

# CHAPTER TWO

## ZONING ORDINANCE

**An Ordinance relating to, and regulating the use of land, the location, size, use and heights of structures; the arrangement of structures on lots; the density of population; the use of natural resources; and the preservation of environmental resources for the purpose of promoting and protecting the public health, safety, order, convenience, prosperity, and general welfare of Lent Township.**

LENT TOWNSHIP does ordain as follows:

### SECTION 1. TITLE

This Ordinance shall be known, cited and referred to as the LENT TOWNSHIP ZONING ORDINANCE except as referred to herein, where it shall be known as “this Ordinance.” The provisions of this Ordinance shall apply to all lands, properties, buildings and other structures or use of land within Lent Township, Chisago County, Minnesota.

### SECTION 2. PURPOSE

It is the purpose of this Ordinance to provide for and protect the public health, safety, and general welfare through the following objectives:

- A. Prevent the overcrowding of land;
- B. Promote orderly growth and development of the Township;
- C. Limit congestion and promote safety in the public rights-of-way;
- D. Stage development to coincide with the efficient provision of necessary public services;
- E. Establish Districts and regulate therein, the location and use of structures and land;
- F. Preserve the character and maintain property values within rural, residential, and commercial areas of the Township;
- G. Protect long term agricultural opportunities in the Township; and
- H. Preserve natural resources and to preserve the environmental quality of the Township.

### SECTION 3. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted with the same meaning they have in common usage. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally. The following words and terms wherever they occur in this Ordinance are defined as follows:

Accessory Solar Energy System

Systems which are accessory to the principal use on a property and designed to supply energy solely for the principal use.

Accessory Use or Structure  
the

A subordinate structure or use which is located on the same lot on which principal building or use is situated and is reasonably necessary and incidental to the conduct of the primary or principal use of such building or main use.

Agriculture or Agricultural Use

The principal use of the land or buildings is for growing and production of agricultural goods including: field crop farming; pasture for hay; fruit growing; tree, plant, shrub or flower nursery without buildings; sod farming; truck gardening; roadside stands for sale in season; and farm animals; but not including animal boarding, shelter or training facilities; commercial animal feedlots; fur farms; or kennels.

<u>Animal Feedlot</u>	A lot or building or a group of lots and buildings intended for the confined feeding, breeding, raising or holding of animals.
<u>Animals</u>	<p><b>Domestic.</b> For the purposes of the Ordinance, a domestic animal shall be defined as house pets such as dogs, cats, birds and fish which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit from the Township. In addition, also included are birds and rabbits normally sheltered outside the home.</p> <p><b>Farm.</b> Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, farm dogs and other animals commonly accepted as farm animals in the State of Minnesota.</p> <p><b>Exotic and Wild.</b> Vertebrate and invertebrate animals other than domestic and farm animals that are customarily found in the wild, including but not limited to, bears, cougars, lions, snakes, spiders, tigers, wolves and other such animals.</p>
<u>Antenna</u>	Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennae, such as panels, microwave dishes, and satellite dishes, and Omni-directional antennae, such as whip antennae.
<u>Aquifer Recharge Areas</u> soil	All land surface areas which by nature of their surface and or subsurface characteristics are determined to contribute to the replenishment of subsurface water supplies.
<u>Artificial Obstruction</u>	Any obstruction which is not a natural obstruction.
<u>Automobile Repair</u>	General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning; upholstery.
<u>Automobile Service Station</u>	A place where motor vehicle fuels, stored only in underground tanks, motor oil and lubricants for operation of automobiles, are related directly for retail sale to the public on premises; and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
<u>Automobile Wrecking or Junk Yard</u>	Any place where two (2) or more vehicles not in running condition, not licensed, not separately insured or parts thereof are stored in the open and are not being restored to operation for a period of more than thirty (30) days; or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any commercial salvaging and scavenging of any other goods, articles or merchandise.
<u>Basement</u>	Any floor below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.
<u>Bluff</u> average	<p>A topographic feature such as a hill, cliff, or embankment where the</p> <p>slope of the land is equal to or greater than eighteen (18) percent as</p>

measured over horizontal distances of fifty (50) feet or more. A bluff within shorelands also has the following characteristics: The slope rises at least ten (10) feet above the ordinary high water level of a river or stream, or at least twenty-five (25) feet above the ordinary high water level of a lake; The grade of the slope from the toe of the bluff to a point ten (10) feet or more above the ordinary high water level averages thirty (30) percent or greater; and The slope drains towards the waterbody.

Bluff Impact Zone

A bluff and land located twenty (20) feet from the top of the bluff.

Bluffline

A line along the top of a bluff connecting the points at which the bluff, proceeding away from the river or adjoining watershed channels becomes less than a eighteen (18) percent incline from the horizontal. The location of the bluffline for any particular property shall be determined by the Lent Township Planning Commission. More than one bluffline may be encountered proceeding away from the river or adjoining watershed channel; all setbacks required herein shall be applicable to each bluffline.

Board

The Lent Township Board of Supervisors.

Board of Adjustment and Appeals

A board created by the Lent Township Board of Supervisors to oversee the issuance of variances and to hear and decide appeals from administrative actions pursuant to Minnesota Statutes, section 462.357, subdivision 6.

Boarding House

A building other than a motel or hotel where, for compensation and by pre- arrangement for definite periods, meals or lodging and meals are provided for at least three (3) persons not of the principal family therein, pursuant to previous arrangements and not to any who may apply, but not including a building providing these services for more than ten (10) persons.

Buildable Area

The minimum contiguous area remaining on a lot or parcel of land after all slopes greater than 18%, designated flood plains, wetlands, land below the ordinary high water level of public waters, and lands where the depth to mottled soil is less than one (1) foot are subtracted for the purpose of placement of structures.

Building

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

Building or Other  
Architecturally-Integrated  
Solar Energy System

An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or thermal solar systems that are contained within roofing materials, windows, skylights and awnings.

Building Height

A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof, to the decline of a mansard roof, to the uppermost point on other roof types.

Building Line

A line running parallel with the bluffline, ordinary high water mark or lot line, whichever is applicable, at the required setback beyond which a structure may not extend.

<u>Building Setback</u>	The minimum horizontal distance between the building and the specified lot line as prescribed in this Ordinance.
<u>Business</u>	Any establishment, occupation, employment or enterprise where merchandise is manufactured, exhibited or sold, or where services are offered for compensation.
<u>Campground</u>	An area accessible by vehicle and containing campsites or camping spurs for tent and trailer camping.
<u>Cash Escrow</u>	Cash or other acceptable security of monetary value, deposited with the Town Treasurer and held by the Township or other acceptable means, until all contingencies, conditions, inspections and financial obligations have been satisfactorily met as prescribed by this Ordinance.
<u>Cellar</u>	That portion of a building having more than one-half (1/2) of the floor to ceiling height below the average land grade.
<u>Channel</u>	A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct water either continuously or periodically.
<u>Church</u>	A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
<u>Clearcutting</u>	The removal of a stand of trees.
<u>Club or Lodge</u>	A non-profit association of persons who are bona fide members paying annual dues, use of premises being restricted to members and their guests.
<u>Clustered or Clustering</u>	A development pattern and technique whereby structures or building sites are arranged in close proximity to one another in non-linear groups, adjacent to permanently preserved common open space, so as to make the most efficient and visually aesthetic use of the natural features of the landscape and maximize visualization of permanently preserved open space.
<u>Commercial Recreation</u>	The use of the land for which fees are charged for admission or use of the facility, or use of the land to gain access to a recreational activity or resource, public or private.
<u>Commercial Use</u>	The use of the land or buildings for the sale, lease, rental, or trade of products, goods, and services.
<u>Commercial Wireless Telecommunications Services</u>	Licensed commercial wireless telecommunication services including cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services.
<u>Commissioner</u>	The commissioner of the Minnesota Department of Natural Resources.
<u>Communication</u>	As used in referring to essential services, includes but is not limited to all

	<p>facilities utilized for the transmission of digital, video, or voice information</p> <p>whether by electronic, optical or other methods.</p>
<p><u>Community Solar Energy System/</u></p> <p><u>Solar Gardens (CSES)</u></p>	<p>Systems designed to supply energy for off-site users on the distribution grid,</p> <p>or for export to the wholesale market via connection to the electric transmission grid. A CSES is a solar energy system that has a capacity of no more than (1) one megawatt capacity.</p>
<u>Comprehensive Plan</u>	<p>A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the Township and including a growth management plan which has been adopted by Lent Township.</p>
<u>Conditional Use</u>	<p>A use, which because of potential problems of control the use presents, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Comprehensive Plan.</p>
<u>Conservation Subdivision</u>	<p>A method of subdivision characterized by common open space and clustered compact lots, with the purpose of protecting natural resources to the greatest extent possible, while allowing for increased residential densities. Site designs incorporate standards of low impact development, such as maximum road setbacks for structures, and preservation of trees, shoreline, unique resources, and scenic vistas, and these developments use stormwater designs that emphasize on-site retention and infiltration through the preservation of native vegetation, use of pervious surfaces, rain gardens, and swales.</p>
<u>Crawl Space</u>	<p>Any areas of rooms with less than seven (7) feet of ceiling height measured to the finished floor or grade.</p>
<p><u>Day Care Facility</u></p> <p>group</p>	<p>A licensed day care facility serving twelve (12) or fewer persons, or a family licensed day care facility serving fourteen (14) or fewer children.</p>
<u>Deck</u>	<p>A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a dwelling unit and extending more than one foot above ground.</p>
<u>Deposition</u>	<p>Any rock, soil, gravel, sand or other material deposited naturally or by man into a waterbody, watercourse, flood plains or wetlands.</p>
<p><u>Development Covenant</u></p> <p>or</p>	<p>A deed restriction recorded with the property involved in a development</p> <p>involved with the sale or transfer of development credits. In the case of development credits, the restriction may include a permanent easement or other mechanism which removes the rights to development for all or a portion of the property.</p>
<u>District Provisions</u>	<p>A section or sections of the Township for which the regulations and governing the use of buildings and lands are uniform for each class of use permitted therein.</p>
<u>Diversion Accustomed</u>	<p>A channel that intercepts surface water runoff and that changes the</p>

	course of all or part of a stream.
<u>Distribution Lines</u>	All those cables, wires, poles, structures and appurtenant equipment, generally rated below sixty-nine (69) kilovolts, and used to carry electricity between a customer and a transmission line.
<u>Duplex</u>	A dwelling structure on a single lot, having two (2) units attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
<u>Dwelling</u>	A building or portion thereof, designated exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding houses, mobile homes or trailers.
<u>Dwelling, Single Family</u>	<p>A dwelling unit designed for occupancy of one (1) family.</p> <p><b>Attached.</b> A dwelling which is joined to another at one or more sides by a party wall.</p> <p><b>Detached.</b> A dwelling unit not attached to another dwelling or structure.</p>
<u>Dwelling, Two-Family</u>	<p>A dwelling designed exclusively for occupancy by two (2) families living independently of each other.</p> <p><b>Double Bungalow.</b> A two-family dwelling with two (2) units side-by-side.</p> <p><b>Duplex.</b> A two-family dwelling with one (1) unit above the other.</p>
<u>Dwelling Unit</u>	A residential building or portion thereof intended for occupancy by one family, but not including hotels, motels, nursing homes, boarding or rooming houses, tourist homes or mobile home trailers.
<u>Earth-Sheltered Buildings</u>	Buildings constructed so that more than fifty (50) percent of the exterior surface area of the buildings, excluding garages and other accessory buildings, is covered with earth. Partially completed buildings shall not be considered earth sheltered.
<u>Equal Degree of Encroachment</u>	A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to floodplain encroachments.
<u>Essential Services</u>	Underground or overhead gas, electrical, steam or water collection, communication, distribution, supply or disposal systems, including electrical generation stations, substations, poles, wires, pipelines, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings or transmission services.
<u>Extractive Use</u>	<p>The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under</p> <p>Minnesota Statutes, Sections 93.44 to 93.51.</p>
<u>Family</u>	An individual or two or more persons related by blood or marriage or a group of not more than five (5) unrelated persons living together on the premises or in a single housekeeping unit, as distinguished from a group

occupying a boarding house, lodging house, hotel, club lodge, sorority or fraternity house, as herein described.

Farm

A tract of land which is principally used for commercial agriculture, and which is owned and operated by a single family, farm corporation, individual or corporation.

Farm Dwelling

A single family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereof.

Flood

A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

Flood Frequency

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

Flood Fringe

That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" as used in the Flood Insurance Study for Chisago County.

Flood Plain

The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Floodway

The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the regional flood.

Floor Area

The sum of the gross horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls. The floor area shall not include: basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

Footprint  
surface.

The total ground surface area covered by a structure or impervious

Forest Land Conversion

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

Garage, Private

An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the residents.

Garage, Public

A building or portion of a building, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire and which any sale of gasoline, oil and accessories is only incidental to the principal traffic.

Grade (Adjacent Ground Elevation)

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

<u>Ground Mounted Panels</u>	Freestanding solar panels mounted to the ground by use of racking, pilings, piers, stabilizers or similar apparatus.
<u>Guest Room</u>	A room occupied by one (1) or more guests for compensation and in which no provision is made for cooking, but not including rooms in a dormitory for sleeping purposes primarily.
<u>Hardship</u>	Means the same as that term is defined in Minnesota Statutes, Section 462.357, subd. 6.
<u>Home Occupation</u>	Any occupation or profession carried on by a member of the family residing on the premises, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling or neighborhood and no appreciable increase in traffic is generated. Not more than one-third (1/3) of the building's floor area shall be occupied by the occupation.
<u>Hotel</u>	A building containing eight (8) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge.
<u>Impervious Surface</u>	An artificial or natural surface through which water, air, or roots cannot penetrate, including all structures, concrete and bituminous surfaces, and compacted earthen surfaces.
<u>Industrial Use</u> warehousing,	The use of land or buildings for the production, manufacture, storage, distribution or transfer of goods, products, commodities, or other wholesale items, not meeting the definition of light manufacturing.
<u>Intensive Vegetation Clearing</u>	The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
<u>Interim Use</u>	An interim use is a temporary use of property until a particular date, or the occurrence of a particular event, or until the zoning regulations no longer permit it. The interim use shall have reasonable conditions applied that are specific to the use to ensure the protection of public safety and welfare, and shall protect the integrity of the Comprehensive Plan.
<u>Kennel, Commercial</u>	Any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic or exotic animals are kept, bred, boarded or trained.
<u>Kennel, Residential</u>	Any place where three (3) or more dogs or three (3) or more cats, over the age of four (4) months of age, or ten (10) or more other domestic or exotic animals are kept.
<u>Light Construction Equipment</u> equipment,	Skidsteer loaders, small truck type equipment and other types of which are conveyed on trailers designed for use with ten thousand (10,000) pounds or less gross weight vehicles.



<u>Lot</u>	A parcel of land designated by plat, metes and bounds registered land survey, auditors plot, or other accepted means, and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. For the purposes of this Ordinance, a lot shall be considered to be an individual parcel which shall be occupied by no more than one principal building or use and its necessary buildings.
<u>Lot Area</u>	The total area of a horizontal plane included within the lot lines.
<u>Lot of Record</u>	A parcel of land, whether subdivided or otherwise legally described and recorded with the Chisago County Recorder prior to the adoption of zoning ordinances by Lent Township, or approved by the Township as a lot subsequent to such date and which is occupied by or intended for occupancy by one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage on a street, or a proposed street approved by the Township
<u>Lot, Corner</u>	A lot situated at the junction of and abutting two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five (135) degrees or less.
<u>Lot, Frontage</u>	The lot line abutting a public right-of-way and/or the shoreline of a public water or wetland.
<u>Lot, Interior</u>	Including through lots, excluding corner lots.
<u>Lot, Line</u>	A property boundary line of any lot held in single or separated ownership, except that where any portion of the lot extends into a public right-of-way, the lot line shall be deemed to be the boundary of the right-of-way.
<u>Lot, Through</u>	A lot fronting on two parallel streets.
<u>Lot, Width</u>	The shortest horizontal distance between the side lot lines measured at the right angles at the building line associated with structure setback requirements.
<u>Manufacturing, Light</u>	All uses which include the compounding, fabrication, processing, packaging, treatment, or assembly of products and materials provided such use will not generate offensive odors, glare, smoke, dust, noise, vibration or other objectionable influences that extend beyond the lot on which use is located, and does not normally require an urban level of public services such as centralized sewer and water.
<u>Manufactured Home</u>	A structure, transportable in one or more sections which meets all of the following criteria: 1) Minimum body dimensions of eight (8) feet in width, forty (40) feet in length and total body area of three hundred twenty (320) square feet; 2) Constructed on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation; and 3) Complies with all Manufactured Home standards established within Minnesota Statutes, Chapter 327.
<u>Mining Operation</u>	The extraction of clay, gravel, peat, sand, soil, stone or other material from the land for commercial, industrial, or governmental purposes.

<u>Natural Drainage System</u>	All land surface areas which, by nature of their contour, configuration and elevation, collect, store, and channel surface water run-off.
<u>Natural Obstruction</u>	Any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within a waterbody, watercourse, or wetland by a non-human cause.
<u>Non-Conforming Use</u>	A building, structure or use of land which does not conform to the regulations of the District or zone in which it is situated.
<u>Obstruction</u>	Any berm, dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
<u>Off-Street Loading Space</u>	A space accessible from the street, alley, or way, in a building or on the lot, for the use of trucks while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one (1) truck of the type typically used in the particular business.
<u>Open Sales Lot</u>	Any open land used or occupied for the purpose of buying, selling and/or renting merchandise and for the storing of same prior to sale.
<u>Ordinary High Water Level</u>	A line delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
<u>Parking Space</u>	An area sufficient in size to store one (1) automobile which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.
<u>Performance Guarantee</u>	A performance bond, cash escrow, letter or credit, or other acceptable security of monetary value as determined by the Township, held by the Township to ensure all contingencies, conditions, inspections and financial obligations have been satisfactorily met as prescribed by this Ordinance.
<u>Performance Standard</u>	A criterion established to control appearance, noise, odor, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, waste and other potential impacts generated by or inherent in uses of land or building.
<u>Permitted Use</u>	A building, structure or use of land which may be lawfully established in a particular District or Districts, provided it conforms with all requirements, regulations, and performance standards, if any, of such Districts.
<u>Photovoltaic System</u>	An active solar energy system that converts solar energy directly into electricity.

<u>Planned Unit Development</u>	A type of subdivision and development characterized by a unified site design for a number of dwelling units on a parcel, also involving clustering of these units to provide areas of common open space, density increases, and a mix of structure types and land uses.
<u>Planning Commission</u>	A group of individuals appointed by the Lent Township Board of Supervisors to serve as the planning agency for the Township.
<u>Plat</u>	The drawing, plan or map of a subdivision prepared for filing of record pursuant to Chapter 505 and containing all elements and requirements set forth in applicable local regulations adopted pursuant to Section 462.358 and Chapter 505.
<u>Principal Use or Structure</u>	The primary or main use of land or buildings as distinguished from subordinate, incidental or accessory uses.
<u>Public Hearing</u>	An official public meeting for which notice has been published in the official newspaper of the Township.
<u>Public Waters</u>	Any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. The official determination of the size and ordinary high water level of public waters shall be made by the Commissioner of the Minnesota Department of Natural Resources.
<u>Reach</u>	<p>A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction.</p> <p>In an urban area, the segment of a stream or river between two consecutive bridge crossings, would segment of a stream or river between two consecutive bridge crossings, would most typically constitute a reach.</p>
<u>Recreational Vehicle</u>	A vehicular portable structure used for amusement, vacation, or recreational activities including but not limited to travel trailers, motor homes, camping trailers, all-terrain vehicles, snowmobiles, boats, bicycles, and motorcycles.
<u>Regional Flood</u>	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 one hundred (100) year recurrence interval.
<u>Right-of-Way</u>	Those lands designated and delineated to contain a public or private roadway, railroad line, bicycle path, walking trail, recreational trail, or other mode of ground transportation.
<u>Roof or Building Mounted Solar Energy System</u>	A solar energy system that is mounted to the roof or building using brackets, stands or other apparatus. Typically accessory to the principal land use these may also be used in Solar Gardens (CSSES’).
<u>Rural Retail Tourism</u>	Uses that attract travelers or visitors to areas historically or traditionally used for agricultural purposes, which are generally small-scale, low-impact, and entertainment, recreation, and/or education-focused.

<u>Scenic Easement</u>	An interest in land, less than fee title, that limits the use of the land for the purpose of protecting the scenic, recreational natural characteristics of areas. Unless otherwise expressly and specifically agreed to in writing by the parties, the easement shall be: perpetually held for the benefit of the people of Minnesota; specifically enforceable by its holder or any beneficiary; and binding on the holder of the servant estate, his heirs, successors or assigns. Unless expressly provided for in writing between the parties, no such easement shall give the holder or any beneficiary thereof the right to enter on the land except for enforcement of the easement rights granted.
<u>Screening</u>	The presence of vegetation or topography which renders a structure on any property visually inconspicuous.
<u>Selective Cutting</u>	The removal of a single scattered tree or single scattered trees where the original density and crown cover of the stand is essentially unchanged from pre-cutting conditions.
<u>Semipublic Use</u>	The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
<u>Sensitive Resource Management</u>	The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.
<u>Service lines</u>	All those cables, wires, poles, and appurtenant equipment used to carry electricity and telecommunication services between distribution lines and a customer.
<u>Setback</u>	The minimum horizontal distance between a structure or sewage treatment system and the ordinary high water level, or between a structure or sewage treatment system and a bluff, road, highway or property line.
<u>Sewage Treatment System</u>	Any equipment or system for the collection, treatment and dispersion of sewage, including but not limited to septic tanks, holding tanks, soil absorption systems, and drain fields.
<u>Shore Impact Zone</u>	All land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty (50) percent of the structure setback.
<u>Shoreland</u>	Land located within the following distances from public water: 1) one thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and 2) three hundred (300) feet from a river or stream, or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner of the Minnesota Department of Natural Resources.

<u>Sign</u>	The use of any words, numerals, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.
<u>Significant Historic Site</u> the	Any archaeological site, standing structure, or other property that meets criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.
<u>Slope</u> in	The degree of deviation of surface from the horizontal, usually expressed percent or degrees.
<u>Solar Array</u>	Group of solar panels wired together
<u>Solar Collector</u>	A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
<u>Solar Energy</u>	Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
<u>Solar Energy System (SES)</u>	An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, thermal or chemical means.
<u>Solar Farm</u>	A utility scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, where the principal purpose of land is to provide energy to off-site uses or wholesale sales of generated electricity
<u>Solar Hot Water System</u>	A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs.
<u>Solar Site Permit</u>	A permit required by the Township for the installation of certain solar energy systems regulated by this Ordinance.
<u>Steep Slope</u>	Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having average slopes exceeding twelve (12)

percent over distances of fifty (50) feet or more, measured on the ground, that are not bluffs.

Story

That portion of a building included beneath the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building, included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such as usable or unused under-floor space shall be considered as a story.

Story, First

The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a floor, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

Strip Development  
one

Multiple, detached commercial or retail uses, usually one-story high and story deep, that front on a major street.

Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Subdivision

The separation of one or more portions of a lot from another portion of that lot by deed, metes and bounds description, devise, intestacy, lease, map, plat or other document, whether recorded or unrecorded, which vests or otherwise contracts for the conveyance of title, or any interest therein, of any such portion or portions to a person, persons or an entity other than the owner of record; provided that the term subdivision shall not be construed to apply to a mortgage against a parcel complying with the minimum dimensional requirements herein: scenic easements, easements for the installation, construction and maintenance of public utilities, and easements of road access.

