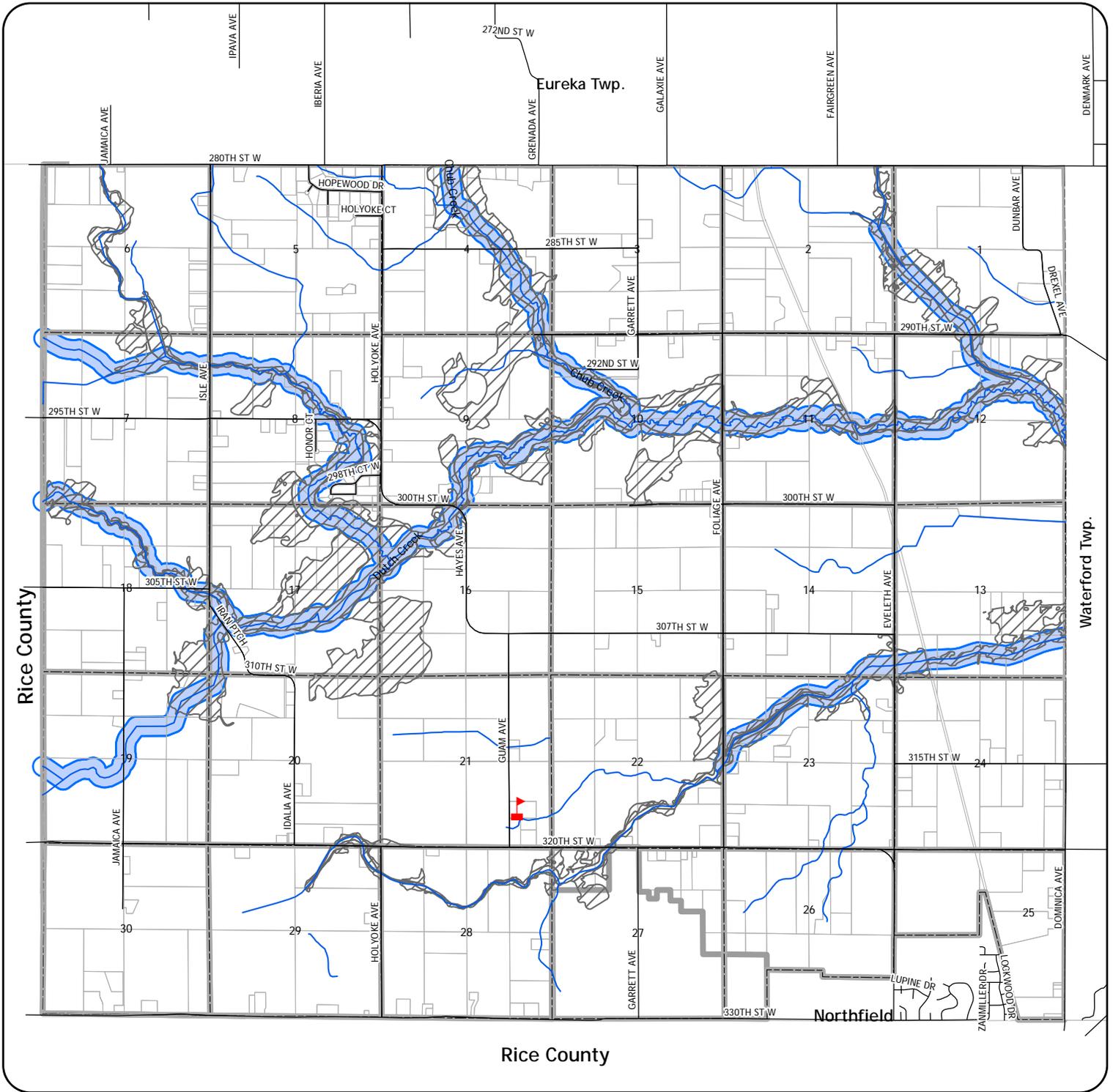


GREENVALE TOWNSHIP

ZONING AND SUBDIVISION ORDINANCE

Adopted August 16, 2011

Effective Date: August 20, 2011



Zoning Map

Greenvale Township Dakota County, MN

-  A - Agriculture Preservation District
-  300' Shoreland Overlay
-  Floodplain Overlay
-  River or stream



 Town Hall



GREENVALE TOWNSHIP

Ordinance No. 2011 Zoning And Subdivision Ordinance

Acknowledgments

Richard Moore, Supervisor

Robert Winter, Supervisor

Greg Langer, Supervisor

Edith Nelson, Clerk

Barb Swenson, Treasurer

Table of Contents

SECTION		PAGE
1	NAME	1
2	PURPOSE	1
3	DEFINITIONS	1
4	GENERAL PROVISIONS	12
4.01	Rules of Construction	12
4.02	Scope and Interpretation	12
4.03	Lot Provisions	12
4.04	Non- Conforming Uses and Structures	13
4.05	Home Occupations	14
4.06	Single Family Dwelling Requirements	15
4.07	Temporary Dwellings	16
4.08	Dwelling Units Prohibited	16
4.09	Street Access Required	17
4.10	Required Yards and Open Spaces	17
4.11	Height Regulations	17
4.12	Accessory Structures	17
4.13	Abandoned Vehicles	18
5	ZONING DISTRICTS/USE REGULATIONS	19
5.01	Establishment of Districts	19
5.02	Zoning Map	19
5.03	Interpretation of the Zoning Map	19
5.04	A - Agriculture Preservation District	20
5.05	S - Shoreland Management Overlay District	26
5.06	F - Floodplain Management Overlay District	26
5.07	Dimensional Standards	27
6	SUBDIVISION REGULATIONS	29
6.01	Scope	29
6.02	Exceptions	29
6.03	Platting Procedures	29
6.04	Submission Requirements	30
6.05	Subdivision Design Standards	32
6.06	Performance Guarantee	32

7	PERFORMANCE STANDARDS	34
7.01	Private Sewage Treatment System and Water Supply System Standards	34
7.02	Feedlot Design and Management Standards	34
7.03	Odors and Emissions	34
7.04	Dust and Particulates	34
7.05	Noise and Vibrations	35
7.06	Glare	35
7.07	Waste	35
7.08	Explosives	35
7.09	Burning	35
7.10	Bulk Storage	35
7.11	Outside Storage	35
7.12	Surface Water Management	36
7.13	Wetland Protection and Management	36
7.14	Woodland Preservation	36
7.15	Erosion and Sedimentation Control	36
7.16	Seasonal Extraction	36

8	ADMINISTRATION AND ENFORCEMENT	39
8.01	Appeals and Variance	39
8.02	Amendments	41
8.03	Interim Uses	41
8.04	Enforcement and Violations	44
8.05	Fees and Licensing	44
8.06	Appeals	44
8.07	Validity	44
8.08	Repeals	45
8.09	Effective Date	45

FIGURES

1	Building Height	10
2	Building Setbacks	11
3	Required Yards	11

ATTACHMENTS 46

Subdivision Agreement
Subdivision and Access Easement Agreement
Subdivision and Cluster Agreement

ORDINANCE NO. 2011

**AN ORDINANCE ESTABLISHING
ZONING AND SUBDIVISION REGULATIONS
IN GREENVALE TOWNSHIP
DAKOTA COUNTY, MINNESOTA**

The Board of Supervisors of Greenvale Township, Dakota County, Minnesota ordains as follows:

SECTION 1 NAME

This ordinance shall be known as Ordinance No. 2011, Greenvale Township Zoning and Subdivision Ordinance except as herein referred to as “this ordinance.”

SECTION 2 PURPOSE

It is the purpose of this Ordinance to:

- Protect and promote public health, safety and general welfare
- Protect the natural resources in the Township
- Promote agricultural preservation
- Prevent the premature demand of public services

SECTION 3 DEFINITIONS

For the purposes of this ordinance, certain words contained herein have the following meaning:

Accessory Building A subordinate building or structure on the same lot with a principal or main building.

Accessory Use A use on the same lot with the principal use or building that is incidental, subordinate and customary to the principal use or building.

Agriculture The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, agricultural product storage, animal and poultry husbandry and accessory uses and buildings.

Alterations Any modification, additions, or change in construction or type of occupancy; any enlargement of a building, either horizontally or vertically; or the moving of a structure from one location to another.

Animal Feedlot A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals specifically designed as confinement areas in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures shall not be considered feedlots. Feedlots are regulated by the Dakota County SWCD.

Animals, Pleasure Dogs, cats, birds, reptiles, and any member of the animal kingdom housed principally in a cage aquarium or other confined area within the homestead and kept principally for non-commercial and non-scientific purposes.

Animals, Farm Cattle hogs, horses, sheep, goats, rabbits, chickens, llamas, mink, ostriches, elk and other animals kept primarily for dairy and meat production or the breeding of such animals.

Animal Unit A unit of measurement used to compare differences in the production of animal measures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents shall apply:

<u>Animal</u>	<u>Unit</u>
one mature dairy cow	1.4 animal
one slaughter steer or heifer	1.0 animal
one horse	1.0 animal
one swine over 55 pounds	.4 animal
one duck	.2 animal
one sheep	.1 animal
one swine under 55 pounds	.05 animal
one turkey	.018 animal
one chicken	.01 animal

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

Apartment A room or suite of rooms, including bath and kitchen facilities, in a multiple-family building designed for occupancy by a single family.

