

are required shall cease until the environmental review procedure established by this ordinance is completed.

### 3.16. **SCHEDULE OF FEES**

The Township Board shall annually review and adopt a Todd Township Fee Ordinance for all fees for permits, conditional uses, variances, and plat work and any other administrative costs after a public hearing has been held. These fees shall be paid at the time of application and are non-refundable.

## 4.0 **ZONING DISTRICTS**

### 4.01. **Criteria for Designation**

The land use districts in section five and the delineation of a land use district's boundaries on the Todd Township Official Map are based on the goals and policies of the township's comprehensive plan and the following criteria, considerations, and objectives:

- A. General considerations and criteria for all land uses.
- B. Compliance with the Todd Township Community Comprehensive Plan and all other township ordinances, as amended.
- C. Socioeconomic development needs and plans of the township, especially as they involve water and related land resources, its compatibility with a desirable pattern of development in the area and in the township.
- D. Preservation of natural areas and resources.
- E. Vegetative covers.
- F. Topographic characteristics.
- G. The necessity to preserve and restore certain areas having significant historical or ecological value.
- H. Water and wastewater needs and services within Todd Township that follow the Todd Township Wastewater Plan Amendment on file with the Zoning Administrator.
- I. Soil types within the township and their engineering capabilities.
- J. Present ownership and development patterns.
- K. Desired road transportation patterns and service center accessibility.

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## **5.0 LAND USE DISTRICT PROVISIONS**

Todd Township is hereby divided into the land use districts provided below and as shown on the official map, which may be amended from time to time per procedures in the ordinance. This map is hereby recorded at the Hubbard County Recorder's Office and the office of the township clerk and is hereby made a part of this ordinance.

### **5.01 General Zoning District Provisions**

In order to classify, regulate and restrict the location of agricultural, residential and commercial uses, and the location of buildings designated for specific uses, to protect residential uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas, and to regulate and determine the areas of yards and open space within and surrounding such buildings, the township is hereby divided into zoning districts. The use, height and area regulations shall be uniform in each district, and said districts shall be known as:

AG – Agricultural District

RR – Rural Residential District

C - Commercial District

### **5.02 Zoning District Boundaries**

Zoning district boundary lines established by this ordinance generally follow, section lines, lot lines, the center lines of railroad rights-of-way, road and street rights-of-way, watercourses or the corporate and Todd Township limit lines, all as they exist upon the effective date of this ordinance.

- 5.02.1 Appeals concerning the exact location of a zoning district boundary line shall be heard by the Board of Adjustment, pursuant to section 3 of this ordinance.
- 5.02.2 Whenever any township road, or other public way is vacated by official action by the township, the zoning district adjoining each side of such road or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- 5.02.3 All township roads, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property in the most restrictive classification immediately abutting upon such township roads, public ways or railroad rights of way. Where the center line of rights of way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.
- 5.02.4 All areas within the limits of the township which are under water and which are not shown as included within any zone shall be subject to all regulations of the zone which immediately adjoins such water area. If such water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to be extended into the water area in a straight line until they meet the other district at the halfway point and/or to the township or city corporate limits.



### 5.03 **Agricultural District**

The purpose of this district is to preserve and protect those portions of the township where agriculture, livestock and/or forestry are a dominant land use and are expected to continue to be vital elements of the local economy as identified in the comprehensive Plan. An efficient and profitable agricultural/livestock/forestry industry is an economic benefit to this township. It provides added opportunity to the crop based agriculture and creates service industries that provide employment and further economic related activities.

This zone has been created to promote the orderly development of agriculture/livestock/forestry and to reduce the risk of pollution and damages to natural resources. Other compatible uses may be allowed under conditional use permits or interim use permits.

