

GREENVALE TOWNSHIP

ZONING AND SUBDIVISION ORDINANCE

Adopted January 18, 2024

Effective Date: January 24, 2024

GREENVALE TOWNSHIP

**Ordinance No. 2024-01
Zoning And Subdivision Ordinance**

Acknowledgments

Dave Roehl, Supervisor
Anthony Rowan, Vice Chairman/Supervisor
Charles Anderson, Chairman
Jane Dilley, Clerk
Wayne Peterson, Treasurer

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ORDINANCE NO. 2024-01

**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. 2024-01, 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
- To be consistent with current Comprehensive Plan

SECTION 3 DEFINITIONS

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

Accessory Building	A subordinate building or structure equal to or greater than 200 square feet which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. Accessory structures may include fabric covered hoop structures.
Accessory Use	A use, structure, or portion of a structure subordinate to, serving, and customarily incidental to the principal use on the property, including machinery, structures, or buildings necessary for the conduct of agricultural operations or other permitted uses.
Agricultural Preserve	Land area created and restricted according to section Minn. Stat. §§ 473H.05 to remain in agricultural use.

Agriculture	The production for sale of livestock, dairy animals, dairy products, poultry or poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, or bees and apiary products according to Minn. Stat. §§ 473H.02. Wetlands, pasture and woodlands accompanying land in agricultural use shall be deemed to be in agricultural use.
Agriculture, Long Term	Land in the metropolitan area designated for agricultural use in local or county comprehensive plans and which has been zoned specifically for agricultural use permitting a maximum residential density of not more than one unit per quarter/quarter.
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, Domestic	Any animal commonly accepted as a domesticated household pet. Such animals shall include dogs, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals. Animals are kept in a confined area within the homestead and kept principally for non-commercial and non-scientific purposes.
Animal, Farm	Any animal commonly associated with farms or with performing work in an agricultural setting. Such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, llamas, ostriches, emus, burros, donkeys, and other animals associated with a farms, ranches, or stables.
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.
Animal, Non-Domestic	Any animal commonly considered to be naturally wild and not naturally trained or domesticated, or which is commonly considered to be inherently dangerous to the health, safety, and welfare of people. Such animals shall include: (1) Any member of the large cat family (family Felidae) including lions, tigers, cougars, bobcats, leopards and jaguars. (2) Any naturally wild member of the canine family (family Canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs. (3) Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet. (4) Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets. (5) Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators. (6) Any other animal that is not explicitly listed above but which can be reasonably defined by the

	terms of this subpart, including, but not limited to, bears, deer, monkeys and game fish.																						
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, Minn. Stat. §§ 7020.0300 definitions apply:																						
	<table border="1"> <thead> <tr> <th><u>Animal</u></th> <th><u>Unit</u></th> </tr> </thead> <tbody> <tr> <td>one mature dairy cow</td> <td>1.4 animal</td> </tr> <tr> <td>one slaughter steer or heifer</td> <td>1.0 animal</td> </tr> <tr> <td>one cow/calf pair</td> <td>1.2 animal</td> </tr> <tr> <td>one horse</td> <td>1.0 animal</td> </tr> <tr> <td>one swine 55-300 pounds</td> <td>.3 animal</td> </tr> <tr> <td>one swine under 55 pounds</td> <td>.05 animal</td> </tr> <tr> <td>one sheep</td> <td>.1 animal</td> </tr> <tr> <td>one turkey</td> <td>.018 animal</td> </tr> <tr> <td>one chicken</td> <td>.005 animal</td> </tr> <tr> <td>one duck</td> <td>.01 animal</td> </tr> </tbody> </table>	<u>Animal</u>	<u>Unit</u>	one mature dairy cow	1.4 animal	one slaughter steer or heifer	1.0 animal	one cow/calf pair	1.2 animal	one horse	1.0 animal	one swine 55-300 pounds	.3 animal	one swine under 55 pounds	.05 animal	one sheep	.1 animal	one turkey	.018 animal	one chicken	.005 animal	one duck	.01 animal
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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.																							
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.																						
Bed and Breakfast	A building other than a hotel or motel that is owner-occupied where, for compensation and by pre-arrangement for definite periods, meals or lodging may be provided for three or more persons, but not to exceed ten persons at any given time.																						
Board	The Board of Supervisors of Greenvale Township.																						
Boardinghouse	A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided.																						
Building	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.																						
Building Height	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.)																						
Building Line	That line measured across the width of the lot at the point where the main structure is placed in accordance with setback provisions.																						
Building, Principal	A building in which is conducted the main or primary use of the parcel on which it is located.																						

Carport	An automobile shelter having one of more sides without a door, without a wall, or otherwise open.
Cartway	A means of access to a tract or tracts of land that is not maintained by the township, as authorized by Minn. Stat. §§ 164.08-164.10 and 164.15.
Clearcutting	The removal of an entire stand of trees.
Cluster Housing	The grouping of single family dwellings within a specified area while maintaining the same overall allowable density of that area.
Commercial Horse Boarding	The keeping of horses, not owned by the residents of the property on which the horses are kept for compensation or the keeping of horses for uses other than personal use.
Comprehensive Plan	A compilation of goals, policy statements, standards, programs and maps for guiding the physical, social, and economic development, both public and private, of Greenvale Township and its environs, as defined in the Minnesota Municipal Planning Act, including any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
Conditional Use	A use permitted through a conditional use permit and process. A conditional use is permitted on a property when the development meets conditions as specified in this Zoning Ordinance and required by the Town Board.
Conditional Use Permit	A permit issued by the Township to allow operation of a conditional use. A permit may be issued when the development meets conditions as specified in this Zoning Ordinance and required by the Town Board. A permit may be revoked if the development or property were to not meet conditions in the permit or within the Zoning Ordinance.
Day Care Facility	A licensed day care facility serving 12 or fewer persons, or a group family licensed day care facility serving 14 or fewer children.
Density	The number of dwelling units residing upon, or to be developed upon, a gross acre of land or other specified unit of measurement.
Development Right	The eligibility to apply for and be issued a building permit for a single-family dwelling unit under the provisions of the Zoning Ordinance. (NOTE: A development does not guarantee that a site is suitable for building or that a parcel would meet the standards for permit issuance.)
Dwelling Unit	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.
External Solid Fuel Fired Heating Device	A device designed for external solid fuel combustion (including but not limited to wood-burning furnaces) so that usable heat is derived for the interior of a building and includes solid fuel-fired stove, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.
Family	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.
Fence	An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

