquatic vegetation, whichever is greater.
 - 2. There must be a minimum of 30 feet of useable open space in the rear yards of all lots abutting drainageways or retention / detention ponds as measured from the ordinary high water level to the proposed primary structures in all plats.
 - D. **Butt Lots.** Butt lots shall be prohibited.
 - E. **Side Lot Lines.** Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
 - F. **Water Courses.** Lots abutting upon a water course, drainageway, channel, or stream shall have sufficient depth and width to provide a minimum area of land not subject to flooding equal to the minimum lot dimensions specified in the Zoning Chapter for the district in which the lots are located.
 - G. **Drainage.** Lots shall be graded so as to provide drainage away from building locations.
 - H. **Width Related to Depth.** To prevent narrow, deep lots, the depth of a lot should not exceed two and one-half (2 1/2) times the width as measured at the building line.
 - I. **Double Frontage Lots.** Double frontage lots (lots with frontage on two parallel streets) shall not be permitted except where lots back to a major thoroughfare street. Such lots have an additional depth of at least ten (10) feet in order to allow for screen planting along the back line.
 - J. **Corner Lots.** Corner lots will have the same width requirement as the zoning district that they are in as stated in the Zoning Chapter.
 - K. **Cul De Sac Lots and Lots on Curved Streets.** Lots within cul-de-sacs and lots on corner lots are generally pie shaped in their layout so they are required to be ninety (90) feet wide at the required front setback line.

- L. **Future Arrangements.** Where parcels of land are subdivided into unusually large lots, such as when large lots are required for septic systems, the plat shall be designed and shall show, in dashed lines, how lots can be re-subdivided at some future date when public sanitary sewer and water are available. Structures on these lots must be placed on a side of the lot that is to be determined by the owner with approval by the Town Zoning Administrator.
 - M. **Individual Lot Site Plans.** It is required that all residential lots shall have a site plan which identifies general location and pad elevation for the principal structure. The site plan must identify drainage ways and finished elevations for the lot, in keeping with the total drainage requirements for the plat. All deciduous trees over 6 inch in diameter and all coniferous trees 6 feet or taller shall be shown. In addition, the site plan must identify the type of structure that is possible for each lot based on depth of utilities or drainage limitations imposed by the plat or topography. Said types shall include full basements, walkouts, lookouts, splits, slab on grade, or single story. Building permits will not be issued until Individual Lot Site Plans are submitted.
7. Soil Erosion and Steep Slopes.
- A. The developer shall obtain a National Pollution Discharge Elimination System permit from the Minnesota Pollution Control Agency. The Stormwater Pollution Prevention Plan shall be adhered to.
 - B. Topsoil and vegetation distributed or destroyed during or after construction shall be replaced or replanted to minimize soil erosion.
 - C. No construction or grading shall be allowed on slopes greater than twenty (20) percent. The subdivider does have the option of dedicating steep slopes to the Township or an officially recognized homeownership association.
 - D. During and after construction, slopes shall be protected from erosion by quick establishment of vegetative cover, benches, terraced, mulches, or other proper protection devices or practices. Stands of existing vegetation adequate to control erosion should be preserved wherever possible.
 - E. Any land reclamation or filling shall be approved by the Zoning Administrator.
8. Public Sites, Pedestrian Ways, Open Spaces, and Natural Features.
- A. **Public Uses.** Where a proposed park, play ground, school, trail system or other public use shown on the Comprehensive Land Use Plan is located in whole or in part within a subdivision, the area shall be dedicated to the public or reserved for public purchase at fair market value. If within two (2) years of recording of the plat, the purchase is not consummated, the reservation shall be cancelled.
 - B. **Private Parks.** Subdividers shall be encouraged to provide small privately-owned parks and open spaces in all commercial, industrial, and residential developments to satisfy the needs of employees, shoppers, and small children.
 - C. **Pedestrian Ways and Trails.** Subdividers shall define a meaningful pedestrian circulation system which is in accordance to the Comprehensive Land Use Plan and connects to the major trail system, to schools, parks, and shopping areas.

- D. **Mitigated Wetlands.** All mitigated wetlands must be contained entirely within an outlot for deeding to the Township to ensure preservation of the environmental integrity of the wetlands
- E. **Natural Features.** Existing natural features which add value to and enhance the attractiveness of the development and the community (trees, water courses, etc.) shall be preserved, insofar as possible, in the design of the subdivision. Planting strips shall be placed along highways and railroad lines to screen the view and to reduce noise levels in residential areas.

9. Drainage.

- A. Plans for surface water runoff and drainage shall be reviewed and approved by the Planning Commission, Town Engineer and Joint Planning Board prior to final plat approval.
- B. The subdivision should be so designed that the drainage system utilizes to the greatest extent possible existing natural overland flows, open channel and drainage routes.
- C. The drainage system shall be constructed and operational during the initial phase of construction.

SUBDIVISION 18.11. DEDICATIONS AND CONDITIONS OF SUCH DEDICATION.

1. Residential Dedication.

In all new residential subdivisions, lot splits, minor subdivision and in properties changing from one zoning district to a higher density residential zoning district, the Township shall require that a sufficient portion of such land be set aside and dedicated to the public for parks, schools, playgrounds, or other public use exclusive of property dedicated for streets and other public ways. This is pursuant to Minnesota Statute 462.358. It shall be presumed that a sufficient amount of land has been dedicated for parks, schools, and playgrounds for the present and future residents of the subdivision if the subdivider dedicates at least ten (10%) percent of the land in the subdivision. The Township upon consideration of the particular type of development proposed in the subdivision or land rezoned, may require larger or lesser amounts of land to be dedicated if it determines that the present and future residents of the subdivision or development would require greater or lesser amounts of land for such purposes. The Township shall be the sole determinant in requiring the land dedication or requiring a per-dwelling unit cash payment. The amount of this fee shall be determined by the Town Board as part of the annual schedule of fees and charges. The fees shall be due by the developer at the time of entrance into a development agreement. If the property is rezoned, the fee shall be required at the time of the building permit payment when the property is developed.