Apartment, Accessory An apartment that is secondary and incidental to a principal use or building.

Basement A portion of a building located partly underground, having more than 50% of its floor-to-ceiling height below the average grade of the

adjoining ground. Split level, split entry and earth sheltered homes shall be construed to satisfy basement requirements.

<u>Board</u>	The Board of Supervisors of Greenvale Township.
<u>Building</u>	Any structure having a roof which may provide shelter or enclosure of persons, animals or chattel, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
<u>Building Height</u>	The vertical distance to be measured from the grade of a building line to the top, to the cornice of a flat roof, to the decline of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point of a round or other type of arch roof, or to the mean distance of the highest gable on a pitched or hip roof. (See Figure 1 at end of definitions.)
<u>Building Line</u>	That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.
<u>Building, Principal</u>	A building in which is conducted the main or primary use of the lot on which it is located.
<u>Clearcutting</u>	The removal of an entire stand of trees.
<u>Cluster Housing</u>	The grouping of single family dwellings within a specified area while maintaining the same overall allowable density in that same area.
<u>Commission</u>	The Planning Commission of Greenvale Township.
<u>Comprehensive Plan</u>	A compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development of the Township and including a land use plan, a community facilities plan and a transportation plan which has been prepared and adopted by the Township of Greenvale.
<u>Day Care Facility</u>	A licensed day care facility serving 12 or fewer persons, or a group family licensed day care facility serving 14 or fewer children.
<u>Density</u>	The number of dwelling units residing upon, or to be developed upon, a gross acre of land or other specified unit of measurement.
<u>District, Zoning</u>	An area of land for which there are uniform regulations governing the use of buildings and premises.

<u>Dwelling</u>	Any building or portion thereof, which is designed or used exclusively for residential purposes but not including rooms in motels, hotels, nursing homes, boarding houses, nor trailers, tents, cabins or trailer coaches.
<u>Family</u>	An individual or two or more persons related by blood, marriage or adoption, or not more than four unrelated persons living together in an independent, single housekeeping unit.
<u>Floor Area</u>	The sum of the gross horizontal area of the floors of a building or dwelling unit, measured from the exterior walls, or from the centerline of party walls separating buildings, excluding basements.
<u>Garage, Private</u>	Any accessory building or an accessory portion of a principal building designed or used solely for the storage of motor vehicles, boats and other personal belongings which are owned or used by the occupants of the building to which it is accessory.
<u>Home Occupation, Permitted</u>	Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. See Section 4.05(A) for regulations related to permitted home occupations.
<u>Home Occupation, Interim Use</u>	Any activity carried out for gain by a resident within an accessory building. See Section 4.05(B) for regulations related to home occupations that require an interim use permit.
<u>Implement of Husbandry</u>	Every vehicle, including a farm tractor and farm wagon, designed or adapted exclusively for agricultural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.
<u>Interim Use</u>	Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.
<u>Interim Use Permit</u>	A temporary permit issued by the Town Board granting approval of an interim use under conditions listed on said permit.
<u>Kennel</u>	Any lot or premises for the sale, boarding or breeding of dogs, cats or other household pets. Kennel shall mean three (3) or more animals over six (6) months of age.
<u>Lot</u>	A separately described parcel of land, with or without buildings, occupied or used for or intended for occupancy or any use permitted under the provisions of this Ordinance, having not less than the minimum are required by the Ordinance for each use, including buildings to accommodate same, in the zoning district in which such lot is located and which abuts a public road, street or highway.

<u>Lot Area</u>	The area of a horizontal plane bounded by the front, side or rear lot lines, but not including any area occupied by the waters of lakes or rivers or by street right-of-way.
<u>Lot, Corner</u>	A lot that has at least two (2) contiguous sides abutting upon a street.
<u>Lot Line</u>	The lines bounding a lot as herein described.
<u>Lot of Record</u>	<p>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 Township or meets the following conditions:</p> <ol style="list-style-type: none"> a. was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is later, or of the adoption of subdivision regulations pursuant to a home rule charter; b. was the subject of a written agreement to convey entered into prior to such time; c. was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966; d. was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980; e. is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width; f. is a single parcel of residential or agricultural land of not less than 20 acres and having a width of not less than 500 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than 20 acres in area or 500 feet in width.
<u>Lot, Through</u>	A lot where opposite lot lines abut two (2) parallel street and which is not a corner lot.
<u>Lot Width</u>	The width measured along the front lot line or street line.
<u>Manufactured Home</u>	A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent

foundation when connected to the required utilities. For flood plain management purposes, the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles. A manufactured home shall be congruous to a single family dwelling.

Mineral Extraction The extraction of sand, gravel, rock or other such material from the land.

Non-Conforming Use A building or use of land which does not conform to the regulations of the district or zone in which it is situated.

Open Space Any unoccupied land space open to the sky.

Ordinary High Water Line (OHWL) A line delineating the highest water level which has been maintained for a sufficient period of time to leave evidence on the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to terrestrial.

Outlot A parcel of land, other than a lot or block, so designated on a plat or certified survey map, but not presently deemed buildable. An outlot may be conveyed regardless of whether it may be used as a building lot but must be re-platted according to the standards of this Ordinance prior to development.

Performance Standard 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 buildings.

Planned Unit Development A process to acquire rezoning and/or variances from ordinance requirements which includes the preparation of and a commitment to the implementation of an approved plan.

Planning Commission The duly appointed Planning Advisory Commission of the Town Board.

Plat The drawing 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.

Principal Use or Structure The main use to which the premises are devoted and the principal purpose for which the premises exist.

<u>Private Property</u>	Any real property within the Township which is privately owned and which is not a public property as defined in this section.
<u>Public Hearing</u>	An official public meeting for which notice has been published in the official newspaper according to Minn. Stat. 462.357, Subd. 3, as amended.
<u>Public Property</u>	Any street or highway and includes the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.
<u>Quarter-Quarter Section</u>	A land area in the aliquot system description of the United States Public Land System consisting of one-sixteenth of a section (one square mile) of land, or approximately 40 acres in area.
<u>Residential Facility</u>	As required by Minn. Stat. 462, a state licensed residential facility serving six or fewer persons is considered a single family use and shall be permitted similarly.
<u>Right-of-Way</u>	A street, alley or easement permanently established for the passage of persons and vehicles including the traveled surface of lands adjacent that are formally dedicated to such usage.
<u>Setback</u>	The minimum horizontal distance between a lot line and a building line or use.
<u>Street</u>	A public thoroughfare which affords the principal means of access to abutting property.
<u>Street Line</u>	The legal line of demarcation between a street and abutting land.
<u>Structure</u>	Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
<u>Subdivision</u>	<p>The separation of an area, parcel or tract of land under single ownership into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest, necessitates the creation of street, roads, or alleys, for residential, commercial, industrial, or other use or any combination thereof, except those separations:</p> <ol style="list-style-type: none"> a. where all the resulting parcels, tracts, lots, or interests will be 20 acres or larger in size and 500 feet in width for

residential uses and five acres or larger in size for commercial and industrial uses;

- b. creating cemetery lots; and
- c. resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Township The Township of Greenvale.

Use The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this ordinance.

Use, Permitted A use that is permitted in the district under which it is listed.

Vehicle Any vehicle which is self-propelled or designed to be pushed or pulled and shall include, but not be limited to , automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, trailers, boats, planes and gliders.

Vehicle, Abandoned Any vehicle as defined in this section, which does not have lawfully affixed or attached thereto an unexpired state registration or license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

Wetland Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three characteristics:

- a. predominance of hydric soils;
- b. are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c. under normal circumstances support a prevalence of such vegetation.

Yard A required open space on a lot which is unoccupied and unobstructed from the ground upward, except as otherwise provided for herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line. (See Figures 2 and 3 for illustrations of setbacks and yard regulations at end of definitions.)

<u>Yard, Front</u>	A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations of the district in which such lot is located. On a corner lot the narrowest street dimension shall be the front yard.
<u>Yard, Side</u>	A yard between the side lot line and the nearest line of the building and extending from the front yard line to the rear yard line.
<u>Yard, Rear</u>	A yard extending along a side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.
<u>Zoning District</u>	See “District.”
<u>Zoning Map</u>	The areas comprising the zoning districts and the boundaries of said districts, as shown upon the map attached hereto.
<u>Zoning Ordinance</u>	Zoning regulations controlling the use of land as adopted by Greenvale Township.