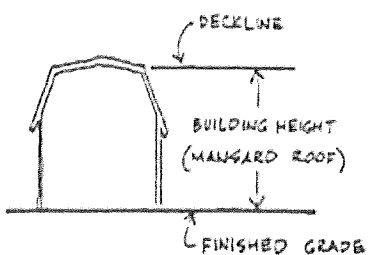
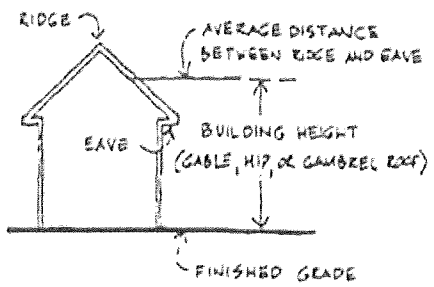
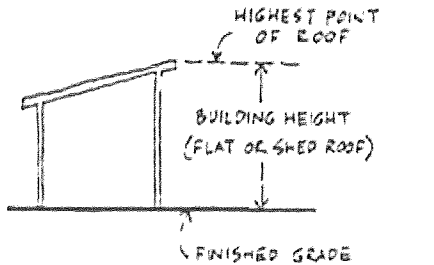
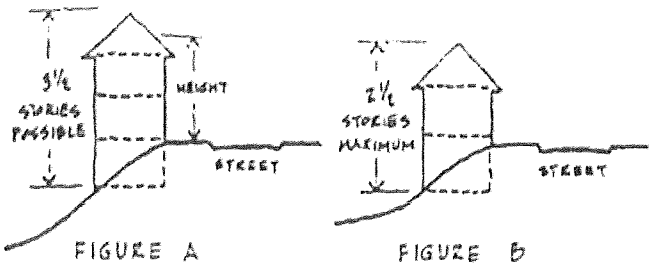
Final Plat	The final map, drawing, or chart on which a subdivision is presented to the Town Board for approval and which, if approved, will be submitted to the County Register of Deeds or Registrar of Titles.
Floor Area	The sum of the gross horizontal area of the floors of a building or dwelling unit, measured from the exterior walls, or from the centerline of party walls separating buildings, excluding basements.
Garage, Private	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.
Greenhouse	A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.
Home Occupation	Any business activity carried out for gain by a resident and conducted as customary, incidental, and accessory use in the resident's dwelling unit.
Implement of Husbandry	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.
Interim Use	Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use. Interim uses shall conform to conditions required within this Zoning Ordinance and any requirements from Town Board.
Interim Use Permit	A temporary permit issued by the Town Board granting approval of an interim use under conditions listed on said permit. A permit may be issued when the development meets conditions as specified in this Zoning Ordinance and required by the Town Board. A permit may be revoked if the development or property were to not meet conditions in the permit or within the Zoning Ordinance.
Kennel	A commercial establishment in which dogs or domestic animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. A kennel shall mean any residence or business in which six (6) or more animals over six (6) months of age are kept at any one time.
Lot	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.
Lot Area	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.
Lot, Corner	A lot that has at least two (2) contiguous sides abutting upon a street.
Lot Line	The lines bounding a lot as herein described.
Lot of Record	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:

	<ol style="list-style-type: none"> 1) 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; 2) was the subject of a written agreement to convey entered into prior to such time; 3) was a separate parcel of not less than 2-1/2 acres in area and 150 feet in width on January 1, 1966; 4) was a separate parcel of not less than five acres in area and 300 feet in width on July 1, 1980; 5) 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.
Lot, Through	A lot where opposite lot lines abut two (2) parallel street and which is not a corner lot.
Lot Width	The width measured along the front lot line or street line.
Manufactured Home	A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
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.
Off-Site Sign	Any sign not located on the parcel of the use it advertises.
On-Site Sign	Any sign located on the parcel of the use it advertises.
Open Space	Any unoccupied land space open to the sky.
Ordinary High Water Level	The boundary of public waters, and wetlands, and shall be an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial; For watercourses, the ordinary high water level is the elevation of the top of the bank off the channel. For reservoirs and flowages, the ordinary high-water level is the operating election of the normal summer pool.
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.
Overlay District	A district with specific additional provisions to the underlying zoning district. An overlay district is not a stand-alone zoning district, but complementary to the underlying zoning district. Examples of overlay districts in this Code are Shoreland and Floodplain,
Parking Space	A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building to store one vehicle.
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.
Permitted Use	A use that is permitted in the district under which it is listed.
Personal Horse Keeping	The sheltering or keeping of horses for use by owners or occupants of the property on which, the horses are kept.
Photovoltaic (PV) Device	A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.
Photovoltaic (PV) Module (PV Panel)	The essentially planar assembly of solar cells and ancillary parts, such as interconnections, terminals, (and protective devices such as diodes) intended to generate direct current or alternating current in direct and diffuse sunlight.
Photovoltaic (PV) System	A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.
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	A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State Laws and County and Township requirements.
Principal Use or Structure	The main use to which the premises are devoted and the principal purposes for which the premises exist.
Private Property	Any real property within the Township which is privately owned and which is not a public property as defined in this section.
Public Hearing	An official public meeting for which notice has been published in the official newspaper according to Minn. Stat. §§ 462.357, Subd. 3, as amended.
Public Property	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
Quarter-Quarter Section	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.
Recreation, Commercial	Includes all uses that are compatible with the rural character of the area and are privately owned and operated with the intention of earning a profit by providing entertainment for the public.