2. Other Dedications.

In commercial, Industrial, or other Nonresidential subdivisions the Joint Planning Board may decide not to require the subdivider to contribute land, cash or any combination thereof. In those instances, however, where the Town deems it in the public interest to require a contribution, the subdivider shall dedicate five percent of the undeveloped land or cash in the amount of the land's assessed valuation prior to development.

3. Findings of Facts for Dedications.

It shall be deemed to be in the public interest to require land dedication, cash contribution, or any combination thereof when the Town Board after review and recommendation makes one or more of the following findings of fact:

- A. All or part of the proposed subdivision has been designated as park, playground, public open space, storm sewer holding areas or ponds as adopted in the Town Comprehensive Plan.
- B. Such contribution is necessary in order to protect adjacent land uses from potential conflicting land used which could exist on the land subdivided.
- C. The increased number of residents to reside or be employed within the subdivision will increase the recreational demands upon the Town.
- D. Such contribution is necessary to provide proper surface water run-off generated by the uses proposed within the subdivision.
- E. The land proposed to be subdivided contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, steep slopes, drainage areas, or bluffs which should be preserved to prevent foreseeable safety, pollution, or erosion hazards or to provide unique recreational and aesthetic qualities and enjoyment to the Town.
- F. Such contribution is necessary to comply with or fulfill the goals, policies, and programs of the Town.

4. Exceptions for Outlots.

In subdivisions which include outlots for future development or outlots within a subdivision that are designed specifically for other purposes, the subdivider shall contribute land, cash, or any combination thereof as provided herein, whichever is applicable as well as the following criteria:

- A. For land contributions, the entire subdivision, including the land within the outlots will be included in the determination of the total land dedication percentage.
- B. For cash contributions only that land exclusive of the outlots will be included in the determination of the total land dedication percentage.

5. Geographic Location of Dedications.

In such cases where the subdivider is required to dedicate land area the Town Board shall have the right to determine the geographic location and configuration of said dedication. The land dedicated shall not consist primarily of wetland, steep slopes or other natural or man-made features that make the property unusable as parkland.

SUBDIVISION 18.12. SUBDIVISION IMPROVEMENTS.

1. Required Improvement Contract.

Prior to installation of required improvements and prior to approval of the final plat, the subdivider shall enter into a contract with the Town requiring that the subdivider furnish and construct said improvements at his sole expense and in accordance with plans and specifications to be approved by the Town Engineer. The contract shall stipulate the type and extent of the

improvements to be constructed, the cost of construction, the construction time schedule, the Town's authority to inspect the construction, and the amount of the escrow deposit to the Town to be furnished in accordance with the requirements of this Section. Alternatively, the Township in its discretion may require that, or, at the request of the subdivider may agree to undertake the installation of the required improvements in which event the subdivider shall enter into a contract with the Township agreeing to pay the expense thereof, including all construction, engineering, legal, financing, and administrative costs incurred by the Township by reason thereof. By such contract the developer shall agree to the method and schedule of payment to the Township as determined by the Township, and, if required, shall agree to furnish the escrow deposit as required herein.

2. Required Improvements.

Prior to the approval of the final plat, the subdivider shall have agreed in the manner set forth below to install in conformity with construction plans, approved by the Town Engineer and in conformity with all applicable standards and Town Code provisions, the following improvements on the site:

- A. **Monuments.** Monuments of a permanent character as required by Minnesota Statute Chapter 505, shall be placed at each corner or angle on the outside boundary of the subdivision, Pipes or steel rods shall be placed at each corner of each lot and at each intersection of street center lines.
- B. **Streets and Alleys.** All streets and alleys shall be graded to their full width except in areas where tree cover and topography can and should be preserved. All streets and alleys shall have an adequate sub-base, and shall be improved with an all-weather permanent surface in accordance with Town minimum design standards as recommended by the Town Engineer.
- C. **Curb and Gutter.** Permanent curb and gutter may be required on either one or both sides of each improved street dedicated in the plat where required in the Township Engineering Standards.
- D. **Storm Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided including storm sewers, drain inlets, manholes, culverts, and other structures and easements, as recommended by the Town Engineer.
- E. **Street Signs.** Street signs of a standard design approved by the Township shall be installed at each street intersection.
- F. **Public Utilities.** All utility lines for telephone and electrical services shall be placed underground, unless overhead placement is specifically allowed by the Town Board.
- G. **Street Lighting.** Street lighting may be required in all subdivisions. Plans shall be approved by the Town Board.
- H. **Pedestrian Ways.** All walkways adjacent to streets or otherwise defined by easement shall be improved to adequately accommodate pedestrian traffic.
- I. **Subdivision Signage.** A sign stating the name of the subdivision must be established at the entrance to the subdivision in a location approved with the final plat for all residential subdivisions of 15 or more units. For subdivisions with multiple phases only one sign for the entire subdivision is required and the sign shall be established when the abutting roadway is established. Said sign shall be made of a natural maintenance free material such as stone,

brick or granite and the subdivision name must be in letters at least eight (8) inches high and approved by the Joint Planning Board..

3. Financial Guarantee.

Prior to the approval of the final plat, if the subdivider is to undertake the installation of the required improvements, he shall make an escrow deposit equal to the total administrative and construction costs of the improvements as estimated by the Town Engineer and Town Attorney, and including the cost of inspection by the Township. If the Township undertakes the installation of said improvements, and if required by the Township, the subdivider shall make an escrow deposit and furnish a surety bond or other acceptable security in the amount of the sum the subdivider has agreed to pay the Township for the installation of said improvement. Any such escrow deposit, bond or other security shall accrue to the Township in case of default of the subdivider. In case of default the Township shall appropriate any such bond or security. The term of any deposit, bond or security shall be specified by the Township. Any deposit, bond, or security must be subject to approval by the Township. Deposits shall be made with the Town Treasurer or with a responsible escrow agent acceptable to the Township. The Township may agree to provide for reduction of the amount of any bond, security, or escrow deposit by reason of completion of, or in payment for, the improvements for which said bond, security, or deposit has been made. Nothing herein shall preclude the Township from making special assessment against benefited property for improvements made on it.

