

GREENWOOD TOWNSHIP
ZONING ORDINANCE

#46-11

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**ARTICLE I
GENERAL STANDARDS AND ADMINISTRATION**

Section 1 Title

ZONING ORDINANCE FOR GREENWOOD TOWNSHIP, MINNESOTA, OTHERWISE KNOWN AS ORDINANCE NUMBER 46-07.

Section 2 Repealer

THIS ORDINANCE HEREBY REPEALS AND REPLACES GREENWOOD TOWNSHIP ORDINANCE DATED APRIL 18, 1983, REVISION DATED MAY 9, 1995, AND ALL AMENDMENTS THERETO. GREENWOOD TOWNSHIP, HEREINAFTER, REFERRED TO AS "TOWNSHIP".

Section 3 Intent and Purpose

AN ORDINANCE ESTABLISHING COMPREHENSIVE LAND USE REGULATIONS FOR GREENWOOD TOWNSHIP, MINNESOTA, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 462 AND ALL ACTS AMENDATORY THEREOF, TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE INHABITANTS BY DIVIDING THE TOWNSHIP INTO ZONES AND REGULATING THEREIN THE USES OF LAND AND THE PLACEMENT OF ALL STRUCTURES WITH A VIEW TO ENCOURAGING THE MOST APPROPRIATE USE OF LAND IN THE TOWNSHIP, AND TO RECOGNIZE AND PRESERVE THE ECONOMIC AND ENVIRONMENTAL VALUES OF ALL LANDS WITHIN THE TOWNSHIP. SPECIFIC PUBLIC WATERS WITHIN THE TOWNSHIP HAVE BEEN GIVEN A PUBLIC WATERS CLASSIFICATION, PURSUANT TO MINNESOTA STATUTES 103F AND ALL ACTS AMENDATORY THEREOF, AND USES OF SHORELANDS WITHIN THESE CLASSES ARE HEREBY DESIGNATED WITHIN THIS ORDINANCE, AND ON THE OFFICIAL ZONING MAP, BASED UPON THE COMPATIBILITY OF THE DESIGNATED TYPE OF LAND USE WITH THE PUBLIC WATERS CLASSIFICATION.

**ARTICLE II
GENERAL PROVISIONS**

Section 1 **Application and Interpretation**

- 1.01 **Permit required:** No structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, including the addition of basements, and no land shall change in use until the Planning Director has approved and issued a land use permit.
- 1.02 **Dimensional Standards Set:**
- A. In each zone district, each structure or use hereafter erected, altered or established, shall be provided with the yards and setbacks specified, and shall not exceed the percent of maximum total building coverage of its lot as specified in this Ordinance. No open space, lot, off-street parking, or loading space required for a building or structure shall be included as part of the lot, open space, off-street parking, or loading space for another building structure.
- B. The minimum lot width, lot area, and setback requirements established herein shall be maintained for the placement of all structures and additions unless otherwise provided. Greater lot area per unit may be required if necessary to provide for proper sewage disposal. Any structure in any zone district may have an extended roof line which encroaches upon the minimum side and rear yard (shoreline) setbacks, provided such extension does not encroach more than 3 feet into the required setback and does not interfere with the adjacent property's solar access or create a drainage problem.
- 1.03 **Sewage Disposal:** Structures that require sewage disposal facilities and are located on a lot serviced by public sewage facilities shall be required to connect to such facilities subject to the approval of the local unit of government operating the sewage collection/disposal system. Any premises intended for human occupancy must be provided with an approved method of sewage disposal designed in accordance with all regulations of the Minnesota Department of Health or the St. Louis County Department of Health, or as otherwise specified in this Ordinance. No Land Use Permit shall be issued prior to such permit or approval.

- 1.04 **Permit not required:** No Land Use Permit shall be required for: local public utility distribution lines; farming, excluding livestock (See Article VI, Section 14, Domesticated Animals, for livestock exemptions and permits); recreational trails (except for the Conditional Use review in Residential or Commercial District); forest management activities (except as required in Article VI, Section 3); lawn ornamentation; remodeling of existing structures; accessory structures (used solely for storage) of 100 square feet or less and meets all setbacks; and satellite receiving antennas and apparatus of a diameter of 12 feet or less that meet all setbacks. A Sanitary Permit, but no Land Use Permit, is required for privies. Privies shall not be used for storage purposes and the setback standards shall conform with that of the County Sanitary Regulations.

No permit will be required for communication towers used by amateur radio operators which are authorized by the Federal Communications Commission (FCC), or other towers incidental to the principal use. These towers must meet the following standards: All principal structure setback requirements are met, tower is no higher than 200 feet, and the tower is not illuminated. Amateur radio or other incidental towers higher than 200 feet may be authorized through a Performance Standard Permit as outlined in Article VI Section 4 of this Ordinance. This exemption does not apply to any illuminated towers. This exemption also applies to non-illuminated windmills for personal use, located in the FAM zone district, and following all principal structure setbacks.