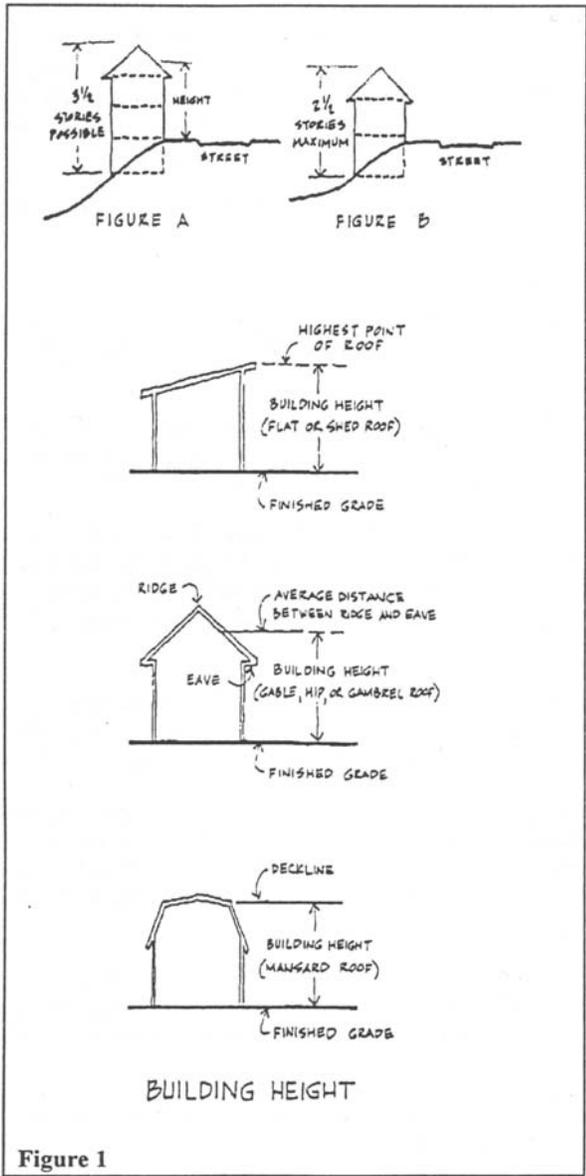


Figure 1

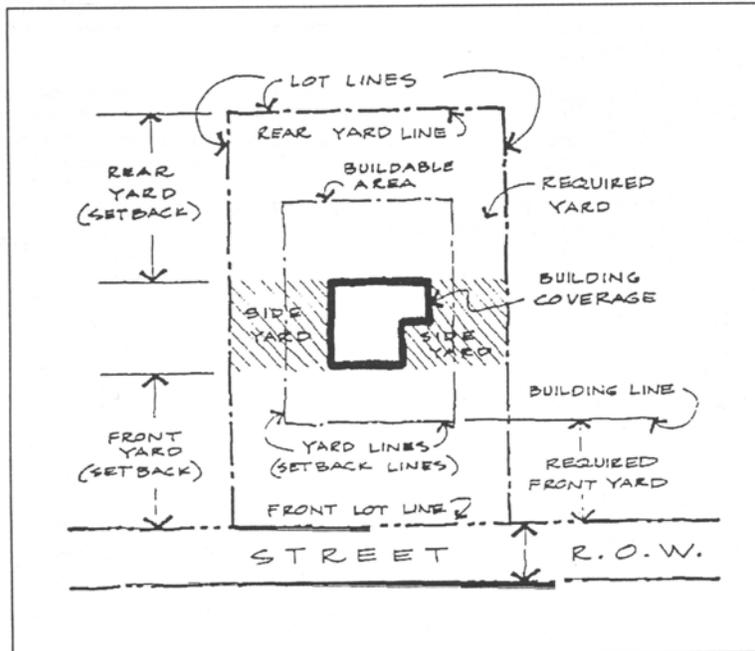


Figure 2: Setbacks

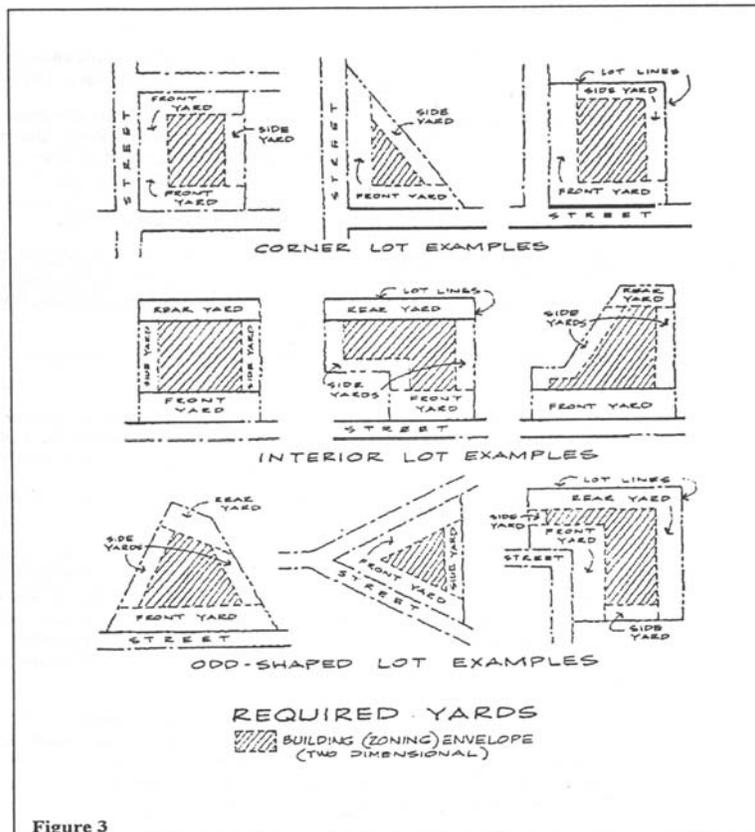


Figure 3

SECTION 4 GENERAL PROVISIONS

4.01 Rules of Construction

For clarity and consistency in the understanding and application of this Ordinance the following shall apply:

- Use of the masculine gender includes the feminine and neuter genders unless otherwise specifically noted.
- Grammatical use of references made in the singular shall include the plural and the plural shall include the singular, unless such use or reference is otherwise specifically stated.
- Sentence construction or phraseology in the present tense, and similarly, references in the future tense may include the present.
- The word “shall” is used to mean mandatory; whereas the word “may” is permissive and does not imply obligation.
- Whenever in any zoning district a use is neither specifically allowed nor specially permitted, the use shall be considered prohibited.
- The catch lines of the sections of this Ordinance are intended as mere catchwords to indicate the content of the section, and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any sections.

4.02 Scope and Interpretation

- A. Scope. No structure, or part, thereof, shall be erected, converted, enlarged, reconstructed, altered or moved without a permit approved by the Township. No structure or land shall be used for any purpose or altered in any manner which is not in conformity with the provisions of this Ordinance.
- B. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- C. Relation to Other Standards. Where a condition imposed by any provision of this Ordinance is either more or less restrictive than the comparable condition imposed by other ordinance, rule or condition imposed by other ordinance, rule or regulation, the more restrictive condition will prevail. For purposes of this Ordinance, “more restrictive” shall mean the least congestion, the least intrusion, and the least intensity of any use or development permitted between those provisions that are in conflict.

4.03 Lot Provisions

- A. Lots of Record

1. No lot of record shall be reduced in size below the district requirements of this Ordinance.
 2. A lot of record shall be deemed a buildable lot even though the lot area and/or dimensions are less than those required for the district provided as follows:
 - a. Evidence must be presented that the lot in question met minimum requirements for the division of property under ordinance regulations in effect at the time of the division of property.
 - b. It fronts on a public street.
 - c. Minimum requirements for primary and secondary private sewage systems are met and the minimum setbacks from the water wells can be maintained.
 - d. The lot is within 70% of the minimum lot area and lot width required.
 3. If two (2) or more lots are in single ownership and if all or part of the lots do not meet the width and area requirements of this Ordinance, the contiguous lots shall be considered to be an undivided parcel for the purpose of this Ordinance.
- B. One Building Per Lot. No more than one (1) principal building shall be located on a lot unless specifically permitted herein.

4.04 Non-Conforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance which does not conform to the provisions of the Ordinance may be continued subject to the following conditions:

- A. The non-conforming use is not expanded or enlarged, except in conformity with the provisions of this Ordinance.
- B. If a non-conforming use is discontinued for a period of one year, further use of the structure or property must conform to this Ordinance.
- C. If a non-conforming use is replaced by another use, the new use shall conform to this Ordinance.
- D. If a non-conforming structure is destroyed by fire or any other peril, by more than 50%, the nonconformity may continue if a building permit is applied for within 180 days of when the damage occurs. The Town may impose reasonable conditions to mitigate newly-created impacts on adjacent properties.

- E. Normal maintenance of a non-conforming structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- F. A nonconforming structure or use shall not be moved to any other part of the site or to another site where it would still constitute a nonconforming use.

4.05 Home Occupations

Home occupations in the Township must meet the following criteria:

- A. Home Occupations – Permitted: The following regulations apply to home occupations that are permitted in the Township:
 - 1. Home occupations shall be conducted solely by persons residing in the residence.
 - 2. All business activities and storage shall take place within the structure.
 - 3. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the premises.
 - 4. No sign, display or device identifying the occupation shall be used without prior approval by the Township.
 - 5. The occupation shall not be visible or audible beyond the subject property line.
 - 6. The occupation may involve limited retail sale or rental of products on the premises, provided all stock in trade is completely enclosed in an approved structure.
 - 7. Unless completely enclosed within an approved structure, no vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes.
 - 8. Only on-site off-street parking facilities typically associated with a residence shall be permitted.
 - 9. The conduct of an occupation or the use of substances which may be hazardous to or in any way jeopardize the health, safety or welfare of neighbors and neighboring property shall not be permitted.
- B. Home Occupations – Interim Use. The following regulations apply to home occupations that require an interim use permit:

1. The size of the accessory structure in which the home occupation is conducted shall not exceed the size of the dwelling or 900 square feet, whichever is less.
2. One non-resident employee is allowed.
3. No outside storage or open display of merchandise is permitted.
4. All business activities and storage shall take place within the accessory structure.
5. There shall be no alteration to the exterior of the residential dwelling, accessory building or yard that in any way alters the residential character of the property.
6. No sign, display or device identifying the occupation shall be used without prior approval by the Township.
7. The occupation shall not be visible or audible beyond the subject property line.
8. The occupation may involve limited retail sale or rental of products on the premises, provided all stock in trade is completely enclosed in an approved structure.
9. Unless completely enclosed within an approved structure, no vehicle used in the conduct of the occupation shall be parked, stored or otherwise present at the premises other than such as is customarily used for domestic or household purposes.
10. Only on-site street parking facilities typically associated with the residence shall be permitted.
11. The conduct of an occupation or the use of substances which may be hazardous to or in any way jeopardize the health, safety or welfare of neighbors and neighboring property shall not be permitted.