Recreation, Public	Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purposes of providing recreation.
Residential Facility	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.
Right-of-Way	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.
Setback	The minimum horizontal distance between a lot line and a building line or use.
Solar Easement	A right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar sky space for the purpose of ensuring adequate exposure of a solar energy system.
Solar Electric System	A set of photovoltaic devices whose primary purpose is to collect solar energy and convert (and possibly store) it into electric power by means of any combination of collecting, transferring, or converting solar-generated energy.
Solar Electric System, Retail	A solar electric system established for the primary purpose of meeting all or part of the electric energy needs of the host building, whether residential, commercial, industrial, or institutional.
Solar Electric System, Wholesale	A solar electric system established for the primary purpose of generating electricity and selling it directly to a third party (e.g., electric utility company).
Solar Panel	See Photovoltaic (PV) module.
Street	A public thoroughfare which affords the principal means of access to abutting property.
Street Line	The legal line of demarcation between a street and abutting land.
Structure	Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
Subdivision	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 for residential, commercial, industrial, or other use or any combination.
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.
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: predominance of hydric soils; 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 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.)
Yard, Front	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.
Yard, Side	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.
Yard, Rear	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.
Zoning Administrator	The Zoning Administrator for Greenvale Township. The person duly appointed by the Town Board or his/her authorized representative that is responsible for the administration and enforcement of this Ordinance.
Zoning District	An area of land for which there are uniform regulations governing the use of buildings and premises.
Zoning Map	The areas comprising the zoning districts and the boundaries of said districts, as shown upon the map attached hereto.
Zoning Ordinance	Zoning regulations controlling the use of land as adopted by Greenvale Township.



BUILDING HEIGHT

Figure 1

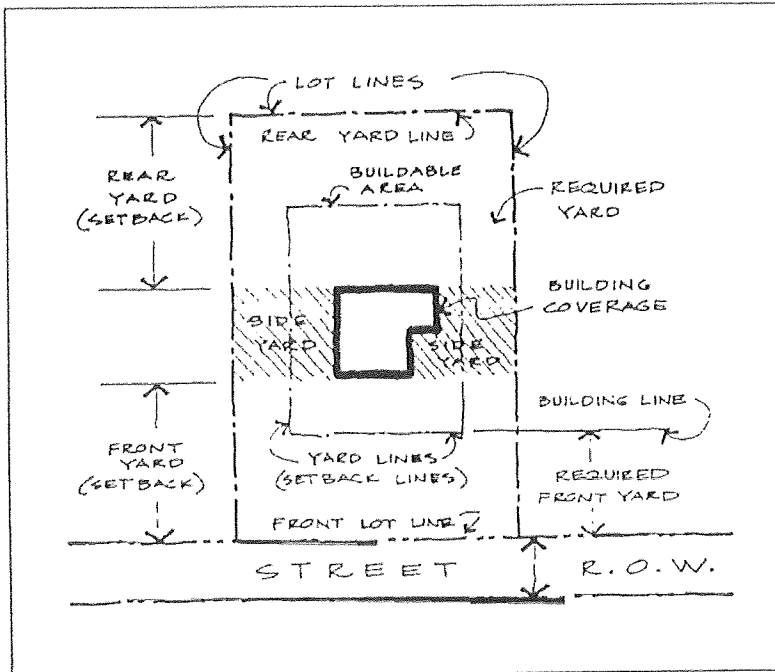


Figure 2: Setbacks

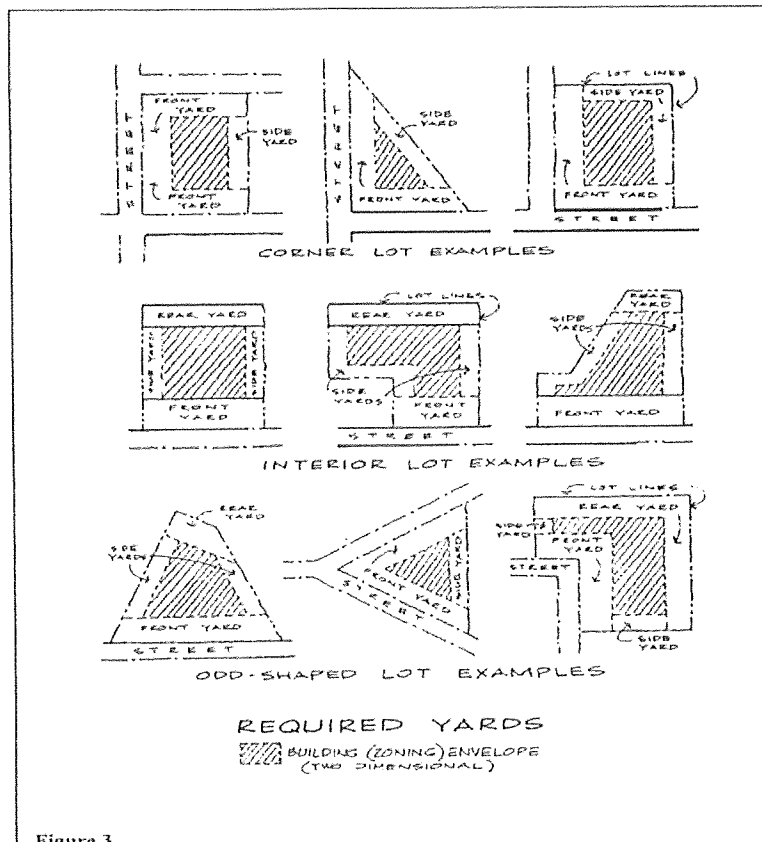


Figure 3

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.
- 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, Interpretation, and Administration

- 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.