- 1.05 **Construction must commence:** Construction of a building or commencement of a use shall be substantially begun within twelve (12) months of the date a permit is issued, or said permit shall become void. Permit extensions may be granted by the Planning Director, provided that the proposal meets Ordinance requirements.
- 1.06 **Road classification system:** The road classification system applicable to this Ordinance is available for inspection in the Planning and Zoning Offices. Classifications of roads or sections of roads are subject to change from time to time as the result of changes in traffic patterns. Public hearings by the Planning Commission are required for new road construction that results in a setback standard for other than a local road. No public hearing is required when the road classification change is the result of the County conforming to Minnesota Department of Transportation classification criteria. No variance will be required for additions to structures that become nonconforming as a result of the change in classification provided

the addition goes no closer to the road than permitted under the original classification.

- 1.07 **Single Family Dwelling classification:** Residences for government authorized social service programs with a maximum occupancy of 10 persons shall be considered as a single family dwelling.
- 1.08 **Conformance with subdivision regulations:** No Land Use Permit shall be issued to establish a use on any lot that has been divided or transferred in violation of the Subdivision Regulations of St. Louis County, or when the Planning Director determines such violation exists.
- 1.09 **Transfers of land:** No lot shall be created that does not meet the requirements of this Ordinance; transfers to adjoining parcels of nonconforming parcels are allowed provided such transfers do not adversely affect the conformity of the remaining lot as it relates to zoning and sanitary standards.

Section 2 **Environmental Review**

The Township Planning Commission shall review and act upon all environmental review petitions, worksheets and impact statements that involve conditional uses, subdivision plats, or other development proposals. It shall be the responsibility of the applicant to supply all required information and to pay all fees. The Commission, on any development proposal, may require the applicant to provide information regarding the environmental effects of a proposal either through a discretionary EAW or as part of the permit review process. The Planning Director shall review all EAWs and EISes for accuracy and completeness. The Planning Director, upon certification, may submit the report to the appropriate review agencies in accordance with State regulations.

The Planning Director may refer the issue of accuracy and completeness to the Planning Commission, who shall hold a public hearing on the draft environmental review. It shall be the responsibility of the Planning Commission after holding a public hearing to make the final declaration regarding the environmental review.

Section 3 **Earth tone colors**, where required, shall extend to window and door casings, other outside trim and roof coverings.

Section 4 **Screening** (when required as a condition)

The following standards for screening shall be followed when screening is required as a performance standard, conditional use or variance.

4.01 **General:** Screening may consist of walls, fences, land forms or natural or planted landscape materials, and shall effectively screen the use or structure from roads or adjacent residential parcels. Screening must be on the same parcel as the structure or use being screened, and shall be the responsibility of the owner to maintain the screening. The order of preference for screening is as follows:

- A. Maintaining existing vegetation and using natural topography;
- B. Planting native vegetation that is a minimum of four feet high at the time of planting, and is planted and maintained in accordance with accepted silvacultural practices;
- C. Construction of a berm, which must be seeded and have side slopes, not to exceed a 2:1 ratio. The planting of vegetation shall meet the technical standards of the Soil and Water Conservation District;
- D. Construction of a solid wood fence;
- E. Construction of a chain link fence.

4.02 **Required Screening Plans:** The following uses shall submit a screening plan with the permit application:

Borrow Pits, Salvage Facilities, Solid Waste Disposal Facilities, Building Material Storage Yards, Contractor Yards, Rural Industry, and other similar uses.

4.03 **Established Uses without Screening:** Established uses listed above without effective screening from residential uses shall maintain a 50 foot setback from all property lines adjacent to residential uses, maintain the parcel in a neat and orderly fashion, and shall not expand without a conditional use review regardless of the zone district it is in. Salvage Facilities and Borrow Pits shall also follow the appropriate site design standards found in this Ordinance.

Section 5 **Zoning Map**

5.01 **District Boundaries Established:** Zone District boundaries are established as shown on the official zoning map for Greenwood Township, which is approved and on file in the offices of the Clerk of Greenwood Township and the St. Louis County Recorder.

The Zoning Districts shall include a land use district and a dimensional district.

5.02 **Map incorporated into Ordinance:** The Map and all notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and are hereby made a part of this Ordinance by reference and incorporated herein as fully as if set forth herein at length.

5.03 **District boundary locations:** District boundaries are intended to follow right of way lines, street centerline or property lines, unless a boundary line is otherwise indicated. The Planning Director shall make interpretations of boundaries when the line is not clear.

Section 6 **Definitions**

Accessory Use or Structure – A use or structure on the same lot with, and customarily incidental and subordinate to, a principal use or structure.

Airport - Any locality, either on land or water, that is regularly used or intended to be used for the landing and take-off, storage or servicing of one or more aircraft.

Amateur Radio Operator - A person having a written authorization to be the control operator of an amateur radio facility. This authorization shall be in the form of a license or permit issued by the Federal Communications Commission. Amateur radio operators provide communication services, including the amateur-satellite service and the amateur service, which are for the purpose of self-training, intercommunication and technical investigations carried out by amateurs who are duly authorized persons interested in radio technique solely with a personal air and without pecuniary interest, as defined in Title 47, Code of Federal Regulations, [97.3(a)(4)].

Attorney - The County Attorney of St. Louis County, Minnesota, or authorized representative.

Attorney of Township - The Attorney of the Town of Greenwood or authorized representative.