Substandard Structure  
is

Any structure established before the effective date of this ordinance which is permitted within a particular zoning District but does not meet the structure setbacks or other dimensional standards of the ordinance.

Substandard Use

Any use existing prior to the date of this Ordinance which is permitted within the applicable zoning District but does not meet the minimum lot area, frontage, setbacks, water frontage length, or other dimensional standards of this Ordinance.

Surface Water-oriented Commercial Use

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

Toe of the Bluff

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

Top of the Bluff

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

Tower  
combination

Any ground-mounted or roof-mounted pole, spire, structure, or thereof, taller than fifty (50) feet, including supporting lines, cables, wires, braces, and mast, intended primarily for the purpose of mounting an antenna, meteorological device or similar apparatus above grade.

Transmission lines

Those cables, wires, poles, and appurtenant equipment generally rated at sixty-nine (69) kilovolts and above, and used to carry electricity from points of generation to distribution points such as substations and distribution lines.

Transmission Services

Electric power, telecommunication and petroleum product lines, cables, conduits and pipelines that are used to transport large blocks of power, convey intelligence, or transport material between two points. A distribution line, cable, conduit or pipeline used to convey power, water, gas or other essential services locally to utility customers is not a transmission service.

Use  
designated,

The purpose or activity for which the land or building thereon is arranged, or intended, or for which it is occupied, utilized or maintained, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

Useable Open Space

A required ground area or terrace area on a lot which is graded, developed, landscaped and/or equipped and intended and maintained for either active or passive recreation or both, available and accessible to and useable by all persons occupying a dwelling unit or rooming unit on the lot and their guests. Such areas shall be grassed and landscaped or covered only for a recreation purpose. Roofs, driveways, and parking areas shall not constitute useable open space.

Variance

Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause unnecessary hardship.

Waterbody

An area of water lying within a depression of land or expanded part of a river, or an enclosed basin that holds water either seasonally or perennially and is surrounded by land.

Watercourse

A channel or depression through which water flows, such as rivers, streams, or creeks, and may flow year around or intermittently.

<u>Watershed</u>	The area drained by the natural and artificial drainage system bounded peripherally by a bridge or stretch of high land dividing drainage areas.
<u>Watershed Management or Flood Control Structure</u>	A berm, dam, floodwall, wingdam, dike, diversion channel, or an artificially deepened or widened stream channel following the same or approximately the same course as the natural channel, or any other structure for altering or regulating the natural flow condition of a river or stream. The term “watershed management or flood control structure” does not include pilings, retaining walls, gabion baskets, rock riprap, or other facilities intended primarily to prevent erosion and which must be authorized by permit from the Commissioner of the Minnesota Department of Natural Resources.
<u>Wetland</u>	Any lands as defined in Minnesota Statutes, section 103G.005, subdivision 19. These lands are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.
<u>Yard</u>	An open space on the lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a lot line at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.
<u>Yard, Front</u>	A yard extending across the front of the lot between the side lot lines and lying between the front line of the lot and the nearest line of the building.
<u>Yard, Rear</u>	A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
<u>Yard, Side</u>	A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.
<u>Zoning Administrator</u>	A person or persons appointed by the Town Board of Supervisors to administer and enforce this Ordinance.
<u>Zoning Map</u>	The Land Use Map adopted as part of the Lent Township Comprehensive Land Use Plan, which is hereby incorporated into this ordinance as part thereof, and as amended, for the purpose of designating Land Use or zoning Districts.

## **SECTION 4. GENERAL PROVISIONS**

### **4.01 Scope and Interpretation**

#### **A. Relation to Comprehensive Plan.**

It is the policy of Lent Township that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Township’s Comprehensive Plan as the policy for responsibility to regulate land use and development.

#### **B. Standard Requirements.**

Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable conditions imposed by other ordinance, rule or regulation of the County, State or Federal government, the ordinance, rule or regulation which imposes the more restrictive condition, standard, or requirements shall prevail. In the event of any conflict between this Ordinance with any private restrictions, protections and covenants, the provisions of this Ordinance shall apply.



#### C. Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be held at least to the minimum requirements for the promotion of the public health, safety and welfare.

#### D. Conformity with Provisions.

No structure shall be erected, converted, enlarged, reconstructed, altered or placed, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Ordinance.

#### E. Building Permit and Certificate of Compliance.

Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance or the Minnesota State Building Code, as amended. In addition, no building, structure or premises intended for human habitation or connected to an on-site sewage treatment or community/municipal sewage treatment system shall be occupied or used until a Certificate of Compliance has been issued by the Zoning Administrator.

A Certificate of Compliance shall be required for all structures and accessory structures meeting any of the following criteria:

- All new buildings or structures intended for human habitation
- Any building or structure connected to an on-site sewage treatment or community/municipal sewage treatment system
- Any new construction of an accessory structure or use which requires the issuance of a building permit
- Any addition, to a principal or accessory structure or building, which encroaches further into yard setbacks.

#### F. Conditional Uses, Interim Uses, Variances, Amendments.

Nothing within this Ordinance shall be construed so to deny any property owner his right to apply for a conditional or interim use permit, variance, or amendment to this Ordinance. No conditional use, interim use, variance or amendment is valid without formal review, public hearing and approval by Lent Township.

#### G. 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 Board or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, determine the appropriate zoning District and conditions and standards for the development of the use. The Board, Planning Commission or property owner shall, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Township.

#### H. Separability.

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

1. If any court of competent jurisdiction shall judge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall judge invalid the application of any provision of the Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

#### I. Rules.

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction.

1. The singular number includes the plural, the plural the singular.
2. The present tense includes the past and the future tenses, and the future the present.
3. The word "shall" is mandatory while the word "may" is permissive.
4. The masculine gender includes the feminine.

### **4.02 Permits, Applications, Licenses and Services**

A. Building/Construction Permits.

1. Building Permit. Building permits are issued to cover all structures regulated by the State Building Code.
2. Site Permit. Site permits are issued for agricultural buildings to insure proper setbacks.
3. Temporary Manufactured Home Permit. Temporary Manufactured Home Permits may be issued in hardship situations involving, emergency situations where a previously occupied dwelling has been destroyed or rendered unlivable due to fire, flood, storm damage or other catastrophe, or where the landowner demonstrates to the Zoning Administrator, a housing need for medical hardship reasons exists to care for the elderly parents or dependents of the Family occupying the principal dwelling, as provided in Section 4.11 of this Ordinance.
4. Grading or Filling Permit. Grading or filling permits are issued to regulate the grading, placing of fill, or any alterations of the natural topography within the Shoreland Overlay District. An Administrative Grading Permit is required for any grading project regardless of zoning designation which is designed to add depth to create buildable area, or for any grading activity that would occur within a drainage and utility easement with the following possible exemptions:
  - (a) Grading projects subject to the conditional and interim use permit requirements
  - (b) Grading projects that meet the criteria established for the development of land, or construction of public roadways
  - (c) Grading activities that will disturb less than 40 cubic yards of earth material and are not within a drainage and utility easement

The following are submittal requirements for an administrative grading permit: The following information shall be submitted to the Township along with the applicable application:

- (a) Scaled site plan that includes:
    1. Limits of disturbance
    2. Proposed contours
    3. Any other information deemed necessary by the Township
  - (b) *Application fee and escrow*. An application fee and escrow payment, as established in the rates and charges, shall be required.
5. Sewage Treatment System Permit. Sewage treatment system permits are issued to regulate the installation, repair or alteration of all on-site sewage treatment systems.
  6. Driveway Permit. Driveway permits are issued to regulate the installation of new driveways accessing State, County, Township or other public roads.
  7. Sign Permit. Sign permits are issued to regulate signs as set forth in this Ordinance.
  8. Right-of-Way Permit. Right-of-way permits are issued to regulate essential and transmission services as set forth in this Ordinance.
  9. Solar Site Permit. Permit issues to regulate the installation of certain solar energy systems regulated by Section 4.18.

B. Zoning and Planning Applications.

1. Appeal Application. An appeal application allows for the appealing of a decision of the Zoning Administrator, to the Board of Adjustment and Appeals for their review on some provisions of this Ordinance.
2. Conditional Use Permit. A conditional use application requests a use permitted in a particular zoning District, but regulated and controlled through conditions placed upon it by the Board after review by the Planning Commission.
3. Variance Application. A variance application allows for a request to vary from the terms of this Ordinance and is decided by the Board of Adjustments and Appeals.
4. Preliminary Plat. The preliminary plat is an application and plan to subdivide property in accordance with Subdivision Ordinance.
5. Zoning Amendment. A zoning amendment requests a change in the zoning District boundaries or provisions of this Ordinance.
6. Park (Platting) Fee. A fee which is requested when there is no land designated in a plat as "park" land.
7. Interim Use Permit. An interim use application requests a use permitted in a particular Zoning District, but

regulated and controlled through conditions and a specific timeline as placed upon it by the Board after review by the Planning Commission.

C. License Required.

1. Septic Installer. Persons engaging in the installation of septic systems must be licensed by the State of Minnesota.
2. Sewer Pumpers. Persons engaged in the pumping of septic tanks or holding tanks must be licensed by the State of Minnesota.

D. Services.

1. Structure Inspection. Inspections are made by a designated Township inspector of any structures proposed to be moved into the Township for compliance with applicable codes.
2. Sewage Treatment System Inspection. Inspections are made by a designated Township inspector prior to a transfer of title to determine if an on-site sewage treatment system is conforming to applicable regulations.

#### **4.03 Nonconforming Structures and Uses**

A. Purpose.

It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures, and uses will be operated and maintained. This Ordinance establishes separate Land Use or Zoning Districts, each of which is an appropriate area for the location of uses which are permitted in that District. It is necessary and consistent with the establishment of these Districts that nonconforming buildings, structures and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section to provide for the gradual elimination of nonconformities.

B. Any structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.

C. No nonconforming building, structure or use shall be moved to another lot or to any other part of the parcel, land upon which the same was constructed or was conducted at the time of this Ordinance adoption, unless such movement shall bring the nonconformance into compliance with the requirements of this Ordinance.

D. When any lawful nonconforming use of any structure or land in any District has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.

E. A lawful nonconforming use of a structure or parcel of land may be changed to lessen the nonconformity of use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.

F. If at any time a nonconforming building, structure or use shall be destroyed to the extent of fifty (50%) percent or more of its current fair market value, said value to be determined by the Chisago County Assessor, then without further action by the Township, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by this Ordinance for the District in which such land and buildings are located. Any building which is damaged to an extent of less than fifty (50) percent of its value may be restored to its former extent, provided appropriate permits are obtained.

G. Whenever a lawful nonconforming use of a structure or land is discontinued for a period of one (1) year, any future use of said structure or land shall be made to conform with the provisions of this Ordinance.

H. Normal maintenance of a building or other lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the nonconforming use, providing the necessary repairs shall not constitute fifty (50) percent or more of fair market value of such structure. Said value shall be determined by the Chisago County Assessor.

I. Registration of pre-existing uses.

1. All lawful agricultural, commercial and residential uses, and home occupations that have been in operation and/or use for at least one (1) full year prior to the date of adoption of this Ordinance and have not previously received appropriate land use permits, shall be eligible to register as a pre-existing use for the purposes of this ordinance;
2. The owners or operators of such uses shall have a period of six (6) months, commencing from the effective date of this ordinance, during which they may register their use with the Zoning Administrator;
3. All owners or operators registering their pre-existing use shall also file a report with the Zoning Administrator documenting the exact nature, scope and full operating details of their use;
4. All lawful agricultural, commercial and residential uses, and home occupations registered pursuant to this Section shall be allowed to continue in operation, including operation by subsequent owners, provided no alterations, enlargement or expansion is made to the originally registered use as described in the report submitted to the Zoning Administrator;
5. The Zoning Administrator shall provide all owners or operators registered pursuant to this Section with a certificate of compliance identifying their use as a registered pre-existing use;
6. Should a registered pre-existing use be altered, discontinued, enlarged or expanded, the registration and recognition of the pre-existing use shall become null and void. Any alterations, enlargement or expansion of such use shall then become subject to all applicable provisions of this Ordinance.

#### **4.04 Home Occupations**

##### **A. Purpose.**

It is the purpose of this subdivision to provide for the conditional use of the home as a place for the operation of a business or profession, provided the occupation is clearly secondary to the principal use of the home as a residence.

##### **B. Permitted Home Occupations.**

Home occupations which do not require additional parking, an accessory building, or generate a noticeable increase in traffic shall be permitted use as specified in Sections 5.07 and 5.08. Such home occupations may include architects, artists, clergymen, clothing alterations, consulting services, domestic craftsmanship and similar uses as determined by the Planning Commission.

##### **C. Interim Use Permit Required.**

Home occupations which have the potential for generating a noticeable increase in traffic, require additional parking or the use of an accessory building, shall require an interim use permit as specified in Sections 5.06 through 5.08. Such home occupations may include barber shops, beauty salons, antique and gift shops, machine and manufacturing shops, clothing shops, , museums, storage of recreational vehicles or equipment, and similar uses as determined by the Planning Commission.

##### **D. Performance Standards.**

All home occupations shall conform to the following standards:

1. Conduct of the home occupation does not require alterations to the exterior of the residence which substantially alters the appearance of the dwelling as a residence.
2. Only those persons residing in the home and one other person or full-time equivalent may be employed within the home.
3. Signage shall consist of no more than one (1) single or double-faced sign with a maximum area of eight (8) square feet per side in the Rural Residential District and sixteen (16) square feet per side in the Urban Growth and Rural Transit Center Districts.
4. No outdoor display or goods are permitted.
5. Should the occupation be teaching, classes shall not exceed ten (10) students at any one time.
6. Should the home occupation be repair or manufacturing, the items repaired or manufactured shall be of a size or nature that repair or manufacture can occur within the home, or an accessory structure to the principal use as allowed by this Ordinance.
7. No outside storage is permitted.
8. An accessory structure may be utilized in conjunction with the home occupation only for the purpose of holding equipment used off the site for the storage of goods or articles produced or used by the occupant

of the principle structure.

9. The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system or hazardous wastes without an approved plan for off-site disposal.

E. Review by Planning Commission.

When deemed appropriate, the Zoning Administrator may bring a proposal or existing home occupation to the attention of the Planning Commission at which time the Planning Commission may permit the use or hold such public hearings, request such information, or require such conditions as deemed necessary to ensure compliance with these performance criteria.

#### **4.05 Essential Services and Transmission Services**

A. Authority.

This Section shall apply to all essential services, including distribution and transmission lines of less than 100 kilovolts in size and transmission lines of 100 kilovolts and above, but less than 200 kilovolts, for which the Township has received a request for a permit. In some cases, State and Federal law may regulate certain types or characteristics of essential services facilities. This section shall be construed to provide the Township with the maximum control consistent with such other laws.

B. Compliance with other regulations and standards.

1. All essential services located within or crossing a Township right-of-way shall conform to Section 4.05 H. Essential services located within or crossing County, State or Federal public rights-of-way shall comply with other applicable right-of-way standards. Towers, structures and lines located entirely within an existing public right-of-way for which Chisago County has previously issued a conditional use or right-of-way permit are exempt from obtaining a conditional use permit, but must comply with the other standards and requirements of this Section.
2. All essential services, including towers, poles, accessory structures, and lines shall be designed and constructed in accordance with all provisions of this Ordinance and all applicable State and Federal codes, regulations, plans, and application requirements, including but not limited to State energy and transmission planning requirements, State need and reliability studies and determinations. Where Federal or State government does not have jurisdiction to determine need for a project, or where it exempts from or elects not to accept jurisdiction for a need determination, such that no need determination has been made, the Township may determine need for the project.

C. Notice Required.

1. The construction, relocation or improvement of essential and transmission services as defined by this Ordinance may directly affect the maintenance and use of public road right-of-way, access to public and private lands, land uses, highway location, park and recreation areas, preservation of natural environmental areas, lakes, streams and rivers.
2. Prior to undertaking any construction, relocation or improvement of essential and transmission services as defined by this Ordinance, the owner or contractor for such service shall issue written notice to the Town Clerk and all affected landowners.

D. Conditional Use Permit Required.

Transmission services, essential services or bulk gas or fuel facilities are conditional uses in all zoning Districts and shall follow the following procedure.

1. The owner shall file with the Township Zoning Administrator an application for a Conditional Use Permit, pursuant to Section 8.05. In addition to the submittal requirements in Section 8.05, the applicant shall file the following information:
  - a. Environmental review documentation, which may be required under mandatory, discretionary or special rules of the Environmental Quality Board.
  - b. Certificate of Need, if required.
  - c. Maps showing the proposed location, alignment and easement or right-of-way dimensions.
  - d. List of all property owners within three hundred fifty (350) feet of the proposed easement or right-of-way.
  - e. Maps showing the locations of all lakes, streams, rivers, drainage ditches, utilities, pipelines, essential

- services, transmission services, residences, businesses, public buildings, structures, parks and all existing land uses within three hundred fifty (350) feet of the proposed easement or right-of-way.
- f. Construction plans, grading plans, soil erosion and sedimentation control plans, wetland mitigation plans, street crossing plans and water body crossing plans.
  - g. A description of the types and quantities of all vegetation removed during construction, within temporary and permanent easement areas.
  - h. A facility management and site maintenance plan.
  - i. An emergency response plan.
  - j. A Facility Management Plan to include but not be limited to the following:
    - (1) A description of the need for the facility.
    - (2) A description of alternative facility or corridor locations considered but not chosen and the reason(s) for not selecting alternative locations.
    - (3) A description of all potential environmental and aesthetic impacts resulting from the proposed action and a description of proposed mitigation plans.
    - (4) A list of all vegetation lost in the construction of the facility, the plan for revegetation and the plan for maintaining vegetation after construction. The vegetation maintenance plan shall include alternative methods of maintaining vegetation, including relocation.
    - (5) A description and location of proposed warning or safety signs associated with the project.
    - (6) For electrical generation facilities or substations, noise modeling and a description of alternative visual and auditory screening methods and landscaping provisions.
    - (7) For electrical facilities, electrical and magnetic field modeling, radio frequency modeling, corona, a description of potential EMF and stray voltage impacts and mitigation alternatives.
    - (8) A list and timeline of all permits, licenses and approvals required and associated entities involved in the review and authorization of the project.
    - (9) A Statement of compliance with all laws and regulations and oversight provisions affecting the project and provision of associated permits, including but not limited to Certificate of Need, required State or Federal environmental review and State transmission planning priority list placement.
    - (10) Emergency Response Plan.
2. All maps and accompanying data submitted to the Zoning Administrator shall be forwarded to the Planning Commission. The Planning Commission shall conduct a public hearing consistent with the procedure for conditional uses as set forth in Section 8.05. In addition to the notice requirements of Section 8.05, prompt notice of the receipt of an application for a conditional use permit for a transmission line shall be given. Notice shall be published in the official newspaper of the Township. Written notice shall be sent to the County and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within three thousand (3,000) feet of the affected property or the nearest ten (10) properties, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made a part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, including Township ordinance notification provisions that may exceed State law, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.
  3. Following such hearing, the Planning Commission shall make a report of its findings and recommendations on the proposed services regarding the compliance with required standards, the factors set forth in Section 8.05, and the relationship to urban growth, land uses, highways, scenic protection, environmental protection, water resources protection and park areas, and shall file such report with the Town Board. In evaluating the factors set forth in Section 8.05, the Planning Commission and Town Board may consider the benefits of the proposed service to the Township and the adverse impacts, if any, to the Township, its residents, businesses and landowners. A conditional use permit may be denied if the adverse impacts outweigh the benefits and the Town Board makes such a finding. In its deliberations on new or upgraded essential or transmission services corridors, the Planning Commission and Town Board shall consider the following hierarchy of preferences, listed in descending order:
    - a. Avoid corridors in Special Management Overlay Districts.

- b. Bury lines in Special Management Overlay Districts.
  - c. Upgrade existing corridors.
  - d. Bury lines in new corridors.
  - e. Locate new corridors contiguous with existing corridors.
  - f. Locate new corridors contiguous with existing road rights-of-way.
  - g. Locate new corridors along parcel boundaries and minimize the bisection of parcels.
4. Upon receipt of the report of the Planning Commission of the planned essential services, the Town Board shall consider recommendations of the Planning Commission, maps and accompanying data and shall grant or deny the application. If granted, the conditional use permit may include conditions or modifications to mitigate potential adverse impacts, including but not limited to:
- a. Requiring adequate setbacks from existing highway rights-of-way to guarantee adequate areas for highway improvements.
  - b. Requiring adequate setbacks from or requiring the essential service or transmission service to be buried underground a minimum of three hundred and fifty (350) feet from any lake, river, stream, park, school, church or public building.
  - c. Requiring tree replanting on a one for one, similar size basis, within areas identified by the Township, of all trees removed from the proposed right-of-way.
  - d. Requiring that the maintenance of the easement or right-of-way shall be accomplished by selective planting, manual trimming and without the use of chemicals.
  - e. Such other reasonable conditions as may be necessary or appropriate to mitigate economic, aesthetic, environmental, health or safety impacts of the proposed service.
5. Recognizing a need for timely and adequate service by owners of essential services, the Township shall act upon all information filing within sixty (60) days of receipt by the Zoning Administrator. In the process of deliberation, the Town Board can call upon such sources of information public or private as it deems necessary to clarify problems and otherwise provide information necessary to reach a decision.

E. Transmission Line Standards.

- 1. In the Rural Residential District and applicable Special Overlay Districts, transmission lines within one mile of a city that require undergrounding of transmission lines shall be reviewed for burial. Economic considerations alone shall not render underground placement not feasible.
- 2. Towers, poles, structures and lines shall be located to minimize visibility.
- 3. All transmission line towers, poles, structures and lines situated in whole or in part outside of a public road right-of-way require adequate setbacks from existing rights-of-way to ensure safety and to provide adequate area for road improvements.
- 4. To the maximum extent practical, new transmission line corridors shall be avoided in all Special Overlay Districts.
- 5. If granted, a Conditional Use Permit for transmission lines may include conditions or modifications to mitigate potential adverse impacts, including but not limited to the following setbacks for transmission line towers, poles, and accessory structures:
  - a. Set back one-quarter (1/4) mile from a bluff line.
  - b. Set back one-quarter (1/4) mile from any lake or river.
  - c. Set back from the Sunrise River such that the towers, poles, and accessory structures are not visible from the opposite bank of the river at the ordinary high water level, provided that this setback shall not be required to exceed one and one-half (1-1/2) miles.
- 6. No business or advertising signs shall be installed on a tower, pole or structure. Guy lines are prohibited when a feasible alternative exists. Whenever practical lines and towers shall be placed adjacent to and parallel with existing property boundary lines, agricultural field boundaries, and natural division lines. The loss of agricultural land and significant environmental and natural areas shall be avoided or held to a minimum. No transmission line towers, poles, or accessory structures shall be designed, arranged, or constructed in such a way that will prevent a farm operator from cultivating the land. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained, when and wherever possible. All trees that are removed must be replaced

consistent with a reforestation plan approved by the Town Board. Towers, poles, and accessory structures must be constructed of material and color approved by the Town Board to best blend in with their surroundings. Construction of a new transmission line that detrimentally impacts the public health, safety and general welfare in a manner that cannot be mitigated shall be denied.