5. Construction Plans and As-Builts.

- A. Construction Plans.** Construction Plans for the required improvements conforming in all respects to the standards of the Town and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; said plans must contain the engineer's certification. Such plans, together with the quantity of construction items, shall be submitted to the Town Engineer for approval.
- B. As-Built Drawings.** Upon Town Engineer's certificate of compliance, the subdivider shall furnish the Town with as-built drawings prepared by a Registered Engineer showing the improvements as built or in place.

SUBDIVISION 18.13. VIOLATION A MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

SECTION 19. SIGNS

SUBDIVISION 19.1 FINDINGS.

Subd. 19.1 Findings. The Becker Joint Planning Board hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The Town's zoning regulations include the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the Town and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the Town has had a positive impact on traffic safety and the appearance of the community.

SUBDIVISION 19.2 PURPOSE AND INTENT.

Subd. 19.2. Purpose and Intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the Town in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the Town by preventing visual clutter that is harmful to the appearance of the community.
3. Improve the visual appearance of the Town while providing for effective means of communication, consistent with constitutional guarantees and the Town's goals of public safety and aesthetics.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the Town.

SUBDIVISION 19.3 EFFECT.

Subd. 19.3. Effect. A sign may be erected, mounted, displayed or maintained in the Town if it is in conformance with the provisions of these regulations. The effect of this sign ordinance, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial and industrial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.
3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
4. Provide for the enforcement of the provisions of this sign ordinance.

SUBDIVISION 19.4 SEVERABILITY.

Subd. 19.4. Severability. If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The Town Board hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SUBDIVISION 19.5 DEFINITIONS.

Subd. 19.5. Definitions. The following words and terms, when used in this Sign Ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

Abandoned Sign – Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Awning – A roof-like cover, often of fabric, plastic, metal or glass designated and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning Sign – A building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon Sign – A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Building Sign – Any sign attached or supported by any structure used or intended for supporting or sheltering any use or occupancy.

Cabinet Sign – Any wall sign that is not of a channel or individually mounted letter construction.

Canopy – A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy Sign – Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable Copy Sign – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Changeable copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

Commercial Speech – Speech advertising a business, profession, commodity, service or entertainment.

Elevation – The view of the side, front, or rear of a given structure(s).

Elevation Area – The area of all walls that face any lot line.

Erect – Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, or any other way of bringing into being of establishment.

Flag – Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing Sign – A directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding Sign – Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Frontage – The line of contact of a property with the public right-of-way.

Grade – Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground Sign – Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight (8) feet.

Height of Sign – The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Hotel, Motel, Motor Hotel – Any building or combination of buildings containing six or more rooms used for sleeping purposes by guests on a transient basis.

Illumination Sign – Any sign which contains an element designed to emanate artificial light internally or externally.

Interior Sign – A sign which is located within the interior of any building, or within an enclosed lobby or court of any building, and a sign for and located within the inner or outer body, court or entrance of any theater.

Issuing Authority – The Town of Becker Zoning Administrator and/or Building Inspector.

Legally Established Nonconforming Sign – Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed a legal nonconforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Marquee – Any permanent roof-like structure projecting beyond a theater building or extending along an projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee Sign – Any building sign painted, mounted, constructed or attached in any manner, on a marquee.

Monument Sign – Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight (8) feet.

Multiple Tenant Site – Any site which has more than one (1) tenant, and each tenant has a separate ground level exterior public entrance.

Non-Commercial Speech – Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Off-Premise Sign – A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-Premise Messages – Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Parapet (Wall) – That portion of building wall that rises above the roof level.

Pole Sign – See Pylon Sign.

Portable Sign – Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Porte Cochere – A roofed structure or roof-like cover, extending from the entrance of a building and which provides shelter over a doorway.

Principal Building – The building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principle buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting Sign – Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.

Property Owner – Legal owner of property as officially recorded by Sherburne County.

Public Notices – Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public Street Right-of-Way – The planned right-of-way for a public street.

Pylon Sign – Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Residential District – Any district zoned for residential uses.

Roof – The exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the International Building Code.

Roof Line – The upper-most edge of the roof or in the case of an extended façade or parapet, the upper-most height of said façade.

Roof Sign – Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof Sign, Integral – Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

Rotating Sign – A sign or portion of a sign which turns about on an axis.

Setback, Front – The minimum horizontal distance permitted between the public right-of-way and a structure on the premises. In instances in which a property fronts on more than one (1) street, front setbacks are required on all street frontages.

Setback, Rear – The minimum horizontal distance permitted between the property line opposite the principal street frontage and a structure on the premises.

Setback, Side – The minimum horizontal distance permitted between the side lot line and a structure on the premises.

Shimmering Sign – A sign which reflects an oscillating sometimes distorted visual image.

Sign – Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign Face – The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign Structure – Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Site – A plot or parcel of land, or combination of contiguous lots or parcels of land, which are intended, designated, and/or approved to function as an integrated unit.

Stringer – A line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Suspended Sign – Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface.

Temporary Sign. “Temporary Sign” shall mean any sign, banner, pennant or other display constructed of cloth, canvas, light fabric, cardboard, wall board, or other light material, with or without frames, including portable signs, intended to be displayed for a limited period of time.

Total Site Signage – The maximum permitted combined area of all freestanding and wall identification signs allowed on a specific property.

Visible – Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall – Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall Sign – Any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window Sign – Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SUBDIVISION 19.6 PERMIT REQUIRED.

Subd. 19.6. Permit Required. No sign shall be erected, altered, reconstructed, maintained or moved in the Town without first securing a permit from the Town. The content of the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

Application for a permit shall be in writing addressed to the issuing authority and shall contain the following information.

- a. Names and addresses of the owners of the display structure and property;
- b. The address at which any signs are to be erected;
- c. The lot, block and addition at which the signs are to be erected and the street on which they are to front;
- d. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and place of the signs;
- e. For all freestanding or pylon signs over 50 square feet a registered certificate of survey certified by a Minnesota Registered Land Surveyor clearly showing at a minimum: dimensions of all lot lines and all easements of record, location of all public utilities, names of abutting streets, location of all structures, parking and drive areas on the site, proposed sign location, and grade elevations ten (10) feet on each side of the proposed sign location. Stakes showing property lines and sign location shall be established by the surveyor with submission of the certificate of survey. Maintenance of the stakes throughout the sign permit process is required and is the responsibility of the applicant;

- f. The cost of the sign;
- g. Type of sign (i.e. wall sign, monument sign, etc.); and
- h. Certification by the applicant indicating the application complies with all requirements of the sign ordinance.