4.06 Single Family Dwelling Requirements

All single-family detached dwellings shall be constructed according to the following minimum standards:

- A. All dwellings shall have a minimum width of twenty-four (24) feet.
- B. All dwellings shall have a permanent frost-free foundation as defined in the State Building Code. Split level, split entry and earth sheltered homes shall be considered to comply with this requirement.
- C. Main roofs shall have a minimum as permitted by the applicable state building code provisions.

- D. Roofs shall be shingled with asphalt, wood, tiles, sod or other comparable materials as permitted by applicable state building code provisions.
- E. Metal siding, with exposed panels exceeding sixteen (16) inches in width, shall not be permitted.

4.07 Temporary Dwellings

The use and occupancy of a tent, recreation vehicle or other temporary dwellings for the purpose of living quarters is not permitted in the Township, except when permitted by the Town Board as follows:

- A. A manufactured home may be used for living quarters for a maximum of six (6) months on any residential parcel during initial construction of the residence.
- B. A manufactured home may be used for living quarters for a maximum of twelve (12) months on a residential parcel in which a residence has been damaged or destroyed by fire or other disaster and is being reconstructed or renovated.
- C. A manufactured home may be used for living quarters for full-time hired workers on a farm homestead for a maximum of twelve (12) months, subject to the following provisions:
 - 1. The manufactured home must be removed when no longer used for housing hired workers.
 - 2. The manufactured home shall be accessory and not the primary residence on the farm.
 - 3. The manufactured home shall meet all setback standards.
 - 4. The property owner shall provide the Township with an escrow to cover the cost of removal of the manufactured home in the event the property owner does not remove the manufactured home when it is no longer used for housing hired workers.

4.08 Dwelling Units Prohibited

No cellar, garage or basement with unfinished structure above (excluding energy efficient subterranean dwellings) or accessory buildings shall not at anytime used as a dwelling unit or residence.

4.09 Street Access Required

Every building hereafter erected shall be located on a lot having frontage on a public street, except as specifically permitted herein.

4.10 Required Yards and Open Spaces

- A. Reduction. No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the 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.
- B. Relative to Other Buildings. No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open space or minimum lot area requirements for any other building.
- C. Double Frontage Lot. On double frontage lots, the required front yard shall be provided on both streets.
- D. Intersection of Roads. For any intersection of roads, there shall be no obstruction to traffic visibility within the clear sight triangle that is formed by the intersection of right-of-way lines of two (2) intersecting roads and a straight line adjoining the two (2) said right-of-way lines at points seventy-five (75) feet distant from their point of intersection.

4.11. Height Regulations

Height regulations set forth in other sections of this Ordinance may be increased for certain accessory uses as follows:

- A. Chimneys, flagpoles, church towers, radio antennae and television antennae: sixty (60) feet.
- B. Power poles: one hundred ten (110) feet.
- C. Agricultural structures and equipment: one hundred fifty (150) feet.
- D. Wireless telecommunication towers and wind energy conversion systems: less than two hundred (200) feet.

4.12 Accessory Structures

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other ordinance.
- B. An accessory building, including carports and breezeways, attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- C. An accessory building shall be considered as an integral part of the principal building if it is located within six (6) feet of the principal building.

4.13 Abandoned Vehicles

It is unlawful for any person to park, store or leave any abandoned motor vehicle upon any public or private property within the Township, or for any property owner or occupant to permit the parking, storing or leaving of any abandoned vehicle upon such private property, unless such vehicle is within an enclosed building or structure. For purposes of this Ordinance, implements of husbandry shall not be considered abandoned vehicles.

SECTION 5 ZONING DISTRICTS/USE REGULATIONS

5.01 Establishment of Districts

For the purposes of this Ordinance, Greenvale Township is hereby divided into the following zoning districts:

- A Agriculture Preservation District
- S Shoreland Management Overlay District
- F Floodplain Management Overlay District

5.02 Zoning Map

The locations and boundaries of the districts established by this ordinance are set forth on the Zoning Map of Greenvale Township, which is made part of this Ordinance.

5.03 Interpretation of the Zoning Map

Where due to the scale, lack of detail or illegibility of the Zoning Map attached hereto, there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Town Clerk shall make an interpretation of the map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Greenvale Town Board. The Greenvale Town Board, in interpreting the Zoning Map or deciding any appeal, shall apply to the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the Zoning Map.
- B. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- D. Overlay district boundaries follow watercourses in a parallel fashion or may be established according to a base elevation.
- E. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of the property and the history of zoning ordinances and amendments in Greenvale Township as well as other relevant facts.

5.04 A - Agriculture Preservation District

- A. Purpose. This district is primarily established to promote, maintain and enhance the use of land for commercial agricultural purposes and to protect such land from encroachment by non-agricultural-related uses, structures or activities. Agricultural operations, which include the conduct of commonly-accepted agricultural practices, are considered a priority permitted use in this district. As such, the Town Board finds that whatever nuisance may be caused to others by such agricultural uses and activities so conducted is more than offset by the benefits from agricultural-related uses to the neighborhood, community and society in general.
- B. Permitted Uses and Structures. The following uses are permitted in the A-Agriculture Preservation District:
1. Agriculture
 2. Agricultural Preserves prescribed in and consistent with Minnesota Statutes Section 473 H.
 3. Feedlots as regulated by Dakota County SWCD.
 4. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling, and thrashing; sorting, grading, and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; harvesting and plowing; farm equipment service and repair; veterinary services; boarding and training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agricultural produce grown primarily on the site.
 5. One single family dwelling unit and customary accessory structures per each quarter-quarter section, provided that:
 - a. The dwelling unit shall be located on a separately conveyed parcel which shall equal or exceed two acres in area.
 - b. A minimum of one (1) acre shall be suitable for the construction of a residential structure, driveway, primary and secondary private waste treatment systems and permitted accessory structures.
 - c. The parcel upon which the dwelling unit is permitted must have direct frontage on an existing improved public road.

- d. Where there are two or more contiguous quarter-quarter sections under single ownership, the owner may cluster eligible dwelling units in one quarter-quarter section, subject to all other conditions of this Ordinance.
 - e. Before a single family dwelling may be constructed on a lot less than a quarter-quarter section, or when a clustering option is pursued, as in 5d above, an agreement must be entered into between the developer and the Township prohibiting any residential development on the balance of the property.
- 6. Township, county and state buildings, facilities and parks; public schools; churches; public utility and maintenance facilities; private utility facilities required by the resident population.
 - 7. State licensed residential facilities serving six (6) or fewer persons
 - 8. State licensed nursery schools or day care facilities service twelve (12) or fewer persons operated at a single family residence
 - 9. Group family daycare facilities established under Minn. Rules, Parts 9502.0315 to 9502.0445, as amended, to serve fourteen or fewer persons
 - 10. Historic sites.
 - 11. Home occupations subject to the performance standards in section 4.05.
 - 12. Temporary excavations and mineral extraction, subject to the performance standards in Section 7.16
- C. Accessory Uses. The following uses are permitted accessory in the A – Agricultural Preservation District:
- 1. Private garages, parking spaces, or carports for passenger cars.
 - 2. Landscape features
 - 3. Keeping of not more than two (2) boarders or renters by a resident family.
 - 4. Private swimming pools and tennis courts
 - 5. Temporary buildings located for purposes of construction on the premises for a period of time not to exceed six (6) months.
 - 6. Home occupations in a dwelling subject to the standards in Section 4.05 (A).

- D. Interim Uses. The following uses may be allowed in the A – Agricultural Preservation District, subject to the conditions for issuing an interim use permit:
1. Home occupations as defined and subject to the standards in Section 4.05 (B).
 2. Temporary farm dwellings for the purpose of providing living accommodations for additional farm workers subject to the following:
 - a. The applicant shall provide a signed statement identifying the farm activity that requires additional farm workers or the health limitations of the family member.
 - b. The dwelling must be removed when no longer used by the farm worker.
 - c. The temporary dwelling shall be accessory and not the primary residence on the farm.
 - d. The temporary dwelling shall meet all minimum building size and setback standards.
 3. Temporary equipment placement and/or operations, such as a bituminous plant, or contractors yard, for highway/road construction for a period not to exceed eight (8) months.
 4. Wireless telecommunication towers, subject to the following:
 - a. Towers and antennae shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by Federal or State authorities such as the Federal Aviation Administration (FAA).
 - b. The Town Board shall determine whether a monopole or lattice tower shall be used to support the telecommunications system and what color the tower and attachments shall be.
 - c. Towers shall be certified by a Minnesota licensed professional engineer to conform to current structural, wind and building code requirements of the Minnesota State Building Code and the Electronics Industry Association.
 - d. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.
 - e. Towers shall be set back from all property lines and road easements or road rights-of-way a distance equal to one and half (1.5) times the maximum height of the tower and attachments.