#### F. Distribution Line Standards.

1. In the Rural Residential and Special Overlay Districts distribution lines within one (1) mile of a city that requires undergrounding of distribution lines shall be reviewed for burial.
2. Poles and lines shall be located to minimize visibility.
3. All distribution line poles situated in whole or in part outside of a public right-of-way require adequate setbacks from existing rights-of-way to ensure safety and to provide adequate area for road improvements.
4. To the maximum extent practical, new above-ground distribution line corridors shall be avoided in all Special Overlay Districts. If granted, a Conditional Use Permit for distribution lines may include conditions or modifications to mitigate potential adverse impacts, including but not limited to the following setbacks for distribution line poles and accessory structures:
  - a. one-quarter (1/4) mile from a bluff line.
  - b. one-quarter (1/4) mile from any lake or river.
5. Guy lines are prohibited when a feasible alternative exists.
6. Whenever practical lines and poles shall be placed adjacent to and parallel with existing property boundary lines, agricultural field boundaries, and natural division lines.
7. Whenever practical upgrades of existing above ground distribution lines shall be buried underground.
8. The loss of agricultural land and significant environmental and natural areas shall be avoided or held to a minimum. No lines shall be designed, arranged, or constructed in such a way that will prevent a farm operator from cultivating the land. Selective clearing techniques shall be used throughout the length and width of any utility easement or corridor. Existing native vegetation shall be maintained, when and wherever possible. A reforestation plan, mitigating excessive tree loss, shall be required for review and approval by the Town Board.

#### G. Appurtenant Facilities Standards.

If appurtenant equipment or facilities occupy more than one hundred and twenty (120) square feet of ground area, they must be enclosed in a building if it is feasible to do so. Appurtenant equipment or facilities must be approved as part of a conditional use permit if installed in conjunction with a transmission line requiring a conditional use permit, or if a conditional use permit is not required by separate site plan approval unless exempt under Section 4.05 A.

#### H. Township Right-of-Way Standards.

1. Permit required.  
Prior to undertaking any construction, relocation or improvement of essential and transmission services as defined by this Ordinance, the owner or contractor for such service shall obtain a Right-of-Way Permit from the Town Clerk.
2. Performance Standards.

All construction, relocation or improvement activities taking place within the right-of-way of a Township road shall comply with the following standards:

- a. Any blocking or diversion of traffic shall be limited to the minimum duration and reasonable time of day required to complete the work;
- b. Any blocking or diversion of traffic shall require the use of appropriate traffic control procedures and warning signs/devices;
- c. Any blocking or diversion of traffic exceeding four (4) hours shall require the construction of a temporary bypass; d. No cables, wires, poles or other materials shall be placed or left in a position that will block or impede normal access or traffic;
- e. Where the construction, relocation or improvement activities will require the temporary removal or modification of a culvert or other drainage structure, prior to the commencement of any work, the applicant shall provide the Township with a Performance Guarantee in the amount of 125% of the estimated cost of repairing or replacing the removed or modified culvert or drainage structure;



- f. All disturbed slopes and soils shall be seeded and mulched upon completion of all permitted work in order to prevent erosion;
- g. The Township road right-of-way shall be fully restored to its original condition and dimensions upon completion of all permitted work and shall be inspected by the Township to confirm full compliance.

#### **4.06 Yard Regulations**

##### **A. General Statement.**

No yard or other open space shall be reduced in area or dimension so as to make such yard or open space less than a minimum required by this Ordinance. If the existing yard or other open space is less than the minimum required, it shall not be further reduced. No required yard or open space allocated to a structure or parcel of land in compliance with this ordinance shall be used to satisfy yard or open spaces or minimum lot area requirements for any other structure or land.

##### **B. Yard Requirements.**

The minimum yard setback distances from the appropriate lot line are set forth within the District provisions of this Ordinance.

1. Corner Lots. Where a lot is located at the intersection of two (2) or more streets, the width of the yard along the street shall not be less than thirty (30) feet. On a corner lot, nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2½) and ten (10) feet above street level for a distance of thirty (30) feet from intersecting streets.
2. Through Lots. On a lot fronting on two (2) parallel streets, both street lines shall be front lot lines for applying the yard regulations of this Ordinance.
3. Earth Sheltered Buildings. Computations for yard requirements shall be based upon measurements from the exposed exterior surface of the building.
4. Exceptions. The following shall not be considered as encroachment into yard setback requirements.
  - a. Architectural projections including chimneys, flues, leaders, sills, pilasters, lintels, ornamental features, mechanical devices, cornices, eaves, gutters, and the like, provided they do not extend more than three (3) feet.
  - b. Yard lights and signs, provided they are located three (3) feet or more from all lot lines. Lights for illuminated parking or loading areas or yards for safety and security purposes may be installed where necessary provided that glare is not visible from public rights-of-way or adjacent residential property.
  - c. Off-street parking spaces except as hereinafter regulated.
  - d. Fencing or buffering materials except as hereinafter regulated.
  - e. In front and side yards: balconies that extend a distance of four (4) feet or less, provided they are seven (7) feet or more above grade at the building line. Also, steps, terraces, driveways, stoops, decks and patios which do not extend in elevation above the ground floor level of the principal building or to a distance of less than five (5) feet from any lot line.
  - f. In rear yards: recreational and laundry drying equipment, picnic tables, open arbors and trellises, balconies, breezeways, porches, detached outdoor living rooms and decks, and outdoor eating facilities are allowed, provided these are not less than five (5) feet from any lot line.

#### **4.07 Building Requirements**

##### **A. Building Size and Architectural Requirements.**

The following building size and architectural standards shall apply to all Districts unless otherwise specified.

1. Height Exceptions. The building height limits established for belfries, cupolas, domes, spires, monuments, airway beacons, radio or television towers, flag poles, chimneys, flues, elevators, water tanks, poles, towers and other similar structures extending above the roof of any buildings and not occupying more than twenty-five (25%) percent of the total roof area shall be fifty (50) feet; except as otherwise regulated herein.
2. Architectural Requirements. The following architectural requirements shall apply to all dwellings, except in permitted manufactured home parks.
  - a. Dwellings shall have a width of not less than twenty (20) feet.
  - b. Dwellings shall be placed on a permanent foundation forming a complete enclosure under exterior walls.
  - c. Exterior walls shall have the appearance of wood or masonry regardless of their actual composition.

- d. All dwellings shall be constructed on site or be prefabricated and assembled on site.
3. Minimum Ground Floor Area. The ground floor area for any dwelling shall be at least nine hundred sixty (960) square feet.
4. Maximum Total Lot Coverage. The total area of all buildings shall not exceed more than fifty (50%) percent of the total lot area.

**B. Structures Prohibited for Habitation.**

Except where specifically permitted in this Ordinance, no person may occupy or inhabit any structure not specifically designed for human habitation, including, but not limited to, accessory buildings, tents, campers, makeshift structures, or any structures designed for habitation but without plumbing, heating and ventilation systems or electricity.

**4.08 Accessory Structures and Uses**

**A. For lots zoned RR-A, the following standards shall apply:**

1. For lots or parcels less than ten (10) acres no more than three (3) accessory structures shall be permitted;
2. For lots or parcels of at least ten (10) acres, but less than forty (40) acres no more than four (4) accessory structures;
3. For lots or parcels of at least forty (40) acres and larger, no more than five (5) accessory structures; and
4. The maximum combined footprint for accessory structures on any lot or parcel shall be two percent (2%) of the lot or parcel acreage or two thousand (2,000) square feet, whichever is greater.
5. The height of the accessory structure shall not exceed thirty-five (35) feet and be one story in height, or two stories with the second story consisting entirely of unfinished storage space.

**B. For lots located within the Rural Residential I (RR-I), Rural Residential II (RR-II) or Urban Growth (UG) districts the following standards shall apply:**

1. No more than two (2) accessory structures shall be permitted per lot;
2. The maximum combined footprint for accessory structures shall be two percent (2%) of the lot or parcel acreage or two thousand (2,000) square feet, whichever is greater.
3. The height elevation of any accessory building shall not exceed the height elevation of the principal structure.
4. Agricultural Buildings, per the definition in this ordinance, shall not be permitted within the RR-I, RR-II and UG zoning district.
5. The height of the accessory structure shall not exceed the height of the principal structure.

C. Accessory buildings and structures that do not require a building permit pursuant to Item F below, shall be located five (5) feet or more from property lines, except as otherwise provided for in Sections 4.07 and 4.09. The setbacks for accessory structures with a footprint greater than or equal to five thousand (5,000) square feet shall be established by the Planning Commission prior to the issuance of a building permit.

D. No sanitary facilities are permitted within an accessory building prior to the construction of the principal structure, and no sanitary facilities shall be permitted within any accessory structure where they are intended to facilitate human habitation.

E. No accessory building or structure other than a fence, a temporary construction office, or a temporary Manufactured Home in accordance with Section 4.11 of this Ordinance and any other applicable Sections of this Ordinance, shall be permitted on any lot without a principal structure.

F. Accessory buildings larger than one hundred twenty (120) square feet shall require a certificate of compliance and building permit.

G. Garages. A detached garage, when there is no garage attached to the principal building, which is 960 square feet or less in size shall not count as one of the accessory buildings or in calculating the square footage limitation as long as the detached garage exterior matches the exterior materials, design and color of the principal building.

H. The architectural design and appearance of all accessory buildings, and structures shall comply with the following standards:

1. When located in front of the principal structure the following standards shall apply:

a. For parcels zoned Rural Residential – Agricultural (RR-A), Rural Residential I (RR-I), Urban Growth (UG), or for properties which are greater than five (5.0) acres in size and zoned Rural Residential II (RR-II) the accessory building shall meet the following standards:

i. The exterior appearance and color of the accessory building shall have boxed eaves and match the architecture of the principal dwelling unit located on the lot.

2. When located behind the principal structure the following standards shall apply:

a. For properties zoned Rural Residential – Agricultural (RR-A), or for properties which are greater than five (5.0) acres in size and zoned Rural Residential II (RR-II) the accessory building shall meet the following standards:

i. The exterior appearance and color of the accessory building shall match the general architecture of the principal dwelling unit located on the lot.

b. For properties zoned Urban Growth (UG), Rural Residential I (RR-I), or for properties which are less than five (5.0) acres in size and zoned Rural Residential II (RR-II) the accessory building shall meet the following standards:

i. The exterior appearance and color of the accessory building shall have boxed eaves and match the architecture of the principal dwelling unit located on the lot.

ii. The accessory structure elevation shall not exceed that of the principal structure.

I. Commercial and Industrial Accessory Structures located within the RTC. The following additional standards shall apply to commercial and industrial accessory structures:

1. Accessory structure standards shall be calculated consistent with Section A of this ordinance, where the primary location of business operation is deemed the Principal Structure, provided the accessory structures are used for storage related to the principal use of the property. No separate business is allowed from any accessory structure.

2. The accessory structure(s) shall be placed to the rear of the principal building and must conform with applicable setback requirements.

J. The commercial storage of recreational structures, including fish houses, shall be considered a commercial use and subject to the requirements for commercial uses.

K. No land shall be subdivided so as to have a larger building and/or exceed the total number of buildings as permitted by this section. The square footage of a building is calculated based upon the footprint of the foundation or main floor, whichever is larger, and includes any overhangs which are supported by posts or additional foundation support.

L. No garage, cellar, tent, trailer, basement or accessory structure shall be used as a dwelling unit, except temporary manufactured homes as regulated in this Ordinance.

M. Temporary structures must be securely anchored and meet all required setbacks, and shall not count as part of the allowable square footage per lot. Temporary structures that due to deterioration or damage no longer provide the use for which they were intended must be removed.

N. All in-ground pools and permanent above-ground pools shall be considered an accessory use and shall be subject to the same conditions and regulations as defined herein, but shall not count towards the maximum allowable square footage per lot, total number allowed, or maximum allowable square footage as defined within this ordinance. Construction of pools shall be subject to the most recent regulations as defined by in

the Minnesota State Building Code.

#### **4.09 Fences**

##### **4.09 Fences**

A. Fences in all districts are subject to the following:

1. No fences shall be permitted on public rights-of-way.
2. Fences may be placed along property lines provided no physical damage of any kind results to abutting property. The entire fence including any post footings must be entirely within the fence owners property.
3. Property owner shall locate and expose property pins to verify property line location, or if property pins cannot be found, the property owner shall have the property corners identified and marked by a licensed surveyor in the State of Minnesota.
4. Fences over six (6) feet in height from the finished grade shall require a building permit in addition to any other required permits.

B. Fences in the Rural Residential – Agriculture (RR-A) district are subject to the following:

1. Chain link, livestock, or similar wire fences may exceed 6 feet in height.

C. Fences in the Rural Residential – I (RR-I) and Rural Residential – II (RR-II) districts are subject to the following:

1. That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
2. Fences may be located on side or rear lot lines to a height of four (4) feet above finished grade.
3. Fences which meet side and rear setback requirements, including setback from ordinary high-water mark, shall not exceed six (6) feet in height from finished grade.
4. Fences within the front non-buildable setback area shall not exceed thirty-six (36) inches in height, except chain link fences, which do not obstruct vehicular sight lines, may be five (5) feet in height.

D. Fences in Rural Transit Center (RTC) Districts are subject to the following:

1. Fences may be erected on the lot line to a height of eight (8) feet from finished grade.

#### **4.10 Lots of Record**

A lot of record is a lot which is part of a subdivision or plat, an Auditor's Subdivision or a Registered Land Survey or a parcel of land not so platted, which has been approved by the Town Board or meets the following conditions:

A. Was a separate parcel of record on April 1, 1945 or was the subject of a written agreement to convey entered into prior to such time;

B. Was a separate parcel of not less than two and one-half (2½) acres in area and one hundred fifty (150) feet in width on January 1, 1966; or

C. Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980; or

D. Is a single parcel of land currently zoned for commercial or industrial purposes of not less than five (5) acres and having a width not less than three hundred (300) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than five (5) acres in area or three hundred (300) feet in

width; or

E. Is a single parcel of land currently zoned for residential or agricultural purposes of not less than twenty (20) acres and having a width not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two

(2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.

#### **4.11 Temporary Manufactured Homes and Mobile Homes**

A. Prohibition. No person shall park, store, use or occupy a Manufactured Home or mobile home on the premises or a lot with any dwelling or any land which is situated outside of an approved mobile home park except as listed in this Section or in this Ordinance.

B. Use Allowed.

1. It is the purpose of this Section to allow for the temporary placement of a Manufactured Home in urgent hardship situations involving, emergency situations where a previously occupied dwelling has been destroyed or rendered unlivable due to fire, flood, storm damage or other catastrophe, or where the landowner demonstrates to the Zoning Administrator, a housing need for medical hardship reasons exists to care for the elderly parents or dependents of the Family occupying the principal dwelling.

2. Temporary Manufactured Home Permit Required.

A Temporary Manufactured Home Permit shall be required for the temporary placement of a Manufactured Home as allowed under this Section. The application for the permit shall contain the information required for conditional use permits in Section 8.05 of this Ordinance. Upon determination that the application meets the requirements of this Section and any other applicable sections of this Ordinance, the Zoning Administrator may issue said permit.

3. Conditions for Issuance of Temporary Manufactured Home Permit.

A Temporary Manufactured Home Permit shall be valid for twelve (12) months.. The Zoning Administrator may extend the temporary Manufactured Home Permit for additional twelve (12) month periods if the landowner requests such extension, in writing, and demonstrates the urgent hardship for which the Temporary Manufactured Home Permit was issued, continues to persist. The Temporary Manufactured Home Permit allows a temporary Manufactured Home to be placed and occupied on the same site as the original or existing dwelling, provided the following conditions are met:

- a. The Temporary Manufactured Home shall be affixed in accordance with the manufacture's specifications except that they may not be placed on a permanent foundation; and
- b. No separate sewage or water facilities are permitted, and an adequate and approved on-site sewage treatment system has been installed or exists on the site to service the temporary Manufactured Home, and an approved compliance inspection has been completed; and
- c. The temporary Manufactured Home conforms to the construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the Manufactured Home's manufacture and the requirements of Minnesota Statutes, Chapter 327, as amended; and
- d. A five thousand dollar (\$5,000) cash escrow is posted as part of the application, to ensure removal of the temporary Manufactured Home when the approved use ceases; and
- e. The temporary Manufactured Home and parking spaces shall adhere to all applicable provisions for the underlying zoning district and shall only utilize the permitted access driveway.
- f. If the Temporary Manufactured Home Permit is issued pursuant to a request for an urgent hardship involving a loss of the principal structure as described in this Section, the landowner shall submit an application for a building permit to rebuild or repair the original dwelling within ninety (90) days of receiving a Temporary Manufactured Home Permit.

- g. If the Temporary Manufactured Home Permit is issued pursuant to a request for a medical hardship reason, the following additional conditions must be met:
  - (i). The landowner shall submit a doctor's report indicating the need for a closely supervised independent living arrangement; and
  - (ii). The occupant(s) must be closely related to the occupants of the principal residence or have been legally designated ward(s)/guardian(s) of said occupant(s); and
  - (iii). The Temporary Manufactured Home must be located on the same parcel of land as the permanent dwelling, and in close proximity to the dwelling.

C. All other applications for temporary Manufactured Homes not meeting the above conditions may be submitted by the landowner as a conditional use, variance, or other appropriate process as provided in this Ordinance.

#### **4.12 Off-Street Parking and Loading**

##### **A. Parking of Commercial Vehicles or Equipment.**

No commercial vehicles or equipment, exceeding nine thousand (9,000) pounds gross weight, shall be parked, stored, or otherwise continued in the Rural Residential and Urban Growth Districts for more than a maximum of twenty-four (24) hours unless in a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.

##### **B. Parking of Recreational Vehicles and Placement of Recreational Structures on Unimproved Property.**

Travel trailers, campers, tents, motor homes, and other vehicles or structures which are adaptable or have been adapted for living and may be reasonably transported, may be used for dwelling purposes or stored on the premises for a period not to exceed thirty (30) consecutive days or more than thirty (30) days of a sixty (60) day period. Only one recreational vehicle may be placed on a parcel or lot, except for short term periods such as family reunions and visits which do not exceed a period of 48 hours.

##### **C. Maintenance.**

It shall be the joint responsibility of the lessee and/or owner of the principal use of a building to maintain in a neat and adequate manner, the parking area, striping, landscaping and screening.

##### **D. Use of Parking Area.**

Required off-street parking spaces in any District shall not be utilized for open storage of goods or for the storage of vehicles which are inoperable or for sale or for rent.

##### **E. Control of Off-Street Parking Facilities.**

Any accessory off-street parking facilities that are provided elsewhere than on the lot in which the principal use served is located shall be in the same ownership or control either by deed or long-term lease, as the property occupied by such principal use. In addition, the owner of the principal use shall file a recordable document with the Town Board requiring the owner and his/her heirs and assigns to maintain the required number of off-street spaces during the existence of said principal use.

#### **4.13 Abandoned Vehicles**

No person in charge or control of any property shall allow any partially dismantled, inoperative, wrecked or junked vehicle to remain on the property longer than thirty (30) days where said vehicle is visible from a public road or the main floor of any dwelling; nor shall they allow any unlicensed vehicle, capable of being operated, to remain on such property if such vehicle has been unlicensed in both the current and preceding year, except as a vehicle used on the property without the requirement of a license.

#### **4.14 Signs**

##### **A. Purpose.**

The purpose of this section is to regulate the location, size, placement and certain features of signs to enable the public to locate goods, services and facilities; to prevent competition for attention; to prevent hazards to life and property; and to protect the natural roadside aesthetics throughout Lent Township.

#### B. Permits Required.

Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, or relocated until a permit for the sign has been issued. However, no permit will be required under this Ordinance for the following signs:

1. Real estate sales signs under nine (9) square feet in area on residential properties which are for sale.
2. Real estate signs under thirty-two (32) square feet in area on commercial and industrial properties which are for sale.
3. Political signs.
4. Public information and directional signs.
5. Traffic/Construction signs
6. Address/location signs or numbers less than two (2) square feet in total or combined area.

#### C. Prohibited Signs.

No sign shall be erected or maintained:

1. Which purports to be or resembles an official traffic control device, sign, or signal or railroad sign or signal; or which hides from view or interferes in any material degree with the effectiveness of any traffic control device, sign, or signal, or railroad sign or signal, or which obstructs or interferes with the driver's view of approaching, merging, or intersecting traffic.
2. Which prominently displays the word "stop" or "danger".
3. Which contains statements, words, or pictures of an obscene, indecent, or immoral character, or such as would offend public morals or decency.
4. No advertising signs or supporting facilities for signs shall be placed in or upon public waters.
5. On any right-of-way of any highway, except as otherwise provided by law or as allowed in this Ordinance, or allowed by the Commissioner of the Minnesota Department of Transportation.
6. If any part of such sign extends more than six (6) feet over the public right-of-way, and is less than eight (8) feet above ground level. Canopies and marquees shall be considered an integral part of the structure to which they are attached. This Section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.
7. On private land without the written consent of the owner thereof and in conformance with this Ordinance.
8. On trees, shrubs, or which are painted or drawn upon rocks or natural features, or on any public fences or utility poles.
9. Which have lights or beacons directed skyward.
10. Which has flashing or moving lights, except as specifically permitted in this Ordinance.
11. Which is structurally unsafe and would have to be removed.

#### D. General Provisions.

The following requirements shall apply to all signs in all Districts.

1. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning Districts. These shall be repainted when required, to be kept in good condition, and shall be repainted, removed or painted out when they are not so maintained.
2. Signs shall not obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
3. The owner, lessee or manager of any ground sign and the owner of the land on which the same is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which a sign is located.
4. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the owner or lessee of the property upon which the sign stands upon notice by the Zoning Administrator.
5. Political signs are allowed in any District, on private property, with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election or elections to which they apply.
6. In any District, banners, ribbons, flags, animal displays, inflatables, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, activity, person, institution, organization or business, shall require a sign permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.

7. Illuminated signs shall be diffused or indirect so as not to direct rays of light skyward, into adjacent property or onto any public street or right-of-way.
8. Real estate sales signs may be placed in any yard providing such signs only advertise the sale of that particular property.
9. Real estate development project sales signs may be erected for the purpose of selling or promoting a real estate development project.
  - a. Such signs shall not exceed one hundred (100) square feet in area.
  - b. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
  - c. project.
  - d. Such signs shall be removed when the project is eighty (80%) percent completed, sold or leased.
  - e. Such signs shall not be located closer than one hundred (100) feet from any existing residence.
11. Construction signs shall not be erected before issuance of a building permit or remain after issuance of a certificate of occupancy.
12. Banners, pennants, ribbons, flags, beacons and temporary signs may be used for grand openings, special events and holidays, but must be removed after the event or a maximum of ten (10) days, whichever is shorter. No business or property may utilize such signs more than three times in a calendar year.
13. The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
14. In all areas utilizing a uniform street and numbering system, a number sign legible from the road shall be required for residences and businesses.
15. Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.
16. No sign shall exceed eighty (80) square feet in area.

E. Signs in the Rural Residential and Urban Growth Districts.

The following signs are permitted and regulations established for the Rural Residential and Urban Growth Districts:

1. Nameplate, address, real estate sales and development, public, political, identification, informational, institutional, business, directional, construction, temporary and agricultural crop demonstration signs.
2. One (1) of each type of sign is allowed per lot frontage, except political signs where one (1) per each candidate is permitted, and agricultural demonstration sign where one (1) for each demonstration plot is permitted, or as hereinafter allowed.
3. Sign Size and Location Requirements.
  - a. Nameplate signs shall not exceed ten (10) square feet in area.
  - b. Temporary construction signs shall not exceed thirty-two (32) square feet in area.
  - c. Real estate signs shall not exceed nine (9) square feet and temporary real estate development project signs shall not exceed eighty (80) square feet.
  - d. Crop identification signs shall not exceed ten (10) square feet in area or ten (10) feet in height.
4. Business signs, located on premises, for permitted uses, subject to the following provisions:
  - a. No more than one (1) freestanding sign of not more than thirty-five (35) square feet in surface area and no more than fifteen (15) feet in height above the average grade.
  - b. No more than one (1) flat wall sign, which shall not exceed thirty-five (35) square feet in surface area.