The issuing authority shall approve or deny the sign permit in an expedited manner no more than 60 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 60 days shall be deemed approved unless written notice of extension is provided to the applicant prior to the 60 day deadline. If the permit is denied, the issuing authority shall prepare a written notice within 10 days of its decision, describing the applicant's appeal rights.

SUBDIVISION 19.7 EXEMPTIONS.

Subd. 19.7. Exemptions. The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating same.

- a. The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on the building.
- b. Signs twelve (12) square feet or less in size.

SUBDIVISION 19.8 FEES.

Subd. 19.8. Fees. Sign permit fees are established by Resolution of the Town Board and updated on a regular basis.

SUBDIVISION 19.9 REPAIRS.

Subd. 19.9. Repairs. Any sign located in the Township which may now be or hereafter become out of order, rotten or unsafe, and every sign which shall hereafter be erected, altered, resurfaced, reconstructed or moved contrary to the provisions of this section, shall be removed or otherwise properly secured in accordance with the terms of this section by the owners thereof or by the owners of the grounds on which said sign shall stand, upon receipt of property notice so to do, given by the issuing authority. No rotten or other unsafe sign shall be repaired or rebuilt except in accordance with the provisions of this section and upon a permit issued by the issuing authority.

SUBDIVISION 19.10 REMOVAL.

Subd. 19.10. Removal. In the event of the failure of the owner or person, company or corporation having control of any sign, or the owner of the grounds on which the sign is located, to remove

or repair said sign within 60 days after the use is terminated, a notice shall be given and the sign may be removed by the Town at the expense of the owner or manager of the sign, or the owner of the ground upon which the sign stands.

SUBDIVISION 19.11 VIOLATIONS.

Subd. 19.11. Violations. Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

SUBDIVISION 19.12 GENERAL STANDARDS.

Subd. 19.12. General Standards.

- A. Except as hereinafter provided, no signs shall be erected or maintained at any angle to a building or structure which sign extends or projects over the sidewalk, street, highway, or right-of-way.
- B. Multi-faced signs shall not exceed two (2) times the allowed square footage of single faced signs.
- C. No sign that exceeds two hundred (200) square feet in area or 25 feet in height shall be erected if:
 - 1. It would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street from a distance of five hundred (500) feet.
 - 2. It would be closer than five hundred (500) feet to a national, state or local park structure, historic site, picnic or rest area, church or school.
 - 3. It would be closer than one hundred-fifty (150) feet to any residential structure.

SUBDIVISION 19.13 ELECTRIC SIGNS.

Subd. 19.13. Electrical Signs. Electrical signs must be installed in accordance with the current electrical code and a separate permit from the State Electrical Inspector must be obtained prior to placement.

SUBDIVISION 19.14 TEMPORARY SIGNS.

Subd. 19.14. Temporary Sign. Temporary signs are subject to the following regulations.

- A. Temporary signs in residential zoning districts shall not exceed a total of sixteen (16) square feet in area. There is no limit to the amount of time a temporary sign is allowed to be displayed.
- B. Temporary signs in commercial and industrial zoning districts shall not exceed thirty two (32) square feet in area.

1. The advertisement contained on any temporary sign shall only identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.
2. One on-premises temporary or portable sign is allowed per business, as allowed by the Town Zoning Administrator or their designee subject to the following:
 - a. Signs may not be displayed for more than ninety (90) calendar days per calendar year.
 - b. Signs may not be displayed without a permit. Up to four permits per year may be issued to a business, not to exceed the number of days allowed in subsection 2a of this section. Each permit must indicate the number of days the sign is to be displayed. A fee and deposit at a level established by Resolution of the Becker Town Board is required. The deposit is refundable if the sign meets all requirements and is removed on time.

SUBDIVISION 19.15 UNAUTHORIZED SIGNS.

Subd. 19.15. Unauthorized Signs. The following signs are unauthorized signs:

- A. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- B. All off-premise signs.
- C. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, meter posts, bridges, towers, traffic posts, stakes or similar structures in any street right-of-way.

SUBDIVISION 19.16 AREA.

Subd. 19.16. Area. The area within the frame shall be used to calculate the square footage except that the width of a frame exceeding 12 inches shall constitute sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage.

SUBDIVISION 19.17 CANOPIES, MARQUEES, AND FIXED AWNINGS.

Subd. 19.17. Canopies, Marquees, and Fixed Awnings. Canopies, marquees and fixed awnings are an integral part of the structure to which they are attached. They are allowed in the Commercial and Industrial Districts if they meet the following requirements and the applicable square footage requirements.

1. An awning, canopy or marquee may not project into the public right-of-way;
2. Awnings, canopies or marquees may have no part of the structure other than supports nearer the ground surface than seven feet;
3. The architectural style of the awning, canopy or marquee must be consistent with the building being served; and
4. Awnings, canopies, or marquees projecting into the required yards may not be enclosed except with a transparent material permitting through vision.

SUBDIVISION 19.18 ILLUMINATION.

Subd. 19.18. Illumination. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.

SUBDIVISION 19.19 RETROACTIVE AFFECT.

Subd. 19.19. Retroactive Affect. This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

SUBDIVISION 19.20 NON-COMMERCIAL SPEECH.

Subd. 19.20. Non-Commercial Speech. Notwithstanding any other provisions of this sign ordinance, all signs of any size containing political campaign Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. All other Non-Commercial signs shall not be regulated by these timeframes but must adhere to all other provisions of this Ordinance.

SUBDIVISION 19.21 PERMITTED SIGNS BY DISTRICT.

Subd. 19.21. Permitted Signs by District.