- f. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the Town Board, to allow integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device of similar structure.
- g. The minimum distance to a residential structure shall be the height of the tower plus fifty (50) feet.
- h. Setbacks shall be measured from a point on the base of the tower located nearest the property line, road easement or road right-of-way to the actual property line, road easement or road right-of-way.
- i. The height of the tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennae or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions of this section.
- j. The maximum height of a tower, including attachments, designed to accommodate one telecommunication system, shall not exceed one hundred twenty (120) feet. The maximum height of a tower, including attachments, designed to accommodate two telecommunication systems, shall not exceed one hundred sixty (160) feet. The maximum height of a tower, including attachments, designed to accommodate three or more telecommunication systems shall be less than two hundred (200) feet.
- k. Towers shall not be illuminated by artificial means and shall not display high intensity strobe lights unless such lighting is specifically required by the FAA or other Federal or State authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- l. The use of a portion of a tower for signs other than warning or equipment information signs is prohibited.
- m. Mechanical equipment accessory to the tower shall be enclosed within an accessory building, compatible with the system design, or within equipment cabinets designed for such equipment, as determined by the Town Board. The base of the tower and all accessory equipment shall be enclosed with security fencing, approved by the Town Board. Screening of accessory buildings and equipment may be required by the Town Board.

- n. The telecommunication tower owner shall provide the Township with a cash escrow, or other surety acceptable to the Township, in an amount determined by the Township, to guarantee the cost of removing the tower, antennae, equipment, buildings, fencing, and other improvements approved in the Interim Use Permit. Said improvements shall be removed within twelve months of the termination of the Interim Use Permit. Upon said removal, the cash escrow or other acceptable surety shall be returned to the tower owner.
 - o. The placement of wireless telecommunication antennae on roofs, walls, and existing towers may be approved by the Zoning Administrator, provided that the antennae meets the requirements of this Section.
 - p. Telecommunication towers, antennae, and all related equipment shall be maintained in proper working conditions at all times.
 - q. The maximum term for a wireless telecommunication system Interim Use Permit shall not exceed twenty (20) years. Abandonment or disuse of the telecommunication system for a period of twelve consecutive months shall be grounds for termination of the Interim Use Permit.
5. Wind energy conversion systems, subject to the following:
- a. The maximum height of a system, including the tower and highest point of a rotor blade above the ground, shall be less than two hundred (200) feet.
 - b. All systems shall have an automatic speed control and braking device.
 - c. All systems shall comply with the Minnesota Pollution Control Agency's Noise Pollution Section (NPC 1 and NPC 2), as amended.
 - d. Towers shall be set back from all property lines and road easements or road rights-of-way a distance equal to one and half (1.5) times the maximum height of the tower and attachments.
 - e. The minimum ground clearance of the turbine and rotor blade shall be twenty (20) feet.
 - f. The Town Board shall determine whether a monopole or lattice tower shall be used to support the system and what color the system shall be.
 - g. No signs, other than public safety warning or equipment information, shall be affixed to any portion of the structure.

- h. No artificial illumination, except when required by law or a governmental agency to protect the public health and safety, shall be utilized.
 - i. Mechanical equipment accessory to the system shall be enclosed within an accessory building, compatible with the system design, or within equipment cabinets designed for such equipment, as determined by the Town Board. The base of the system and all accessory equipment shall be enclosed with security fencing, approved by the Town Board. Screening of accessory buildings and equipment may be required by the Town Board.
 - j. The system and all related equipment shall be maintained in proper working conditions at all times.
 - k. The maximum allowable density of systems in the Township with an output of 40 kW or more shall be one system per quarter-quarter section.
 - l. The maximum term for a wind energy conversion system Interim Use Permit shall not exceed twenty (20) years. Abandonment or disuse of the system for a period of twelve consecutive months shall be grounds for termination of the Interim Use Permit.
6. Kennels, subject to the following standards:
- a. The minimum size for such a facility shall be five (5) acres.
 - b. The facility shall be located five hundred (500) feet from any neighboring residential property, except that of the owner.
 - c. Confinement and shelter shall be provided through the use of fences and structures in compliance with Minnesota Animal Welfare Statutes.
 - d. Indoor facilities shall provide adequate heating, ventilation and lighting.
 - e. All animal kennels shall provide proper drainage for indoor and outdoor facilities.
 - f. Outdoor facilities shall provide shelter from the elements, including sunlight, rain, snow and cold weather.
 - g. Each large adult animal shall be provided with a separate fenced run of at least thirty-six (36) square feet that shall be located at least one-hundred (100) feet from any property line.
 - h. Facilities shall be inspected at least once a year at the owner's expense by a doctor of veterinary medicine who shall provide a report to the Town

describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility, if applicable.

- i. A plan for disposal of the wastes must be approved by the Town.
 - j. Facilities must obtain all required Federal and State licenses or operational permits.
7. Other proposed uses that are determined to be similar in nature to the interim uses listed in this Section.
- E. Prohibited Uses. All uses not specifically listed as permitted, accessory or permitted with an interim use permit shall be considered prohibited.

5.05 S - Shoreland Management Overlay District

- A. Purpose. The purpose of the S district is to require special regulations for the minimum protection of water quality and shoreland areas, as well as the health and safety of shoreland residents. These restrictions apply to properties within 300 feet of the shoreline of public waters in Greenvale Township, which include Chub Creek, Mud Creek, Hazelwood Creek, Dutch Creek, and Webster Creek.
- B. Permitted Uses and Structures. Permitted uses in the Shoreland Management Overlay District shall be the same as the permitted uses that are allowed within the zoning district which underlies the Shoreland District.
- C. County Regulations. The Dakota County Shoreland Ordinance prescribes additional land use regulations to the Shoreland Overlay District. If any specific regulation in the County Ordinance differs from any specific Township regulations, the more restrictive specific regulation shall apply. The Shoreland regulations are administered by Dakota County.

5.06 F - Floodplain Management Overlay District

- A. Purpose. The purpose of the F district is for the application in those areas of the Township that are subject to periodic inundation, which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. It is the purpose of this ordinance to protect the public health, safety and general welfare, by regulating the placement of structures and facilities in flood-prone areas.
- B. Permitted Uses and Structures. The following shall be permitted uses by right:

1. Agriculture
 2. Public and residential open space uses such as lawns, gardens, parking areas, and play areas.
- C. County Regulations. The Dakota County Floodplain Ordinance prescribes additional land use regulations for the Floodplain Management Overlay District. If any specific regulation in the County Ordinance differs from any specific Township regulation, the more restrictive shall apply. The flood plain regulations are administered by Dakota County.
- D. Disclaimer of Liability. The F District herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This ordinance does not imply that areas beyond the District limits will be free from flooding; nor shall this ordinance, or districts established therein, create a liability on the part of, or cause action against Greenvale Township or any office, official, or employee thereof, for any flood damage that may result from reliance upon this ordinance or flood district established.

Section 5.07 The following regulations establish the minimum dimensional requirements for each district:

DIMENSIONAL STANDARDS

	<u>Zoning District</u>		
	<u>Agricultural Preservation</u>	<u>Shoreland Overlay</u>	<u>Floodplain Overlay*</u>
Minimum Lot Area	2 acres	2 acres	-
Minimum Buildable Area	1 acre	1 acre	-
Minimum Lot Width	250 feet	250 feet	-
Minimum Lot Depth	200 feet	200 feet	-

DIMENSIONAL STANDARDS CONTINUED

	<u>Zoning District</u>		
	<u>Agricultural Preservation</u>	<u>Shoreland Overlay</u>	<u>Floodplain Overlay*</u>
Maximum Density Per Quarter-Quarter Section	1 single family dwelling	1 single family dwelling	-
Minimum Side/Rear Yard Setbacks for Structures	50 feet	50 feet	-
Maximum Height of Structures	45 feet	25 feet	-
Structure Setback from Ordinary High Water Mark	100 feet	100 feet	-
Minimum Setbacks for Structures From Centerline of:			
- Township Road	110 feet	110 feet	-
- County Road	130 feet	130 feet	-
- State Road	130 feet	130 feet	-
Minimum Driveway Separation Distance Between Adjacent Parcels:			
- On a Township Road	200 feet	200 feet	-
- On a County/State Road	300 feet	300 feet	-
- From an Intersection of two or more of the above	300 feet	300 feet	-

* Structures are not permitted uses in the Floodplain Management Overlay District.

SECTION 6 SUBDIVISION REGULATIONS

6.01 Scope

The provisions in this section shall apply to the separation of an area, parcel or tract of land under single ownership, into two or more parcels, tracts, lots, or long-term leasehold interests where the creation of the leasehold interest, necessitates the creation of streets, roads, or alleys, for residential, commercial, industrial or other use or any combination thereof, except those separations:

- A. Where all of the resulting parcels, tracts, lots or interests will be 20 acres or larger in size and 500 feet in width for residential uses, and five acres or larger in size for commercial and industrial uses;
- B. Creating cemetery lots; and
- C. Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

All divisions of property within the Township, not so excepted, must result in the creation of parcels which meet dimensional and development criteria established in this ordinance. All such parcels must abut existing maintained public roadways in a dimension equal to the minimum required lot width.