This district is intended to meet the following goals of the Todd Township Comprehensive Plan:

- Limit loss and intrusion of residential development near agricultural land by family owned farms
- Minimize intrusion on farming areas where there would be need for more infrastructure and public services
- Constrain commercial farming / feedlots
- Control temporary housing/ and use of recreational vehicles in agricultural areas
- Protect surface water / ground water contamination by education about shallow wells and poor land practices
- Allow, but carefully manage irrigation use
- No loss of wetlands
- Evaluation and referral of potential wetlands areas

#### **Lot Requirements**

- a) Minimum acreages: 5 acres,
- b) Minimum lot width: 330 feet
- c) Setbacks from:
  - Property line – 50 feet
  - County right of way – 35 feet
  - Township and other rights-of-way – 35 feet
- d) Maximum lot impervious surface coverage – 20%

#### **Permitted Uses**

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this ordinance*:

- Accessory agricultural buildings subject to the conditions of *Section 6 & 7 of this ordinance*
- Agricultural operations
- Cabin
- Cemeteries
- Conservation designed development
- Daycare center 14 children or less
- Dwelling-single family residential
- Earth shelter homes
- Essential services, transmission services, utility substations
- Guest cottage – less than six hundred (600) square feet



- Garage – attached and detached
- Greenhouses and nurseries
- Licensed nonresidential programs
- Licensed residential programs
- Public and private forest and game management areas
- Public parks and trails
- Residential accessory buildings subject to the conditions of *Section 6 & 7 of this ordinance*
- Solar Energy System - Accessory

#### **Conditional Uses:**

The following uses may be allowed as conditional uses following the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this ordinance*.

- Antennas, personal wireless
- Automobile sales
- Bed & breakfast inns
- Churches
- Community buildings
- Concrete (ready mix) or asphalt mixing facility, permanent
- Contractor Shop (i.e. plumber/electrician/landscaper)
- Golf course
- Guest cottage – greater than six hundred (600) square feet but not more than 700 square feet
- Kennels – more than 4 animals
- Manufactured home park
- Mini-storage facility
- Multifamily dwelling
- Conventional designed developments
- Professional services – (i.e. medical, accounting, attorney, dental).
- Solar Farm
- Vehicle repair shop
- Welding shop

#### **Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Sections 6 & 7 of this ordinance*:

- Concrete (ready mix) or asphalt mixing facility, temporary
- Group family daycare
- Group family daycare
- Home business
- Home occupation
- Migrant and/or seasonal worker housing
- Mining
- Outside storage/display of goods less than 2 months

- Secondary dwelling unit
- Temporary uses/special events

#### 5.04 **Rural Residential District**

A Rural Residential district is intended to provide somewhat limited residential development opportunity on land that is near lakeshores and growth areas. The rural residential district is a transitional district, and to minimize future land use conflicts, new animal feedlots shall be prohibited and to maintain the area's rural characteristics, conservation design development shall be encouraged. This district is intended to meet the following Todd Township Comprehensive Plan goals:

- Promote land conservation / compatible land uses
- Preserving nature and flavor of the quiet open space character of the township
- Conservation based subdivision work –facilitate a preference for conservation designed work in the township for development
- Consider green spaces / buffers – preserving and/or creating new green spaces with and around developments and differing land uses
- Implement mobile home regulations to address problems
- Allow some types of home business uses
- Enforce parking / signage
- Consider home versus commercial uses /standards
- Review subdivisions concerns regarding roads and construction
- Consider the total carrying capacity of township
- Work towards identifying population growth and implement lifestyle housing for all landowners in the township to meet the changing times and aging population
- Pave roads in new developments through developer's agreements and contracts

#### **Lot Requirements**

- a) Minimum acreages: 2.25 acres
- b) Minimum lot width: 150 feet
- c) Setbacks from:
  - Property line – 20 feet
  - County right of way – 35 feet
  - Township and other rights-of-way – 35 feet
- d) Maximum impervious lot coverage – 20%

#### **Permitted Uses**

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this ordinance*:

- Conservation designed developments
- Dwelling-single family
- Earth shelter home
- Existing agricultural uses
- Family daycare
- Garage – attached and detached
- Guest cottage – less than six hundred (600) square feet
- Licensed residential programs
- Licensed nonresidential programs

- Public parks and trails
- Residential accessory buildings
- Solar Energy System - Accessory

### **Conditional Uses**

The following uses may be allowed as conditional uses following the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this ordinance*.