Auditor - The County Auditor of St. Louis County, Minnesota, or authorized representative.

Basement - A space having over 25 percent of its floor-to-ceiling height below the average adjoining ground level and with a floor-to-ceiling height of not less than 7 ½ feet.

Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- (1) Part or all of the feature is located in a shoreland area;
- (2) The slope rises at least 25 feet above the ordinary high water level of the body of water;
- (3) The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and
- (4) The slope must drain toward the body of water.

Bluff Impact Zone - A bluff and land located within 20 feet from the top of a bluff. An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

Board of Adjustment - The Board of Adjustment for Greenwood Township, Minnesota, as created by ordinance pursuant to Minnesota Statute 462.354 and all acts amendatory thereof.

Boathouse - A structure designed and used solely for the storage of boats or boating equipment.

Borrow Pit - A land use involving the excavation or digging of material for use as fill at another site. Borrow pits used for the private use of a landowner and pits used to construct roads for forest management purposes shall not be considered borrow pits. Pits used for public road and other public work purposes shall be considered borrow pits.

Buffer - The use of land topography, spaces and screening to separate uses or structures from other uses or structures.

Building Line - A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Bunkhouse - A residential accessory structure used for sleeping quarters with no sanitation, cooking facilities or water under pressure.

Camouflaged Tower - Any tower or supporting structure that, due to design, location or appearance, partially or substantially hides, obscures,

conceals or otherwise disguises the presence of the tower and one or more antennas or antenna arrays affixed thereto.

Campground - An open-air recreation area where temporary shelters, such as tents and recreational vehicles, are intended to provide short-term occupancy.

Commercial Communication and their Towers - A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking areas and other accessory development. The facility provides licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Commercial Establishment - A physical location where business is conducted, industrial operations are performed, or any sale of goods and/or services is carried out.

Commercial Use - The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

Commissioner - The commissioner of the Department of Natural Resources.

Communication Tower - A principal structure that is intended to support communication equipment for wireless, broadcast, and similar communication purposes. Communication towers include, but are not limited to, monopole (free-standing), lattice (self-supporting) or guyed (anchored with guy wires or cables). This definition applies to all towers intended for communication purposes.

Community Center Facility - A building, group of buildings, or use of land intended to serve a community's educational, recreational, religious and service activities, typically containing space for a meeting hall, town garage, post office or fire hall.

Conditional Use - A land use or development which would not generally be appropriate without restriction throughout the zone district but which, if controlled as to number, area, size, location or relation to neighborhood, and as to compatibility with official DNR, Township and County plans, would not be injurious to the public health, safety, order, comfort, appearance, prosperity or general welfare.

County Board - The County Board of Commissioners of St. Louis County, Minnesota.

Deck (attached) - A horizontal, unenclosed platform that is attached, or functionally related to a structure. An attached deck shall have no roof, extended soffit nor walls, but may have railings, seats or other related features.

Deck (detached) - A horizontal, unenclosed platform that is free-standing, greater than 18 inches in height at any point, and is not attached nor functionally related to a structure. A detached deck shall have no roof, extended soffit nor walls, but may have railings, seats or other related features.

Driveway – A private roadway providing access for vehicles to a parking space, garage or other structure.

Duplex, Triplex and Quad - A dwelling structure on a single lot having two, three and four units that are attached by common walls where each unit is equipped with separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling, Multiple-Family - A residence designed for or occupied by three or more families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

Dwelling, Seasonal (cabin) - A residence occupied on a part-time basis, not to exceed eight (8) months of the calendar year, and not requiring public services such as school bus transportation or snow plowing of roads by a governmental unit.

Dwelling, Single-Family - A detached residence, including a mobile home, designed for one family only and having an approved sewage disposal system.

Dwelling Site - A designated location for residential use by one or more persons using temporary or moveable shelter, including camping and recreational vehicle sites.

Dwelling, Two-Family - A residence designed for or occupied by two families, including a mobile home, with separate housekeeping and cooking facilities for each with an approved sewage disposal system.

Dwelling Unit - Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons,

including rental to timeshare accommodations such as motel, hotel, resort rooms and cabins.

Earth Tone - Soft, neutral or weathered colors typically associated with forest vegetation, soil, bark or rock; principally blacks, browns, greens and grays.

Electrical Substation - A facility consisting of electrical equipment that switches/changes and/or regulates the voltage of electricity. This assemblage of equipment is physically located on the ground and is enclosed by a fence. A grouping of electrical service equipment, line or pad transformers, or minor electrical equipment is not classified as an electrical substation.

Extractive Use - The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals and peat, not regulated under Minnesota Statutes, Sections 93.44 to 93.51.

Failing Septic System - Any on-site sewage treatment system that discharges raw or partially treated sewage to the ground surface, surface water or groundwater is a failed system. Failing systems include, unless specific evidence exists to the contrary, seepage pits, cesspools, drywells, leaching pits, systems with less than three feet of unsaturated soil beneath the system bottom, and systems causing sewage backup into structures.

Family - One or more persons occupying a single housekeeping unit and using common cooking facilities.

Feedlot, Animal - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feed lots. Pastures shall not be considered animal feed lots.

Filter Strip - The use of land topography and native vegetation to provide runoff, erosion and sedimentation control.