The Township will not approve any divisions of property which require construction of new public roads for access, nor require construction of private roads which are intended to provide access to more than one parcel.

6.02 Exceptions

Divisions of property resulting in no more than two parcels, which individually meet all dimensional criteria of this Ordinance and individually or by development agreement meet density limitations for residential dwellings, are exempt from the platting requirements in this section. Such divisions must be submitted to the Town Board for review and approval. The Town Board may waive the direct frontage requirements for single family residential lots, which are located on woodlots and intended to minimize the loss of productive farmland or meet the clustering provisions in Section 5.04 B(5) d. The parcels must include perpetual access easements to a maintained public road with a thirty (30) foot width. Each request must be accompanied by a letter of request; five (5) copies of a certificate of survey, illustrating the dimension of the parcels involved, and easements encumbering the parcels, any areas located within a floodplain or shoreland overlay district, public rights-of-way, protected wetlands or waterbodies; and five (5) copies of legal descriptions of pre-existing and resulting parcels.

6.03 Platting Procedures

A. Sketch Plan

Applicants are encouraged to prepare a sketch plan of the proposed subdivision and meet with the Town Clerk to become informed of any issues that may affect the submission of the subdivision and the procedural requirements of the platting process.

B. Preliminary Plat

1. Application and Fee. An applicant shall file five (5) copies of the preliminary plat and supporting information to the Town Clerk, along with the filing fees established by the Town Board. The Town Board may also require a cash deposit from the applicant to offset any other out of pocket expenses encountered by the Township in the review of the preliminary plat.
2. Planning Commission Review. Upon receipt of the application, the Town Clerk may refer copies of the application to other agencies for review. Within thirty (30) days of receipt of the application, the Town Clerk shall refer the application to the Planning Commission for review. Within sixty (60) days of receipt of the preliminary plat, the Planning Commission shall submit a recommendation on the preliminary plat to the Town Board. Failure to act within the sixty (60) days shall constitute a favorable recommendation by the Planning Commission.
3. Public Hearing. Upon referral of the Planning Commission, the Town Board shall schedule a public hearing on the preliminary plat. Within thirty (30) days of the public hearing, the Town Board shall act to modify, approve or deny the preliminary plat.

C. Final Plat

1. Application and Fee. An applicant shall file five copies of the final plat, incorporating all required changes of the preliminary plat, to the Town Clerk, along with the filing fees established by the Town Board. All filing fees and out of pocket expenses incurred by the Township in the review of the final plat must be paid prior to any action taken by the Town Board.
2. Town Board Action. Within sixty (60) days of the referral, the Town Board shall act upon the final plat.

6.04 Submission Requirements

A. Preliminary Plat

1. Title of subdivision, names of owner, subdivider, surveyor or engineer.
2. Boundary line survey with dimensions and acreage of all lots, easements and rights-of-way.
3. Legal description.
4. Names of abutting property owners.

5. Identification of all wetlands, lakes, waterways, ditches, shoreland zones and floodplain zones.
6. Topography (two foot contours).
7. Structure setback requirements.
8. Proposed driveway locations.
9. Woodlot identification.

B. Supplementary Information Required

1. A description of existing and proposed ground cover on the subdivision.
2. A generalized description of the soils, geology and hydrology of the subdivision.
3. Soil percolation tests on each lot in the proposed subdivision in accordance with this ordinance, which verify adequacy of the soils to support primary and secondary waste treatment systems.
4. Grading plan; soil erosion and sediment control plan; drainage plan and water quality plan.
5. Other requirements or information requested by the Township.

C. Final Plat

1. Final plat information and format shall conform with requirements of the Dakota County Surveyor and the Dakota County Recorder.
2. The Township shall be furnished with one (1) reproducible copy of the final plat within ten (10) days of the plat filing.

D. Dedication Requirements

1. All subdivisions must include reasonable dedication of land for street rights-of-way, utility easements, ponding/drainage easements, wetland protection and buffer easements, floodplain easements, scenic easements and other easements necessary to conform with this ordinance and the public interest.
2. All subdivisions must include reasonable dedication of land for parks, playgrounds, trails or public open space. A cash contribution in lieu of land dedication may be required by the Township. The contribution would be based upon the fair market value of the acreage required for dedication. A land

dedication for public use shall be calculated on the basis of one percent (1%) of the total land area in the subdivision.

6.05 Subdivision Design Standards

A. Utility Improvements

All utility improvements shall meet or exceed the design standards published by the Great Lakes Upper Mississippi River Management Board, commonly referred to as the "Ten State Standards." Additional standards may be required by the Township engineer.

B. Street Improvements

All street improvements shall meet or exceed the design standards of the Minnesota Department of Transportation, known as "Standard Specifications for Construction", 1988 edition or current edition for local streets. Additional standards may be required by the Township engineer.

C. Other Standards

1. All lots shall abut existing maintained public roads in a dimension no less than the minimum lot width prescribed.
2. No lot depth shall exceed four (4) times the lot width.
3. All lots must contain a contiguous minimum area of one acre that is unencumbered by easements or soils unsuitable for structures or private waste treatment systems.
4. The maximum length of a permitted dead-end street is 1320 feet.
5. Street signs and street lighting shall be required and installed according to Township specifications.
6. Additional standards may be required by the Town Board.

6.06 Performance Guarantee

A. Required Agreement Providing for Proper Installment of Improvements.

Prior to installation of any required improvements and prior to approval of the final plat, the subdivider/developer shall enter into a written contract with the Town Board requiring the subdivider/developer to furnish and construct said improvements at his sole cost, unless otherwise agreed to by the Town Board at its sole discretion, in accordance with plans and specifications and usual contract conditions, all approved by the Town Board.

The agreement shall include provisions for supervision of details of construction by the Township Zoning Administrator, and shall grant to the Zoning Administrator the authority to correlate the work to be done under said contract by any subcontractor

authorized to proceed thereunder with any other work being done or contracted by the Township in the vicinity. The agreement shall require the subdivider/developer to make an escrow deposit or, in lieu thereof, to furnish a bank letter of credit.

The bank letter of credit or cash escrow shall be equal to 1.25 times the estimated cost of the required improvements.

If the required improvements are not completed within the one (1) year period, all amounts held under the escrow agreement or bank letter of credit shall be turned over to the Township and applied to the cost of the improvements. Any balance remaining after such improvements have been made shall be returned to the subdivider/developer.

B. The developer's contract shall require the subdivider/developer to make an escrow deposit or, in lieu thereof, furnish a bank letter of credit as follows:

1. Escrow Deposit. An escrow deposit shall be made with the Township, including the cost of inspections by the Township of all improvements to be furnished and installed by the subdivider/developer pursuant to the developer's contract that have not been completed prior to the approval of the final plat; the Township shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the Township for completion of the work in case of default of the subdivider/developer under said contract, and for any damages sustained by the Township on account of any breach thereof. Upon completion of the work and termination of any liabilities to the Township or the subdivider/developer under said contract, the balance remaining of said deposit shall be refunded to the subdivider/developer.
2. Letter of Credit. In lieu of making an escrow deposit above described, and if the Town Board so agrees, at the sole discretion of the Town Board, the subdivider/developer may furnish the Township with a bank letter of credit in the form approved by the Town Board, with corporate surety in a penal sum equal to 1.25 times the total estimated cost of site improvements, to be furnished and installed by the subdivider/developer pursuant to the developer's contract and which have not been completed prior to approval of the final plat. The bank letter of credit shall be approved by the Town Attorney and filed with the Town Clerk. The subdivider/developer shall be responsible for all attorneys' fees, special meetings costs, zoning administration fees, drafting of documents, inspecting the project and any other fees that the Town may reasonably incur related to the proposed development.

SECTION 7 PERFORMANCE STANDARDS

7.01 Private Sewage Treatment System and Water Supply System Standards

A. Private Sewage Treatment System Standards

Standards for the installation and repair of individual sewage treatment systems (ISTS) or subsurface sewage treatment systems (SSTS) are established by the Minnesota Pollution Control Agency and implemented by Dakota County Ordinance No. 113 Subsurface Sewage Treatment Systems, which ordinance is hereby adopted by reference.

1. No person shall install, repair or alter ISTS/SSTS without first obtaining a permit as provided herein. Applications provided by the Township must be completed in writing prior to issuance of a permit. Permit fees are established by the Town Board.
2. Installation, repair, pumping, and hauling of ISTS/SSTS requires licensing per Dakota County Ordinance No. 113.
3. Soil tests must be completed and must be favorable for the operation of ISTS/SSTS before a permit will be issued.
4. Installations, alterations, repairs, maintenance and inspections shall be performed in accordance with Dakota County Ordinance No. 113.
5. No ISTS/SSTS shall be permitted on any site less than 1 acre.

B. Private Water Supply System Standards

All private water supply systems constructed in the Township shall meet the standards established by the Minnesota Department of Health and regulations adopted by Dakota County in Ordinance No. 114.

7.02 Feedlot Design and Management Standards (Interim)

Feedlot design and management standards shall be in compliance with Minnesota Pollution Control Agency rules, Chapter 7020 and are further regulated and administered by Dakota County. Any person owning or operation an existing or proposed feedlot greater than ten (10) animal units shall contract Dakota County to obtain a feedlot permit and shall abide by the rules and regulations thereof.