- Antennas, personal wireless
- Bed & breakfast inns
- Cemeteries
- Churches
- Dwelling-multifamily
- Golf course
- Guest cottages – greater than six hundred (600) feet but not more than 700 feet
- Manufactured home park
- Conventional designed developments

### **Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Sections 6 & 7 of this ordinance*:

- Concrete (ready mix) or asphalt mixing facility, temporary
- Group family day care
- Home business
- Home occupations
- Outside storage/display of goods less than 2 months
- Secondary dwelling unit
- Temporary uses/special events

## **5.05 Commercial District**

The purpose of this district is to promote the concentration of a wide range of commercial and recreational establishments into a general commercial area to service residents and the traveling public. A commercial district is near existing business areas. The commercial district varies in size and depth from the road rights-of-way as shown on the Todd Township Official Land Use Map. This district is intended to meet the following Todd Township Comprehensive Plan goals:

- Regulate scattered and fragmented commercial uses
- Support living wage opportunities
- Identify the types of suitable commercial growth in township



### **Lot Requirements**

- a) Minimum acreage: 43, 560 square feet (1 acre)
- b) Minimum lot width: 200 Feet
- c) Setbacks from:      Property line – 10 feet  
                                 County right of way – 35 feet  
                                 Township and other rights-of-way – 35 feet
- d) Maximum impervious lot surface – 25%

### **Permitted Uses**

The following uses are permitted subject to any applicable performance and general development standards contained in *Sections 6 and 7 of this ordinance*:

- Accessory uses and structures that are incidental to the principal use
- Antennas – receiving short wave/private transmitting, personal wireless service and microwave, subject to the conditions of Section 6 & 7 of this ordinance
- Bait shops
- Beauty shops
- Churches
- Community buildings
- Day care centers
- Eating and drinking establishments
- Essential services – distribution and utility substations
- Financial institutions
- Golf courses and club houses
- Government and administrative buildings
- Grocery stores
- Health clubs
- Landscape, nursery, greenhouse or garden sales
- Liquor-off sale – must have pre-approved license
- Lumber sales/warehouse
- Offices, clinics
- Outdoor display
- Retail uses
- Self-service storage facilities
- Solar Energy Systems - Accessory
- Veterinary clinics

### **Conditional Uses**

The following uses may be allowed as conditional uses following the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Section 6 and 7 of this ordinance*.

- Contractor shop (i.e. plumber/electrician/landscaper)
- Drive in businesses
- Grain and seed sales and storage
- Gas Station (minor repairs) and/or convenience stores
- Hotels, motels

- Kennels, commercial, boarding only
- Motor Vehicle Repair
- Outdoor sales lots, including used cars, trucks, trailers and farm implements
- Packaging/warehouse
- Salvage yard
- Solar Farm
- Theatres - indoors
- Any use of land that is consistent with the purpose of the commercial district that is not expressly prohibited or provided for which creates employment and economic advantage

#### **Interim Use Permits**

The following uses may be allowed as interim uses subject to the procedures set forth in *Section 3.13 of this ordinance* and further subject to the performance and general development standards contained in *Sections 6 & 7 of this ordinance*:

- Outside storage/display of goods less than 2 months
- Temporary uses/special events

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## 6.0

## GENERAL DEVELOPMENT STANDARDS

### 6.0 Application

The regulations contained in this section apply to all structures and land use, and are in addition to any specific zoning district requirements of this ordinance. They are established to minimize conflict between land uses, to preserve the use and enjoyment of property, to encourage a high standard of development and to protect the public health, safety and welfare.

No use or structure shall be operated or occupied to constitute a dangerous, injurious or noxious condition because of fire, explosion or other hazard, noise, vibration, smoke, dust, fumes, odor or other air pollution, light, glare, heat, electrical disturbance, liquid or solid refuse or waste, water or soil pollution or other substance or condition. No use or structure shall unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities. In addition, no use or structure shall be operated or occupied in a manner not in compliance with any standard contained in this ordinance or any other applicable regulation.