F. Signs in the Rural Transit Center District.

The following signs are permitted and regulations established for the Rural Transit Center District:

1. Signs as permitted and regulated in the Rural Residential and Urban Growth Districts.
2. Business signs, located on premises, subject to the following provisions:
  - a. A maximum of one (1) freestanding sign not exceeding twenty (20) feet in height or eighty (80) square feet in area, located on the premises.
  - b. Flush mounted or wall painted signs, not exceeding fifteen (15) percent of a single wall area.
  - c. The total surface area of all business signs on a lot shall not exceed the sum of three hundred (300) square feet.
  - d. No signs shall project above the roof of a structure.
  - e. Directional signs on the premises, not exceeding three (3) square feet in area or six (6) feet in height.
  - f. Electronic changeable message signs, displaying only the time and temperature.



- g. One (1) freestanding sign for each multiple tenant business development owned or managed as a single center or development, not exceeding eighty (80) square feet in area or twenty (20) feet in height.
- h. Each multiple tenant center, in which individual businesses will utilize wall signs, must design a wall sign concept for the entire center, to promote individual sign compatibility, sign area equity and ensure ordinance compliance.

**G. Signs in the Natural Resource Preservation District.**

No signs shall be permitted within the Natural Resource Preservation District, except for signs erected by the Federal, State, County or Township Governments for transportation and safety purposes and signs erected or authorized by the Minnesota Department of Natural Resources.

**H. Specific Service and Tourism Signs.**

- 1. Specific service and tourist-oriented business signs, as defined in M.S. Section 160.292, are permitted subject to the purposes and requirements established in M.S. Section 160.283, Section 160.285 and Sections 160.292-160.296.
- 2. Specific service signs and tourist- oriented business signs shall be administered by the Zoning Administrator, County Engineer and State Commissioner of Transportation.
- 3. No signs permitted in this section shall exceed eighty (80) square feet in area or twenty (20) feet in height.

**I. Off-Premise Signs.**

- 1. An off-premise advertising sign is a sign that directs attention to a business, product, service, sale, activity or entertainment not conducted on the premises on which the sign is located.
- 2. Except as otherwise specifically permitted in this Ordinance, off-premise advertising signs are regulated as follows:
  - a. All off-premise advertising signs shall require a conditional use permit.
  - b. Off-premise advertising signs shall be considered a principal use of property and may not occupy any parcel with an existing structure or use.
  - c. One (1) off-premise advertising sign is permitted per parcel, not exceeding eighty (80) square feet in area or twenty (20) feet in height.
  - d. An off-premise advertising sign shall not be located closer than two thousand (2000) feet from another off-premise advertising sign.

**4.15 Driveways and Access Aprons**

- A. A driveway permit shall be obtained prior to the construction, enlargement, installation or replacement of all driveways, service ways, private roads or other accesses which connect to a public road right-of-way. Applications for driveway permits, applicable design standards and requirements and other informational material shall be available from the Zoning Administrator.
- B. Every driveway shall be connected to a public road right-of-way by an apron which meets the following requirements :
  - 1. Each lot of record is permitted one driveway, regardless of the width of lot frontage, to access a property from any public road right-of-way. The driveway accessing a residential structure shall be setback a minimum of five (5) feet from any property line, except that property line which is crossed to gain access.
  - 2. The ratio for driveways on an individual lot accessing a Township road shall not exceed one (1) driveway for every three hundred and thirty (330) feet of frontage. The lot frontage shall be calculated per roadway, and lots with frontage on two intersecting roadways (corner-lot) may not be combined to meet the minimum frontage requirements. The number of driveways accessing a county or state road shall be required to meet the most current regulations of the agency which has jurisdiction over the roadway.
    - a. On Township roads, a maximum of one extra driveway that would exceed the ratio of one (1) driveway per every three hundred and thirty (330) feet of frontage will be permitted on a lot affronting a township road for the sole purpose of providing access to a detached accessory building.

- b. The extra driveway will require an approved driveway permit which will be reviewed by Township Staff for the creation of possible hazardous conditions created by the propped extra access.
  - c. The extra driveway must be set back a minimum of twenty (20) feet from an existing driveway as well as any property line, except that property line which is crossed to gain access.
  - d. The driveway, including the driveway apron, will be required to meet Township design standards.
- 3. On corner lots, driveways shall be setback a minimum of fifty (50) feet from the lot-lines where the two roadways intersect. Vegetation and other visual screening shall be subject to the requirements in section 4.06B(1).
- 4. Shared driveways shall be permitted with an executed shared driveway agreement between the lot owners. The shared driveway shall meet the standards defined in section (4.15.B.1). Any additional driveways proposed per lot shall be required to meet the standards defined in (4.15.B.2).
- 5. The driveway apron shall extend from the right-of-way line to the edge of the public road surface, and shall be not less than eighteen (18) feet nor more than twenty-four (24) feet in width, with a side slope not steeper than four (4) feet horizontal to one (1) foot vertical;
- C. A culvert shall be installed wherever the construction, improvement or replacement of any driveway, service way, private road or other access intersects, crosses or joins upon any public road right-of-way and would divert, impede, impound or in any way obstruct the natural drainage of surface waters.
  - 1. All culverts shall be installed in full compliance with design standards and specifications established by resolution adopted by the Town Board
  - 2. The exact culvert dimensions shall be determined by an inspector designated by the Town Board
- D. All driveway aprons and culverts shall be inspected before and after construction, installation or replacement.
- E. No certificate of occupancy shall be issued for a new residential structure until a driveway permit has been obtained and all inspections have been completed.
- F. Where a culvert is required, the applicant shall post a cash escrow in the amount of one thousand dollars (\$1,000) prior to the commencement of any work on the driveway apron or culvert.
  - 1. Where the nature of a project, or the soils or road conditions at or near the project site warrant, the Town Board may, by resolution, increase the amount required pursuant to this Section.
  - 2. In the event a driveway apron or culvert is improperly installed or damaged, the Zoning Administrator shall notify the applicant of such deficiency in writing. The applicant shall have twenty (20) days from the receipt of such notice to correct such deficiency and bring the driveway apron and culvert into full compliance. If the driveway apron and culvert are not brought into compliance within twenty (20) days of such notice, then the Township may expend the cash escrow posted pursuant to this Section in order to complete the work or repairs. If the cost of construction of repairs undertaken by the Township exceeds the amounts posted by cash escrow, the applicant shall remain responsible for all excess costs.
  - 3. Any cash escrow posted pursuant to this Section shall be deposited with the Town Treasurer and held by the Township until the final completion and inspection of all construction, repair or replacement work being undertaken at the property, whether or not such work is strictly limited to the driveway and/or culvert. The applicant shall receive a full refund of any amounts not expended by the Township in the enforcement of this section.

#### **4.16 Dangerous Exotic Animals**

The keeping, boarding, breeding, feeding, sheltering or training of any dangerous exotic animal within Lent Township shall be in accordance with applicable Ordinances and standards adopted and enforced by Chisago County.

#### **4.17 Transfer of Development Rights**

The use of transferred development rights or credits to achieve smaller lot sizes or increased development density, not conforming with this Ordinance, shall be prohibited.

#### **4.18 SOLAR ENERGY SYSTEMS**

1. General Provisions

- A. Purpose and Intent - Lent Township finds that the development of solar energy systems should be balanced with the protection of the public health, safety and welfare of the public. The Township resolves that the following standards shall be adopted to ensure that solar energy systems and solar energy farms can be constructed within Lent Township while protecting public safety and the natural resources of the Township. Lent Township finds that it is in the public interest to encourage the use and development of renewable energy systems that enhance energy conservation efforts but result in limited adverse impact on nearby properties. As such, the Township supports the use of solar energy collection systems and the development of solar energy farms.
- B. Severability - The provisions of this Section shall be severable and the invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph or subdivision of this section.
- C. Applicability - These regulations shall apply to all solar energy systems and solar energy farms on properties and structures under the jurisdiction of Lent Township.

2. Solar Energy Systems Allowed by District:

	Rooftop/Architectural	Ground Mount	CSES (Solar Gardens)	Solar Farm
RRA	Accessory Use	Accessory Use	Accessory or Principal Use with an IUP	Principal Use with an IUP
RRI	Accessory Use	Accessory Use	Not Allowed	Not Allowed
RRII	Accessory Use	Accessory Use	Not Allowed	Not Allowed
UG	Accessory Use	Not Allowed	Not Allowed	Not Allowed
RTC	Accessory Use	Not Allowed	Not Allowed	Not Allowed
NRP	Not Allowed	Not Allowed	Not Allowed	Not Allowed

3. Rooftop or other Architecturally-Integrated Solar Energy Systems:

- A. The owner or contractor shall obtain a building permit before installing a rooftop or other architecturally-integrated solar energy system.
- B. Commercial rooftop or other architecturally-integrated systems shall be placed on the roof to blend into the roof design, to limit visibility from the public right-of-way and adjacent properties, provided that minimizing visibility still allows the property owner to reasonably capture solar energy.
- C. Ground equipment associated with rooftop energy systems shall adhere to the same setback requirements as equipment for ground mount solar energy systems.

4. Accessory Ground-mount solar energy systems:

- A. Ground-mount systems require a Building Permit.
- B. Ground-mount systems do not count as an accessory structure for the purpose of meeting limits on the total square footage or number of accessory structures allowed in its respective district.
- C. No ground-mounted solar energy system shall cover or encompass more than 2 percent of the lot or parcel acreage or two thousand (2,000) square feet, whichever is greater.
- D. Dimensional Standards for ground mount solar panels and all associated equipment.

<b>Dimensional Standard</b>	<b>Distance (feet)</b>	<b>Height (feet)</b>
Side Yard Setback	10	
Rear Yard Setback	10	
County (CSAH) Road*	150	
Township Road*	100	
City or Private Road*	100	
Panel Height (At full tilt)		12

\*Setbacks from roadways shall be measured from the centerline of the traveled roadway.

- E. Screening: All accessory ground-mount solar energy systems shall be screened from adjacent residential properties and right-of-way by vegetation that provides year-round coverage. If existing screening in the form of vegetation that provides year-round coverage or site topography is such that it provides the required screening from adjacent residential properties and right-of-way, the screening requirement may be waived or reduced at the discretion of the Planning Commission.
    1. Vegetative screening shall consist of an offset double row of evergreen trees (or other tree, shrub, or bush that provides year-round coverage) that will be six (6) feet in height at installation and reach a minimum of twelve (12) feet at maturity.
    2. All vegetative screening shall be installed prior to installation of any components of the solar array.
  - F. Fencing: Any fencing around the ground-mount solar energy systems shall consist of metal or wood and contain no barbed wire. If chain link fencing is used it shall be coated in black vinyl to minimize the visual effect of the fence.
5. Community Solar Energy Systems (CSES/Solar Gardens):
- A. CSES/Solar Gardens shall be located on parcels of land no less than twenty (20) acres in size and which are zoned Rural Residential – Agriculture (RR-A).
  - B. Community Workshop. Prior to an application being deemed complete, an Applicant shall be required to hold a community workshop at the Lent Town Hall for the proposed project.
    1. Applicant shall send a notice of the community workshop to all property owners within 1,000 feet of the boundary for which the project is proposed to be located. Such notices shall be sent to residents no less than two (2) weeks in advance of the community workshop.
    2. The Applicant shall supply the Township with a map of properties to which notices were sent and a copy of the mailing list for which letters were sent.
  - C. An Interim Use Permit (IUP) shall be required.
  - D. A building permit shall be required and shall be reviewed by the Planning Commission and Town Board.
  - E. Construction may only occur Monday through Friday between the hours of 8:00am and 5:00pm. No work may be completed on federal holidays.
    1. Failure to adhere will result in the following actions:
      - a. 1<sup>st</sup> violation - \$250.00
      - b. 2<sup>nd</sup> violation - \$500.00
      - c. 3<sup>rd</sup> violation - \$1,000.00 and review of and possible revocation of IUP
  - F. Prohibited Districts: The Township prohibits CSES's within the following districts:

1. Shoreland Districts as designated by the Department of Natural Resources (DNR) and the Lent Township Shoreland Management Overlay, Carlos Avery Overlay, and Sunrise River Overlay.
2. Within Six Hundred (600) feet of areas designated or formally protected from development by Federal, State or County agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;
3. Wetlands, to the extent prohibited by the Minnesota Wetland Conservation Act;
4. FEMA established Floodplains.

G. Dimensional Standards: All solar panels and their associated equipment such as metering pads, transformers, and batteries for energy storage shall meet the following standards:

<b>Dimensional Standard</b>	<b>Distance (feet)</b>	<b>Height (feet)</b>
Side Yard Setback	50	
Rear Yard Setback	50	
County (CSAH), Township, City or Private Road*	660	
Panel Height (At full tilt)		12

\*Setbacks from roadways shall be measured from the centerline of the traveled roadway.

- I. Screening: All Community Solar Energy Systems (CSES/Solar Gardens) and their components such as transformers, metering pads, batteries for energy storage, and similar equipment shall be screened from adjacent residential properties and right-of-way by vegetation that provides year-round coverage. If existing screening in the form of vegetation that provides year-round coverage or site topography is such that it provides the required screening from adjacent residential properties and right-of-way, the screening requirement may be waived or reduced at the discretion of the Town Board.
  1. Vegetative screening shall consist of an offset double row of evergreen trees (or other tree, shrub, or bush that provides year-round coverage) that will be six (6) feet in height at installation and reach a minimum of twelve (12) feet at maturity.
  2. All vegetative screening shall be installed prior to installation of any vertical components of the solar array or its associated equipment.
- J. Security Fencing: Security fencing shall consist of metal or wood and contain no barbed wire. If chain link fencing is used it shall be coated in black vinyl to minimize the visual effect of the fence.
- K. Power and Communication Lines. All on-site power and communication lines running between banks of solar panels and buildings shall be buried underground on premise. The Zoning Administrator may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines. All overhead power and communication or transmission lines installed as a result of the proposed solar garden shall also be buried underground and are subject to the essential services ordinance Chapter 2, Section 4.05.
- L. Decommissioning Plan: The owner/operator shall submit a decommissioning plan for ground-mounted CSES's and Solar Farms to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a

soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance. The owner/operator shall establish an escrow account in an amount of \$20,000.00 plus a 3% escalator for each year of the requested Interim Use Permit (IUP) to ensure proper decommissioning.

## 6. Solar Farms

- A. Solar Farms shall be located only within Section 1 of Lent Township.
- B. Community Workshop. Prior to an application being deemed complete, an Applicant shall be required to hold a community workshop at the Lent Town Hall for the proposed project.
  - 1. Applicant shall send a notice of the community workshop to all property owners within 1,000 feet of the boundary for which the project is proposed to be located. Such notices shall be sent to residents no less than two (2) weeks in advance of the community workshop.
  - 2. The Applicant shall supply the Township with a map of properties to which notices were sent and a copy of the mailing list for which letters were sent.
- C. An Interim Use Permit (IUP) shall be required.
- D. A building permit shall be required and shall be reviewed by the Planning Commission and Town Board.
- E. Construction may only occur Monday through Friday between the hours of 8:00am and 5:00pm. No work may be completed on federal holidays.
  - 1. Failure to adhere will result in the following actions:
    - a. 1<sup>st</sup> violation - \$250.00
    - b. 2<sup>nd</sup> violation - \$500.00
    - c. 3<sup>rd</sup> violation - \$1,000.00 and review of and possible revocation of IUP
- F. Prohibitions: Lent Township prohibits Solar Farms within:
  - a. Shoreland Districts as designated by the Department of Natural Resources (DNR) and the Lent Township Zoning Ordinance, Chapter 40, Article VI, Division 16, Shoreland District;
  - b. Within six hundred (600) feet of areas formally designated or protected from development by Federal, State or County agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor;
  - c. Wetlands to the extent prohibited by the Minnesota Wetland Conservation Act;
  - d. FEMA established Floodplains.
- G. Dimensional Standards: All solar panels and their associated equipment such as metering pads, transformers, and batteries for energy storage shall meet the following standards:

<b>Dimensional Standard</b>	<b>Distance (feet)</b>	<b>Height (feet)</b>
Side Yard Setback	50	
Rear Yard Setback	50	
County (CSAH), Township, City or Private Road*	660	
Panel Height (At full tilt)		12

\*Setbacks from roadways shall be measured from the centerline of the traveled roadway.

- H. Screening: All Solar Farms and their components such as transformers, metering pads, batteries for energy storage, and similar equipment shall be screened from adjacent residential properties and right-of-way by vegetation that provides year-round coverage. If existing screening in the form of vegetation that provides year-round coverage or site topography is such that it provides the required screening from adjacent residential properties and right-of-way, the screening requirement may be waived or reduced at the discretion of the Town Board.
    - 1. Vegetative screening shall consist of an offset double row of evergreen trees (or other tree, shrub, or bush that provides year-round coverage) that will be six (6) feet in height at installation and reach a minimum of twelve (12) feet at maturity.
    - 2. All vegetative screening shall be installed prior to installation of any vertical components of the solar array or its associated equipment.
  - I. Corridor Preservation: Natural wildlife, wetland, woodland or other lineal corridors shall remain open to travel by native fauna, reptilian and avian. Perimeter fencing and security measures must accommodate unimpeded wildlife migration through large solar array development site and areas. Plan approval may require corridor replacement, relocation, removal, and/or protection as determined by the Zoning Administrator.
  - J. Power and Communication Lines. All on-site power and communication line running between banks of solar panels buildings shall be buried underground on premise. The Zoning Administrator may grant exemptions to this requirement in instances where shallow bedrock, water courses or other elements of the natural landscape interfere with the ability to bury lines. All overhead power and communication or transmission lines installed as a result of the proposed solar farm shall also be buried underground and are subject to the essential services ordinance Chapter 2, Section 4.05.
  - K. Decommissioning Plan: The owner/operator shall submit a decommissioning plan for ground-mounted CSES's and Solar Farms to ensure that the owner or operator properly removes the equipment and facilities upon the end of project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet the requirements of the Chisago County Solid Waste Ordinance. The owner/operator shall establish an escrow account in an amount of \$20,000.00 for each proposed megawatt of production, plus a 3% escalator for each year of the requested Interim Use Permit (IUP) to ensure proper decommissioning.
7. Additional Standards. In addition to the standards required above, the following standards shall apply to all Solar Energy Systems.
- A. Compliance with Building Code. All SES's shall require a building permit, shall be subject to the approval of the Township Building Official, and shall be consistent with the State of Minnesota Building Code.
  - B. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.
  - C. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
  - D. Compliance with MN Energy Code. All SES's shall comply with HVAC-related requirements of the Energy Code.
  - E. Utility Notification. No grid-intertied photovoltaic system shall be installed until the owner has submitted notification to the utility company of the customer's intent to install an interconnected

- customer-owned generator. Off-grid systems are exempt from this requirement.
- F. Security and equipment buildings. Security and equipment buildings on the site of solar farms shall be permitted uses accessory to the solar farm.
  - G. Controlled Access. The owner or operator shall contain all unenclosed electrical conductors located above ground within structures that control access.

## **SECTION 5. ZONING DISTRICT PROVISIONS**

### **5.01 Establishment of Districts**

The following land use or zoning Districts are hereby established within Lent Township:

*Rural Residential Agricultural (RR-A)*

*Rural Residential I (RR-I)*

*Rural Residential II (RR-II)*

*Urban Growth District (UG)*

*Rural Transit Center District (RTC)*

*Natural Resource Preservation District (NRP)*

### **5.02 Zoning Map**

The locations and boundaries of the Districts, except for Special Overlay Districts, established by this Ordinance are hereby set forth on the Land Use Map adopted as part of the Lent Township Comprehensive Land Use Plan, which shall be referred to herein as the “Zoning Map”, a copy of which is on file with the Lent Township Clerk and posted within the Lent Town Hall. Said map and all of the notations, references and other information shown thereon shall have the same force and effect as if fully set forth herein and thereby made part of this Ordinance by reference.

### **5.03 Detachment**

In the event of changes in the Township limits removing territory from the Township, District boundaries shall be constructed as moving with Township limits.

### **5.04 Zoning District Boundaries**

- A. Boundaries indicated as approximately following the centerlines of roads, highways, alleys, or railroad lines shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed as following such center lines.
- D. Boundaries indicated as approximately following the Township limits shall be construed as following such Township limits.
- E. Where a District boundary line divides a lot, which was in a single ownership at the time of passage of this Ordinance, the extension of the regulations for either portion of the lot may be interpreted by the Zoning Administrator upon request of the owner.
- F. The exact location of all District boundaries shall be interpreted by the Zoning Administrator, subject to appeal as provided for within this Ordinance.

### **5.05 District Regulations**

The regulations of this Ordinance within each District shall be minimum regulations, and shall apply



uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No buildings, structure, or land shall hereafter be used or occupied, and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the District in which it is located.
- B. No building or other structure shall hereafter be erected or altered to: exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area, to have narrower or smaller rear yard, front yard, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Any uses posing a real or potential hazard or threat to public health, safety or welfare, and uses not specified as permitted, conditional or interim uses shall be prohibited.

#### **5.06 Rural Residential Agricultural District (RR-A)**

##### **A. Purpose.**

The RR-A District is intended to provide areas to be utilized for agriculture and agriculture related uses and low-density residential areas.

##### **B. Permitted Uses.**

- 1. Single family dwellings and accessory structures subject to the following provisions
  - a. Each parcel shall contain a minimum buildable area of one (1) acre.
  - b. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - c. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
- 2. Horse keeping at a maximum density of one (1) horse per two and one-half (2½) acres.
- 3. Agriculture uses, including farm structures which are accessory to agriculture uses.
- 4. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation Service minimum standards.
- 5. Greenhouse or nursery.
- 6. Forestry and sod farming.
- 7. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
- 8. Temporary or seasonal roadside stands for sale of agricultural products raised on the premises upon which the stand is located, but not to exceed one stand per farm.
- 9. Daycare and residential facilities as required in Minnesota Statutes Chapter 462.
- 10. Essential services in accordance with Section 4.05.
- 11. Solar energy systems in accordance with Section 4.18.

##### **C. Conditional Uses.**

- 1. Essential services in accordance with Section 4.05.
- 2. Conservation subdivisions and planned unit developments in accordance with Section 7.19.
- 3. Golf courses and commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds, golf course and swimming pools.

4. Recreational camping areas in accordance with Section 7.20.
5. Churches, chapels, temples, synagogues, and cemeteries.
6. Public parks for active recreation owned or operated by a government agency or nonprofit organization and other open space uses including museums or other buildings of historical significance as determined by the Zoning Administrator.
7. Local government administration and service buildings.
8. Community sewage treatment facilities.
9. Agriculture oriented businesses such as grain and feed sales, implement sales, implement repair and the processing and packaging of agricultural products.
10. Agriculturally and animal-oriented educational facilities
11. Commercial wireless telecommunication services, including towers and antennae, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet. See Section 7.28 of Chisago County Zoning Code for requirements and performance standards.
12. Rural Retail Tourism businesses meeting the standards established within Section 7.25.
13. Regional pipelines, power transmission lines and towers not exceeding fifty (50) feet in height.
14. Commercial wireless telecommunication services, including towers and antennae, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.
15. Shelter facilities for battered persons operated by a nonprofit organization.

**D. Interim Uses.**

1. Home Occupations in accordance with Section 4.04
2. Bed and breakfast establishments, as a principal or accessory use.
3. Commercial grain storage and drying.
4. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.
5. Keeping, boarding, breeding, feeding, sheltering or training of horses where there is a density of more than one (1) horse per two and one-half (2 ½) acres.
6. Horse barns as a principal or accessory use, provided that the barn is not intended for use in a commercial equine operation, and contains no residential living quarters and/or sanitary facilities.
7. Temporary equipment placement and operations.
8. Asphalt processing operations, storage and staging in accordance with Section 7.2.
9. Extraction of minerals, sand, gravel, rock, or any material from the earth.
10. Personal use airstrips that are exempted from direct, individual regulation by the Federal Aviation Administration regulations and standards.
11. Rural Retail Tourism businesses meeting the standards established within Section 7.25.
12. Light construction equipment storage areas associated with a legal home occupation.