Foundation - Permanent footings and walls for a structure which extend to the frost line or ledgerrock and is intended to carry the weight of the structure; it is made of masonry, concrete or treated wood.

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

“Grandfathered” Use - See Article IV, Section 1, “Nonconformities: General”.

Gravel Pit - See Borrow Pit

Group Home - A residential facility licensed by the State of Minnesota or the St. Louis County Social Services Department which serves from seven to sixteen mentally retarded, physically handicapped or socially maladjusted individuals.

Guest Cottage - A structure used as a dwelling unit that may contain sleeping spaces, kitchen and bathroom facilities, in addition to those provided in the primary dwelling unit. Guest cottages are considered a principal structure.

Hardship - The same as that term is defined in Minnesota Statutes, Chapter 462.357.

Height of Building - The vertical distance between the highest point on the roof and the lowest at the ground level where the building foundation meets the ground.

Highway Commercial Uses - Those uses which by their nature customarily relate to, depend upon, or provide essential services to the highway traveling public on arterials and major collectors, including but not limited to, gasoline service and light automotive repair stations, drive-in food service facilities, motels, truck stops, etc., and which do not include operational activities that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

Home Business - A commercial or minor industrial business use conducted on the same property on which the owner's home is situated, which may employ no more than five (5) persons who are not residents of the owner's home, which is of a type or character consistent with rural residential lifestyle, and which is established and operated under such conditions that the use may not be a nuisance to or otherwise incompatible with the surrounding area and is not considered a planned unit development, highway commercial, neighborhood commercial, rural industry or waterfront commercial use.

Home Occupation - A use of non-residential nature conducted entirely within the dwelling or accessory buildings and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes, and which does not include an operational activity that is or may be a nuisance to or otherwise incompatible with the surrounding area.

Horizontal Distance - A distance measured along a plane which is perpendicular to an axis running through the center of the earth at the point of measurement.

Improved Public Road - Any constructed road maintained by a unit of government as an official portion of that government's road system.

Industrial Use - The use of land or buildings for the production, manufacture, Improved Public Road - Any constructed road maintained by a unit of government as an official portion of that government's road system, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Inoperable Vehicle - An inoperable vehicle is a vehicle that is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train or transmission.

Intensive Vegetation Clearing - The removal of trees, shrubs or plants in a contiguous patch, strip, row or block.

Junk or Salvage Facility - Any place where 2 or more motor vehicles not containing current license plates, or not in operable condition, are stored in the open. Also, any place where the salvaging or scavenging of any other goods, articles, or merchandise not contained entirely within enclosed buildings is conducted.

Kennel - Any structure or premises intended for commercial activity where 4 or more dogs over 4 months of age are kept or raised for compensation. A person's home where dogs are kept as pets is not a "kennel".

Livestock - Animals such as horses, cows, sheep, goats, poultry, dogs, cats, etc., kept for use or profit, excluding poultry and rabbits kept as pets or raised for personal use. (See Article VI, Section 14)

Lot - A parcel of land in contiguous ownership designated by plat, metes and bounds, registered land survey, auditor's plat, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation.

Lot Coverage - Lot coverage shall include all structures, driving surfaces (including gravel surfaces), parking areas regardless of type of surface, and all other impervious surfaces.

Lot Frontage - The front of a lot shall be the portion bordering the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot of record - A lot which is part of a subdivision recorded in the office of the County Recorder of Registrar of Titles of St. Louis County, Minnesota, or a lot or parcel described by metes and bounds, the description of which has been lawfully created and recorded prior to the date of enactment of this Ordinance, or amendments thereto provided that a lot on Federal, State, tax forfeited or Minnesota Power lands that have lot been leased out prior to the date of enactment of this Ordinance shall be considered a lot of record even though that has not been individually recorded in the office of the County Recorder of Registrar of Titles.

Lot Water Frontage - Shall be the minimum distance between the points of intersection of the side lot lines and the ordinary high water level.

Lot Width - Shall be the distance between the side lot lines measured at the building line. The building line for parcels with shore frontage shall be the minimum principal structure setback distance as required for each river and lake classification and the location of the on-site sewage treatment system and expansion area. Lot width for parcels that do not have shore frontage shall be the location in which the building and on-site sewage system is located.

Mineral Evaluation - Mineral exploration, exceeding 4 test borings per 40 acre parcel and including development drilling, trenching, and bulk sampling.

Mineral Exploration - Exploratory drilling not to exceed 4 test borings per 40 acre parcel.

Mobile Home - Shall be defined by the Manufactured Home Building Code M.S. 327.31. The definition states that it is 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 320 or more in square feet and which is built on a permanent chassis and designed to be used as a dwelling when connected to the required utilities and meets the other standards of the code.

Mobile Home Park - A lot which has been planned and improved or the placement of, or which contains, three or more mobile or manufactured homes as defined in Minnesota Statutes.

Neighborhood Commercial Uses - Those uses which provide neighborhood level convenience services to communities such as small grocery stores, small sundry and convenience item stores, and small professional office buildings such as doctor and dental clinics, which uses are of such size and nature as to blend well with the existing and intended development pattern of the neighborhood.