### 6.01 Access and Driveways

#### 6.01.01 **New, Revised or Changed Use Accesses onto County Roads**

All new, revised or change of use accesses onto County roads shall be subject to the access and corridor protection guidelines of Hubbard County Highway Engineers Offices. Accesses on any County highway shall require a driveway access permit from Hubbard County.

#### 6.01.02 **Access to State Highways**

Accesses on any state highways shall require the approval of the Minnesota Department of Transportation (MNDOT).

#### 6.01.03 **Access to Township Roads**

Accesses on any township road shall require the approval by the designated representatives and/or the Todd Township Board of Supervisors through the *Todd Township Road & Access Ordinance, and successor ordinances*. Issuance of a driveway access permit from Todd Township shall be precedent to the issuance of any construction site or use permit.

### 6.02 Accessory Structures

All land use districts permit accessory structures related to the principal structure, wherein the principal use will first be established.

**Residential Accessory Structures.** An accessory structure not attached and part of the principal structure shall not be less than fifteen feet [15 feet] from any other separate structure on the same lot.

**Agricultural Accessory Structures.** See section 7.02 for agricultural accessory structures in an Agricultural land use district.



### **6.03 Agricultural Operations**

All agricultural operations in the Agricultural Districts being conducted in compliance with the terms of this ordinance and other applicable state and federal regulations shall not be deemed a violation of this Ordinance although there may have been changes in the surrounding character of the area.

### **6.04 Air Emissions**

All uses shall comply with the standards governing air emissions as regulated by the Minnesota Pollution Control Agency (MPCA).

### **6.05 County Biological Survey Native Plant Communities**

#### **6.05.01 Purpose**

Native plant communities have been identified in Todd Township by the Minnesota Department of Natural Resources. These plant communities are important to biological diversity in Minnesota and should be protected when feasible.

#### **6.05.02 Development Standards**

All parcels where a native plant community is identified in the Department of Natural Resources' map, published in 1999 and titled Native Plant Communities and Rare Species of Todd Township, Minnesota, shall be subject to the following development standards:

- A. All nonagricultural use of land and all placement of structures shall avoid encroaching upon or disturbing such native plant communities.
- B. The Minnesota Department of Natural Resources shall delineate the location of the native plant community prior to issuance of land use and building permits.
- C. All clearing of vegetation in the delineated area, except for safety purposes, farmland, driveways and mining, is prohibited. Clearing of vegetation for enhance or maintain the biodiversity of the area is permitted if a plan has been submitted to and approved by the Department of Natural Resources, approved and on file with the township.
- D. The removal of non-native invasive species such as European Buckthorn or Purple Loosestrife or noxious species such as Poison Ivy or Prickly Ash is permitted.
- E. The presence of and protection of native plant communities as required by this section shall not result in the loss of any numerical building rights as determined by this ordinance.

### **6.06 Direct Discharge of Waste**

All uses shall comply with the standards governing waste discharge as regulated by the Minnesota Pollution Control Agency (MPCA).

#### **6.07 Dwellings**

In all land use districts except the Commercial land use district, a second dwelling on a single lot may be allowed only under an interim use permit.

#### **6.08 Encroachments**

The following shall be permitted encroachments into setback requirements:

- 6.08.01 Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width;  
and
- 6.08.02 Steps, sidewalks, stoops and exposed wheelchair ramps up to four (4) feet in width.

#### **6.09 Erosion and Sediment Control Standards**

The purpose of this section is to prevent or reduce, to the most practicable extent, erosion and sedimentation and their associated effects and to provide for the protection of public waters as well as natural and artificial water storage and retention areas within the township. An erosion and sediment control plan shall be submitted to and approved by the zoning department prior to construction of a new plat or a commercial or industrial facility, or when the zoning department determines an erosion and sediment control plan is necessary due to potential impacts of construction on the property or surrounding properties.