**5.07 Rural Residential District II (RR-II)**

**A. Purpose.**

The purpose of the RR-II District is to provide a transition area between rural residential agricultural areas and higher density rural residential areas.

**B. Permitted Uses.**

1. Single family dwellings and accessory structures subject to the following provisions
  - a. Each parcel shall contain a minimum buildable area of one (1) acre.
  - b. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - c. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.

- d. Horse keeping at a maximum density of one (1) horse per two and one-half (2½) acres.
- 2. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
- 3. Daycare and residential facilities as required in Minnesota Statutes Chapter 462.
- 4. Essential services in accordance with Section 4.05.

C. Conditional Uses.

- 1. Two-family dwellings and accessory structures subject to the following provisions:
  - a. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - b. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
- 2. Essential services in accordance with Section 4.05.
- 3. Conservation subdivisions and planned unit developments in accordance with Section 7.19.
- 4. Golf courses and commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds, golf course and swimming pools.
- 5. Public parks for active recreation owned or operated by a government agency or nonprofit organization, and other open space uses including museums or other buildings of historical significance.
- 6. Recreational camping areas in accordance with Section 7.20.
- 7. Churches, chapels, temples, synagogues, and cemeteries.
- 8. Local government administration and service buildings.
- 9. Community sewage treatment facilities.
- 10. Greenhouse or nursery.
- 11. Forestry and sod farming.
- 12. Agriculture uses, including farm structures which are accessory to agriculture uses.
- 13. Agriculture oriented businesses such as grain and feed sales, implement sales, implement repair and the processing and packaging of agricultural products.
- 14. Regional pipelines, power transmission lines and towers not exceeding fifty (50) feet in height.

D. Interim Uses.

- 1. Home Occupations in accordance with Section 4.04
- 2. Bed and breakfast establishments, as a principal or accessory use.
- 3. Temporary or seasonal roadside stands for sale of agricultural products raised on the premises upon which the stand is located, but not to exceed one stand per parcel.
- 4. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.
- 5. Keeping, boarding, breeding, feeding, sheltering or training of horses where there is a density of more than one (1) horse per two and one-half (2 ½) acres.
- 6. Extraction of minerals, sand, gravel, rock, or any material from the earth.
- 7. Personal use airstrips that are exempted from direct, individual regulation by the Federal Aviation Administration regulations and standards.

## **5.08 Rural Residential District I (RR-I)**

A. Purpose.

The RR-I District is intended to provide a transition area between rural residential agricultural areas and higher density rural residential areas.

B. Permitted Uses.

- 1. Single family dwellings and accessory structures subject to the following provisions
  - a. Each parcel shall contain a minimum buildable area of one (1) acre.

- b. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - c. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
  - d. Horse keeping at a maximum density of one (1) horse per two and one-half (2½) acres.
- 2. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
- 3. Daycare and residential facilities as required in Minnesota Statutes Chapter 462.
- 4. Essential services in accordance with Section 4.05.

C. Conditional Uses.

- 1. Two-family dwellings and accessory structures subject to the following provisions:
  - a. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - b. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
- 2. Essential services in accordance with Section 4.05.
- 3. Conservation subdivisions and planned unit developments in accordance with Section 7.19.
- 4. Golf courses and commercial outdoor recreation areas that are similar to public recreation areas including private campgrounds, golf course and swimming pools.
- 5. Public parks for active recreation owned or operated by a government agency or nonprofit organization, and other open space uses including museums or other buildings of historical significance.
- 6. Recreational camping areas in accordance with Section 7.20.
- 7. Churches, chapels, temples, synagogues, and cemeteries.
- 8. Local government administration and service buildings.
- 9. Community sewage treatment facilities.
- 10. Greenhouse or nursery.
- 11. Forestry and sod farming.
- 12. Agriculture uses, including farm structures which are accessory to agriculture uses.
- 13. Agriculture oriented businesses such as grain and feed sales, implement sales, implement repair and the processing and packaging of agricultural products.
- 14. Regional pipelines, power transmission lines and towers not exceeding fifty (50) feet in height.

D. Interim Uses.

- 1. Home Occupations in accordance with Section 4.04
- 2. Bed and breakfast establishments, as a principal or accessory use.
- 3. Art Studios
- 4. Temporary or seasonal roadside stands for sale of agricultural products raised on the premises upon which the stand is located, but not to exceed one stand per parcel.
- 5. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.
- 6. Keeping, boarding, breeding, feeding, sheltering or training of horses where there is a density of more than one (1) horse per two and one-half (2 ½) acres.
- 7. Extraction of minerals, sand, gravel, rock, or any material from the earth.
- 8. Personal use airstrips that are exempted from direct, individual regulation by the Federal Aviation Administration regulations and standards.

## 5.09 Urban Growth District

A. A Purpose.

The Urban Growth District is intended to provide for existing and potential areas for urban expansion where commercial and light industrial uses, and high-density or multi-family residential uses can be supported by public infrastructure such as municipal sewage treatment and water supply systems.

**B. Permitted Uses.**

1. Single family dwellings and accessory structures subject to the following provisions:
  - a. In areas where on-site sewage treatment and/or private water supplies are to be used, dwellings sites shall not exceed a maximum density of sixteen (16) residential lots per forty (40) acres, provided each lot contains a minimum buildable area of one (1) acre.
  - b. In areas served by municipal sewage treatment and water supply systems, dwellings sites shall not exceed a maximum density of forty (40) residential lots per forty (40) acres, provided each lot contains a minimum buildable area of twenty thousand (20,000) square feet.
  - c. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - d. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
  - e. Any parcel less than two and one-half (2½) acres in size in areas where on-site sewage treatment and/or private water supplies are to be used shall be subject to the requirements of Section 7.19.
  - f. Any parcel less than one (1) acre in size in areas served by municipal sewage treatment and water supply systems shall be subject to the requirements of Section 7.19.
2. Two-family dwellings and accessory structures subject to the following provisions:
  - a. In areas served by municipal sewage treatment and water supply systems, dwellings sites shall not exceed a maximum density of forty (40) residential lots per forty (40) acres.
  - b. Each parcel subdivided for residential purposes must contain a minimum buildable area of twenty thousand (20,000) square feet.
  - c. The lot upon which the dwelling is located shall have frontage on a public road, or access approved as part of a conservation subdivision or planned unit development.
  - d. A dwelling located on a parcel meeting the conditions of Section 4.10 E. may be permitted access via a private road easement access strip which is a minimum two (2) rods in width.
  - e. Any parcel less than one (1) acre in size will be subject to the requirements of Section 7.19.
3. Agriculture uses, including farm structures which are accessory to agriculture uses.
4. Greenhouse or nursery.
5. Daycare and residential facilities as required in Minnesota Statutes Chapter 462.
6. Home occupations in accordance with Section 4.04.

**C. Conditional Uses.**

1. Essential services in accordance with Section 4.05.
2. Conservation subdivisions and planned unit developments in accordance with Section 7.19.
3. Hospitals, convalescent homes, nursing homes, and medical clinics, where public utilities are available.
4. Schools or other educational facilities, where public utilities are available.
5. Churches, chapels, temples, synagogues, and cemeteries.
6. Local government administration and service buildings.
7. Agriculture oriented businesses such as grain and feed sales, implement sales, implement repair and the processing and packaging of agricultural products.
8. Superette or convenience grocery stores.
9. Self-service gasoline stations.
10. Automobile service stations in accordance with Section 7.23.

11. Automobile sales in accordance with Section 7.22.
12. Drive-in businesses in accordance with Section 7.21.
13. Restaurants.
14. Hotels and motels.
15. Retail and Rental stores.
16. General Service and Repair businesses.
17. Financial Institutions.
18. Offices for Professional Services.
19. Recreational vehicle sales and service.

D. Interim Uses.

1. Home occupations in accordance with Section 4.05.
2. Temporary or seasonal roadside stands for sale of agricultural products raised on the premises upon which the stand is located, but not to exceed one stand per farm.
3. Residential kennels, commercial kennels, veterinary clinics and non-profit animal shelters.
4. Keeping boarding, breeding, feeding, sheltering or training of horses, where the density does not exceed one (1) horse per two and one-half (2 ½) acres.
5. Bed and Breakfast establishments, as a principal or accessory use.
6. Temporary equipment placement and operations.
7. Asphalt processing operations, storage and staging in accordance with Section 7.2.
8. Light construction equipment storage areas.

E. Prohibited Uses.

Any uses posing a real or potential hazard or threat to public health, safety or welfare, and uses not specified as permitted or conditional uses shall be prohibited.

## **5.10 Rural Transit Center District**

A. Purpose.

The Rural Transit Center District is intended to provide appropriate and centralized support facilities, and retail and service businesses adjacent to the Interstate 35 / County Road 17 highway interchange.

B. Permitted Uses.

1. Single family dwellings and accessory structures constructed prior to 2011 shall be a permitted and conforming use. No new single family dwellings shall be permitted. Existing structures shall be subject to the use restrictions as set forth herein.
2. Annual agricultural cropping uses

C. Conditional Uses.

1. Public parking and transit facilities, provided:
  - a. Adequate and appropriate on-site waste treatment, storm water management and water supply systems are utilized.
  - b. If the site is between 2 ½ and 10 acres that no more fifty percent (50%) of the site is covered by impervious surfaces; and
  - c. If the site is greater than 10 acres, then no more than thirty percent (30%) of the site is covered by impervious surfaces.
2. Essential services in accordance with Section 4.05.
3. Wildlife areas, forest preserves, public parks owned or operated by a government agency or nonprofit organization, and other open space uses.
4. Hospitals, convalescent homes, nursing homes, and medical clinics, where public utilities are available.
5. Superette or convenience grocery stores.
6. Self-service gasoline stations.

7. Automobile service stations in accordance with Section 7.23.
8. Automobile sales in accordance with Section 7.22.
9. Drive-in businesses in accordance with Section 7.21.
10. Restaurants.
11. Hotels and motels.
12. Retail and Rental stores.
13. General Service and Repair businesses.
14. Financial Institutions.
15. Offices for Professional Services.
16. Recreational vehicle sales and service.
17. Commercial wireless telecommunication services, including towers and antennae, provided that towers and antennae do not exceed one hundred ninety-nine (199) feet.

D. Interim Uses.

1. Farm structures which are accessory or principle to agricultural uses.
2. Farm drainage systems, flood control and watershed structures and erosion control devices meeting all County, State and Soil Conservation Service minimum standards.
3. Keeping, boarding, breeding, feeding, sheltering or training of horses, where the density does not exceed one (1) horse per two and one-half (2 ½) acres.
4. Bed and breakfast establishments as principal or accessory use.
5. Temporary or seasonal roadside stands for sale of agricultural products raised on the premises upon which the stand is located, but not exceed one stand per farm.
6. Greenhouse or nursery.
7. Forestry and sod farming.
8. Home occupations in accordance with Section 4.04.
9. Daycare and residential facilities as required in Minnesota Statutes Chapter 462.
10. Temporary equipment placement and operations.
11. Asphalt processing operations, storage and staging in accordance with Section 7.2
12. Light construction equipment storage areas.

E. Prohibited Uses.

Any uses posing a real or potential hazard or threat to public health, safety or welfare, and uses not specified as permitted or conditional uses shall be prohibited.

F. Development Standards

1. Principal Structure Exterior Building Materials. All exterior wall finishes on any building shall be one of or a combination of the following materials:
  - a. Face brick
  - b. Stucco
  - c. Glass
  - d. Wood, provided the surfaces are finished for exterior use
  - e. Natural Stone
  - f. Specifically designed pre-cast concrete units with decorative material/texture
  - g. Metal paneling only when paired with one or more of the other approved materials outlined above

- h. The following exterior materials are prohibited: unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalume or unfinished aluminum building (wall or roofs), pole-type materials, and any face materials which rapidly deteriorate or become unsightly are not permitted as primary exterior building materials.
2. Principal Structure Architectural Standards
- a. All structures shall have boxed eaves including soffit and fascia
  - b. Articulation of the front customer entry
  - c. Requirements for the side of the building that directly faces a public road right of way
    - i. A minimum of 15 percent of the façade facing the public right-of-way shall be glass.
  - d. Accent materials for decorative trims shall consist of materials comparable in grade and quality to the primary exterior materials.
  - e. Buildings shall be designed with a definable base, middle, and top. Cornices and parapets are encouraged to define these sections of the building.
  - f. Facades of buildings that total more than 10,000 square feet shall be visually broken into bays to avoid the appearance of large, blank walls. Visual breaks in the façade shall be accomplished by alterations in the plain of the façade; height of the façade; changes in materials, color texture, or pattern; and/or the addition of columns, pilasters, and/or windows.
3. There shall be no off-street parking or outside sales and display within 20 feet of any street right of way
4. Open and outdoor storage areas shall be located in the rear yard or behind the principal structure and be screened from view from adjacent public right of way and adjacent properties.
5. All signage shall comply with the sign ordinance as shown in Section 4.14.
6. Customer parking areas, loading areas, driveways, and traffic maneuvering areas shall be surfaced with concrete or blacktop and finished with continuous concrete curbing as recommended by the Township engineer and reflected on an approved site plan. Any site proposing to install any of the above-named site improvements is subject to the site plan review process established within the Township ordinance. Auxiliary parking or overflow parking areas may be surfaced with compacted aggregate, concrete, or blacktop.
7. Minimum Site Landscaping Requirements
- a. All open space areas of a lot which are not used or improved for required parking areas, drives or storage shall be landscaped with a combination of overstory trees, ornamental trees, shrubs, flowers, ground cover, decorative walks, or other similar site design materials in a quantity and placement suitable for the site. A reasonable attempt should be made to preserve as many existing trees as is practicable and to incorporate them into the development.
  - b. Number of plantings. The minimum number of overstory trees on any given site shall be as indicated below. These are minimum requirements that are typically supplemented with other understory trees, shrubs, flowers and ground covers deemed appropriate for a complete quality landscape treatment of a site. The complement of trees fulfilling the



requirements of this section shall be not less than 25 percent deciduous and not less than 25 percent coniferous.

Type of Planting	Standard
Deciduous / coniferous trees	1 per 50 lineal feet of site perimeter, or 1 tree per 1,000 square feet of building. Building expansions require 1 additional tree for each 1,000 square feet of additional building area.
Shrubs	1 per 50 feet of site perimeter or 1 per 500 square feet of building footprint area, whichever is greater.
Trees along public right of way	For every 50 feet of public road frontage, one overstory tree shall be planted on the private property adjacent to the public road right of way. Trees shall be planted so that at maturity they do not interfere with roadway sight lines.

- c. Minimum size of plantings. Landscape material shall be of the following minimum planting size:

Landscape Material	Size
Deciduous trees	2.5 inches diameter as measured three feet above the ground.
Coniferous trees	6 feet in height
Deciduous shrubs	2 feet in height
Evergreen shrubs	2 feet in height
Ornamental trees	1.5 inches diameter as measured three feet above ground.

### **5.11 Natural Resource Preservation District**

#### **A. Purpose.**

To ensure that the lands encompassed by the Carlos Avery State Wildlife Management Area remain in an undeveloped and natural state in perpetuity.

#### **B. Permitted Uses.**

1. Open space uses consistent with the management plans, goals and objectives established by the Minnesota Department of Natural Resources for the Carlos Avery State Wildlife Management Area.
2. Signs consistent with the provisions of Section 4.14G. of this ordinance.

#### **C. Conditional Uses.**

1. Essential services in accordance with Section 4.05.

#### **D. Prohibited Uses.**

Any uses posing a real or potential hazard or threat to public health, safety or welfare, and uses not specified as permitted or conditional uses shall be prohibited.

#### **E. Amendment Prohibited.**

It is the intent of Lent Township to prohibit any amendment to the land use regulations or re-delineation of the boundary of the Natural Resource Preservation District that would result in:

1. The subdivision of the lands within the Carlos Avery State Wildlife Management Area, regardless of the present or future ownership of those lands.
2. The establishment of any commercial, industrial or residential development within the Carlos Avery State Wildlife Management Area, regardless of the present or future ownership of those lands.
3. The diminishment of the physical boundaries of the Natural Resource Preservation District as they have originally been established at the time this Ordinance is adopted.

# Lent Township Land Use Regulations

## Section 5.12 Dimensional Standards

	<u>Zoning District</u>				
	<u>RR-A</u>	<u>RR-II</u>	<u>RR-I</u>	<u>UG</u>	<u>RTC</u>
Maximum Density	8 lots per 40 acres	20 lots per 40 acres	40 lots per 40 acres (single family)  20 lots per 40 acres (two family)	16 lots per 40 acres (on-site sewer) 40 lots per 40 acres (city sewer)	8 lots per 40 acres
Minimum Buildable Area	1 acre (single-family)	1 acre (single-family)  2 acres (two-family)	1 acre (single-family)  2 acres (two-family)	1 acre (on-site sewer) 20,000 square feet (city sewer)	1 acre
Minimum Lot Area <sup>1</sup>	5 acres	2 acres	1 acre	2 ½ acres (on-site sewer) 1 acre (city sewer)	5 acres
Minimum Lot Width <sup>1</sup>	300 feet	200 Feet	200 Feet	200 feet (on-site sewer) 100 feet (city sewer)	200 feet
Minimum Lot Depth <sup>1</sup>	300 feet	200 feet	200 feet	200 feet (on-site sewer) 150 feet (city sewer)	200 feet
Minimum Setback from Centerline of:					
County (CSAH) Road	135 feet	135 feet	135 feet	135 feet	135 feet
Township Road	73 feet	73 feet	73 feet	73 feet	73 feet
City Street or Private Road	63 feet	63 feet	63 feet	63 feet	63 feet
Minimum Side Yard Setback (Principal Structure)	40 feet	20 feet	20 feet	10 feet	10 feet
Minimum Rear Yard Setback	50 feet	25 feet	25 feet	25 feet	25 feet
Maximum Height of Structures	35 feet	35 feet	35 feet	35 feet	35 feet
<b>Accessory Structures (Non-Ag Bldg.)</b>					
Side and Rear Yard Setback	20', or 2 x the height of the sidewall of the structure, whichever is greater	20', or 2 x the height of the sidewall of the structure, whichever is greater	10'	10'	10'
Maximum Height	35'	Not to exceed the height of the principal structure	Not to exceed the height of the principal structure	Not to exceed the height of the principal structure	Not to exceed the height of the principal structure
<b>Accessory Structures – Ag Building</b>					
Side Yard	40'	40'	NP**	NP**	40'

**\*\*Agricultural Buildings are not permitted in the urban growth district or RR-I per the County regulations.**

### A. Exceptions:

1. Lot sizes and dimensional standards may be varied through procedures for conservation subdivisions and planned unit developments.

## Lent Township Land Use Regulations

2. Where an easement or right of way line exists, setbacks for principal and accessory structures shall be measured from that easement or right of way line the same distance as would be required from the property line in the zoning district in which the property is located.
3. Transmission services, essential services, public utilities, private utilities and all other similar structures, appurtenances and obstructions shall be setback a minimum of seventy (70) feet from centerline of all Township and County roadways.
4. Agriculture use structures have no maximum height.

### **SECTION 6. SPECIAL MANAGEMENT OVERLAY DISTRICTS**

#### **6.01 Purpose**

It is the purpose of this section to identify extraordinary standards and requirements desirable for the protection of special or unique areas within Lent Township.

#### **6.02 Establishment of Overlay Districts**

The Districts identified in this section are intended to include provisions which are in addition to or overlay one or more underlying Districts established in Section 5 of this Ordinance. The Special Overlay Districts in this section are identified as a uniform corridor width or setback dimension from an object, such as a river or road, or the Districts may be defined by a legal description. The following special management Districts are established in Lent Township:

*Shoreland Management Overlay*

*District Carlos Avery Overlay*

*District*

*Sunrise River Overlay District*

#### **6.03 Scope**

In the event any provisions of this section are in conflict with other provisions of this Ordinance or provisions of other laws, the stricter provisions shall apply.

#### **6.4 Shoreland Management Overlay District**

##### **A. Purpose.**

The purpose of the *Shoreland Management Overlay District* is to provide for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources.

##### **B. Statutory Authorization.**

The *Shoreland Management Overlay District* is established pursuant to the authorization and policies contained in Minnesota Statutes, Sections 103F.201 to 103F.225, Minnesota Regulations, Parts 6120.2500 – 6120.3900.

##### **C. District Application.**

The *Shoreland Management Overlay District* shall apply to the shorelands of all public waters identified and classified in Section 6.04. I.

##### **D. General considerations and criteria for all land uses.**

In considering the evaluation and issuance of any permits or land use approvals within the *Shoreland Management Overlay District*, Lent Township shall be guided by the following:

1. Preservation of natural areas;
2. Present ownership and development of shoreland areas;
3. Shoreland soil types and their engineering capabilities;
4. Topographic characteristics;
5. Vegetative cover;
6. In-water physical characteristics, values, and constraints;
7. Recreational use of the surface water;

## Lent Township Land Use Regulations

8. Road and service center accessibility;
9. Socioeconomic development needs and plans as they involve water and related land resources;
10. The land requirements of industry which, by its nature, requires location in shoreland areas; and
11. The necessity to preserve and restore certain areas having significant historical or ecological value.

### E. Permitted, Interim and Conditional Uses.

Permitted, interim and conditional uses shall be identical to those allowed in the underlying zoning District.

### F. Other Provisions for Various Uses.

#### 1. Standards for Commercial, Industrial, Public, and Semipublic Uses.

Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

- a. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures;
- b. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- c. Uses that depend on patrons arriving by watercraft may use signs to convey needed information to the public, subject to the following general standards:
  - (1) Signs covering public information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the Chisago County Sheriff;
  - (2) No signs may be placed within the shore impact zone, except to convey public information or safety messages. Such signs shall not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size.
  - (3) No signs shall be illuminated by artificial lights.
  - (4) All sign regulations contained in Section 4.14 shall apply within the *Shoreland Management Overlay District*.

#### 2. Agricultural Use Standards

General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the field office technical guides of the Chisago Soil and Water Conservation District or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone boundary for parcels with permitted agricultural land uses is equal to a line parallel to and fifty (50) feet from the ordinary high water level.

#### 3. Forest Management Standards.

The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

#### 4. Extractive Use Standards

- a. All provisions of Section 7.24 of this Ordinance shall apply to extractive uses within shoreland areas;
- b. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs;
- c. Mining of metallic minerals and peat must meet the provisions of Minnesota Statutes, Sections 93.44 to 93.51.

### G. Conditional and Interim Uses

The following additional evaluation criteria and conditions shall apply to conditional uses within the *Shoreland Overlay District*:

## Lent Township Land Use Regulations

### 1. Evaluation Criteria.

A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be made to ensure:

- a. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- b. The visibility of structures and other facilities as viewed from public waters is limited;
- c. The site is adequate for water supply and on-site sewage treatment; and
- d. The types, and uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

### 2. Conditions Attached to Conditional Use Permits.

The Town Board, upon consideration of the criteria listed above and the purposes of this Ordinance, shall attach conditions to the issuance of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance. Conditions may include, but are not limited to, the following:

- a. Increased setbacks from the ordinary high water level;
- b. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- c. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

## H. Nonconformities

### 1. Construction on Substandard Lots of Record.

- a. Lots of record that do not meet the requirements of Section 6.04. J may be allowed as building sites without variances from lot size requirements provided:
  - i. The use is permitted in the zoning district;
  - ii. The lot has been in separate ownership from abutting lands at all times since it became substandard;
  - iii. The lot was created compliant with official controls in effect at the time; and
  - iv. Sewage treatment and setback requirements of this Ordinance are met.
- b. A variance from setback requirements, if necessary, must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- c. If an group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 6.04.J the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 6.04J as much as possible.