7.03 Odors and Emissions

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

7.04 Dust and Particulates

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

7.05 Noise and Vibrations

Noise and vibrations generated from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency rules.

7.06 Glare

Glare or illumination from any source of lighting from any use shall be aimed or deflected away from adjoining property and public rights of way, except street lighting and traffic signals.

7.07 Waste

All waste generated from any use shall be managed in compliance with and regulated by Minnesota Pollution Control Agency rules. Waste generated on any premises shall be kept in containers designed for waste collection and 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.

7.08 Explosives

Any activity or operation requiring the use, storage or manufacturing of explosives shall be located no closer than 500 feet from any residence, provided further that the location of said activity or operation is such that damage from explosion, including flying debris, vibration or smoke, is limited to the site on which the activity or operation is permitted.

7.09 Burning

No person shall start or allow any open burning on any property in the Township without first having obtained an Open Burn Permit. Any person setting a fire or burning anything in the Township shall do so following Department of Natural Resources and Minnesota Pollution Control Agency rules.

7.10 Bulk Storage

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

7.11 Outside Storage

All products, materials and equipment, except as specifically provided in this Ordinance, shall be stored within permitted structures or completely screened from view of adjoining properties and rights-of-way, except for the following:

- A. Agricultural products, equipment and appurtenances.
- B. Permitted off street parking of vehicles.
- C. Permitted recreational vehicles and equipment.
- D. Clothes lines, antennae, air conditioners, outdoor grills, play equipment, ornaments and monuments.

- E. Temporary storage of materials and equipment during construction and landscaping.

Outside storage areas must be designed as follows:

- A. The storage does not occupy required setbacks.
- B. The storage does not encroach upon any required parking areas, loading areas, or sewage disposal drainfield areas.
- C. The storage shall be surfaced or vegetated to control storm water runoff and dust.

7.12 Surface Water Management

The Greenvale Township Ordinance Establishing Erosion Control and Storm Water Management Requirements for Land Disturbances governs the permit requirements and standards for all land disturbances and construction, affecting drainage patterns, surface waters and wetlands.

7.13 Wetland Protection and Management

Any drainage, filling, excavation or other alteration of a wetland shall be conducted in compliance with Minnesota Statutes, Section 103G.245, the Wetland Conservation Act, and regulations adopted in the Greenvale Township Ordinance Establishing Erosion Control and Storm Water Management Requirements for Land Disturbances.

7.14 Woodland Preservation

In residential areas, structures shall be located in such a manner that the maximum number of woodlands shall be preserved. If large numbers of trees are cut in residential areas, trees shall be replanted in a density and manner satisfactory to the Town Board. Clearcutting of woodlands for non-agricultural purposes is prohibited, unless the action involves a utility or roadway, required by the public, and includes a reforestation plan required by the Town Board.

7.15 Erosion and Sedimentation Control

The Greenvale Township Ordinance Establishing Erosion Control and Storm Water Management Requirements for Land Disturbances governs the permit requirements and standards for all land disturbances and construction, affecting drainage patterns, surface waters and wetlands.

7.16 Seasonal Extraction

Any cavity made by the removal of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone, or other matter, creating a depression or depressions shall be considered temporary or seasonal extraction.

- A. Any seasonal or temporary extraction activity in the Township requires a permit approved by the Town Board and must meet the following conditions:

1. An application for seasonal extraction must be filed with the Township Clerk, and an approved permit must be received from the Town Board prior to beginning of operations;
 2. The applicant must furnish the township with detailed plans, identifying existing elevations and contours, material quantities, access/haul routes and final grades/contours.
 3. The duration of a seasonal extraction permit shall be from April 15 to October 15 of the permit year;
 4. Material stockpiles may not remain after the duration of the permit.
 5. Topsoil may not be removed from the site, unless authorized by the Town Board.
- B. A seasonal extraction permit shall not be required for any of the following:
1. Excavation for a foundation, cellar or basement of a building if a building permit has been issued.
 2. Excavation by state, county, city or township authorities in connection with construction or maintenance of roads, highways or utilities.
 3. Excavation less than 100 square feet in area or one foot in depth in a calendar year.
 4. Excavation or grading for agricultural purposes.
- C. The following rehabilitation standards shall apply to the site of any seasonal extraction operation:
1. Topsoil shall be removed from the excavation area(s) and stockpiled for rehabilitation.
 2. Rehabilitation shall be continuous, occurring as quickly as possible after the extraction operation has moved into another part of the extraction site.
 3. The excavation area shall be graded to blend in with the unexcavated area, without changing or impacting the natural course of drainage.
 4. Topsoil shall be replaced and the disturbed area re-seeded prior to permit expiration.
 5. All water areas resulting from excavation shall be eliminated upon rehabilitation of the site, unless previously approved by the Township.

6. The slope of the restored site shall not exceed a 5:1 ratio.

D. Irrevocable Letter of Credit or Cash

The Town Board shall require the applicant or owner of the premises on which the seasonal extraction operation is located to post a cash escrow or bank letter of credit in an amount and form determined by the Town Board. This letter of credit or cash shall pay the Township the extraordinary cost and expense of repairing any roads where such repair work is made necessary by the seasonal extraction, or to complete rehabilitation of the site consistent with the rehabilitation standards in 7.16(C) and any out of pocket expenses incurred in the enforcement of this Ordinance. The security shall remain in full force for a minimum period of one (1) year after expiration of the extraction permit to guarantee the required rehabilitation as well as the other requirements herein provided.

SECTION 8 ADMINISTRATION AND ENFORCEMENT

8.01 Appeals and Variances

- A. Appeals. Any person aggrieved by any procedure or decision of the Zoning Administrator may appeal the procedure or decision to the Board of Appeals and Adjustments. The Town Board shall act as the Board of Appeals and Adjustments. The procedure to hear an appeal of an alleged administrative error or misinterpretation shall include the following:
1. The Township Clerk receives a written request and appropriate fees for appeal of an administration decision regarding this Ordinance.
 2. Publish a notice of the public hearing in the official newspaper and post notice of the public hearing at the Town Hall at least ten (10) days prior to the date of the hearing.
 3. Mail notice regarding an appeal which involves an interpretation in the boundaries of a zoning district to the owners of all property located wholly or partially within three hundred fifty (350) feet, as shown in the records of Dakota County Office. Failure to give notice or to give adequate notice shall not invalidate any proceeding, provided that a good faith attempt has been made to comply with the notice requirement.
 4. The Board of Appeals and Adjustments shall hear the appeal of the applicant and comments from any interested parties.
 5. The Board of Appeals and Adjustments shall make findings and a decision on the appeal.
- B. Variances. The Board of Appeals and Adjustments, may recommend granting a variance from the literal provisions of this Ordinance in instances where strict enforcement would cause practical difficulties in the use of property under consideration and when it is demonstrated that such actions would be in harmony with the general purposes of this Ordinance and is consistent with the Greenvale Township Comprehensive Plan. “Practical difficulties” means:
1. The property in question cannot be used in a reasonable manner under certain requirements of this Ordinance, and
 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
 3. The variance, if granted, would not alter the essential character of the locality, and
 4. Economic considerations alone do not constitute practical difficulties.
- Practical difficulties also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. No variance shall be granted to declare a substandard

lot buildable unless, in addition to meeting the criteria enumerated in paragraph (B) of this subdivision, the applicant has exhausted all reasonable possibility of combining the lot with an adjacent vacant lot. No variance shall be granted to permit a use which is not allowed in the district in which the land is located.

C. Variance Applications. An application for a variance shall be filed with the Township Clerk stating the exceptional conditions and the practical difficulties claimed along with the following information:

1. The fee required.
2. Evidence of ownership or an interest in the property.
3. A scaled map or drawing of the property which shows all lot lines, existing and proposed structures, property setback information, driveways and parking areas, any significant topographical features and mature trees, and any wetlands or floodplain areas.
4. Other information as may be required by the Township.

D. Procedure. The procedure to hear a petition for a variance shall include the following:

1. The Township Clerk receives a variance application and appropriate fees.
2. Publish a notice of the public hearing in the official newspaper and post notice of the public hearing at the Town Hall at least ten (10) days prior to the date of the hearing.
3. Mail notice to the owners of all property located wholly or partially within three hundred fifty (350) feet of the property, as shown in the records of Dakota County Office. Failure to give notice or to give adequate notice shall not invalidate any proceeding, provided that a good faith attempt has been made to comply with the notice requirement.
4. The Board of Appeals and Adjustments shall hear the variance petition of the applicant and comments from any interested parties.
5. The Board of Appeals and Adjustments shall make findings and a decision on the variance.

E. Findings. In making its recommendations and decisions on a variance request, the Board of Appeals and Adjustments shall make the following minimum findings:

1. The applicant proposes to use the property in a reasonable manner.
2. The plight of the applicant is due to circumstances unique to the property not created by the applicant.

3. Granting the variance would be in harmony with the general purposes of this Ordinance.
 4. Granting the variance would be consistent with the Greenvale Township Comprehensive Plan.
 5. Granting the variance would not alter the essential character of the locality.
 6. The decision to grant the variance is not based upon economic considerations alone.
 7. Granting the variance will not result in a use that is otherwise not allowed in the zoning district.
- F. A certified copy of the variance shall be recorded with the Dakota County Office of Property Taxation and Records.
- G. No re-application for a variance that has been denied shall be accepted for a period of six (6) months after denial. A variance that has been approved must be placed into effect within of twelve (12) months of approval or it shall become null and void, unless the Township extends the approval at its own discretion for a valid reason.