Nonconformity - Any legal use, structure or parcel of land already in existence, recorded or authorized prior to the adoption of this Ordinance or

amendments hereto which would not have been permitted to become established under the terms of this Ordinance as adopted or amended, if this Ordinance had been in effect as of the date the use, structure or parcel was established, recorded or authorized.

Ordinary High Water Level - The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level shall be the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high water level shall be the operating elevation of the normal summer pool.

Ordinary Public View - The view seen by the naked eye from any public road or waterway or from occupied dwellings, commercial establishments, clubs, or institutions on adjacent properties. Aerial view is not to be considered public view.

Performance Standard Permit - Authorization given for a use which must meet a minimum set or pre-defined standards or criteria.

Planned Unit Development - A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses

Planned Unit Development, Commercial - Typically uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities, are commercial planned unit developments.

Planned Unit Development, Residential - A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperative and full fee ownership residences would be considered as residential planned unit developments. Residential structures where an agent is employed to promote rental of units in a manner similar to a resort shall be considered a commercial planned unit development.

Planning Commission - The Planning Commission of Greenwood Township, Minnesota, as created by Ordinance pursuant to Minnesota Statute 462.354 and all acts amendatory thereof.

Planning Director - The person designated by the Greenwood Town Board to administer the Zoning Ordinance and other land use Official Controls, or authorized representative.

Platform (detached) - A horizontal surface, without rails, seats or other elevated features, that is no greater than 18 inches in height.

Principal Use or Structure - A structure or use that is the primary or predominant focus of activity on a parcel. Principal uses include such uses as a single family home, cabin, guest cottage, resort lodge and cabins, salvage facility storage areas, offices and businesses.

Public Facility Renovation - The utilization of a former public or semi-public building, such as a school, town hall or fire hall, for residential, commercial, semi-public, industrial or mixed uses where the existing structure will be preserved, will be compatible with the neighborhood, and the proposed use will enhance social and economic opportunities for the area.

Public Road – A road open to public travel that is under the jurisdiction of and/or maintained by a public authority such as states, counties and towns.

Public Water - A body of water capable of substantial beneficial public use. For the purpose of this Ordinance, this shall be construed to mean any lake, pond or flowage of 25 acres or more in size, or any river or stream with a total drainage area of two square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there was no previous shoreland as defined herein, for a designated private use authorized by the Minnesota Commissioner of Natural Resources shall be exempt from the provisions of this Ordinance as they apply to shoreland management. The official determination of the size and physical limits of drainage areas of rivers and streams shall be made by the DNR Commissioner.

Recreational Vehicle - Shall be defined in Minnesota Statutes Chapter 327.14 and read as follows: Recreational camping vehicle includes the following:

A. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;

- B. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- C. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
- D. Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Remodel - An alteration of the interior or exterior portion of a structure that does not involve the replacement of the main structural frame, walls, or changes in the exterior dimensions of the structure.

Remodeling of an existing structure shall be considered one or more of the following:

1. Work performed on the interior of a structure (provided the work will not increase the number of bedrooms or increase water usage).
2. Replacement of siding, windows, doors, soffit, fascia, roofing (i.e., if roofing replacement does not increase height by more than two feet, or increase living space) and ornamentation. Associated rotten or deteriorated materials can also be replaced.
3. Additional windows or doors.

Under no circumstances shall remodeling constitute replacement of the main structural frame, walls, or changes in the exterior dimensions.

Resort - A commercial planned unit development where the primary purpose is to provide lodging and/or recreational opportunities.

Rural Industry - Small industrial uses in low development density areas where, through site design and performance standards, a detrimental social, economic or environmental impact on the area will be reduced or eliminated. Permanent wood processing activities may be considered as a Rural Industry.

Salvage Facility - A commercial establishment where the salvaging, scavenging, or recycling of any goods such as motor vehicles or motor vehicle parts, appliances, batteries, tires, or general recycling of items such as aluminum cans, paper, or glass and plastic bottles is conducted.

Sauna - An accessory structure used for the sole purpose of a steam bath and change room, and/or storage of materials directly related to such activity.

Screening - The use of fences, vegetation, berms or other methods that reduce visual impact of a structure or use upon adjacent structures or uses.

Semi-Public Use - The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

Sensitive Resource Management - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback - The minimum horizontal distance between where a structure or principal use may be placed and the ordinary high water level, road, front, side, sewage system, well, bluff or rear lot lines.

Sewage Treatment System - A septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated by St. Louis County.

Sewer System - Pipelines or conduits, pumping stations and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore Impact Zone - Land located between the ordinary high water level of a public water body, and a line parallel to it, at a setback of 50 percent of the structure setback, except on General Development Lakes where the minimum impact zone shall be 50 feet.

Shoreland - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from the ordinary high water level of a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides that extend landward from waters for lesser distances, and when approved by the DNR Commissioner.

Shoreline - The shoreline is at the Ordinary High Water Level.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including any structure erected primarily for use in connection with the display of such device and all lighting or other attachments used in connection therewith.

Sign, Off-Site - A sign other than an on-site sign.

Sign, On-Site - A sign where the subject matter relates only to the premises on which it is located, or to products, services, accommodations, or activities on the premises.