### 2. Deck Additions to Nonconforming Structures.

A deck addition not meeting the required setback from the ordinary high water level may be allowed on a structure which does meet the setback, without a variance, if all of the following criteria and standards are met:

## I. Shoreland Classification System.

The Public Waters and Protected Wetlands of Lent Township have been classified below consistent with the criteria found in Minnesota Regulations, Part 6120.3300, and the Protected Waters Inventory Map for Chisago County, Minnesota. The shoreland area for the waterbodies listed herein shall be as defined in Section 3 of this Ordinance. The shorelands of all Public Waters and Protected Wetlands within Lent Township shall be classified as *NATURAL ENVIRONMENT* for the purposes of this Ordinance and shall include the following listed waters:

## Lent Township Land Use Regulations

### 1. Public Waters Basins and Protected Wetlands:

<u>Basin / Wetland Name</u>	<u>PWI Identification Number</u>	<u>Located in Section(s)</u>
Tri Marsh	13-134W	20
Olson Marsh	13-133W	1
Unnamed wetland	13-129W	19
Unnamed wetland	13-128W	19
Unnamed wetland	13-115W	30
Unnamed wetland	13-114W	30
Mud Lake	13-112W	6 & 7
Unnamed basin	13-61P	29
Peterson Slough	13-60W	12
		12, 13, 14, 22, 23, 26, 28 & 33
Sunrise Pools	13-59P	33
Swamp Lake	13-58P	35 & 36
School Lake	13-44P	36
Mattson Lake	13-43P	36

### 2. Public Watercourses (Rivers, Streams, Public Drainage Ditches and Tributaries):

<u>Watercourse Name</u>	<u>From</u>	<u>To</u>
Sunrise River	outlet of Sunrise Pool (13-59P) in Section 34	east border of Lent Township in Section 13 inlet of Sunrise Pool (13-59P)
West Branch Sunrise River	west border of Lent Township in Section 31	in Section 33
Unnamed Tributary to Sunrise River	west border of Section 3	east border of Lent Township in Section 1
Unnamed Tributary to Sunrise River	outlet of Olson Marsh (13-133W)	east border of Lent Township
Sunrise River	in Section 1	in Section 1

And all other natural and altered watercourses within Lent Township shown on the Minnesota Department of Natural Resources Protected Waters Inventory Map and List for Chisago County, a copy of which is hereby adopted by reference, not specifically listed above.

### J. Lot Area and Width Standards

The minimum lot area (in square feet) and minimum lot width (in feet) standards for single & duplex riparian residential lots created after the date of enactment of this Ordinance for the lake and river/stream classifications follow. Standards for nonriparian lots are those specified for the underlying zoning district if they are more restrictive. If not, these standards shall be used.

#### 1. Shorelands utilizing individual, on-site sewage treatment systems:

<u>Dwelling Type</u>	<u>Minimum Lot Area (square feet)</u>	<u>Minimum Lot Width (feet)</u>
Single Family	80,000	200
Duplex	120,000	300

#### 2. Shorelands utilizing publicly owned or municipal sewage treatment systems:

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<u>Dwelling Type</u>	<u>Minimum Lot Area (square feet)</u>	<u>Minimum Lot Width (feet)</u>
Single Family	40,000	150
Duplex	80,000	225

### 1. Additional Standards.

- a. Residential subdivisions with dwelling unit densities exceeding the minimum lot sizes shall only be allowed if designed and approved as Conservation Subdivisions or Residential Planned Unit Developments pursuant to Section 7.19. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line. The sewered lot area dimensions can only be used if publicly owned sewer system service is available to the property.
- b. Subdivisions for duplexes shall also meet the following standards:
  - (1) Each building must be set back at least two hundred (200 feet from the ordinary high water level;
  - (2) Each building must have common sewage treatment and water systems serving both dwelling units in the building;
  - (3) Watercraft docking facilities for each lot must be centralized in one location and serve both dwelling units in the building; and
  - (4) No more than twenty-five (25) percent of a lake's shoreline can be in duplex developments.
- c. Lots intended to furnish or provide riparian access for owners of nonriparian lots within subdivisions shall be prohibited.

### K. Placement, Design, and Height of Structures.

#### 1. Placement of Structures and Sewage Treatment Systems on Lots.

When more than one setback applies to a site, structures and facilities must be located to meet all setbacks.

- a. Structure and Sewage Treatment System Setbacks (from ordinary high water level)

<u>Structure Setback with on-site Sewage System</u>	<u>Structure Setback with Municipal Sewer</u>	<u>On-site Sewage Treatment System Setback</u>
150 feet	150 feet	150 feet

- b. Additional Structure Setbacks.

The following additional structure setbacks shall apply within shorelands:

<u>Setback from...</u>	<u>Setback Distance</u>
Top of Bluff	30 feet
Unplatted Cemetery	50 feet
Right-of-way (Federal, State or County Highway)	85 feet
Centerline of Township Road	73 feet
Right-of-way (Public or Private Road in platted subdivisions)	40 feet

- c. Bluff Impact Zones.

Structures and accessory facilities, except stairways and landings, shall not be placed within bluff impact zones.

- d. Uses without water-oriented needs.

Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

### 2. Design Criteria for structures.

- a. High Water Elevations.

Structures shall be placed in accordance with any Township floodplain regulations applicable to



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the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- (1) For lakes, by placing the lowest floor at a level at least three (3 ) feet above the highest known water level, or three (3) feet above the ordinary high water level, whichever is higher;
- (2) For rivers and streams, by placing the lowest floor at least three (3) feet above the flood of record, if data are available. If data are not available, by placing the lowest floor at least three (3) feet above the ordinary high water level, or by conducting a technical evaluation to determine effects of proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Technical evaluations shall be done by a qualified engineer or hydrologist consistent with Minnesota Rules Parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.

### b. Stairways, Lifts, and Landings.

Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following standards:

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

### c. Significant Historic Sites.

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

### d. Steep Slopes.

The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

## 3. Building Height.

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All buildings, except churches and nonresidential agricultural buildings, shall not exceed thirty-five (35) feet in height.

### L. Shoreland Alterations

1. Vegetation Alterations
  - a. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 6.04 of this Ordinance are exempt from the vegetation alteration standards that follow.
  - b. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Section, is allowed subject to the following standards:
    - (1) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the Chisago Soil and Water Conservation District.
    - (2) Within shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
      - (a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
      - (b) Along rivers, existing shading of water surfaces is preserved;
      - (c) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.
2. Use of fertilizers and pesticides in all districts must minimize runoff into shore impact zones and public waters by use of earth, vegetation, or both.
3. Topographic Alterations/Grading and Filling
  - a. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
  - b. Public roads and parking areas are regulated by Section 6.04 of this Ordinance.
  - c. Notwithstanding Items 1. and 2. above, a grading and filling permit will be required for:
    - (1) The movement of more than ten (10) cubic yards of material on steep slopes or within shore or bluff impact zones; and
    - (2) The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
  - d. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances and subdivision approvals:
    - (1) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland, including: \*
      - (a) Sediment and pollutant trapping and retention;
      - (b) Storage of surface runoff to prevent or reduce flood damage;
      - (c) Fish and wildlife habitat;
      - (d) Recreational use;
      - (e) Shoreline or bank stabilization; and
      - (f) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

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*Note:* This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies such as a watershed district, the Minnesota Department of Natural Resources, or the United States Army Corps of Engineers.

- e. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- f. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- g. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
  - (5) Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the Chisago Soil and Water Conservation District and the United States Soil Conservation Service;
  - (6) Fill or excavated material must not be placed in a manner that creates an unstable slope;
  - (7) Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of thirty (30) percent or greater;
  - (8) Fill or excavated material must not be placed in bluff impact zones;
  - (9) Any alterations below ordinary high water level of public waters must first be authorized by the commissioner under Minnesota Statutes, Section 103G.245;
  - (10) Alterations of topography must only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
  - (11) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one foot vertical, the landward extent of the riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.
- h. Permits for excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, may be issued only after the Commissioner has approved the proposed connection to public waters.

### M. Placement and Design of Roads, Driveways, and Parking Areas

- 1. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guide of the Chisago Soil and Water Conservation District, or other applicable technical materials.
- 2. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.
- 3. Public and private watercraft access ramps, approach roads, and access related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Subsection 6.03 of this Ordinance must be met.

### N. Stormwater Management

- 1. General Standards:
  - a. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to

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- convey, store, filter, and retain stormwater runoff before discharge to public waters.
  - b. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
  - c. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
2. Specific Standards:
- a. Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.
  - b. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the Chisago Soil and Water Conservation District.
  - c. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- O. Notifications to the Department of Natural Resources
- 1. Copies of all notices of any public hearings to consider variances, amendments, or conditional uses under this Ordinance shall be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.
  - 2. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under this Ordinance shall be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification shall also include the Board of Adjustment's record of the hearing and the findings and conclusions which supported approval of the variance.

### 6.05 Carlos Avery Overlay District

#### A. Purpose.

The purpose of the *Carlos Avery Overlay District* is to protect and preserve the natural and scenic and recreational values of lands adjoining the Carlos Avery Wildlife Management Area and to provide for development activities which do not detract from these values.

#### B. District Application.

The *Carlos Avery Overlay District* is established over that area between the Carlos Avery Wildlife Management Area property boundary and all land within five hundred (500) feet from the property boundary.

#### C. Permitted Uses.

Permitted, interim and conditional uses shall be identical to those allowed in the underlying zoning District.

#### D. Lot Size.

Lot area requirements shall meet the minimums established in the underlying zoning District.

#### E. Lot Width.

The minimum lot width at the building setback and along any frontage of the Wildlife Management Area shall be three hundred (300) feet.

#### F. Setbacks from Carlos Avery Wildlife Management Area Boundary.

- 1. Minimum structure setbacks from the Carlos Avery boundary shall be fifty (50) feet.

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2. The minimum private on-site sewage treatment system setback from the Carlos Avery boundary shall be fifty (50) feet.

### G. Additional Standards.

Unless otherwise noted, all other remaining standards of the underlying zoning District apply.

## **6.06 Sunrise River Overlay District**

### A. Purpose.

The purpose of the *Sunrise River Overlay District* is to protect and preserve the existing natural, scenic and recreational values of the Sunrise River and to provide for development activities which do not detract from these values.

### B. District Application.

The *Sunrise River Overlay District* is established over an area five hundred (500) feet from either side of the ordinary high water level of the Sunrise River, beginning in Section 24, T 34N, R 21W at the boundary of Carlos Avery Wildlife Management Area and continuing to the eastern border of Lent Township in Section 13, T34N, R 21W.

### C. Permitted Uses.

Permitted, interim and conditional uses shall be identical to those allowed in the underlying zoning District.

### D. Lot Size.

Lot area requirements shall meet the minimums of those established in the underlying zoning District.

### E. Lot Width.

The minimum lot width at the building setback and along any frontage of the river shall be three hundred (300) feet.

### F. Setbacks From the ordinary high water level.

1. The minimum structure setback from the ordinary high water level shall be two hundred (200) feet.
2. The minimum setback of a private on-site sewage treatment system from the ordinary high water level shall be two hundred (200) feet.

### G. Additional Standards.

Unless otherwise noted, all other remaining standards of the underlying zoning District shall apply.

## **SECTION 7. PERFORMANCE STANDARDS**

### **7.01 Maintenance Required**

All structures, landscaping and fencing shall be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property.

### **7.02 On-site Sewage Treatment Standards**

The installation, maintenance and repair of all on-site sewage treatment systems shall be in compliance with Minnesota Pollution Control Agency Rules, Chapter 7080, and the Lent Township Sewage and Wastewater Treatment Ordinance, Chapter Four, Lent Township Land Use Regulations.

### **7.03 Nonconforming Sewage Treatment Systems**

Any permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined pursuant to the Lent Township Sewage and Wastewater Treatment Ordinance, Chapter Four, Lent Township Land Use Regulations shall be reconstructed or replaced in accordance with the provisions of this Ordinance.

#### **7.04 Odors and Emissions**

Odors and emissions from any use shall not exceed any applicable regulations set forth by the Minnesota Pollution Control Agency Rules.

#### **7.05 Dust and Particulates**

Dust and particulate matter from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency Rules.

#### **7.06 Noise and Vibrations**

A. Noise and vibrations generated from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency Rules. Any use established shall be so operated that no undue or objectionable noise resulting from said use is transmitted beyond the boundaries of that plat line of the site on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, or temporary maintenance operations.

B. Any use creating periodic earth-shaking vibration shall be prohibited if such vibrations are perceptible to persons beyond the lot line of the site on which the use is located. The standard shall not apply to vibrations created during the process of construction.

#### **7.07 Glare**

Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or reflected glare from floodlights and high-temperature processes such as combustion or welding or other sources, shall not be directed into any adjoining property. The source of light shall be hooded or controlled in some manner so as not to unreasonably light adjacent property or public right-of-way.

#### **7.08 Waste**

A. All waste generated from any use shall be managed in compliance with the Chisago County Solid Waste Management Ordinance. Waste generated on any premises shall be kept in containers designed for waste collection or stored in a structure or within an enclosed or screened area. The accumulation, storage, processing or disposal of waste, compost or recyclable materials on any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.

B. The ownership, possession or control of any unused appliances or other containers with doors which fasten automatically when closed and of sufficient size to retain any person, that are exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public, is prohibited.

#### **7.09 Sewage Sludge Land Application**

The land application of sewage sludge shall be prohibited within Lent Township.

#### **7.10 Developments in Fire Prone Areas**

A. Purpose.

The purpose of this Section is to establish specific regulations for developments located in fire prone areas. These regulations are established to minimize the chances of loss of life and property due to wild fires.

B. Fire Prone Areas.

Fire prone areas are areas which contain natural conifer stands or conifer plantations which, due to flammability of the tree needles, associated ground vegetation, accumulation of duff on the ground, and presence of droughty soils, pose a great potential for rapidly spreading wildfires.

C. Regulations for Developments in Fire Prone Areas.

The following regulations apply to developments proposed to be located in fire prone areas as determined by the Zoning Administrator.

1. The solid portion of a conifer stand shall be removed for a distance of seventy-five (75) to one hundred (100) feet around the perimeter of the building. Single, well-spaced trees may be left in this buffer area.
2. An alternate driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire. Driveways should be at least twenty-five (25) feet wide and kept as straight as possible to allow for free movement of traffic and provide a firebreak for control measures.

**7.11 Bulk Storage**

The storage of all bulk liquids, fuels, chemicals and gases shall be in compliance with and regulated by the Minnesota Pollution Control Agency Rules, Minnesota State Fire Code and the Minnesota State Building code.

**7.12 Outside Storage**

A. In all Districts, all materials and equipment shall be stored within a building or be fully screened so as to not be visible from adjoining properties. Exceptions to these requirements are as follows:

Agricultural equipment and materials intended to be used on the premises.

1. Construction materials and equipment currently being used on the premises.
2. Off street parking of passenger vehicles.
3. Recreational equipment for use of residents of principal structure.
4. Boats and recreational vehicles less than twenty (20) feet in length if stored in rear yard not less than ten (10) feet from any lot line and are used by the residents of the principal structure.
5. Clothes lines and poles.
6. Merchandise being displayed for sale.

B. Outside storage areas must be designed as follows:

1. The storage does not occupy required setbacks.
2. The storage does not encroach upon any required parking areas, loading areas, or sewage disposal drainfield areas.
3. The storage area shall be surfaced or vegetated to control stormwater runoff and dust.

**7.13 Surfacewater Management**

A. For all proposed subdivisions, and cluster and planned unit developments, stormwater shall be managed in accordance with the Nationwide Urban Runoff Program standards for the design of new stormwater ponds and the Minnesota Pollution Control Agency's urban best management practices, titled "*Protecting Water Quality in Urban Areas*" in order to reduce non-point source pollutant loading in stormwater runoff.

B. Existing natural drainageways, natural water storage retention areas, and vegetated soil surfaces shall be used to the greatest extent possible to store, filter and retain stormwater runoff before discharge occurs into any public waters. When natural features and vegetation are not available to handle stormwater runoff, constructed facilities such as diversions, settling basins, skimming devices, dikes and manmade waterways and ponds may be used. Preference shall be given to designs using surface drainage, vegetation and infiltration rather than buried pipes and manmade materials and facilities. Development shall be planned and

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conducted in a manner that will minimize disturbed areas, runoff velocities, and erosion potential as well as reduce and delay runoff volumes. Within Shoreland areas, the requirements of the Lent Township Shoreland Ordinance shall prevail.

### **7.14 Wetland Protection and Management**

Wetlands shall be protected and managed in accordance with the Wetland Conservation Act of 1991, as amended.

### **7.15 Erosion and Sedimentation Control**

A. No land occupant or developer in the Township shall cause or conduct any land disturbing activity which causes excessive erosion or sedimentation, or which results in damage to water or soil resources. All development in the Township shall conform to the natural limitation presented by the topography and soil types in order to minimize soil erosion and sedimentation. Site erosion and sediment control measures shall be consistent with MPCA's "best management practices".

B. Land disturbing activities shall occur in increments of workable size such that adequate erosion and sediment controls can be provided throughout all phases of the development. The smallest practical area of land shall be exposed or disturbed at any one period of time. Areas where natural vegetative barriers are not sufficient to contain erosion and sedimentation from water bodies, wetlands, water courses or neighboring properties shall be staked with silt fences and straw bales.

### **7.16 Woodland Preservation**

A. In the removal of vegetation for development purposes, structures shall be located in such a manner that the maximum number of trees shall be preserved.

B. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

C. Development including grading and contouring shall take place in such a manner that the remaining trees shall be minimally affected.

### **7.17 Landscaping**

A. Landscaping on a lot shall consist of a finished grade and a soil retention cover such as sod, seed and mulch, plantings, or as may be required by the Zoning Administrator to protect the soil and aesthetic values on the lot and adjacent property.

B. In the Urban Growth District, all developed uses shall provide landscaping from the urban curb and gutter or edge of road surface to the road right-of-way lines. This landscaped yard shall be kept clear of all structures, exterior storage and off-street parking.

C. Landscaping shall be provided and maintained on all required front and side yards in all developed Districts except where pavement or crushed stone is used for walkways or driveways.

### **7.18 Screening**

A. Screening shall be required in residential areas where:

1. Any off-street parking area contains more than four (4) parking spaces and is within thirty (30) feet of an adjoining residential area, or
2. Where the driveway to a parking area of more than six (6) parking spaces is within fifteen (15) feet of an adjoining residential area.

B. Where any commercial or industrial structure, parking or storage is adjacent to property zoned or developed for residential use, that commercial or industrial use shall provide screening along the boundary



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of the residential property. Screening shall also be provided where a commercial or industrial use is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator.

C. The screening required in this section may consist of a fence, trees, shrubs, and berms not less than five (5) feet high but shall not extend within fifteen (15) feet of any street or driveway. The screening shall be placed along property lines or in case of screening along a street, twenty (20) feet from the street right-of-way with landscaping between the screening and pavement. The screening shall block direct vision. Planting of a type approved by the Zoning Administrator or Planning Commission may also be required in addition to or in lieu of fencing.

### **7.19 Conservation Subdivision and Planned Unit Development**

#### **A. Purpose and Scope.**

The purpose of this Section is to allow variation from conventional lot-block subdivision, when it is demonstrated that a Conservation Subdivision or Planned Unit Development provides more creativity and flexibility in development of the land, including private ownership of subdivision improvements and common areas, and provides greater natural resource protection. The Township may allow Conservation Subdivisions and Planned Unit Developments for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Each lot or dwelling site created pursuant to this Section shall be suitable in its natural state for the proposed use with minimal alteration of existing soils, surface waters, topography and natural vegetation.

#### **B. Conditional Use Permit Required.**

A conditional use permit shall be required for any Conservation Subdivision or Planned Unit Development and shall address all of the following issues:

1. **Transportation Accessibility.**  
The project area shall front or have access to a Federal, State, County or Township road existing and maintained at the time of application.
2. **Adjacent Land Use.**  
The project shall not result in the location of residence at a distance less than one-quarter (1/4) mile from a permitted feedlot or one-half (1/2) mile from a public airport.
3. **Local Plans, Projects.**  
The proposed project shall not conflict with adopted local plans or projects (i.e. sewage lagoons, parks, transportation facilities, etc.).
4. **Environmental Impacts.**  
The proposed project shall not have an adverse impact on the environmental factors listed below. An Environmental Assessment Worksheet may be prepared if a further assessment of environmental impact is needed:
  - a. The project will not create additional service demands or exceed local service capabilities.
  - b. The project will not induce secondary development nearby such as similar development or support services or facilities (i.e. recreational facilities, emergency service or law enforcement facilities, etc.).
  - c. The project will not have a significant impact on wildlife habitat.
  - d. The project will not have a significant impact on the natural vegetation of the area.
  - e. The project will not have a significant impact on the hydrology of the area.
  - f. The project will not have a significant impact on the area's water resources.
5. **Compliance with Applicable Federal, State and County Development Regulations.**  
The proposed project must be in compliance with all applicable Federal, State or County development regulations.

#### **C. Information requirements.**

Developers are encouraged to hold discussions with the Planning Commission and general public prior to

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addressing these information requirements, so that developers have an opportunity to understand the review process and community interests. Submission of adequate information by project proponents shall include the following:

Adequate soils information to determine suitability for placement and construction of structures, on-site sewage treatment and water supply systems for every lot or dwelling site. Such information shall include soil borings and percolation tests as required by the Zoning Administrator.

1. Appropriate information regarding any existing or proposed community or municipal sewage treatment and water supply systems; extent of anticipated vegetation and topographic alterations; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
2. A site plan for the project showing all property boundaries; surface water features, including the ordinary high water level of all public waters and delineation of all wetlands; existing and proposed structures, sewage treatment systems and water supply systems; topographic contours at two-foot intervals; trees; and any unusual soils or geological features.
3. Documents that explain how the project is designed and will function. These shall include all covenants; operating rules and procedures that require membership in a property owners association; all easements associated with the development; a concept statement fully describing the project; floor plans for all structures; and various other drawings or plans as required by the Planning Commission.
4. A context map showing the existing natural and man-made features on both the proposed development site and on adjacent properties.
5. Where conservation easements are to be utilized, a statement of preliminary acceptance from a qualified holder as defined in Minnesota Statutes, section 84C.01-02.

### D. Development Density and Lot Requirements.

1. The density of development shall not exceed the number of lots per acre of gross land area specified in Sections 5.06 through 5.10 of this ordinance.
2. All land used to determine maximum density of development shall be contiguous, and under single control and ownership.
3. Any lot without a community or municipal sewage treatment and water supply system shall have a minimum buildable area of one (1) acre.
4. Conservation Subdivisions utilizing individual on-site sewage treatment and water supply systems shall only be allowed within the Rural Residential and Rural Transit Center Districts. The maximum development density for the applicable Zoning District shall not exceed one hundred and twenty-five (125) percent of the development density allowed for single-family residences, subject to the following conditions:
  - a. The minimum buildable area for every proposed lot is one (1) acre.
  - b. The minimum lot width is two hundred (200) feet.
  - c. All covenants, deed restrictions, easements, operating plans and regulations relating to the establishment, maintenance and use of common open space, and the continued operation and maintenance of the Conservation Subdivision shall be in accordance with the provisions of Section 7.19 I., J., K. and L.
  - d. No private road easements shall be approved to provide access to the conservation subdivision.
5. Conservation Subdivisions and Planned Unit Developments utilizing community or municipal sewage treatment and water supply systems may be allowed within the Rural Residential, Urban Growth and Rural Transit Center Districts. The maximum development density for the applicable Zoning District shall not exceed one hundred and twenty-five (125) percent of the development density allowed for single-family residences, subject to the following conditions:
  - a. The minimum buildable area for every proposed lot within the Rural Residential and Rural Transit Center Districts is twenty-thousand (20,000) square feet.
  - b. The minimum buildable area for every proposed lot within the Urban Growth District is ten-thousand (10,000) square feet.