##### **6.09.01 General Standards**

Proper erosion and sediment control practices shall be followed within the Township as described in this Section. All land disturbing activities, whether or not a permit is required, shall be subject to the following performance standards:

- A. No land owner, operator, contractor or applicant shall cause or conduct any land disturbing activity which causes erosion or sedimentation, damages water or soil resources or creates off-site impacts.
- B. All development shall conform to the natural limitations presented by the topography and soil types to minimize soil erosion and sedimentation.
- C. Land disturbing activities shall only occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of a development. The smallest practical area of land shall be exposed or otherwise disturbed at any one period of time.
- D. Every applicant for a construction site permit, interim use permit, alteration permit, conditional use permit or subdivision approval shall, at a minimum, adhere to erosion control measure standards and specifications contained in the MPCA publication *"Protecting Water Quality in Urban Areas"*; or successor publication.



## **6.10     Essential Services, Transmission Services and Utility Substations**

### **6.10.01         Provisions**

Essential services are permitted uses in all zoning districts subject to all State and Federal rules and regulations and may be installed subject to the following Todd Township construction standards:

- A. The owner shall file with the Todd Township Right of Way Director or the Todd Township Board of Supervisors of any affected Township road, an application showing drawings of the essential service facility as it traverses any Township road rights of way pursuant to the *Todd Township Right of Way Ordinance, or successor ordinances*.
- B. When an underground essential service crosses a township road, the service shall be installed by boring horizontally unless the Township Board of Supervisors approves an alternative procedure.
- C. If an open ditch is traversed, the owner shall lay its essential service facility below the original bottom of the drainage ditch as designed, and the method of construction shall not impede the normal flow of water.
- D. All tile lines or other drainage systems which are cut or disturbed during construction of any essential service shall be restored and repaired to the previous and operable condition without cost to the landowner or Todd Township.

### **6.10.02         Maintenance**

Required maintenance of any essential service facility, when such maintenance does not substantially change the location of the existing facility, shall be exempt from the standards contained in *Section 3 of this Ordinance*.

## **6.11     Fences**

Fences may be installed and maintained in any yard along or adjacent to a property line, in accordance with the requirements contained in this section.

### **6.11.01         Fence Construction**

- A. No fence shall be constructed in any public right-of-way. No fence in a residential district shall exceed six (6) feet in height.
- B. No fence will impede vision of the roadway from a driveway.

### **6.11.02         Enclosure of Outdoor Storage Areas**

A fence used to enclose an outdoor storage area shall meet the setback requirements for the principal structure in the district in which it is located.



**6.12 Glare and Heat (Uses Produced)**

Uses producing glare or heat shall be performed within a completely enclosed building in such a manner as to make such glare and heat completely imperceptible from any point along the property line.

**6.13 Handicap Accessibility Code**

When applicable, structures and/or facilities shall meet the accessibility portion of the State Building Code, *Minnesota Rules, Chapter 1341; or successor rules.*

**6.14 Height Regulations**

All structures in non-shoreland area residential districts, except churches, shall not exceed thirty-five (35) feet in height.

**6.15 Lighting/Glare**

In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be installed to deflect light away from any adjoining property or from public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or create a traffic hazard.

**6.16 Lot Size Reduction**

No lot area shall be reduced such that the required setbacks will not be smaller than prescribed in this Ordinance, nor shall the area or width of any lot be reduced below the minimum requirement established in this Ordinance. All parcels and/or existing platted lots must be recorded and verifiable in the Hubbard County Recorder's office prior to the date of the original Ordinance (**May 10, 2004**) prior to issuance of a permit. All new parcels or lots created after the date of publication of this Ordinance must meet the standards set forth in this Ordinance.

**6.17 Hazardous Materials**

All uses shall comply with the standards governing hazardous materials as regulated by the Minnesota Pollution Control Agency (MPCA).