Significant Historic Site - Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the national Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. An historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Slaughterhouse - An establishment where poultry or animals are butchered on a commercial basis.

Steep Slope - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of these regulations. Where specific information is not available, steep slopes are lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, that are not bluffs.

Structural Dimensions - Are measured as the horizontal distance between the exterior walls of a structure.

Structure - Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable buildings, mobile homes, signs, earth sheltered homes, and swimming pools. Fences, utility poles, lawn lights, non-commercial communication towers not containing dish antennas, non-commercial wind generating towers and related minor equipment shall not be considered structures. Unattached decks, regardless of height, shall be considered a structure if within the shore setback area for principal structures.

Subdivision - Land that is divided for the purpose of sale, rent or lease, including planned unit developments.

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

Toe of the Bluff - The point on a bluff where there is, as visually observed, a clearly identifiable break in the slope, from gentler to steeper. If no break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of a 50 foot segment, measured on the ground, where the slope exceeds 18 percent.

Top of the Bluff - The point on a bluff where, as visually observed, there exists a clearly identifiable break in the slope from steep to gentle. If no break is apparent, the top of the bluff shall be the upper end of a 50 foot segment where the slope is less than 6 percent.

Town - Any town (or township), including those with the powers of a statutory city pursuant to law.

Town Board - Board of Supervisors of Township of Greenwood.

Transfer Station - A facility in which solid waste from collection vehicles is concentrated for subsequent transport. A transfer station may be fixed or mobile.

Trout Stream - A river classification to be used on all trout streams designated by the Commissioner of Natural Resources.

Unincorporated Area - That area lying outside the incorporated limits of any city.

Unit – See Dwelling Unit.

Utility Structure - A use, building or structure, including communication towers, electrical substations, windmills, solid waste dump stations and recycling centers, telephone maintenance centers and other similar facilities that are normally uninhabited, do not contain sanitary facilities and are not intended as a long-term work site.

Variance - Any modification, or relief from a Township Land Use Ordinance where it is determined by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such Ordinance would cause unnecessary hardship as defined herein.

Vehicle - A motor vehicle propelled or designed to be propelled by a motor which must be licensed for use on public roads or trails, including but not limited to, cars, trucks, buses, all-terrain vehicles, semi trailer/tractors and motorcycles. Farm machinery, farm equipment, farm implements, logging equipment and utility vehicles not intended for use on public roads shall not be considered a vehicle.

Water-Oriented Accessory Structure or Facility - A small, above ground building or other improvement, except stairways, fences, docks and

retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses and detached decks.

Waterfront Commercial Uses - Those uses which by their nature customarily relate to or service recreational water activities, such as marinas, fishing and boating resorts, canoe outfitters, campgrounds, boat sales if part of a permitted marina, restaurants and supper clubs if part of a permitted resort, which uses do not include operational activities or development characteristics that are or may be a nuisance to or otherwise incompatible with the existing or intended development pattern of the area.

Wetland - Shall be defined by Minnesota Wetland Conservation Act of 1991, Chapter 354 and all subsequent amendments.

Wood Processing Activities - A use involving mechanical equipment for the purpose of altering timber and timber by-products, such as debarking, chipping and/or milling.

Yard - A required open space unoccupied and unobstructed by any structure.

Yard, Front - A yard extending across a lot between the side yard setback lines and lying between the right-of-way line of a road and the road setback or, in the case of water frontage only, lying between the ordinary high water level and the shoreline setback.

Yard, Rear - A yard extending across a lot between the inner side yard lines, and extending from the rear lot line or shoreline to the minimum rear yard or shoreline setback.

Yard, Side - A yard extending from the front lot line to the rear lot line, and extending from the side lot line a distance equal to the minimum side yard setback for accessory structures.

Section 7 **State Shoreland Classification and Application in Greenwood Township**

Shoreland District Use of Lot Area Standards: The State of Minnesota has defined the shoreland area and has stipulated that certain zone districts may not be used in certain classified shoreland areas. The following table states which lot area district can be used in each of the lake and river shore classifications. St. Louis County also has developed a trout stream river classification intended to provide increased protection for that resource.

SHORELAND DISTRICT USES

Lot Dimens. District Number	Water Class						
	Remote	Trout	Forest	Tributary	NE	RD	GD
1	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	No	Yes	Yes	Yes	Yes	Yes	Yes
6	No	No	No	Yes	No	Yes	Yes
7	No	No	No	Yes	No	Yes	Yes
8	No	No	No	Yes	No	Yes	Yes
9	No	No	No	Yes	No	No	Yes
10	No	No	No	No	No	No	Yes
11	No	No	No	No	No	No	Yes
12	No	No	No	No	No	No	No
13	No	No	No	No	No	No	No

Yes = District can be used in that particular river or lake class.
No = District cannot be used.

NE = Natural Environment (Former W-1)
RD = Recreational Development (Former W-2)
GD = General Development (Former W-3)

**ARTICLE III
DIMENSIONAL STANDARDS**

Section 1 General Standards

- A. This Article addresses dimensional standards within the Township. All zone districts in use shall have a dimensional standard from Section 2 of this Article and a Use District from Article V. Deviation from the standards found in this Article, upon placement on the Official Zoning Map, shall require a variance approved by the Greenwood Board of Adjustment.