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- c. The minimum lot width is one hundred and fifty (150) feet.
- d. All covenants, deed restrictions, easements, operating plans and regulations relating to the establishment, maintenance and use of common open space, and the continued operation and maintenance of the Conservation Subdivision or Planned Unit Development shall be in accordance with the provisions of Section 7.19 I., J., K. and L.
- e. No private road easements shall be approved to provide access to the conservation subdivision or planned unit development.

### E. Height, Yard, Area, and Lot Width and Depth Regulations.

The height, width, depth, yard, and lot area requirements are contained in Section 5.10 Dimensional Standards.

### F. Consideration of adjacent land uses.

All designs shall take into account surrounding land uses and shall be so designed that the layout of lots and streets and the placement of structures shall result in the minimum disruption or conflict in the adjacent land uses and agricultural operations.

### G. General Regulations.

1. All other regulations of the appropriate Zoning District not specified in this Section or specified as a condition to the Conditional Use Permit shall apply to a Conservation Subdivision or Planned Unit Development.
2. It is the intent of this Section that the subdivision of the land involved be carried out simultaneously with the review of a Conservation Subdivision or Planned Unit Development.
3. The application for a Conditional Use Permit shall state precisely the reasons for requesting the consideration of the property for a Conservation Subdivision or Planned Unit Development.
4. The land which is to be set aside as open or common area shall be clearly indicated on the plan. Provisions for recreational area and for continual maintenance of that area not dedicated and accepted by the Town Board shall be required. Provisions for public streets must be approved by the Township.
5. No conveyance of property within the Conservation Subdivision or Planned Unit Development shall take place until the property is platted in conformance with the provisions of this Section and applicable to the Lent Township Subdivision Ordinance. All by-laws, Property Owners' Association Articles of Incorporation and Protective Covenants must be approved by the Township Attorney and filed with the recorded plat.
6. The uses in the Conservation Subdivision or Planned Unit Development shall be those uses allowed for in the Zoning District.
7. There is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas in accordance with the requirement of Section 4.12 of this Ordinance.
8. Private driveways, accessways and common parking areas must be developed to a standard equal to that required for public use by Section 4.12. Such driveways and accessways must be protected by recorded deed covenants assuring their availability to and maintenance by all residents of the project.

### H. Site Design.

1. The number of building sites or lots within a Conservation Subdivision or Planned Unit Development shall be determined by dividing the net buildable acreage of the project area by the required lot area per unit which is required in the District which the project is located. The net buildable acreage shall be defined as the project area less the land area dedicated for public streets and lands deemed as "unbuildable" by this Ordinance. The project area includes all the land within the Conservation Subdivision or Planned Unit Development which is allocated for residential use and for common open spaces as required by this Section. Land to be dedicated for public streets is to be excluded from the project area.

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2. The common open space, any other common properties, individual properties, and all other elements of the Conservation Subdivision or Planned Unit Development shall be so planned that they will achieve a unified scheme of integrated planning and a harmonious selection and efficient distribution of uses.
3. The proposed Conservation Subdivision or Planned Unit Development shall be of such size, composition, and arrangement that its construction, marketing and operation is feasible as a complete unit, without dependence on any subsequent unit or development.

### I. Standards for Common or Public Open Space.

No open area may be accepted as common open space under the provisions of this Section unless it meets the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the Conservation Subdivision or Planned Unit Development .
2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Conservation Subdivision or Planned Unit Development , considering its size, density, expected population, topography, and the number and type of structures to be provided.
3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation shall be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space, having regard to its topography and unimproved condition.
4. The development plan must coordinate the improvement of the common open space and the construction of buildings, structures, and improvements in the common open space, with the construction of the permitted structures of the Zoning District in which the Conservation Subdivision or Planned Unit Development is located.
5. If the final development plan provides for buildings or structure improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The Town Board shall release the bond or other assurance when the buildings, structures, or improvements have been completed according to the development plan.
6. The construction and provision of all of the common open spaces and public and recreational facilities, which are shown on the final development plan, must proceed at the same rate as the construction of the principal structures of the Conservation Subdivision or Planned Unit Development .

### J. Conveyance and Maintenance of Common Open Space.

1. All land shown on the final development plan as common open space must be conveyed under one of the following options:
  - a. It may be conveyed to a public agency (State, County or Township) to maintain the common open space
  - b. and any buildings, structures, or improvements which have been placed on it.
  - c. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the trustees, subject to covenants to be approved by the Town Board and the Township Attorney, which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose. Interest in the common open space shall be undivided and such interest shall not be transferable.
2. No common open space shall be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all

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- rights to enforce these covenants against any permitted use are expressly reserved.
3. If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
    - a. The legal right to develop the common open space for the uses not specified in the final development plan must be conveyed to a public agency.
    - b. Restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space,
    - c. Fee title to the common open space shall vest to a public agency in the event of a substantial default in the stated conditions.
  4. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions.

### K. Required Covenants, Easements and Provisions in Plan.

The development plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of permitted structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the Conservation Subdivision or Planned Unit Development and not inconsistent with the best interest of the entire Township. The applicant may be required to dedicate land for street or park purposes and, by appropriate covenants, to restrict areas perpetually as open space for common use. The development shall be subject to all conditions so imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in the authorization.

### L. Guarantee the Provision of Common Open Space.

The Town Board may require adequate assurance, in a form and manner which it approves, that the common open space shown in the final development plan will be provided. The following methods of assurance are intended as illustrative, and they may be used singly or in combination:

The Town Board may accept a bond, corporate surety, or other acceptable financial guarantee, in a form which complies with the provisions of the Subdivision Ordinance, and in an amount sufficient to purchase the common open space shown in the final development plan or alternative acreage which is equivalent in size and character.

### M. Final Approval.

When the Town Board gives final approval, a Certificate of Compliance shall be issued for the Conservation Subdivision or Planned Unit Development even though the size of lots, depth of yards, required distance between grouped buildings, and building height may not conform in all respects to the regulations of the District in which the project is to be located.

### N. Final Action by Applicant.

The applicant shall then review his application and plan in its final approved form and sign a statement that the Conservation Subdivision or Planned Unit Development in its final form shall be made binding on the applicant, any successors in interest and assigns.

### O. Control of Conservation Subdivision or Planned Unit Development Following Acceptance.

All changes in use; re-arrangement of lots, blocks, and building tracts; any changes in the provision of common open spaces; and all other changes in the approved final plan must be made by the Town Board, under the procedures authorized for the amendment of this Ordinance. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Township.

### P. Amendments to the Final Development Plan.

All changes in use; re-arrangement of lots, blocks, and building tracts; any changes in the provision of common open spaces; and all other changes in the approved final plan must be approved by the Town Board.

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No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the Township.

### Q. Failure to begin Conservation Subdivision or Planned Unit Development .

If no recording of the final development plan and/or construction has begun or no use established in the Conservation Subdivision or Planned Unit Development within one (1) year from the final approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the Town Board may extend for one additional year the period for the beginning of construction.

## 7.20 Recreational Camping Areas

### A. Purpose.

The purpose of this section is to provide for areas to be used for recreational camping which will not detract from surrounding land uses or natural resources, and provide for the health and safety of the public using these areas.

### B. License Required.

No person, corporation, partnership, firm or other entity shall operate a recreational camping area unless a valid license issued by the Minnesota Department of Health for the current year has been obtained and is in the possession of the operator and posted in a conspicuous place in the office of the recreational camping area.

### C. Conditional Use Permit Required.

A conditional use permit shall be required for the construction or operation of a recreational camping area. All conditional uses shall be subject to the requirements of this Section and Section 8.05. Each conditional use application shall include the submission of a site plan drawn to scale. When construction costs exceed \$30,000, plans must be prepared by a registered engineer, architect, or land surveyor. The site plan shall include the following:

1. The full name and address of the applicant or applicants; or names and addresses of the partners, if the applicant is a partnership; or the names and addresses of the officers, if the applicant is a corporation; and the name and address of the project developer.
2. A legal description of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a recreational camping area.
3. The proposed and existing sanitary facilities on and about said site, lot, field, or tract of land and the proposed construction or alteration of sanitary facilities including toilets, urinals, sinks, wash basins, slop sinks, showers, drains, and laundry facilities; source of water supply; and sewage, garbage and waste removal. A detailed description of maintenance procedures, grounds supervision and method of fire protection shall also be submitted.
4. The proposed method of lighting the structures and site, lot, field, or tract of land upon which said recreational camping area is to be located.
5. Road construction plans and specifications, including the location and size of all streets abutting the site and all driveways from such streets to the recreational camping area.
6. Location, size, and characteristics of each camping site/lot.
7. Designation of the calendar months of the year which applicant will operate said recreational camping area and details as to whether all of the area will be developed at once or whether it will be developed a portion at a time.
8. Plans and drawings for new construction or alteration, including buildings, water systems, wells, plumbing and sewage disposal systems, surface drainage, electrical service, and gas service.

### D. Camping Area Spacing Requirements.

Vehicle and structure spacing requirements shall be consistent with the Minnesota Department of Health rules Chapter 4630.

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E. All utilities shall be underground and there shall be no overhead wires or supporting poles except those essential for street or other lighting purposes.

F. Water Supply.

The water supply system shall be consistent with the Minnesota Department of Health rules Chapter 4630.

G. Sewage Disposal.

The water supply system shall be consistent with the Minnesota Department of Health rules Chapter 4630.

H. Toilet, Bathing and Laundry Facilities.

The schedule of facilities to be provided in central buildings shall be consistent with the Minnesota Department of Health rules Chapter 4630.

I. Plumbing.

All systems of plumbing shall be installed in accordance with the Minnesota Board of Health regulations and the provisions of the Minnesota Plumbing Code.

J. Lighting.

All lighting shall be consistent with the Minnesota Department of Health rules Chapter 4630 and the State Electrical Code.

K. Garbage and Refuse - Handling and Disposal.

Garbage and refuse handling and disposal shall be consistent with the Minnesota Department of Health rules Chapter 4630 and the Chisago County Solid Waste Ordinance.

L. Caretaker/Operator Duties.

A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duty of said attendant or caretaker shall be to maintain the park, its facilities, and records; and to keep the facilities and the equipment in a clean, orderly and sanitary condition.

### **7.21 Drive-In/Drive-Through Businesses**

A. Purpose.

The purpose of this Section is to allow for drive-in businesses to be established in appropriate areas and developed in a manner as to not adversely impact surrounding land uses and to ensure the public safety.

B. Conditional Use Permit Required.

A Conditional Use Permit shall be required for the construction or operation of drive-in/drive-through businesses. All conditional uses shall be subject to the requirements of this Section and Section 8.05.

C. Site Plan Requirements.

1. The site plan shall clearly indicate suitable storage containers for all waste material. All commercial refuse containers shall be screened.
2. A landscaping plan shall be included and shall set further complete specifications for plant materials and other features.
3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
4. The design of any structure shall be compatible with other structures in the surrounding area or future planned uses.
5. Electronic devices such as loudspeakers, automobile service order devices, drive-in theater car speakers and similar instruments shall not be located within four hundred (400) feet of any residentially zoned or used property, nor within two hundred (200) feet of any adjacent lot regardless of use or zoning District.
6. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers serviced in vehicles shall be parked to the sides and/or rear of the principal structure.
7. No permanent or temporary signs visible from the public street shall be erected without specific

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approval in the permit.

8. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within fifty (50) feet of intersecting street curb lines.

### D. Design Standards.

1. The entire area of any drive-in/drive-through business shall have a drainage system approved by the Zoning Administrator.
2. The entire area other than that occupied by structures or planting shall be surfaced with a hard surface material which will control dust and drainage.
3. A fence or screen of acceptable design not over six (6) feet in height or less than four (4) feet shall be constructed along the property line abutting a residential District and such fence or screen shall be adequately maintained. The fence shall not be required in front of the setback line.
4. A box curb of at least six (6) inches above grade shall separate public walks from the parking lot and shall encircle the outside of the parking except at approved entrance or exit drives.

### E. General.

1. Any drive-in/drive-through business serving food or beverages may also provide, in addition to vehicular service areas, in-door food and beverage seating area.
2. The hours of operation may be set forth as a condition of any Conditional Use Permit for drive-in/drive-through business.
3. Each drive-in/drive-through business serving food may have outside seating.
3. Each food or beverage drive-in/drive-through business shall place refuse receptacles at all exits as well as one (1) refuse receptacle per ten (10) vehicle parking spaces within the parking area.

### F. Location.

1. No drive-in/drive-through business shall be located within four hundred (400) feet of a public or parochial school, church, public recreation area, or any residential District.
2. No drive-in/drive-through business shall be located such that it may increase traffic volumes on nearby residential streets.
3. No drive-in/drive-through business shall be located on any street other than one designated as a thoroughfare or business road.

G. In the case of a drive-in/drive through theater, a solid fence not less than eight (8) feet in height and extending at least to within two (2) feet of the ground shall be constructed around the property.

H. The lighting shall be designed so as to have no direct source of light visible from the public right-of-way or adjacent land in residential use.

## 7.22 Automobile Dealerships

### A. Purpose.

The purpose of this Section is to allow for automobile dealerships and open automobile sales lots to be established in appropriate areas and developed in a manner as to not adversely impact surrounding land uses and the public safety.

### B. Conditional Use Permit Required.

A Conditional Use Permit shall be required for the establishment or operation of an automobile dealership or sales lot. All conditional uses shall be subject to the requirements of this Section and Section 8.05.

### C. Surface Drainage Plans and Improvements.

A drainage plan shall illustrate all paved area surface drainage flows including final deposition of run-off water. Catch basins and/or settling ponds shall be required to dispose of interior parking or display area drainage.

### D. Dimensional Standards.



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Dimensional standards shall be consistent with the requirements in Section 5.10.

### E. Access Driveways.

1. The distance of the driveway from the street intersection shall not be less than fifty (50) feet. Greater distances may be required to avoid reasonably anticipated traffic hazards.
2. Minimum distance between driveways shall be one hundred (100) feet at the curb cut.
3. Minimum driveway angle to street shall be sixty (60) degrees, unless otherwise approved by the Township engineer.
4. Minimum distance between driveway and adjacent property shall be five (5) feet at the curb cut.
5. No driveway shall exceed twenty-five (25) feet in width and no curb cut shall exceed thirty-two (32) feet in width.

### F. Screening.

A screen shall be erected and maintained along all property lines separating institutional or residential dwellings, business and professional offices or other uses. The screening required in this section shall be not less than five (5) feet in height.

### G. Landscaping.

A landscaped yard shall be constructed and maintained on all areas of the site not devoted to the building or parking areas and in the required front yard area.

### H. Curbing.

Interior concrete or asphalt curbs shall be constructed within the property to separate driving and parking surfaces from landscaped areas. Interior curbs required by this section shall be nominal six (6) inches in height.

### I. Surfacing.

The entire site on which motor vehicle sales is located, other than that devoted to buildings and structures, required yard areas or landscaped areas, shall be hard surfaced and maintained to control dust, erosion and drainage before operation of the business begins.

### J. Parking.

#### 1. Customer Parking.

A minimum of sixteen (16) customer parking spaces shall be provided for every acre of total site area in a business District, and in addition, three (3) spaces for each one thousand (1,000) square feet of gross floor area.

#### 2. Employee Parking.

A minimum of two (2) employee parking spaces shall be provided for every three (3) employees.

### K. Contiguous Site.

Motor vehicle sales shall be on one (1) lot or contiguous lots not separated by a public street, alley or other use.

## **7.23 Automotive Service Stations**

### A. Purpose.

The purpose of this Section is to allow for automobile service stations in appropriate areas and in a manner as to not adversely impact adjacent properties and ensure the public safety.

### B. Conditional Use Permit Required.

A Conditional Use Permit is required for the construction or operation of automobile service stations. All conditional uses shall be subject to the requirements of this Section and Section 8.05.

### C. Drainage Plans.

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A drainage system, subject to approval by the Zoning Administrator, shall be installed. The entire site, other than that taken up by a structure or planting, shall be surfaced with concrete or other material approved by the Planning Commission. Pump islands shall not be placed in the required yards. The area around the pump island to a distance of eight (8) feet on each side, shall be concrete. A box curb not less than six (6) inches above grade shall separate the public right-of-way from the motor vehicle service areas, except at approved entrances and exits. No driveways at a property line shall be less than fifty (50) feet from the intersection of two (2) street right-of-way lines. Each service station shall have at least two (2) driveways with a minimum distance of one hundred (100) feet between centerlines when located on the same street.

### D. Parked Vehicles.

No vehicles shall be parked on the premises other than those utilized by employees or awaiting service. No vehicle shall be parked or be awaiting service longer than fifteen (15) days. Existing service stations shall comply with this requirement within forty-five (45) days of the effective date of this Ordinance.

### E. Exterior Storage.

Exterior storage besides vehicles shall be limited to service equipment and items offered for sale on pump islands; exterior storage of items offered for sale shall be within yard setback requirements and shall be located in containers such as the racks, metal trays and similar structures designed to display merchandise. Existing service stations shall comply with this requirement within nine (9) months of the effective date of this Ordinance.

### F. Storage Areas.

All areas utilized for the storage of vehicles and storage or disposal of waste, debris, discarded parts and similar items shall be fully screened. In no case shall the total area of exterior storage exceed one-half (1/2) the total lot area. All structures and ground shall be maintained in an orderly, clean and safe manner. Existing service stations shall comply with this requirement within nine (9) months of the effective date of this Ordinance.

### G. Related Business Activities.

Business activities not listed in the definition of service stations in this Ordinance are not permitted on the premises of a service station unless a conditional use permit is obtained specifically for such business. Such activities include but are not limited to the following:

1. Automobile car and truck wash.
2. Rental of vehicles, equipment or trailers.
3. General retail sales.
4. Establishment or use of open sales lot.

## 7.24 Mineral Extraction

A. The purpose of this section is to protect the public health, safety and welfare through the following:

1. Identify areas in the Township where mineral extraction is most appropriate and minimizes conflicts with other land uses.
2. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
3. Establish standards which prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole.
4. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses which are compatible with the Lent Township Comprehensive Plan.

B. When used in this Section, the following terms shall have the meaning associated with them:

#### Accessory Uses:

Accessory uses of a mineral extraction facility include the manufacture, storage and sale of products made from minerals.

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<u>Dust:</u>	Airborne mineral particulate matter.
<u>Excavation:</u>	The movement of minerals on a site.
<u>Mineral:</u> natural	Sand, gravel, rock, soil, clay and similar higher density non-metallic minerals.
<u>Mineral Extraction:</u> property.	The removal of minerals from the ground and off the subject
<u>Mineral Extraction Facility:</u>	Any area used for mineral extraction and processing minerals.
<u>Mineral Extraction Permit:</u>	The permit required for mineral extraction facilities.
<u>Operator:</u> including	Any person or persons, partnerships, or corporations or assignees, public or governmental agencies, engaging in mineral extraction.
<u>Principal Use:</u> crushing,	The principal use of a mineral extraction facility is the extraction, screen, mixing, storage and sale of minerals from the facility.
<u>Processing:</u> stockpiling	Any activity which may include the crushing, screening, mixing, and of sand, gravel, rocks, or similar mineral products into consumable products such as fill, construction grade sand, gravel, roadway mixes, and other similar granular products.
<u>Rehabilitation:</u> with	To renew land to self-sustaining long-term use which is compatible contiguous land uses, present and future, in accordance with the standards set forth in this Ordinance.
<u>Soil:</u>	A natural three-dimensional body of the earth's surface.
<u>Subject Property:</u>	The land on which mineral extraction is permitted.
<u>Topsoil:</u> material for	The upper portion of the soils present that is the most favorable plant growth. A mineral extraction permit is required for all mineral excavation facilities. A mineral extraction permit is a conditional use and shall be processed in accordance with Section 8.05 of this Zoning Ordinance and the additional procedures and requirements of this section. Legal nonconforming mineral extraction facilities expanding on new parcels after adoption of this Ordinance shall be required to obtain a Conditional Use Permit consistent with the provisions of this Ordinance.

C. A mineral extraction permit shall not be required for the following:

1. Excavation for a structure if a building permit has been issued.
2. Excavation in a right-of-way or utility corridor by Federal, State, County, or Township authorities

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in connection with construction or maintenance of public improvements.

3. Excavations not exceeding four hundred (400) cubic yards annually.
4. Excavation for agricultural purposes.
5. Excavation for public utility purposes.

### E. Permit Application Requirements.

1. An application for a mineral extraction permit shall be submitted to the Township on a form supplied by the Township. Information shall include but not be limited to the following:
  - a. The following maps of the entire site and to include areas within five hundred feet (500') of the site. All maps shall be drawn at a scale of one inch (1") to two hundred feet (200') unless otherwise stated below:

#### Map A: Existing conditions to include:

- (1) Property boundaries.
- (2) Contour lines at ten (10) foot intervals.
- (3) Existing vegetation.
- (4) Existing drainage and permanent water areas.
- (5) Existing structures.
- (6) Existing wells and private sewer systems of record.
- (7) Existing pipelines, power lines and other utilities.
- (8) Easements.

#### Map B: Proposed operations to include:

- (1) Property boundaries.
- (2) Structures to be erected.
- (3) Location of sites to be mined showing depth of proposed excavation.
- (4) Location of tailings deposits showing maximum height of deposits.
- (5) Location of processing areas and machinery to be used in the mining operation.
- (6) Location of storage of mined materials, showing height of storage deposits.
- (7) Location of vehicle parking.
- (8) Location of storage of explosives.
- (9) Erosion and sediment control structures.
- (10) Haul routes.

#### Map C: End use plan to include:

- (1) Property boundaries.
  - (2) Final grade of proposed site showing elevations and contour lines at five (5) foot intervals.
  - (3) Location and species of vegetation to be replanted.
  - (4) Location and nature of any structure to be erected in relation to the end use plan.
  - (5) Turf Rehabilitation Plan.
- b. Name, address, phone number, contact person for the operator.
  - c. Name, address, phone number of the landowner.
  - d. Names of the adjacent landowners including all those within a one-quarter (1/4) mile radius of the boundary line of the subject property.
  - e. Acreage and complete legal description of the subject property on which the facility will be located, including all contiguous property owned by the landowners.
  - f. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.
  - g. Phasing plan and estimated timeframe to operate the facility. A description of all vehicles and equipment estimated to be used in the operation of the facility, including a description of the estimated average daily and peak daily number of vehicles accessing the facility.
  - h. Any other information or documentation required for issuance of a Conditional Use Permit under Section 8.05 of the Lent Township Zoning Ordinance.

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2. Every application for a mineral extraction permit shall include submission of supporting documentation which shall include, but is not limited to the following:
  - a. A description of existing land uses on the subject property and all properties within one-quarter (1/4) mile.
  - b. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within one-quarter (1/4) mile.
  - c. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted.
  - d. A general description of surface waters, existing drainage patterns and groundwater conditions within one-quarter (1/4) mile of the subject property.
  - e. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
  - f. Copies of the MPCA application documents and operating permits.
  - g. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff.
  - h. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
  - i. A description of the plan to mitigate potential impacts resulting from mineral extraction.
  - j. A description of site screening, landscaping and security fencing.
  - k. Site rehabilitation plans for each phase of operation and upon completion of mineral extraction on the subject property.
  - l. A description of the method in which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method which complaints are to be resolved.
  - m. A plan for groundwater quality protection. A minimum of three (3) cross-sections showing the extent of overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past. The Planning Commission reserves the right to require additional borings if necessary.