- D. Administration and Fees. The applicant for a permit or approval shall pay permit and review fees as required by the Township Fee Schedule. The Township may include professional fees in permit fees.

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. Minimum requirements for primary and secondary private sewage systems are met and the minimum setbacks from water wells can be maintained.
 - c. 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 provided such lots do not meet the standards set forth in Minn. Stat. §§ 462.357 subd 1e (f).
- B. One Building Per Lot. No more than one (1) principal building shall be located on a lot unless specifically permitted herein.
- C. Property for a single family home or other non-agricultural structure must have at least 2.5 acres of buildable area.

4.04 Non-Conforming Uses and Structures

- A. Any structure or use, except for business uses or home occupations, existing upon the effective date of the adoption of this Ordinance which does not conform to the provisions of the Ordinance may be continued per Minn. Stat. §§ 462.357 subd 1e. subject to the following conditions:

1. The non-conforming use is not expanded or enlarged, except in conformity with the provisions of this Ordinance.
2. 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.
3. If a non-conforming use is replaced by another use, the new use shall conform to this Ordinance.
4. Except as otherwise provided by law, any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:
 - a. The nonconformity or occupancy is discontinued for a period of more than one year; or
 - b. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.
 - c. The requirements of Minn. Stat. §§ 462.357 Subd. 1e. relating to Shoreland and Floodplain nonconformities are incorporated herein by reference.
5. Normal maintenance of a non-conforming structure is permitted, including necessary repairs and incidental alterations which do not extend or intensify the nonconforming use.
6. 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.

B. Any business use or home occupation of property not otherwise allowed under this ordinance or properly issued Township land use permit shall be deemed a legal nonconforming use and may be continued under the terms of this section, subject to the following provisions:

1. The use shall be registered prior to October 31, 2023, according to the requirements of Ordinance 2023-01. Any business or home occupation use not registered, will need to comply with a CUP/IUP as required in this ordinance.
2. Except as expressly allowed by the Township Zoning Ordinance, no use shall be expanded or extended beyond the limits of its registered extent, as measured by:
 - a. The current physical extent of the business occupancy, regardless of parcel size. Such extent shall be identified as a requirement of the registration of said use, according to the measurement policies of the Town, which shall include (1) a written record of the extent and nature of the nonconforming use to the satisfaction of the Town Board; and (2) which shall also include one of the following:
 - i. A line, including dimensions, marked on a copy of the current aerial map from the Dakota County GIS data.
 - ii. A line, including dimensions, marked on an accurate survey of the parcel in question.
 - iii. A map or other similar instrument, suitable for designating the extent of the use as approved by the Town Board.

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 on the property, except that one employee not residing on the property shall be allowed.
 2. All business activities and storage, except parking of vehicles, shall take place within the principal structure. Storage of vehicles may take place within an accessory 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 may involve limited retail sale or rental of products on the premises, provided all stock in trade is completely enclosed in an approved structure.
6. Off-street parking facilities typically associated with a residence may be used for the home occupation.
7. 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.

1. The following home occupations shall require an interim use permit:
 - a. Business activities that only take place within an accessory structure.
 - b. Home occupations with more than one employee other than the residents of the property.
 - c. Home occupations with outside storage or display of merchandise.
2. The following regulations apply to home occupations with an approved interim use permit:
 - a. No outside storage or open display of merchandise is permitted, unless approved with an Interim Use Permit.
 - b. 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.
 - c. No sign, display or device identifying the occupation shall be used without prior approval by the Township.
 - d. 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 unless approved with an Interim Use Permit.
 - e. Off street parking facilities typically associated with the residence may be used for the home occupation.

- f. 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 dimension regarding length or width of twenty (20) feet.
- B. All dwellings shall have a permanent frost-free foundation and utilize suitable building materials as defined in the State Building Code. Split level, split entry and earth sheltered homes shall be considered to comply with this requirement.

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, 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.

- D. Temporary health care dwellings provided for in Minn. Stat. §§ 462.3593.

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, except as allowed by this Zoning Ordinance.

4.09 Access Required

Every building hereafter erected shall be located on a lot having frontage on a public street or access via an easement to 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, towers typically associated with places of worship, 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.

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.

4.14 External Solid Fuel-Fired Heating Devices

Systems meeting the definitions and standards of this section shall be allowed as accessory uses in the District(s) listing them, subject to the following requirements:

- A. Existing Systems. Systems that are operational as of October 1, 2022 shall be considered exempt from the requirements of this Section. No replacement or enlargement of such systems may be allowed without approval of the Town Board. Nothing in this Section shall be interpreted to exempt such systems from the requirements for use of proper fuels as required herein.
- B. Removal. Any device that has been abandoned or is unserviceable, or for which the useful life has lapsed, or which has been damaged by fire or other peril shall be removed within 180 days of such event. The owner of any property with such a device, undertaking removal, shall do so in such a way as to avoid and eliminate any environmental contamination, whether from liquid or solid waste, or other contamination.