**6.18 Nuisances**

No use or structure shall be operated or occupied in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of the property by any person of normal sensitivities or to otherwise create a public nuisance pursuant to the *Todd Township Nuisance Ordinance, or successor ordinances.*

## **6.19 Noise**

All uses shall comply with the standards governing noise as regulated by the Minnesota Pollution Control Agency (MPCA).

## **6.20 Odor Emissions**

All uses shall comply with the standards governing odor emissions as regulated by the Minnesota Pollution Control Agency (MPCA).

## **6.21 Parking, Access and Off-Street Loading**

### **6.21.01 Standards**

- A. Parking spaces for residential parking shall be on the same lot as the residential dwelling.
- B. Off-street parking areas in any district shall not be utilized for open storage of goods or for the storage of vehicles that are inoperable, for sale or for rent.
- C. Loading areas shall be sufficient to meet the requirement of the use and shall provide adequate area for parking and maneuvering on the site without impact on adjacent properties or the public right-of-way.
- D. All public parking must conform to ADA (American Disabilities Act) standards.

### **6.21.02 Design and Maintenance of Off-street Parking Areas**

- A. Off-street parking areas shall be improved with a durable and dustless surface. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area in accordance with an approved stormwater management plan. Durable and dustless surface may include crushed rock and similar treatment. Parking areas for six (6) or fewer vehicles shall be exempt from the provisions of this section.
- B. Parking areas containing parking for one-hundred vehicles [100 vehicles] or more shall develop a stormwater runoff plan so that snow and rain runoff does not discharge directly into lakes, streams, or wetlands. The technical standards of the National Conservation Resources Services shall be used as a guideline in preparing and implementing such a plan. National Permit Discharge Emission Standards (NPDES) permits and erosion control plans, as required, will be secured before a final permit is issued.
- C. Space for off-street loading and unloading of materials shall be provided for every building used or designed for commercial, manufacturing or warehousing purposes. One such space shall be provided for every ten thousand square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten feet [10 feet] in width, thirty-five [35 feet] feet in length.
- D. Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with access to a road with a suitable area for vehicle turn-around to allow vehicles safe entry onto the roadway, and such space shall be deemed to be required open



space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

- E. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion consistent with this Section of the Ordinance.
- F. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided.
- G. Facilities that operate on shifts shall have sufficient parking based on the maximum number of employees that would park at the facility at any given time.
- H. Required accessory off street parking spaces shall not be utilized for open storage, sale or rental of goods, storage of inoperable vehicles and/or storage of snow.
- I. All parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to Minnesota state building code, as may be amended
- J. The following minimum number of off street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:
  - An off-street parking space shall comprise an area with dimensions of ten feet [10 feet] by twenty feet [20 feet] plus necessary maneuvering space; total area for parking and maneuvering shall not encroach upon any public right-of-way.
  - Residential dwelling: One parking space for each unit.
  - Tourist Accommodations: One parking space for each room or unit, and one parking space for each non-resident employee.
  - Theater, stadium, auditorium, church, or other places of public assembly: One parking space for each five seats, based on maximum seating capacity, and one parking space for each employee.
  - Stores and other retail business establishments: Five-point five (5.5) parking spaces for each one thousand square feet [1,000 square feet] of total floor area, and one parking space for each employee.
  - Offices: One parking space for each two hundred square feet [200 square feet] of office floor area.
  - Manufacturing or wholesale establishments: One parking space for each three [3] workers, based on peak employment in any one shift.
  - Restaurants and supper clubs: One parking space for each four [4] seats, based on maximum seating capacity; and one parking space for each employee
  - Off-street parking areas, whether public or private for more than five [5] vehicles, shall be effectively screened from residential uses. All public or private parking areas shall be separated from the right-of-way of any road by means of a sod strip or similar barrier not less than three feet [3 feet] in width or other barrier that clearly delineates the parking lot from the road.
  - A parking space shall be at least ten (10) feet wide by twenty (20) feet long. In considering parking lots, a standard of three hundred (300) square feet per parking space shall be used to compute total requirements including maneuvering areas.
- K. Other uses not specifically mentioned herein or unique cases shall be determined on an individual basis by the Town Board. Factors to be considered in such determination shall include (without limitation) size of buildings, type of use, number



of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

L. Off-street parking spaces existing on or before the effective date of this ordinance shall not be reduced in number unless said number exceeds the requirements set forth herein for a similar use.