### F. Permitting Procedure.

1. A request for a mineral extraction permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form, the required application fee shall be paid, and a deposit made to reimburse the Township for its out-of-pocket costs in processing the application. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use as specified under Section 7.27(E). The Zoning Administrator shall refer the application along with all related information, to the Planning Commission for consideration.
2. The Zoning Administrator shall notice a public hearing to be held by the Planning Commission. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. Written notice of public hearing shall be sent to the governing bodies of the affected township and any municipality located within two (2) miles of the affected property. Written notice shall also be sent to all property owners of record within five hundred (500) feet of the affected property in incorporated areas and to property owners within one-quarter (1/4) miles of the affected property or the nearest ten (10) properties in unincorporated areas, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made a part of official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply

## Lent Township Land Use Regulations

with this subdivision has been made.

3. The Planning Commission shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the Township to review the request or to establish performance conditions in relation to this Ordinance.
4. The Planning Commission and Town Board may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District and the Minnesota Pollution Control Agency.
5. The Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board. The Township may impose such additional restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to the following:
  - a. Matters relating to the appearance.
  - b. Hours of operation.
  - c. Increasing setbacks.
  - d. Limiting the height, size, or location of buildings.
  - e. Controlling the location and number of vehicle access points.
  - f. Increasing street width and improving access conditions.
  - g. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
  - h. Limiting the area to be mined.
  - i. Requiring phased rehabilitation.
  - j. Requiring financial security to guarantee compliance with the conditions of approval.
  - k. Water quality monitoring.
6. The Town Board shall approve, modify, or deny the request and state the findings of its actions. Approval of a Conditional Use Permit shall require passage by majority vote of the Town Board. The Zoning Administrator shall notify the applicant of the Town Board's action.
7. Reapplication for the same or substantially same Conditional Use Permit shall not be accepted within six (6) months of denial by the Town Board. Any Conditional Use Permit approved but not used within twelve (12) months of the date of approval shall be null and void.
8. Any change to the approved Conditional Use Permit shall require an amended Conditional Use Permit. Any expansion beyond the original boundaries shall not be considered an amended permit and shall require a new Conditional Use Permit.

G. The Township shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a bond, letter of credit or cash escrow in such form and sum as determined by the Town Board as part of the permit. The security shall be sufficient to reimburse the following costs:

1. Costs of bringing the operation into compliance with the mineral extraction permit requirements, including site monitoring and enforcement costs.
2. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The amount of such cost shall be determined by the Township Engineer.
3. Site restoration.
4. Costs the Township may incur in enforcing the terms of the Conditional Use Permit, including attorney's fees.

H. Annual certification of all mineral excavation permits is required. The purpose of the annual certification is to maintain an updated listing of active conditional uses in the Township, to decertify any permits where the activity has ceased, and to monitor compliance with the conditions of approval. Permit holders must complete and return certification forms provided by the Township. Failure to maintain certification shall be cause for revocation of the permit.

## Lent Township Land Use Regulations

- I. The following uses are prohibited unless specifically authorized in the mineral extraction permit:
1. The washing of the extracted material.
  2. The production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
  3. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete, asphalt and any similar production or manufacturing processes.
- J. The following performance standards apply to all mineral extraction facilities in the Township:
1. The minimum lot size for which mineral extraction permits may be issued is twenty (20) acres. The Zoning Administrator may issue an administrative permit for a temporary extraction activity on less than twenty (20) acres associated with local construction projects. The permit shall be limited to one calendar year in duration and shall be subject to all performance standards of this Ordinance, unless certain standards are specifically waived by the Zoning Administrator. The Zoning Administrator may also require additional conditions, such as specifying haul routes and guaranteeing haul route maintenance and repair.
  2. Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 8:00 p.m., Monday through Saturday.
    - a. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the Township in advance of the proposed extension. Other exceptions to the hours of operation must be approved by the Township. Approval may only be granted in conjunction with the furnishing of material for a public improvement project that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those functions that cannot occur during normal hours of operation.
    - b. Other exceptions approved by the Town Board.
  3. Fencing, signs, and barriers shall be required around ponding areas and steep sloped excavation areas.
  4. The location of the intersection of mining access roads with any public roads shall be selected such that traffic on the access roads will have a sufficient distance of the public road in view so that any turns onto the public road can be completed with a margin of safety.
  5. Dust Control.
    - a. Operators shall be responsible for providing dust control on all gravel roads used by trucks hauling to or from a mineral excavation facility. Unless waived by the Town Board in lieu of other remedies, watering roadways will be required when conditions warrant it.
    - b. The Township may require watering in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to control dust may include berming, landscaping, and enclosures for processing equipment. All equipment used for mining operations shall be constructed, maintained, and operated in such a manner as to minimize dust conditions, as far as practicable. All access roads from mining operations to public highways, roads, or streets, or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.
  6. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency.
  7. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment.
  8. All activities on the subject property will be conducted in a manner consistent with the Minnesota Pollution Control Agency's operating permits.
  9. The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quality of surface or subsurface water. Surface water originating outside and passing through the mineral extraction facility shall, at its point of departure from the mining site,

## Lent Township Land Use Regulations

be of equal quality to the water at the point where it enters the mining site. The operator shall perform any water treatment necessary to comply with this provision.

10. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. The design of the screening barrier shall be adequate to provide screening that would minimize the visual interruption of the surrounding landscape. When practicable, a screening barrier must be maintained between the mineral extraction operation and any public road.
  11. Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility, except as specifically authorized in the Conditional Use Permit.
  12. Mineral extraction shall occur no closer than fifty (50) feet from any property line or road easement. An exception to the property line setback requirement may be considered on a case-by-case basis where two mineral extraction facilities share a common lot line and the Town Board determines it to be in the Township's interest to waive all or portions of the contiguous setback areas between the facilities. The setback for all other equipment and activities shall be based upon performance standards for noise, dust control, visual screening and the like as determined in the application review process.
  13. Phasing plans must be prepared for all mineral extraction facilities. The plans shall include the details and schedule for rehabilitation in the transition of one phase to another.
  14. Existing trees and ground cover outside of mineral extraction areas shall be preserved to the maximum extent possible.
  15. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
  16. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State, and Township requirements.
  17. The importation of recycled concrete and asphalt may be considered an accessory use, at the discretion of the Town Board, provided also that it is processed and prepared for construction reuse or sale.
  18. The operators must comply with all other Federal, State, regional, Township, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations, and zoning ordinance regulations.
  19. The Township may impose additional regulations and requirements to the mineral extraction permit to protect the public health, safety, and welfare.
- K. Land rehabilitation plans for mineral extraction permits must include the grading plans, topsoil replacement, seeding, mulching, erosion control, and sedimentation control specifications for each phase and the final site restoration. The following minimum standards and conditions apply:
1. Final grades may not exceed a 3:1 ratio (33% slope), except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin twenty (20) feet from property lines.
  2. A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
  3. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Exceptions to seeding and mulching include areas returned to agricultural production.
  4. Soil restoration, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached. Exceptions to seeding and mulching include the processing, storage, and staging areas within each phase.
  5. Soil erosion and sedimentation control measures shall be consistent with MPCA's "Protecting Water Quality in Urban Areas."
  6. Unless otherwise amended or approved by the Township, all final grades and site restoration efforts shall be consistent with the Rehabilitation Plan.
  7. Within six (6) months after completion of mineral extraction or after termination of the permit, all



## Lent Township Land Use Regulations

- equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.
8. Within twelve (12) months after completion of mineral extraction or after termination of the permit, site rehabilitation must be completed.
  9. All water areas resulting from excavation shall be eliminated upon rehabilitation of the site. In unique instances where the Town Board has reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

### **7.25 Rural Retail Tourism business**

#### **A. Purpose.**

In accordance with the stated goals of the Lent Township Comprehensive Plan, it is the purpose of this subdivision to:

- a. Preserve and celebrate Lent Township's archaeological properties, rural and agricultural heritage, and historical landscapes; and
- b. Recognize scenic features, exceptional rural ambiance, historic sites as desirable local amenities which will draw outside revenue from visitors, that is vital to the local economy; and
- c. Enhance the Township's appeal to visitors who are drawn to its rural atmosphere; and
- d. Provide opportunities for new economic growth; and
- e. Assist the Township's citizens in the transition from primarily agricultural land uses to an expanded variety or rural business opportunities; and
- f. Accommodate and acknowledge existing areas of low-density residential use, agricultural use and open space use.

#### **B. Condition Use Permit OR Interim Use Permit Required.**

- a. Conditional Use Permit: Rural Retail Tourism Business is allowed with a conditional use permit (CUP) within the Rural Residential (RR) zoning district and located within the Rural Business Overlay (RBO) as identified on the official Land Use Plan contained within the Township's adopted Comprehensive Plan.
  - i. Rural retail tourism businesses that require a CUP shall include small scale, low impact uses such as farm or other historical heritage attractions; crafting, weddings, receptions, bed & breakfasts; craft/antique shops; unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods and services and other reasonably related merchandise; and other uses determined by the Township to be similar in nature and scope.
- b. Interim Use Permit: Rural retail tourism business is allowed with an Interim Use Permit (IUP) within the Rural Residential (RR) zoning district and located within the Rural Business Overlay (RBO) as identified on the official Land Use Plan contained within the Township's adopted Comprehensive Plan.
  - i. Rural retail tourism businesses that require an Interim Use Permit shall include small scale, low impact uses such as small scale, low impact special events or music festivals, corn mazes, holiday celebrations and harvest festivals; and other uses determined by the Township to be similar in nature and scope.

#### **C. The terms "small-scale" and "low-impact" shall be construed to refer to land uses which:**

- a. Do not create an excessive demand upon existing services or amenities;
- b. Are screened or able to be screened adequately, or are sufficiently separated from adjacent residential development or residentially used land, to prevent undue negative impact to nearby properties;
- c. Will not have an appearance that is inconsistent or incompatible with the surrounding area;

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- d. Will not cause traffic hazard or undue congestion;
  - e. Will not negatively impact the neighborhood by intrusion of noise, glare, odor, or other adverse effects.
- D. All rural retail tourism businesses shall meet and follow the standards for a Conditional Use Permit as defined within Section 8.05, or Interim Use Permit as defined in Section 8.06 of this ordinance. The following additional information shall be required for all Rural Retail Tourism Businesses:
  - a. Narrative describing how proposed use is consistent with the Definition of Rural Retail Tourism businesses, and the adopted Comprehensive Plan.
  - b. Hours of Operation
  - c. Proposed access, driveway design and any necessary road improvements
  - d. Trip counts during hours of operation, and estimates during AM and PM peak hours. (if applicable)
  - e. Proposed signage and site lighting
  - f. Proposed parking areas with number of stalls identified
  - g. If a new use, Percolation Tests and designated SSTS area identified on a site plan and submitted to Building Official for general acceptance.
- E. If a structure(s) is planned to be retrofitted for the business, a plan for upgrading the SSTS system or structure for compliance with current code requirements must be submitted prior to permit approval. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards.
- F. If the proposed rural retail tourism business is located on a property with a principal residential structure, Section 4.08 Accessory Structures and Uses shall be followed.
- G. Rural Retail Tourism businesses shall be shown to have a unique and demonstrable relationship with Lent Township or its region, and its history, culture, traditions, arts, crafts, lore, natural resources, or other features and amenities, in accordance with the above stated purpose.

## **SECTION 8. ADMINISTRATION AND ENFORCEMENT**

### **8.01 Administrating Officer**

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the Town Board and have those authorities, duties and powers granted pursuant to the this Ordinance and the procedures and requirements of Chapter Six (6) of the Lent Township Land Use Regulations.

### **8.02 Fees and Administrative Charges**

- A. To defray the costs associated with administrative requests and actions, the Township shall charge fees and administrative costs for applications and other administrative actions as established within this Ordinance and Chapter Six (6) of the Lent Township Land Use Regulations.
- B. In order to defray the additional cost of processing applications for amendment, conditional use, variance, or appeal for developments, all applicants shall pay the total cost of staff and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request.
- C. As specified in Chapter Six (6) of the Lent Township Land Use Regulations, all fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless application is withdrawn prior to referral t the Planning Commission. The refund will be less any expenses incurred prior to withdrawal. As specified in Chapter Six (6) of the Lent Township Land Use Regulations, a deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator at the time the base fee is paid.

### **8.03. Planning Commission**

The Planning Commission shall provide assistance to the Town Board and Zoning Administrator in the administration of this ordinance and shall review, hold public hearings, and make recommendations to the Town Board on all applications for zoning amendments and conditional use permits using the criteria in this Ordinance.

### **8.04 Board of Adjustment and Appeals**

The Board of Adjustment and Appeals shall be responsible for the following:

A. To hear appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance and make recommendations to the Town Board on all applications for appeals.

B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and make recommendations to the Town Board on all applications for variances .

### **8.05 Conditional Use Permits**

#### **A. Procedure**

Request for a Conditional Use Permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use. The Zoning Administrator shall refer said application along with all related information, to the Township Planning Commission for consideration including, but not limited to, the following:

1. Site plan drawn at scale showing parcel and building dimensions.
2. Location of all buildings and their square footage.
3. Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
4. Existing topography.
5. Finished grading and drainage plan.
6. Type of business or activity and proposed number of employees.
7. Proposed floor plan of any building and use indicated.
8. Sanitary sewer and water plan with estimated use per day.
9. Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or Statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the permit application.
10. A location map showing the general location of the proposed use within the Township.
11. A map showing all principal land use within three hundred and fifty (350) feet of the parcel for which application is being made.
12. Any other information deemed necessary by the Zoning Administrator or Planning Commission.

B. The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. Written notice of public hearing for conditional uses shall be sent to the Chisago County Board of Commissioners. Written notice shall also be sent to all property owners of record within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

C. The Planning Commission shall consider possible affects of the proposed conditional use. Its judgment shall be based upon, but not limited to, the following general factors and any other requirements set forth

## Lent Township Land Use Regulations

in this Ordinance.

1. The Comprehensive Plan and development policies of the Township.
2. The use will not create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
3. The use will be sufficiently compatible or separated by distance or screening from adjacent development or land so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
4. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
5. The use in the opinion of the Township is reasonably related to the overall needs of the Township and to the existing land use.
6. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning District in which the applicant intends to locate the proposed use.
7. The use will not cause traffic hazard or congestion.
8. Existing nearby businesses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

D. The Planning Commission and Township staff shall have the authority to request additional information from the applicant and/or to retain an independent consultant with the consent and at the expense of the applicant if such information or independent review and advice is deemed necessary by the Township to adequately protect the public interest during its review of the request and the establishment of any performance conditions pursuant to this Ordinance. Upon completion of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board. The Township may impose such additional restrictions or conditions as deemed necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters. These conditions, may include but are not limited to the following:

1. Matters relating to the architecture or appearance,
2. Establishing hours of operation.
3. Increasing the required lot size or yard dimension.
4. Limiting the height, size or location of buildings or other structures or facilities, including requiring the underground placement of essential services or transmission or distribution lines.
5. Controlling the location and number of vehicle access points.
6. Increasing the street width.
7. Increasing the number of required off-street parking spaces.
8. Limiting the number, size, location or lighting of signs.
9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
10. Designating sites for open space.

E. Within sixty (60) days from the date a completed application is received, the Town Board shall approve, modify or deny the request and state the findings of its actions.

F. Approval of a Conditional Use Permit shall require passage by majority vote of the full Town Board. The Zoning Administrator shall notify the applicant of the Town Board's action.

G. Reapplication/Lapse of Conditional Use Permit.

Reapplication for the same or substantially same Conditional Use Permit shall not be accepted within six (6) months of denial by the Board. Any Conditional Use Permit approved but not utilized within twelve (12) months of the date of approval shall become null and void.

I. Amended Conditional Use Permit.

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Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued.

### J. Surety.

The Town Board shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate.

## 8.06 Interim Use Permits

A. It is intended that the interim use permit procedures allow flexibility in the use of land or structures in the Town, when the uses are not permanent and when the uses meet appropriate conditions and performance standards that protect the public health, safety and welfare.

B. *Application, public hearing and procedure.* The application, public hearing, notice and procedure requirements for interim use permits shall be the same as for Conditional Use Permits as identified in Section 8.05 of this chapter. If a proposed interim use is not listed as a permitted interim use in this chapter, a text amendment to this chapter will be required before an interim use permit may be considered.

C. *Termination.* All interim use permits shall terminate on the happening of any of the following events, whichever first occur:

1. The date stated on the permit;
2. Upon violation of the condition under which the permit was issued; or
3. Upon change in the Township's zoning regulations that renders the use nonconforming.

D. *Standards.* The interim use must be specifically listed in the zoning district where the property is located. Where a conditional use permit is required, an Applicant may choose to apply for an Interim Use Permit if desired. The interim use must comply with the specific standards for the use identified in this chapter and must comply with all conditions of approval.

E. *Conditions.* The Township may attach conditions to approval of a permit to mitigate anticipated adverse impacts associated with the use to ensure compliance with the standards of approval, to protect the value of other adjacent property, and to achieve the goals and objectives of the comprehensive plan.

## 8.07 Variances

### A. Procedure.

Requests for variances, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The application shall also be accompanied by copies of detailed written and graphic materials fully explaining the proposed change, development and use. The Zoning Administrator shall refer the application, along with all related information, to the Board of Adjustment and Appeals for consideration.

B. The application shall be accompanied by a site plan of the proposed variance showing such information as may be necessary or desirable including, but not limited to the following:

1. A specific description of the area for which the variance is requested and addresses of all owners of property lying within five hundred (500) feet of such area, and a description of the property owned by each.
2. Proposed use of land for which variance is requested.
3. A Statement of the compatibility of the proposed variance with the Township Comprehensive Plan.
4. A legal description of the property for which the variance is requested.
5. A detailed map of the property showing the location of proposed buildings, and dimensional variances requested, and existing land uses and buildings of adjacent properties within five hundred (500) feet.

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C. The Zoning Administrator, on behalf of the Board of Adjustment and Appeals, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. Written notice of public hearing for variances shall be sent to the Chisago County Board of Commissioners. Written notice shall also be sent to all property owners of record within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

D. A variance to the provisions of the Zoning Ordinance may be issued to provide relief to the land owner in accordance with the provisions of Minnesota Statutes Section 462.357, Subdivision 6. No variance may be granted that would allow any use that is prohibited in the zoning District in which the property is located.

E. The Board of Adjustment and Appeals and Township staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the Township to review the request or to establish performance conditions in relation to this Ordinance.

F. Upon completion of the public hearing, the Board of Adjustment and Appeals shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board.

G. Within sixty (60) days from the date a completed application is received, the Town Board shall approve or disapprove the request with modifications, alterations, or differing conditions. Such modifications, alterations, or differing conditions shall be in writing and made part of the Board's records.

H. All decisions by the Town Board in granting variances shall be final except that any aggrieved person shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the District court.

I. Reapplication for the same or substantially same variance shall not be accepted within six (6) months of denial by the Board. Any variance approved but not utilized within twelve (12) months of the date of approval shall become null and void.

### J. Surety.

The Town Board shall have the authority to require a letter of credit, cash or other security when it is deemed necessary and appropriate.

## **8.08 Appeals**

### A. Procedure.

An appeal, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. Within thirty (30) days of receipt of the application and all supporting information, the Zoning Administrator shall refer said application, along with all related information, to the Board of Adjustment and Appeals for consideration.

B. The application shall be accompanied by information which may be necessary or desirable, including, but not limited to the following:

1. The particular order, requirement, decision or determination from which the appeal is taken.
2. The name and address of the appellant.
3. The grounds for the appeal.
4. The relief requested by the appellant.

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C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment and Appeals, to whom the appeal is taken, certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

D. The Zoning Administrator on behalf of the Board of Adjustment and Appeals, shall set a date for a hearing of the appeal and give due notice thereof to the appellant, the officer from which the appeal is taken, and the public.

E. The Board of Adjustment and Appeals shall consider the appeal and hold such hearing at its next regular meeting. The appellant and officer from which the appeal is taken shall appear before the Board of Adjustment and Appeals in order to answer questions concerning the appeal. Upon completion of the public hearing, the Board of Adjustment and Appeals shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board.

F. Within sixty (60) days from the date a completed application is received, the Town Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and, to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the Board's decisions shall be stated in writing.

G. All decisions by the Town Board on appeals from any administrative order, requirement, decision, or determination shall be final except that any aggrieved person(s) shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the District Court.

### **8.09 Amendments**

#### **A. Initiation of Amendments.**

The Town Board or Planning Commission may, upon its own motion, initiate a request to amend the text or the District boundaries of this Ordinance. Any person owning real estate within the Township may initiate a request to amend the District boundaries or text of this Ordinance so as to affect the said real estate. All amendment requests must first be reviewed by the Planning Commission.

#### **B. Procedure.**

Requests for amendments, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The Zoning Administrator shall refer said application, along with all related information, to the Township Planning Commission for consideration. Such application shall be accompanied by written and graphic materials containing the following information:

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

C. The Zoning Administrator, on behalf of the Planning Commission, shall set a date for a public hearing. Notice of such hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. Written notice of public hearing for amendment shall be sent to the Chisago County Board of Commissioners. Written notice shall also be sent to all property owners of record within one-quarter (1/4) mile of the affected property or the nearest ten (10) properties, whichever would provide notice to the greatest number of owners. A copy of the notice and a list of the property owners and addresses to which the notice was sent shall be attested to by the Zoning Administrator and made part of the official record. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

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D. The Planning Commission shall consider possible effects of the proposed amendment. The Township may adopt amendments to the Zoning Ordinance and zoning map in relation both to land uses within a particular District or to the location of the District lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community as reflected in the Comprehensive Plan or changes in conditions in the Township. The following factors shall also be considered:

1. Whether the amendment will create an excessive demand on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
2. Whether the amendment is sufficiently compatible so that existing development will not be depreciated in value and there will be no deterrence to development of vacant land.
3. The amendment in the opinion of the Township is reasonably related to the overall needs of the Township.
4. The amendment is consistent with the intent and purposes of the zoning ordinance.
5. The amendment will not cause traffic hazard or congestion.

E. The Planning Commission and Township staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant if said information is declared to be necessary by the Township in reviewing the request. Upon completion of the public hearing, the Planning Commission shall make a finding of fact and recommend such actions or conditions relating to the request to the Town Board.

F. Within sixty (60) days from the date a completed application is received, the Town Board shall either approve, modify or disapprove the request and State the findings of its action. Approval of a request shall require passage by a majority vote of the full Town Board. The Zoning Administrator shall notify the applicant of the Town Board's action.

### **8.10 Penalties and Violations**

A. Any firm, person, or corporation who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law.

B. Any firm, person or corporation who violates any of the provisions of this Ordinance shall be guilty of an administrative offense and shall be subject to the administrative penalties established in Chapter Six (6) of the Lent Township Land Use Regulations.

C. Each day that a violation continues to exist shall constitute a separate offense.

D. In the event of a violation or threatened violation of any of the terms of this ordinance, the Township may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations.

E. Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

### **8.11 Repealer**

This Ordinance repeals all other land use regulations and ordinances previously adopted or enacted by Lent Township, and all amendments thereto.

### **8.12 Date of Effect**

This ordinance takes effect upon its adoption and publication according to law.



Lent Township Land Use Regulations

Whereupon said Ordinance was declared passed adopted this 17 day of March, 2015, by the Lent Township Board of Supervisors.

*Gene W. Olson*  
Gene Olson, Chairman

*Laura LeVasseur*  
Attest: Laura LeVasseur, Town Clerk

Ordinance 2019-06 approved 11-19-2019