A. Residential Districts

1. Within residential zoning districts signs are permitted as follows:

<u>District</u>	<u>Maximum Sign Area of Single Sign</u>	<u>Total Area of All Signs</u>
AG	32 square feet per surface	64 square feet
Gen-R	16 square feet per surface	32 square feet

2. Maximum Height: No sign shall exceed eight (8) feet above grade.
3. Setback: Any sign over two (2) square feet shall be located at least ten (10) feet from any property line.
4. The following types of signs are not permitted in the General Rural (Gen-R) zoning districts:
- Awning signs;
 - Balloon signs;
 - Canopy signs;
 - Flashing signs;
 - Marquee signs;
 - Pole-signs;
 - Pylon signs; and
 - Shimmering signs

B. Commercial, Neighborhood Commercial Districts

1. Within Commercial, and Neighborhood Commercial zoning districts signs are permitted as follows:
- a. Except as provided herein, the total square footage of sign area for each lot shall not exceed one and one-half square feet of sign area for each lineal foot of lot frontage. However, where a location is a corner lot, the amount may be increased by one (1) square foot of sign per front foot of public right-of-way along said lot line.
 - b. Area: No sign, or combination of signs on one lot, shall exceed the maximum allowed area as set forth in Table 1.
 - c. Height: No sign shall exceed the height of the primary structure on the lot said sign is located. In no event shall the maximum height exceed that set forth in Table 1.
 - d. Setback: Any sign over six (6) square feet shall be placed at least ten (10) feet from any front, side and rear property line. In no event shall any part of a sign be closer than two (2) feet to a vertical line drawn at

the property line. All signs over one hundred (100) square feet shall be placed at least one hundred fifty (150) feet from any residential or agricultural district.

Table 1.

TRAFFIC SPEED ALLOWED	MAXIMUM ALLOWED SIGN AREA	MAXIMUM ALLOWED HEIGHT
25 - 30 mph	75 sq ft	25 ft
35 - 45 mph	150 sq ft	30 ft
50 + mph	200 sq ft	35 ft

C. Industrial Districts

Within the Industrial 1, Industrial 2, and Heavy Industrial zoning districts signs are permitted as follows:

- a. Except as provided herein, the total square footage of sign area for each lot shall not exceed two (2) square feet of sign area for each lineal foot of lot frontage. However, where a location is a corner lot, the amount may be increased by one (1) square foot of sign per front foot of public right-of-way along said lot line.
- b. Area: No sign, or combination of signs on one lot, shall exceed four hundred (400) square feet in area.
- c. Height: No sign shall exceed the height of the primary structure on the lot said sign is located or forty-five (45) feet in height above grade, whichever is less.
- d. Setback: Any sign over ten (10) square feet shall be placed at least ten (10) feet from any property line. In no event shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line. All signs over one hundred (100) square feet shall be placed at least one hundred fifty (150) feet from any residential or agricultural district.

SUBDIVISION 19.22 NON-CONFORMING SIGNS.

Subd. 19.22. Non-conforming Signs: Compliance. It is recognized that signs exist within the zoning districts which were lawful before this sign ordinance was enacted, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments. It is the intent of this sign ordinance that nonconforming signs shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other signs or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit legal nonconforming signs existing on the effective date of this sign ordinance, or amendments thereto, to continue as legal nonconforming signs provided such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:

- a. No sign shall be enlarged or altered in a way which increases its nonconformity.
- b. Should such sign or sign structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost and no building permit has been applied for within 180 days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- c. Should such sign or sign structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- d. No existing sign devoted to a use not permitted by the zoning code in the zoning district in which it is located shall be enlarged, extended or moved except in changing the sign to a sign permitted in the zoning district in which it is located.
- e. When a structure loses its nonconforming status all signs devoted to the structure shall be removed and all signs painted directly on the structure shall be repainted in a neutral color or a color which will harmonize with the structure.

SUBDIVISION 19.23 NONCOMMERCIAL SPEECH SUBSTITUTION CLAUSE.

Subd. 19.23. Noncommercial Speech Substitution Clause. The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

SECTION 20. ADMINISTRATION

SUBDIVISION 20.01 ZONING ADMINISTRATOR.

1. The Zoning Administrator shall be appointed by the Joint Planning Board.
2. Duties and responsibilities of the Zoning Administrator:
 - a. Determine if applications are complete and comply with the terms of the Ordinance.
 - b. Direct or conduct inspections of sewage systems and other uses of the land to determine compliance with the terms of the Ordinance.
 - c. Maintain permanent and current records of the Ordinance including, but not limited to, maps, amendments, Land Use Permits, Conditional Use Permits, Variances, appeals and applications, and future conditions or expiration of permits.
 - d. Review, file and forward applications for appeals, Variances, Conditional Uses and Zoning amendments.
 - e. To review and act on all metes and bounds property divisions within the Township that results in parcels that are greater than 20 acres.
 - f. Enforce the provisions of this Ordinance by reviewing complaints and by pursuing contacts with any violator in accordance with standard procedures as adopted and modified from time to time.
 - g. Mail notices relative to public hearings for Variances, Conditional Uses and Zoning Changes.
 - h. Under the direction of the Chairperson of the Planning Commission, prepare and distribute meeting agendas.
 - i. Attend meetings and provide research and findings to the Board of Adjustment/Planning Commission.
 - j. Issue Land Use Permits upon application for structures on lots conforming to this Ordinance when the conditions of the Ordinance are met; to issue Conditional Use Permits when directed by the Town Board; to issue notices of a Zoning change when directed by the Town Board.
 - k. To mail a copy of the findings to applicants.
 - l. To file copies of Conditional Use Permits and Variances with the County Recorder.
 - m. To communicate with the DNR where required by the Ordinance or State Law.
 - n. To ensure that the Joint Planning Board, Planning Commission and Board Adjustment review land use application or public hearing applications as prescribed by State Statutes.
 - o. To conduct periodic and final inspections of property subject to conditions of approval relating to variances, conditional use permits and other land use applications and report findings to the Planning Commission.

- p. Keep the Joint Planning Board up to date with regards to changes in state and county land use regulations.

SUBDIVISION 20.02 BOARD OF ADJUSTMENT.