This Article also incorporates standards relating to on-site sewage treatment, road right-of-way setbacks, bluff area standards, significant historic sites, placement and design of roads, driveways and parking areas, riparian and non-riparian lot size differences, mine pit lake standards and storage of structures on lots. Alterations of these standards shall require a variance from the Greenwood Board of Adjustment.

Section 2 Lot Dimension Table

Greenwood Township hereby establishes the following set of dimensional standards that will be used in all Township zone districts. The conversion from the previous zoning ordinance to this Ordinance is also addressed in Article V of the Ordinance.

**Table 3.1
Dimensional Requirements for Land Use Districts**

District No.	Lots Area Acres	Lot Width Frontage	Max. Lot Coverage	Side Yard		Rear Yard		Max Height (Shoreland and Res. Zone Districts)
				Prin.	Acc.	Prin.	Acc.	
RES 1	35.0	600'	2%	100'	100'	100'	100'	35'
RES 4	4.5	300'	10%	50'	25'	50'	50'	35'
RES 5	2.5	200'	25%	20'	10'	45'	10'	35'
RES 8	1.0	200'	30%	20'	10'	45'	10'	35'
RES 9	1.0	150'	25%	15'	10'	40'	10'	35'
RES11	0.5	100'	25%	15'	10'	40'	10'	35'
FAM 1	35.0	600'	2%	100'	100'	100'	100'	35'
FAM 2	17.0	600'	2%	100'	100'	100'	100'	35'
MUNS 4	4.5	300'	10%	50'	25'	50'	50'	35'
SUM 4-a	4.5	400'	10%	50'	25'	50'	50'	35'
SMU 8	1.0	200'	30%	20'	10'	45'	10'	35'
SMU 9	1.0	150'	25%	15'	10'	40'	10'	35'
SENS 1	35.0	600'	2%	100'	100'	100'	100'	35'
SENS 2	17.0	600'	2%	100'	100'	100'	100'	35'
SENS 3	9.0	300'	10%	50'	25'	100'	50'	35'
SENS 4	4.5	300'	10%	50'	25'	50'	50'	35'

Notes for the above table:

- Non-conforming Principle Structures have maximum height requirements of 20-25 feet if it is located between the OWHL and the setback from the OHWL. See Article 4, Section 3.02 of this Ordinance.
- See road setback requirements in Article III, Section 4 of this Ordinance.
- 37.5' with performance standards.

Section 3 **Shoreland Dimensional Standards**

These setbacks shall be used for protected waters that are not classified by the Department of Natural Resources under the Shoreland Management Regulations. All lakes and rivers that are classified under the Shoreland Regulations or County Trout Stream standards shall utilize those setback standards unless through adoption of specific zoning standards the setbacks listed in the above table are used. The setbacks under the Shoreland Regulations and Trout Stream standards are as follows:

Natural Environment Lakes	150 feet
Recreational Development Lakes	100 feet
General Development Lakes	75 feet
Trout Streams	150 feet
Remote Rivers	200 feet
Forest Rivers	150 feet
All other rivers	100 feet

The Shore Impact Zone shall be one-half of the principal structure setback except as specifically authorized through performance standards. The minimum impact zone for General Development Lakes shall be 50 feet. Lake Vermilion is a General Development Lake.

The maximum height of structures in the Shoreland and Residential Zone Districts shall be 35 feet with non-conformities and certain other structures having additional restrictions.

Section 4 **Sanitary System Setbacks and Standards**

4.01 **On-site System Limiting Factors:** The St. Louis County Individual Sewage Treatment System standards relating to lot area, setback and width standards shall also be complied with. These standards may result in lot area and widths larger than required by the specific dimensional standards listed in the above table. In those situations where the sanitary system limiting factors result in a larger lot size, those standards shall be the applicable standards.

4.02 **Structure Setback for Sanitary System:** All occupied structures including bunkhouses shall be set back 20 feet from an on-site sewage treatment system drainfield and all accessory structures shall have a minimum setback of 10 feet from the system drainfield.

4.03 **Sanitary Checkoff:** All land use permits issued within the shoreland area and parcels of less than 2.5 acres outside the shoreland area shall have the sanitary system reviewed to determine if the system is failing or if the

proposed Land Use Permit would adversely impact the existing sewage system or the expansion area for the sewage system. No Land Use Permit will be issued if there is such an adverse impact or the system is failing unless the sanitary system is upgraded according to County standards with final approval given to the system by the County. The County shall develop administrative guidelines relating to the implementation of this procedure including provisions for not undertaking the checkoff when a system has been recently approved or reviewed by the County.

- 4.04 **Verification of Sanitary Checkoff:** Evidence of Compliance with Section 3.03, Sanitary Checkoff, will be presented to the Planning Director prior to the issuance of any Land Use Permit.

Section 5 **Road right-of-way setbacks** shall be 35 feet, or the following road centerline setbacks, whichever is greater, with the exception noted for accessory structures.

Principal and major arterial for all buildings:	110'
Major Collectors	85'
Minor Collectors and Local Roads	68'

Accessory structures on local roads that are privately maintained or are on publicly maintained roads that serve ten principal uses or less shall have a setback of 15 feet from right-of-way or 48 feet from road centerline, whichever is greater. This provision shall be interpreted by the potential for vehicles coming from parcels on the same road to normally travel past the parcel under consideration.