4.15 Storage of Liquid Propane or Other Gas Fuels

Devices meeting the definitions and standards of this section shall be allowed as accessory uses in the District(s) listing them, subject to the following requirements:

- A. Installation in Conformance with Regulations and Specifications. The storage and use of liquid fuels under this section shall comply with Minnesota Rules Section 7511.6101 as amended, and any other applicable County, State, or Federal regulations. The placement, storage, and keeping of any such equipment and fuels shall comply with all manufacturers' specifications and installer or provider's requirements.
- B. No Town Permitting Required. Provided the proposed equipment meets the requirements of this section, no Town permit is required. Nothing in this section shall exempt other permitting agencies from exercising their authority as may be applicable.

4.16 Accessory Photovoltaic (Solar) Systems

Systems meeting the definitions and standards of this section shall be allowed as accessory uses in the District(s) listing them, subject to the following requirements:

- A. Existing Systems. Systems subject this Section existing prior to October 1, 2022 shall be exempt from the requirements of this Section Subp. A. – H., but may not be replaced or expanded without permitting from the Town Board.
- B. Size, Ground Mounted. Accessory ground-mounted solar energy systems shall be limited to 40 kW of generating capacity.
- C. Setbacks and Location, Ground Mounted. Accessory ground-mounted solar energy systems shall be set back from the public right of way and all adjoining property lines by a distance of 100 feet.

No ground-mounted system shall be located on any parcel in which the installation requires the removal of more than 3,000 square feet of forested land, as determined by the Town upon inspection of aerial photography of the property provided by the Dakota County GIS in the past two (2) years.

No ground mounted systems shall be located in areas susceptible to flooding or high amounts of soil saturation. Any such installation shall, upon installation, be planted with perennial vegetative cover that will inhibit soil erosion and stormwater runoff.

- D. Height, Ground Mounted. Ground-mounted systems shall not exceed a maximum height of 15 feet at maximum tilt design.
- E. Height and Design, Roof Mounted. Roof-mounted systems shall not extend above the height of the existing roofline by more than two (2) feet.

- F. Permits. Accessory solar installations and building-integrated photovoltaic systems under this Section shall meet all manufacturer's specifications, and shall only be allowed under permitting requirements applicable to such installations, such as adopted building, electrical, and/or fire code, and shall include any interconnection permitting required by the electric service territory provider.

Any roof-mounted system shall include a statement from a qualified structural engineer as to the capability of the roof to support the requested installation.

- G. Power Lines and Supply. All power lines, wiring, and other supply serving the system, and connecting it to the principal structure or other interconnections, shall be buried underground, or routed with pre-existing overhead power line facilities.
- H. Visibility and Glare. No system shall be installed that creates glare to any adjoining residence or to the public right of way.
- I. Any device that has been abandoned or unserviceable, or for which the useful life has lapsed, or which has been damaged by fire or other peril shall be removed within 180 days of such event. The owner of any property with such a device, undertaking removal, shall do so in such a way as to avoid and eliminate any environmental contamination, whether from liquid or solid waste, or other contamination.

4.17 General Standards for Interim and Conditional Uses

The following regulations shall apply as minimum requirements for granting conditional or interim use permits:

- A. Non-farm structures shall be sited on a separately surveyed and described parcel.
- B. Access to the parcel shall be from a public road or access via an easement to a public street.
- C. The activity or use of structure is not detrimental with the conduct of agriculture.

4.18 Right to Farm

The Township has found that protecting and preserving land for agriculture is in the best interests of the community and protects the public health, safety and welfare by implementing community goals and policies. Agriculture often includes such activities as the intense use of farm equipment and machinery; plowing during dry and windy conditions; the raising of livestock and fowl; the use of irrigators over extended periods of time; and the use of soil amendments, including manure, herbicides and pesticides. These activities may be considered nuisances or inconveniences in more urban settings; however, these activities are

common in an agricultural community and vital to the sustenance of an agricultural economy. For the purposes of this Ordinance, farm activities or agricultural activities shall not be considered a public nuisance, provided that such activities do not violate any State statute or rule or any other laws or ordinances.

4.19 Wireless Communication

- 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.

4.20 Wind Energy Conversion Systems

- 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.

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 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 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.
- C. Overlay district boundaries follow watercourses in a parallel fashion or may be established according to a base elevation.
- D. 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 by the Board 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 District

- A. Purpose. This district is primarily established to promote, maintain and enhance the use of land for 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.
- B. Permitted Uses and Structures. The following uses are permitted in the A-Agriculture District:
1. Agriculture
 2. Indoor agriculture including but not limited to greenhouse , grow houses, and indoor farming such as aqua or hydroponics.
 3. Feedlots as regulated by appropriate governing body (State of Mn/Dakota County)
 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; fruit picking; grain cleaning; harvesting and plowing; farm equipment service and repair; veterinary services; personal horse keeping; and roadside stands for the sale of agricultural produce grown primarily on the site.
 5. Single Family Dwelling at a density not exceeding one (1) home per quarter-quarter section.
 6. Single Family Dwelling clustering is allowed subject to the requirements of Section 5.04 F Transfer of Development Rights and at a density not exceeding four (4) homes per quarter-quarter section.
 7. State licensed residential facilities serving six (6) or fewer persons per Minn. Stat. §§ 462.357 Subd. 7.
 8. State licensed nursery schools or day care facilities service twelve (12) or fewer persons operated at a single family residence per Minn. Stat. §§ 462.357 Subd. 7.
 9. Group family daycare facilities established under Minn. Rules, Parts 9502.0315 to 9502.0445, as amended, to serve fourteen or fewer persons per Minn. Stat. §§ 462.357 Subd. 7.