1. The Board of Adjustment shall consist of the members of the Joint Planning Board. The chairperson and vice-chairperson of the Joint Planning Board shall have the same duties on the Board of Adjustment.
2. Duties and responsibilities of the Board of Adjustment.
 - a. To consider appeals from the action of the Zoning Administrator wherein the Board will be the final authority of the Administrator.
 - b. To make final determinations on variances, conditional use permits, ordinance amendments, subdivisions, and plats.
 - c. To review and provide recommendations to the Town Board on Variances and Amendments
 - d. To keep a record of its proceedings, notifications and justifications for its actions.

Ordinance 2016-03; May 24, 2016

SUBDIVISION 20.03 PLANNING COMMISSION.

1. Organization of the Planning Commission.
 - a. The Planning Commission shall consist of the citizens of the Town and/or Joint Planning Board members.
 - b. The Commission shall elect a chairperson and vice-chairperson from its members for a term of one year.
 - c. The Commission shall meet twelve times a year, once each month, at a regular meeting unless the docket is empty, in which case the Mayor and/or Chairperson can approve suspension of a meeting. Special meetings shall be advertised in the official newspaper and posted in the Town Hall at least 10 days in advance of the meeting.
2. Duties and responsibilities of the Planning Commission under this Ordinance.
 - a. To hold hearings after proper public notice.
 - b. To review and provide recommendations to the Joint Planning Board on proposed plats.
 - c. To review and make recommendations on all metes and bounds property divisions within the Town that result in parcels that are under 20 acres.
 - d. To review and provide recommendations to the Joint Planning Board on requests for Variances and Conditional Use Permits with complete findings to justify the decision.
 - e. To periodically review the Zoning map and Ordinances and consider their role in shaping the growth of the community and to recommend changes to the Joint Planning Board of

Ordinance 2016-03: May 24, 2016

these documents to guide growth and current land use toward the goals of the Comprehensive Plan.

- f. To review past actions and direct future actions of the Zoning Administrator.
- g. To recommend on a timely basis that the Town Board review the Comprehensive Plan when appropriate.
- h. To keep a record of its proceedings, notifications and justifications for its actions.

SUBDIVISION 20.04 JOINT PLANNING BOARD

1. The Joint Planning Board shall have the following duties under this Ordinance:
 - a. Appoint the Zoning Administrator by a majority vote, or terminate the Zoning Administrator by a 4/5 vote.
 - b. Confirm the appointments by the Town Board Chair of members to the Board of Adjustment/Planning Commission members by a majority vote, or to remove members by a 4/5 vote.
 - c. To decide within the required time frame the following:
 - i. Recommendations as the Board of Adjustment, changes in the Zoning Ordinance and modifications to Zoning District boundaries.
 - ii. Recommendations from the Planning Commission for acceptance of proposed plats, Variances, Conditional Use Permits, final plats, metes and bounds subdivisions, condominium plans and other matters directed to them.
 - d. To hear or initiate appeals from the actions of the Zoning Administrator and the Planning Commission where their action is normally final.

Ordinance 2016-03; May 24, 2016
 - e. To direct enforcement of this Ordinance.

SUBDIVISION 20.05 CONDITIONAL USE PERMITS.

1. Conditional Use Permits shall run with the property for structures or other specified uses, as recommended by the Planning Commission after a public hearing and approved by the Town Board. All applications for a Conditional Use Permit shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 500 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing. The Zoning Administrator shall send the same notice at least 10 days in advance of this hearing to the DNR if the proposed is in the shoreland area.

2. Submissions for C.U.P. The applicant shall complete the Conditional Use Permit application approved by the Planning Commission. The application shall contain submittal requirements, criteria for approval, procedure for consideration and Town contact information. The Joint Planning Board shall not accept applications where the applicant has past due fees or charges due to the Town until the account is made current.
3. No Conditional Use Permit application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Conditional Use Permits can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
4. In permitting a new Conditional Use or alteration of an existing Conditional Use, the Planning Commission may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission considers necessary to protect the best interest of the surrounding area or the Town as a whole.
5. The Planning and Zoning Commission shall decide the issue with consideration to the following:
 - a. The following must be met:
 - i. The use or development is an appropriate conditional use in the land use zone.
 - ii. The use or development, with conditions, conforms to the comprehensive land use plan.
 - iii. The use with condition is compatible with the existing neighborhood.
 - iv. The use with conditions would not be injurious to the public health, safety, welfare, decency, order, comfort, convenience, appearance or prosperity of the Town.
 - b. The following must be considered:
 - i. The conditional use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose permitted on that property, nor substantially diminish or impair values in the immediate vicinity.
 - ii. The conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - iii. The conditional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
 - iv. The conditional use will have vehicular approaches to the property which are so designed as not to create traffic congestion or an indifference with traffic on surrounding public thoroughfares.
 - v. Adequate measures have been taken to provide sufficient off-street parking and loading space to serve the proposed use.
 - vi. Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so none of these will constitute a nuisance and to control lights and signs in such a manner, that no disturbance to neighboring properties will result.
 - vii. The conditional use will not result in the destruction, loss or damage of a natural, scenic or historical feature of major significance.

- viii. The conditional use will promote the prevention and control of pollution of the ground and surface waters including sedimentation and control of nutrients.
6. When costs to the Joint Planning Board involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the Town for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Board may need to retain in reviewing applications.
7. Violations of the conditions of a Conditional Use Permit shall automatically suspend the permit. A review of the violation shall be conducted by the Planning Commission. The Planning Commission shall make a recommendation to the Joint Planning Board on conditions for reinstating the permit or for revocation. The Joint Planning Board shall make the final decision on reinstating or revoking the suspended permit.
8. Failure by the owner to act on a Conditional Use Permit within 12 months, or failure to complete the work under a Conditional Use Permit within 2 years, unless extended by the Planning Commission, shall void the permit. A second extension shall require a new public hearing.
9. Appeals from the action of the Town shall be filed with District Court within 30 days after final action.
10. The Conditional Use Permit shall be filed with the County Recorder within 45 days.
11. The Conditional Use Permit runs with the land and applies to subsequent purchasers of the land so long as the conditions are being met.