8.02 Amendments

A. Procedure

1. Amendments to this ordinance may be initiated by the Town Board or by a petition of a landowner.
2. Applications provided by the Township must be completed in writing along with the appropriate fee prior to any consideration for an amendment. Fees for zoning amendments are established by resolution of the Town Board.
3. The Township may require the applicant to provide plans, maps, surveys, etc., to ensure proper review and consideration of any proposed amendment to the written provisions of this ordinance or zoning district boundaries.
4. After the filing of an application, or initiation by the Town Board, the Town Clerk shall set a date for a public hearing. Notice of the hearing shall be posted and published at least ten (10) days prior to the date of the hearing, and mailing of the notice according to Minn. Stat. 462.357, Subd. 3, as amended.
5. Upon hearing the request, the Township shall either approve or deny the proposed amendment and shall state the reasons of said action.

8.03 Interim Uses

A. Criteria for Granting Interim Use Permits

In granting an interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings:

1. The proposed use meets the applicable standards set forth for interim use permits;
2. The proposed use will terminate upon a date or event that can be identified with certainty;
3. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
4. The interim use will be subject to review by the Town Board upon a change of ownership.

B. Termination of Interim Use

An interim use permit shall terminate upon the occurrence of any of the following, whichever comes first:

1. The date or event stated in the permit; or
2. A violation of the conditions under which the permit was issued; or
3. The use has been discontinued for a minimum of one year.

If it is believed that the interim use has terminated, the Planning Commission and Town Board shall take action to revoke the permit, including notification to the property owner of the Town's intent to revoke the permit.

C. Conditions of Approval

In permitting a new interim use or alteration of an existing use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission or Town Board consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.

4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
8. Designation of open space; and
9. Annual review if deemed appropriate by the Town Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by an interim use permit issued shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all interim use permits issued including information on the use, location, and conditions imposed by the Town Board, time limits, review dates, and such other information as may be appropriate.

D. Procedure

1. Applications for an interim use permit will not be accepted from anyone who is not an owner of land for which the application is made.
2. The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use permit application form and fee.
3. The Zoning Administrator shall refer the application to the Planning Commission and Town Board.
4. The Planning Commission shall hold a public hearing as provided in Minn. Stat. 462.357, Subd. 3, as amended. The Planning Commission shall forward its recommendation to the Town Board to either approve or deny the interim use permit request. The Town Board will take final action on the request. A written record of conditions of approval or findings for denial shall be made at the time of the decision by the Town Board.
5. The applicant or his representative shall appear before the Planning Commission or Town Board to present evidence concerning the proposed interim use.
6. If the Planning Commission recommends granting the interim use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.

7. An amended interim use permit application shall be administered in a manner similar to that required for a new interim use permit.
8. No applications for an interim use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted interim use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, if applicable. To proceed substantially means to make visible improvements to the property. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause.
10. If the land use does not conform to the conditions of the interim use permit, the interim use permit may be revoked after notice to the applicant of a public hearing for the intent of revocation and passage of a resolution by the Town Board to that effect.

8.04 Enforcement and Violations

The Town Clerk is directed by the Town Board to enforce the provisions of this ordinance and maintain all necessary records pertaining to this ordinance including but not limited to amendments, variances, complaints and violations. Any person who violates or fails to comply with the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction may be punished to the maximum extent allowed by law. Each day a violation exists constitutes a separate offense.

8.05 Fees and Licensing

Fees and licensing provisions, affecting the administration and enforcement of this Ordinance, shall be established by the Town Board. The Township does require payment for its legal, planning and engineering expenses, resulting from the review of proposed actions in the Township. The Town Board may require full payment of fees and out of pocket expenses incurred in the review of proposed actions prior to taking final action.

8.06 Validity

Should any provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof, unless so specified in the judgment. If the courts declare the application of any of the provisions of this Ordinance to any individual, use, property or structure to be invalid, such judgment shall not affect the validity of said application of any provision to any other individual, use, property or structure, unless so specified in the judgment.

8.07 Repeals

Ordinance No. 2005 is hereby repealed. Ordinance No. 2011, adopted on March 15, 2011, is hereby repealed and replaced with this ordinance. Parts of other ordinances in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

8.08 Effective Date

The effective date of this Ordinance shall be after its passage and publication according to law.

Adopted by the Greenvale Town Board this 16th day of August, 2011.

Chairman

ATTEST:

Town Clerk

Published in the Northfield News _____ day of _____, 2011.

ATTACHMENTS

Sample Subdivision Agreement

Sample Subdivision and Access Easement Agreement

Sample Subdivision and Cluster Agreement

SUBDIVISION AGREEMENT

This agreement is made and entered into this _____ day of _____ 20____, by and between GREENVALE TOWNSHIP (“Township”) and _____ (“Owner”).

WHEREAS, the Owner owns the property legally described on the attached Exhibit A (“Property”); and

WHEREAS, the property described is or includes the following quarter-quarter section:

_____ 1/4 of the _____ 1/4, Section _____, Township _____ Range _____

WHEREAS, the Owner desires to subdivide the property, resulting in two parcels, Parcel A and Parcel B, legally described on the attached Exhibit B (“Parcels”).

NOW THEREFORE, the parties agree as follows:

1. The Owner is entitled to one single family dwelling on the quarter-quarter section described above.
2. The Owner desires to locate a single family dwelling on Parcel B, which has direct public access to a publicly maintained roadway.
3. The Township agrees to issue a building permit for a single family dwelling on Parcel B, subject to conformance with all Township ordinances and requirements.
4. The Owner agrees that no other single family dwelling are permitted on Parcel A, until such time that the Township Zoning Ordinance is amended to permit additional dwellings or upon the amendment of this agreement by the parties.
5. The Owner agrees to furnish all evidence to the Township that this document has been recorded in the Dakota County Recorders Office against the title of Parcel A and Parcel B, prior to the issuance of a building permit.

SUBDIVISION AND ACCESS EASEMENT AGREEMENT

This agreement is made and entered into this _____ day of _____ 20____, by and between GREENVALE TOWNSHIP (“Township”)and _____ (“Owner”).

WHEREAS, the Owner owns the property legally described on the attached Exhibit A (“Property”); and

WHEREAS, the property described is or includes the following quarter-quarter section:

_____ 1/4 of the _____ 1/4, Section _____, Township _____ Range _____

WHEREAS, the Owner desires to subdivide the property, resulting in two parcels, Parcel A and Parcel B, legally described on the attached Exhibit B (“Parcels”).

NOW THEREFORE, the parties agree as follows:

1. The Owner is entitled to one single family dwelling on the quarter-quarter section described above.
2. The Owner desires to locate a single family dwelling on Parcel B, which does not have direct public access to a publicly maintained roadway.
3. The Owner has identified a 30 feet perpetual access easement to parcel B described and attached for dedication as Exhibit C (“Access Easement”).
4. The Township agrees to issue a building permit for a single family dwelling on Parcel B, subject to conformance with all Township ordinances and requirements.
5. The Owner agrees that no other single family dwelling are permitted on Parcel A, until such time that the Greenvale Township Zoning and Subdivision Ordinance is amended to permit additional dwellings or upon the amendment of this agreement by the parties.
6. The Owner agrees to furnish evidence to the Township that this document has been recorded in the Dakota County Recorders Office against the title of Parcel A and Parcel B, prior to the issuance of a building permit.

SUBDIVISION AND CLUSTER AGREEMENT

This agreement is made and entered into this _____ day of _____ 20____, by and between GREENVALE TOWNSHIP (“Township”) and _____ (“Owner”).

WHEREAS, the Owner owns the property legally described on the attached Exhibit A (“Property”); and

WHEREAS, the property described is or includes the following quarter-quarter section:

- 1.) _____ 1/4 of the _____ 1/4, Section _____, Township _____ Range _____
- 2.) _____ 1/4 of the _____ 1/4, Section _____, Township _____ Range _____
- 3.) _____ 1/4 of the _____ 1/4, Section _____, Township _____ Range _____
- 4.) _____ 1/4 of the _____ 1/4, Section _____, Township _____ Range _____

WHEREAS, the Owner desires to subdivide the property, resulting in parcels legally described on the attached Exhibit B (“Parcels”).

NOW THEREFORE, the parties agree as follows:

1. The Owner is entitled to one single family dwelling per each quarter-quarter section described above.
2. The Owner desires to relocate the eligible single family dwelling from quarter-quarter section numbers _____ above, to quarter-quarter section number _____ above.
3. The Township agrees to issue a building permit for a single family dwelling on quarter-quarter section numbers _____ above, subject to conformance with all Township ordinances and requirements.
4. The Owner agrees that no other single family dwelling are permitted on quarter-quarter section numbers _____ above, until such time that the Greenvale Township Zoning and Subdivision Ordinance is amended to permit additional dwellings or upon the amendment of this agreement by the parties.
5. The Owner agrees to furnish evidence to the Township that this document has been recorded in the Dakota County Recorders Office against the title of all property described on Exhibit A, prior to the issuance of a building permits.