10. Personal storage buildings.
 11. Home occupations subject to the performance standards in Section 4.05 (A).
 12. Temporary excavations and mineral extraction, subject to the performance standards in Section 7.14
- C. Accessory Uses. The following uses are permitted accessory in the A – Agricultural District:
1. Driveways, private garages, parking spaces, or carports for personal use.
 2. Personal horse or animal boarding.
 3. Private swimming pools, sport courts decks, patios, fire pits, gazebos, swimming pools, and TV antennae.
 4. Temporary dwellings as allowed per Section 4.07 of this Ordinance.
 5. External Solid Fuel-Fired Heating Devices per Section 4.14.
 6. Storage of Liquid Propane or other Liquid Gas Fuels per Section 4.15.
 7. Photovoltaic (Solar) Systems per Section 4.16.
- D. Conditional Uses. The following uses may be allowed in the A – Agricultural District, subject to the conditions for issuing a conditional use permit:
1. Government buildings and facilities.
 2. Places of worship or cemeteries.
 3. Commercial or Public Recreation including parks.
 4. Schools.
 5. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including crop dusting, commercial boarding and training of horses, commercial hunting and trapping, and the operation of game reservations.
 6. Public utility, public service structures, and other utility lines, including but not limited to: overhead and underground wires, conduits and pipes for the transmission of electricity, crude petroleum, oil, gasoline, natural and artificial gas and other petroleum products (but not including direct service lines from a main line to a consumer and not including a main line to which the service is connected), distribution substations, gas regulator stations, communications equipment buildings, pumping stations and other utility structures.

7. Communications towers and antennae, subject to Section 4.19.
 8. Wind energy conversion systems, subject to Section 4.20.
 9. Wholesale Solar Uses
- E. Interim Uses. The following uses may be allowed in the A – Agricultural 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 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.
 - e. 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,
 3. Temporary equipment placement and/or operations, such as a bituminous plant, or contractors' yard, for highway/road construction.
 4. Uses not listed as permitted or conditional in the A- Agricultural District may be allowed with an Interim Use Permit.
 5. 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. Outdoor facilities shall provide shelter from the elements, including sunlight, rain, snow and cold weather.
- f. 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.

6. Bed and Breakfast

F. Transfer of Residential Development Rights

Within the A-Agriculture District, the transfer of residential development rights is allowed from one parcel to another, subject to the provisions of this Section.

1. Residential Development Right

A “residential development right” as described in this Section is the entitlement of a residential dwelling unit. Residential dwellings are permitted at a maximum density of one dwelling per quarter-quarter section. The Planning Commission and Town Board shall verify that any party wishing to transfer a residential development right has such an entitlement eligibility. Lands encumbered by surface water (shoreland overlay), wetlands, floodplain (floodplain overlay), easements or other legal encumbrances, shall be considered as land suitable for development rights transfer purposes. NOTE: The number of development rights may exceed the maximum allowed density and is not a building permit. Permits will only be issued on parcels meeting the density requirements of the zoning district.

2. Residential Development Rights Transfer

Any party wishing to convey a residential development right to another party may do so as a private transaction subject to the conditions and requirements of this Section.

3. Eligible Development Rights Transfer

Development rights may be transferred from one parcel to another within the Agriculture District subject to the following conditions and requirements:

- a. The Planning Commission and Town Board must verify the eligibility of the residential development right to be transferred.
- b. A Development Rights Transfer Agreement must be executed by the applicant and recorded against the property from which the transfer of a residential building right is allowed.

4. Recording of the Residential Development Rights Transfer

A Residential Development Rights Transfer Agreement prepared by the Township must be executed by the applicant and submitted to the Town Board for review, approval, and recording. The Residential Development Rights Transfer Agreement will legally identify the property involved in the transfer and note the elimination or loss of residential development rights on said property. The Agreement will also identify the property on which the development right will be assigned.

5. Fee and Reimbursement of Out-Of-Pocket Expenses

The applicant for a transfer of building rights shall pay a fee as per adopted fee schedule of the township.

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:

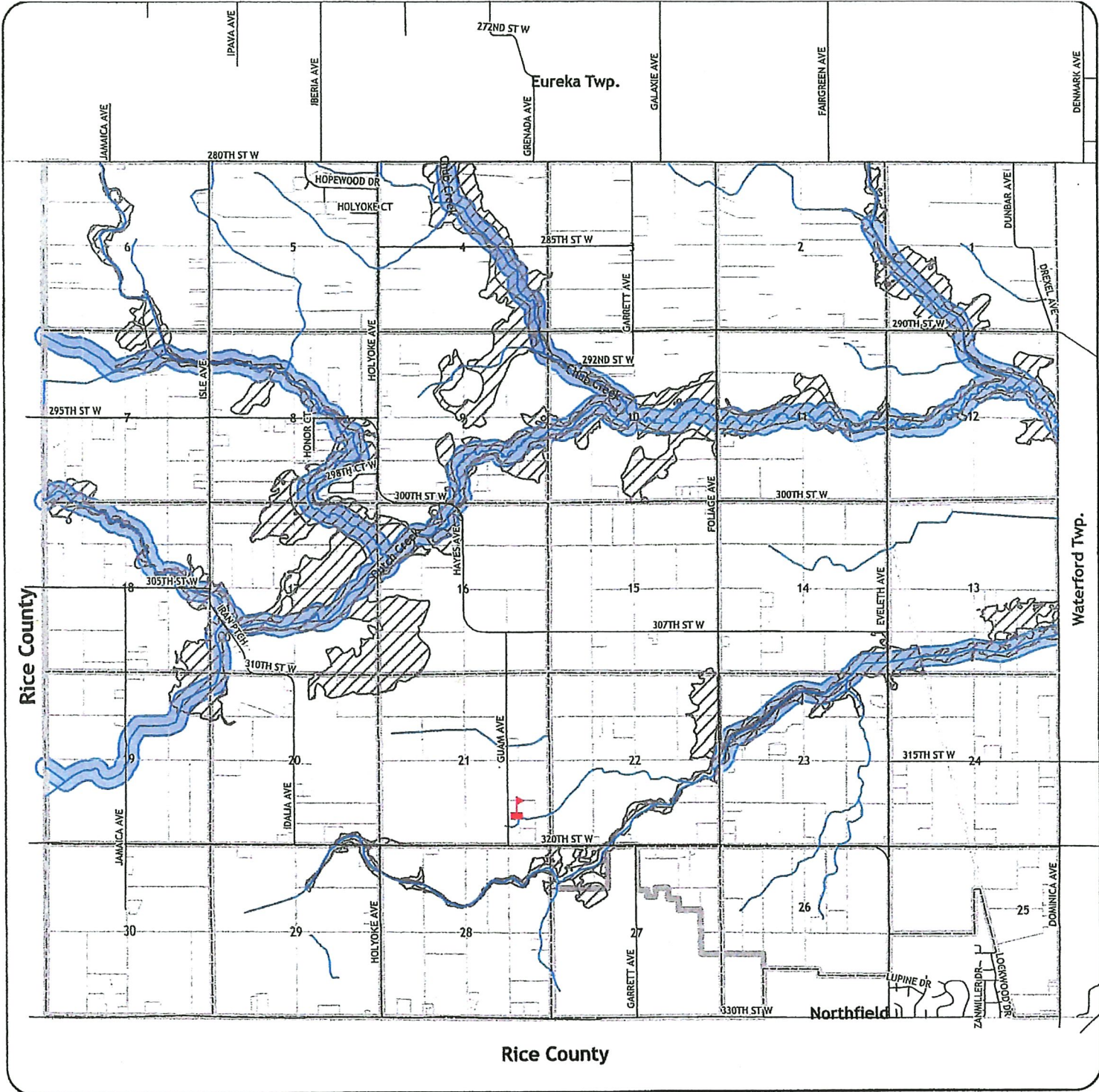
1. Agriculture
 2. Public and residential open space uses such as lawns, gardens, parking areas, and play areas.
- C. County Regulations. The Dakota County Floodplain Ordinance prescribes additional land use regulations for the Floodplain Management Overlay District. If any specific regulation in the 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			
	Zoning District		
	Agricultural	Shoreland Overlay	Floodplain Overlay*
Minimum Lot Area	2.5 acres	2.5 acres	-
Minimum Buildable Area	1 acre	1 acre	-
Minimum Lot Width	250 feet	250 feet	-
Minimum Lot Depth	200 feet	200 feet	-
Maximum Density Per Quarter-Quarter Section	1 single family dwelling	1 single family dwelling	-
Maximum Density Per Quarter-Quarter Section with Development Rights Clustering	4 single family dwellings	4 single family dwellings	-
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

** Per MN Shoreland Regulations




Zoning Map

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

Greenville Township
Dakota County, MN

0 0.125 0.25 0.5 0.75 1 Miles

 Resource Strategies Corporation

Source: Dakota County GIS August 2011

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

In addition to Minn. Stat. §§ 462.358 (4b) 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. 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; two (2) 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 two (2) copies of legal descriptions of pre-existing and resulting parcels.

Submittals must also be in a digital format, such as a PDF or other file type conveyed by a data storage device, amenable to the Township.

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 two (2) copies of the preliminary plat and supporting information to the Town Clerk, along with the filing fees established by the Town Board. Submittals must also be in a digital format, such as a PDF or other file type conveyed by a data storage device, amenable to the Township. The Town Board may also require a cash deposit from the applicant to offset any other expenses encountered by the Township in the review of the preliminary plat.
2. **Planning Commission Review.** Upon receipt of the application, the Town Clerk shall refer copies of the application to other applicable agencies for review.
3. **Public Hearing.** Upon review and referral of the Planning Commission, the Town Board shall schedule a public hearing on the preliminary plat. Public hearing notices shall be posted at least 10 days prior to the hearing consistent with Minn. Stat. §§ 462.358 (3b). The Town Board shall act to modify, approve, or deny the preliminary plat.
4. A preliminary plat will be deemed null and void if a final plat application has not been made within 365 days of approval.

C. Final Plat

1. **Application and Fee.** An applicant shall file two (2) 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. Submittals must also be in a digital format, such as a PDF or other file type conveyed by a data storage device, amenable to the Township. 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.** The Town Board shall act to modify, approve, or deny the final plat.

3. A final plat will be deemed null and void if it is not recorded within 365 days of approval.

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.

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. A cash dedication shall be calculated on the basis of one-percent (1%) of the market value of the property to be subdivided. 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 be paid for by the developer and 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.

B. Street Improvements

All street improvements shall be paid for by the developer and meet or exceed the design standards of the Minnesota Department of Transportation, known as "Standard Specifications for Construction", 2020 edition or current edition for local streets. Additional standards may be required by the Township.

C. Other Standards

1. Lots shall meet the minimum lot size and densities established for the zoning district.
2. All lots shall abut existing maintained public roads in a dimension no less than the minimum lot width prescribed.
3. No lot depth shall exceed four (4) times the lot width.