SUBDIVISION 20.06 VARIANCES.

1. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.
2. Variances shall only be permitted when
 - (i) when they are in harmony with the general purposes and intent of the ordinance and
 - (ii) when the variances are consistent with the comprehensive plan.
3. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

"Practical difficulties," as used in connection with the granting of a variance, means that:

 - (i) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - (ii) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - (iii) the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

4. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Ordinance 2016-03; May 24, 2016

5. All applications for a Variance shall be submitted to the Zoning Administrator 30 days ahead of the hearing date, accompanied by a certificate of survey (unless waived by the Zoning Administrator) showing the details of the proposal and an accurate legal description, along with the appropriate fee. The fee or contract owner of the property shall sign the application. The Zoning Administrator shall notify all property owners within a minimum of 500 feet by regular mail and shall advertise the hearing once in the legal section of the official newspaper at least 10 days ahead of the public hearing.
6. Submissions for Variances. The applicant shall complete the Variance application approved by the Board of Adjustment. The application shall contain submittal requirements, criteria for approval, procedure for consideration and Town contact information. The Town shall not accept applications where the applicant has past due fees or charges due to the Town until the account is made current.
7. When costs to the Joint Planning Board involved in processing and reviewing an application exceeds the original application fees, the applicant shall reimburse the Board for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Town may need to retain in reviewing permits.
8. No Variance application shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Variances can only be requested by contractors or property owners with outstanding violations upon resolution of the violation to the satisfaction of the Planning Commission.
9. Failure by the owner to act within 12 months on a Variance unless extended by the Board of Adjustment shall void the Variance. A second extension shall require a new public hearing. This provision shall apply to any Variance outstanding at the time of the Ordinance adoption.
10. Violations of the conditions of a Variance shall void the variance.
11. Appeals from the action of the Joint Planning Board shall be filed with the District Court within 30 days after Joint Planning Board action.
12. The Variance shall be filed by the landowner with the County Recorder within 45 days of approval.

Ordinance 2011-03; September 27, 2011

SUBDIVISION 20.07 LAND USE PERMITS.

1. Land Use Permits are required for all new structures and any change in structure dimensions, structural components, number of bedrooms, any construction or repair of a sewage system and any grading and filling in shoreland not exempted by this ordinance. Land Use Permits shall only be issued to the owner of the property.
2. Where a proposed use requires action of the Board of Adjustment, Planning Commission or Board or posting of financial security, said action shall occur and the Conditional Use Permit, Variance, Zoning District change, final plat plan approval, approval of metes and bound division shall be issued or security posted before the Land Use Permit is issued.
3. The Joint Planning Board shall not accept applications where the applicant has past due fees or charges due to the Town or the County until the account is made current.
4. No applications shall be accepted by the Zoning Administrator from a contractor or property owner having outstanding violations. Permits can only be issued to contractors or property owners with outstanding violations by majority vote of the Planning Commission after the violation has been resolved to the satisfaction of the Planning Commission.
5. Lot corners shall be visible on the lot. The Zoning Administrator may require a new survey when stakes are not visible or have been removed through erosion, construction or other action and require that a new certificate with existing and recorded dimensions shall be provided.
6. Unless extended by the Zoning Administrator, where a Land Use Permit has been issued but no action has occurred within 12 months, the Land Use Permit shall be null and void. Exterior work on the structure shall be complete in 24 months from the issuance of the Land Use Permit. The time limit may be extended up to six months by the Zoning Administrator for good cause. A second extension shall be decided by the Planning Commission.
7. Granting of a Land Use Permit shall occur when all requirements of the Ordinance have been met, but shall not be considered a statement of compliance with regional, State or Federal codes, statutes or laws or approval of the design of the structure or accessories, or description of the property. Subsequent actions of the Zoning Administrator shall not be considered acceptance of structural components or workmanship, but rather shall be for the purpose of determining general compliance with the Land Use Ordinance.
8. If the Zoning Administrator determines that any violation of the permit or other section of the Ordinance has occurred, the permit shall become null and void.
9. Temporary or mobile uses that are not otherwise regulated in this Ordinance require an application for and approval by the Clerk's office of an annual Administrative Permit. The fee for such permit is listed in the Fee Schedule. Approval of the Administrative Permit shall not be considered a statement of compliance with regional, State, or Federal codes, statutes, or laws.

Ordinance 2018-01; December 14, 2018

SUBDIVISION 20.08 SUBDIVISION

The procedure for subdivision is addressed in Section 17 of this Code.

SUBDIVISION 20.09 FEES

1. Applicable fees are established in Section 20.
2. No permit shall be issued, or request brought before the Board of Adjustment or Planning Commission until the fees are paid. All applications where work has already started shall require the payment of an after-the fact fee as outlined in Section 20. The Board shall not accept applications where the applicant has any past due fees or charges due to the Town until the account is made current.

SUBDIVISION 20.10 FINANCIAL REQUIREMENTS

1. Applications will not be accepted as complete where an applicant has any utility charges, delinquent taxes, delinquent assessments or other fees past due with the Town or County. The past due account must be paid to bring the account current before an application will be accepted.
2. When costs associated with processing or reviewing an application exceed the original application fees, the applicant shall reimburse the Board for any additional costs. Such expenses may include, but are not limited to, payroll, mailing costs, consultant fees and other professional services the Board may need to hire in reviewing permits. Outstanding fees shall be paid before issuance of the permit and any construction of the project begins.

SUBDIVISION 20.11 REQUIRED DECISION MAKING TIME FRAMES.

The Joint Planning Board shall make land use decisions pursuant to time frames established in Minnesota Statutes. It shall be the applicant's responsibility to submit a completed application packet, which shall by definition include the application forms approved by the Town, site plan with all information required by this ordinance and remit proper fees. Once the Zoning Administrator or appointee has received the completed application packet, the review time frame shall commence.

SECTION 21 ENFORCEMENT

SUBDIVISION 21.01 VIOLATIONS AND PENALTIES.