M. Off street parking areas shall be screened when any of the following circumstances exist:

- When a commercial/recreational use off-street parking area contains more in four (4) parking spaces and is within thirty (30) feet of an existing residential use or residential zone.
- When any driveway to a commercial/recreational use off street parking area of more than six (6) parking spaces is within fifteen (15) feet of an existing residential use or residential zoning district.

N. Off-street parking areas shall be of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees and shall be as set forth in the following table. When the calculation of the number of parking spaces required results in a fraction, the parking spaces required shall be increased to the nearest whole number. Parking within the enclosed structures(s) is permitted provided the space is usable.

- Churches, community buildings, and other places of public assembly: One space for each three seats or for each five feet of pew length, based on maximum design capacity.
- Day Care Facilities: One space for each two employees, plus one drop-off space for each five enrollees
- Eating and Drinking Establishments: One space for each three seats, based on maximum design capacity.
- Golf Courses: Five spaces for each hole, plus one space for each ten seats in the club house.
- Offices and Clinics: One space for each three hundred square feet of gross floor area.
- Residential Uses: Two spaces per dwelling unit.
- Retail and Service Establishments: One space for each two hundred fifty square feet of gross floor area plus one space per one thousand square feet of outdoor sales/display area
- Resorts, Campgrounds, Recreational Vehicle Parks: Three spaces for each unit/lot, two spaces within unit/lot and one space in overflow parking area
- Schools: One space for each four students based on design capacity.
- Service Stations/Convenience Stores: One space for each service bay, plus one space for each three hundred square feet of gross floor area.
- Uses not specifically noted: As determined by the township road authority based on a parking study.
- Vacation/Private Home Rental: One space for every three people, based on permitted occupancy

O. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with this section. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use except that the planning commission or board may consider the joint use of a parking area where it is known that because of a

time element, the parking facilities will not be needed by more than one of the users at one time.

- P. The Town Board may reduce the number of required off street parking spaces when the use can demonstrate in documented form a need which is less than required. In such situations, the Township may require land to be reserved for parking development should use or needs change.

#### **6.22 Pipeline Easement Setback**

Structures shall not be placed within the boundary of any pipeline easement as defined in *Minnesota Rules, Section § 7535.0100, subp. 6; or successor rules.*

#### **6.23 Principal Structures**

Except for the commercial districts, there shall be no more than one (1) principal structure on any one (1) parcel of land, unless otherwise allowed in this ordinance. When more than one residential dwelling exists on a parcel of land and the residential dwellings were existing prior to **May 12, 2004**, the property owner has the option to declare one of the residential dwellings the principal structure. Any other residential dwelling(s) on the parcel would be subject to the nonconformity restrictions in *Section 8 of this Ordinance; or successor ordinance.* A Declaration of Restrictions shall be recorded in the Office of the Hubbard County Recorder prior to issuance of any construction site permit declaring one of the residential dwellings the principal structure.

#### **6.24 Residential Dwelling Unit**

In all districts where single or multi-family dwellings are permitted, the following standards shall apply, except for temporary dwellings permitted under *Section 6.27 of this Ordinance:*

**6.24.01** Any manufactured home to be used as a residential dwelling unit shall be no less than eight hundred (800) square feet and fourteen (14) feet in width and shall bear a Seal of Compliance issued by the State of Minnesota and must meet the *Manufactured Home Building Code as defined in Minnesota Statutes, section § 327.31, subdivision 3; or successor statutes.*

**6.24.2** No accessory building or recreational vehicle shall be used at any time as a dwelling unit, unless otherwise provided in this Ordinance.