4. 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.
5. The maximum length of a permitted dead-end street is 1320 feet.
6. Street signs and street lighting shall be required and installed according to Township specifications.
7. 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 (Development Agreement) with the Town Board to enforce the conditions and requirements of this Ordinance.

The developer's contract shall require the subdivider/developer to make an escrow deposit and/or furnish a bank letter of credit to guarantee performance of improvements related to the subdivision. The form and amount of security shall be determined by the Township. Said sureties shall be paid prior to recording of the final plat.

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. The minimum size for a lot with a private sewage treatment system is 2.5 acres.

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.

7.02 Feedlot Design and Management Standards

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

7.03 Odors, Emissions, Dust, Particles, Noise, and Vibrations

Odors, emissions, dust, particles, noise, and vibrations generated from any use shall not exceed the regulations set forth by Minnesota Pollution Control Agency rules.

7.04 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.

7.05 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.

7.06 Explosives

Any person using, manufacturing, or storing explosives, shall do so following Department of Natural Resources, Minnesota Department of Public Safety, and Minnesota Pollution Control Agency rules and regulations. Any permits required must be acquired prior to establishing the use.

7.07 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, Minnesota Department of Public Safety, and Minnesota Pollution Control Agency rules and regulations. Any permits required must be acquired prior to establishing the use.

7.08 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.

7.09 Outside Storage

All products, materials and equipment, except as specifically provided in this Ordinance, shall be stored within permitted structures or 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.

7.10 Surface Water Management

All land disturbances and construction, affecting drainage patterns, surface waters and wetlands shall comply with regulations and obtain the required permits from the responsible governing agency.

7.11 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

7.12 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 alongside non-agricultural or residential subdivision development, trees shall be replanted in a density and manner satisfactory to the Town Board.

7.13 Erosion and Sedimentation Control

All land disturbances and construction, affecting drainage patterns, surface waters and wetlands shall comply with regulations and obtain the required permits from the responsible governing agency.

7.14 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 7.14(C) and any 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 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 Conditional and Interim Uses

A. Criteria for Granting Conditional and Interim Use Permits

In granting a conditional or interim use permit, the Planning Commission and Town Board shall consider the effect of the proposed use upon the health, safety, 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 conditional or interim use permits;
2. The proposed use will not negatively impact the public health, safety and welfare.
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 proposed use is consistent with the Comprehensive Plan and this Ordinance.
5. Activities within the proposed use will not create a public nuisance.

B. Termination of Conditional or Interim Use

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

1. For interim uses, 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 unless an extension has been granted by the Town Board.

If it is believed that the conditional or 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. For interim uses, the proposed use will terminate upon a date or event that can be identified with certainty.

2. For an interim use, the permit will be subject to review and approval by the Town Board upon a change of ownership.
3. Increasing the required lot size or yard dimension.
4. Limiting the height, size or location of buildings.
5. Controlling the location and number of vehicle access points.
6. Increasing the street width.
7. Increasing the number of required off-street parking spaces.
8. Limiting the number, size, location or lighting of signs.
9. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
10. Designation of open space; and
11. For an interim use, annual review of the terms and conditions 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 or conditional permit issued shall require an amended 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 and conditional 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 or conditional use permit shall be signed by the owners of land for which the application is made.
2. The person applying for an interim or conditional 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 or conditional use permit request. The Town Board will take final action of 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 use.
6. If the Planning Commission recommends granting the interim or conditional use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
7. An amended interim or conditional use permit application shall be administered in a manner similar to that required for a new use permit.
8. No applications for an interim or conditional use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted interim or conditional use permits shall become void if the applicant does not proceed substantially on the work within six (6) months or undertake the uses approved. 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 or conditional use permit, the 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 Board or designee shall be responsible 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 ordinance 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 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 18th day of January, 2024.

SECTION 9 PREVIOUS ORDINANCE REPEALED

With the adoption of this ordinance, the previous Zoning and Subdivision Ordinance and previous amendments thereto, shall be repealed.


Chairman

ATTEST:


Town Clerk

Published in the Northfield News 24th day of January, 2024.

AFFIDAVIT OF PUBLICATION

PUBLIC NOTICES

I do solemnly swear that the notice, as per the proof, was published in the regular and entire edition of the

Northfield News

with the known office of issue being located in the county of:

Rice

with additional circulation in the counties of:

Rice

and has full knowledge of the facts stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.

(B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 01/24/2024.

MORTGAGE FORECLOSURE NOTICES

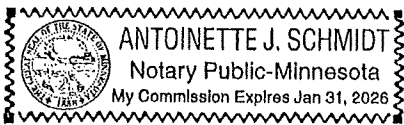
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

ORDINANCE NO. 2024-02
Summary for Publication
Greenvale Township
The Town Board of Greenvale Township adopted Ordinance No. 2024-01 Zoning and Subdivision Ordinance in its entirety on January 18, 2024, and approved this summary for publication. Ordinance 2024-01 adopted on January 18, 2024, is hereby amended by repealing the previous Zoning and Subdivision Ordinance and amendments thereto and replacing it with a revised and amended Zoning and Subdivision Ordinance in its entirety. Amendments include updating Definitions, General Purpose including non-conforming uses and structures and home occupations, Agricultural District uses and provisions, Subdivision Regulations, Performance Standards, and Administration and Enforcement provisions. The effective date of this Ordinance shall be after its passage and publication according to law. Adopted by the Greenvale Town Board this 18th day of January 2024.
Published in the Northfield News the 24th day of January 2024.
141073 NN 1/24

By: [Signature] Authorized Agent
By: Crystal Haney Print Name

Subscribed and sworn to or affirmed before me on 1-24-24 by:

Antoinette Schmidt
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:

\$18.00 per column inch

Open Rate