1. This ordinance shall be administered and enforced by the Zoning Administrator who is hereby designated the enforcing officer.
2. In the event of a violation or a threatened violation of the ordinance, the Joint Planning Board Board may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations. It shall be the duty of the Town Attorney to institute such action.
3. Any person, firm or corporation who shall violate 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 punished by a fine not to exceed one thousand dollars (\$1000) or by imprisonment not to exceed ninety (90) days or both. Each day that a violation continues shall constitute a separate offense. The owner of the subject property and any contractor(s) involved shall be considered jointly liable.
4. The contractor(s) performing any work requiring a permit under this ordinance shall be in violation of the ordinance if working on the site prior to the issuance of a permit.
5. If the Joint Planning Board determines to enforce compliance of the Zoning Ordinance through a civil remedy, the offending party shall be required to reimburse the Joint Planning Board for the Board's reasonable attorney's fees and costs, and other professional costs incurred by the Board associated with enforcing the offending party's compliance with the Zoning Ordinance.

SUBDIVISION 21.02 LIABILITY OF JOINT PLANNING BOARD OFFICIALS.

The failure of any officer of the Joint Planning Board or contractors or employees of the Board to act pursuant to this ordinance, except as an individual acting in his own behalf, shall not be an offense and shall not subject the officer, Board or employee to any penalty. The Board shall not be liable for the problems arising from reliance on lot corners, legal descriptions or other information provided by the property owner.

SUBDIVISION 21.03 EQUITABLE RELIEF.

In the event of a violation or threatened violation of any provision of this ordinance or the conditions of any permit issued pursuant to the ordinance, the Town, in addition to other remedies, may act or institute action to prevent, restrain, correct or abate such violation or threatened violation.

SECTION 22 FEES

Reserved

SECTION 23 AMENDMENTS

The Becker Joint Planning Board may adopt amendments to either the Zoning Ordinance, Zoning Map or Overlay Maps in relation to the land uses within a District or the boundaries of the District(s) by the most restrictive majorities allowed by Minnesota Statute. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals of the community or changes in the conditions of the Town.

SUBDIVISION 23.01. PROCEDURE.

1. An amendment may be initiated by the Joint Planning Board, Town Board, Planning Commission or by any property owner.
2. The Zoning Administrator shall review the proposed changes and make a recommendation to the Planning Commission.
3. The Board shall make a reasonable attempt to cause all property owners within a minimum of 500 feet of proposed Zoning District change to be notified by regular mail and shall publish a hearing notice for either a Zoning District change or Zoning Ordinance change in the official newspaper and, for shoreland areas, shall provide notice to the DNR at least 10 days ahead of the public hearing. The Planning Commission shall hold the hearing and make a timely recommendation to the Town Board.
4. The Town Clerk shall publish a summary of the text of the change or description of boundary change or a new Zoning map, whichever is appropriate, in the official newspaper within 30 days after action by the Town Board.

Amendments to the Becker Joint Planning Board Zoning Ordinance

In Ord?	Ordinance Identification Section(s) Altered	Description	Date Approved	Publication Date
<input checked="" type="checkbox"/>	Original Passage	Establishment of Zoning and Subdiv. Ord	10/27/2009	3/27/2010
<input checked="" type="checkbox"/>	09-03 Section 13, Subdiv 13.03 Section 16	Adult Establishments	12/22/2009	3/27/2010
<input checked="" type="checkbox"/>	09-04	Adult Est. added to each zoning district	12/22/2009	3/27/2010
<input checked="" type="checkbox"/>	09-05 Section 19	Signs	12/22/2009	3/27/2010
<input checked="" type="checkbox"/>	2010-01	Access Requirements Ag/GR & Accessory Structures under General Performance Standards	11/23/2010	
<input checked="" type="checkbox"/>	2011-01	Portable Temporary Storage Structures Added	1/25/2011	
<input checked="" type="checkbox"/>	2011-02	Animal Density/Units	2/22/2011	
<input checked="" type="checkbox"/>	2012-01	Add Definition of Subdivision, Boundary Adjustment	1/24/2012	
<input checked="" type="checkbox"/>	2012-02	Section 15 Floodplain Management	4/24/2012	
<input checked="" type="checkbox"/>	2015-02	Major and Minor Extractions added	2/28/2015	
<input checked="" type="checkbox"/>	2016-01	Solar Added		
<input checked="" type="checkbox"/>	2016-02	Rezoning Ag to GR – 2 parcels	3/22/2016	
<input checked="" type="checkbox"/>	2016-03	Definitions – Accessory Structure, Family, Personal Storage Structure, Accessory Use, many others	5/2016	
<input checked="" type="checkbox"/>	2016-04	Granny Pod opt out	9/27/16	
<input checked="" type="checkbox"/>	2016-05	VOID		

<input checked="" type="checkbox"/>	2016-06	Commercial Kennels	10/28/16	10/28/16
<input checked="" type="checkbox"/>	2017-01	Section 16 Animal Units	5/23/2017	
<input checked="" type="checkbox"/>	2017-02	Definitions Animal Units	5/23/2017	

JOINT PLANNING BOARD

ORDINANCE NO. 2016-04

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593**

The Becker Joint Planning Board so ordains:

SECTION 1.

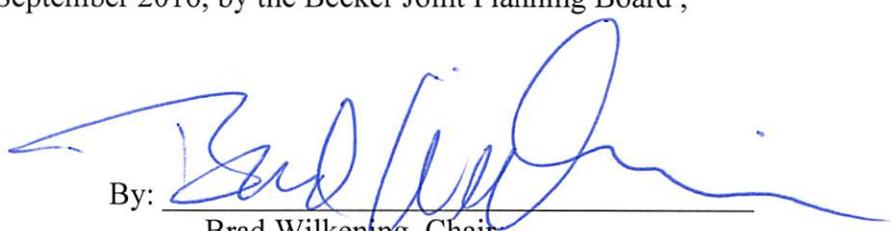
WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings; and

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows municipalities, of which Townships are included, to “opt out” of those regulations;

THE BECKER JOINT PLANNING BOARD hereby opts out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 27th day of September 2016, by the Becker Joint Planning Board ,
Sherburne County, Minnesota.

By: 
Brad Wilkening, Chair

ATTEST:


Lucinda Messman, Clerk