**6.24.5** All residential dwelling units shall be a minimum of 800 square feet.

#### **6.25 Sewage Treatment and Drinking Water Systems**

Community subsurface sewage treatment systems and/or community drinking water supply systems may be required where soil types and other environmental sensitivities, such as shallow bedrock formations and high susceptibility to nitrate nitrogen contamination, are such that additional measures may be necessary to protect the public health, safety and welfare.



- A. Community subsurface sewage treatment systems and community drinking water supply systems may be placed within the open space area in a conservation design or conventional development if the use of the space is restricted to avoid adverse impacts on the systems.
- B. Community subsurface sewage treatment systems must be centralized when feasible and designed and installed to meet or exceed all applicable standards or rules of the Minnesota Department of Health, the Minnesota Pollution Control Agency and the Township.
- C. Subsurface sewage treatment systems may be placed within the open space area.
- D. A subordinate service district, a customer owned utility or other entity acceptable to the board shall be responsible for the management of any community wastewater facilities and any community drinking water supply system.

## **6.26    Screening**

The following standards shall apply when screening is required by the provisions of this Ordinance:

- 6.26.01**      Any screening that is required in this ordinance shall consist of earth mounds, berms or ground forms; neutral colored fences and walls; landscaping (plant materials) or landscape fixtures (such as timbers) used in combination or singularly to block direct visual access to an object. Screening must be on the same parcel as the structure or use being screened and shall be the responsibility of the owner to maintain the screening.
- 6.26.02**      Screening may be encouraged or required to aid in the visual and auditory separation of one Land Use District from another or one parcel or facility from another. No use shall create, maintain or continue any activity, which has a strong negative visual or auditory impact on adjacent or nearby neighboring properties.
- 6.26.03**      Required screening shall be in addition to normal landscaping and planting and shall consist of visual obstruction(s) containing the activity and reducing the negative impact to the nearby area(s). Screening may consist of dense plantings.
- 6.26.04**      The use of screen walls shall consist of materials of similar type, quality and appearance as that of the principal structure. Such screens shall be at least six (6) feet in height and provide a minimum opaqueness of eighty (80) percent.
- 6.26.05**      The use of berming or landscaping (eighty (80) percent opaque at the time of maturity). Planting screens shall consist of healthy plant materials at least six (6) feet in height at the time of planting.
- 6.26.06**      Screening fences and walls that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season. Screening and plantings will not obstruct roadway vision.



## 6.27 Solar Energy Systems

### Standards for Solar Farms

Solar Farms shall be subject to the administrative requirements of *Section 3.13 of this Ordinance* and the following performance standards:

- 6.27.01 **Erosion and sediment control** shall meet the requirements of *Section 6.09 of this Ordinance*.
- 6.27.02 **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.
- 6.27.03 **Other standards and codes.** All solar farms shall follow 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.
- 6.27.04 **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 Town Board in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- 6.27.04 **Setbacks.** Solar farms must meet the minimum building setback for the zoning district and be located a minimum of one hundred (100) feet from a residential dwelling unit not located on the property.
- 6.27.05 **Prohibitions.** Ground mounted community solar energy systems are prohibited in the following areas:
- A. Shoreland and Floodplain Districts as designated by the Minnesota Department of Natural Resources (DNR) and this Ordinance.
  - B. Within 600 feet of any property designated or protected from development by Federal, State or County agencies as wildlife habitat and wildlife management areas. Property designated as public parkland or park reserve shall not be subject to this setback requirement.
  - C. Within wetlands to the extent prohibited by the Minnesota Wetlands Conservation Act.
  - D. Within any recorded easement - such as but not limited to utility, ditch, conservation, or storm water -unless authorized in writing by the easement holder.
- 6.27.06 **Maximum Size and Capacity.** No more than one (1) Community Solar Garden System per parcel shall be permitted, and the one (1) System or co-location of Systems shall have a maximum power capacity of five (5) megawatts.
- 6.27.07 **Signage.** No advertising signage is allowed. Manufacture and equipment information, warning, security or indication of ownership signage on the site shall comply with the terms of this Ordinance.