The Planning Director may permit a structure located adjacent to road right-of-way where such right-of-way is not improved and it is apparent that other access is provided and that the unimproved road right-of-way will not be opened.

Section 6 **Bluff Area Standards**

6.01 **General Standards**

Unless other provisions have been established for specific soil conditions the following standards shall apply in bluff areas:

- A. The land must slope towards a public water.
- B. The land must rise a minimum of 25 feet from the Ordinary High Water Level.
- C. The land has a slope of 30%, but if at any location within the slope that percent slope becomes 18% or less over a 50 foot run, or

there is an obvious break in the slope, the bluff impact zone shall not include that area.

The top of the bluff shall be that area where there is a clear break in the slope and generally where the slope is less than 18% over a 50 foot run. All structures must be set back a distance of 30 feet from where the break in the slope begins. The 30 foot setback standard may be waived if all of the following conditions are met:

- A. The building would encroach upon the sewage treatment system expansion area;
- B. Vegetative screening and the integrity of the soil is maintained; and
- C. No alternative building site exists.

6.02 Shallow Soils Bluff Standard

This standard applies to a bluff where the soil depth over ledgerrock averages 24 inches or less. Where this condition exists, structures may be placed on the bluff at a setback from the ordinary high water level that equals 150% of the standard setback requirement, provided all of the following conditions are met:

- A. The parcel shall have suitable area set aside for a sewage treatment system and expansion area.
- B. Erosion control standards consistent with Soil and Water Conservation Service guidelines are followed.
- C. The shore impact zone shall be one-half the new structure setback.

6.03 Additions to Existing Structures Not Conforming to the Bluff Setback:

Principal structures that meet the required setback from shoreline, but do not conform to the bluff setback, may expand with permit without limits to the size of expansion if:

- A. The original structure has a minimum footprint of 600 square feet.
- B. Adequate vegetative screening exists.
- C. Erosion control guidelines are followed.
- D. The building contractor demonstrates to the Township that effective erosion control measures will be taken, especially during the construction period.
- E. The addition does not come within the shore impact zone or closer than twice the minimum side yard setback standard.

If the structure is less than 600 square feet in area foundation

footprint, an addition of 50% of floor area is permitted without variance provided:

- A. The side yard setback standards set above are followed; and
- B. Erosion control measures that conform to the technical standards of the Soil and Water Conservation District are taken.

Accessory structures that meet the normally required setbacks but not the bluff setback, may be added to provided all other provisions in the Ordinance are adhered to.

Section 7 **Significant Historic Sites:** No structure or use may be established within 50 feet of a platted or unplatted cemetery unless approved by the State Archaeologist. No structure or use may be placed on a significant historic site that affects the values of the site unless adequate information about the site has been removed and documented and such removal is approved by St. Louis County and Greenwood Township.

Section 8 **Placement and Design of Roads, Driveways and Parking Areas:** All public or private roads, driveways and parking areas must be designed to take advantage of natural vegetation to achieve maximum screening from view from public waters. They must also meet the following standards:

- A. Designed and constructed to minimize erosion and runoff.
- B. Have area available for snow storage that will not result in rapid runoff into the surface water. The snow storage area must be outside the structure setback area.
- C. All lots of over 100 spaces shall have a plan prepared to control runoff using Soil and Water Conservation District guidelines.
- D. Unless intended for a water access ramp, all roads, driveways and parking areas shall be no closer than the principal structure setback. Water access ramps shall have vegetative screening and erosion control measures taken.
- E. All roads, driveways and parking lots in bluff and steep slope areas shall be reviewed according to the land alteration standards of this Ordinance.

Section 9 **Riparian and Non-riparian Property within Shoreland Area:** Shoreland lot area requirements shall not be less than the standards for the lake classification as developed by the Department of Natural Resources. Non-riparian property within the Statutory Shoreland Area shall be the lesser of twice the lot size for the district designated on the official zoning map or 9 acres unless the zoning may designates an alternative standard or that the lot is solely used

for accessory structures or for on-site sewage treatment. Riparian property is a parcel with shore frontage. Non-riparian property is a parcel without shore frontage, but is within a shoreland district.

Section 10 **Mine Pit Lakes:** Lakes that have been created as a result of cessation of mineral mining activities which result in the pits filling with ground water and surface runoff shall be placed in a zone district where the minimum setback from the potential Ordinary High Water Level shall be not less than 150 feet. The Planning Director, in conjunction with the Department of

Natural Resources-Waters Division, shall determine the Ordinary High Water Level with such calculation based on the height of the mine pit rim, existence of water outlets, height of ground water table, and existence of pumping.

Section 11 **Storage of Structures:** Structures that are being stored on a parcel, but are not utilized for any purpose, may be kept at that parcel without a permit providing all setback standards and lot conformity standards are met.

Section 12 **Temporary Residence:** Temporary residences are allowed in any zone district where single-family dwellings are a permitted use. A temporary residence will be allowed by special permit during the site preparation and construction period when a seasonal or year-round residence is being built. The permit fee is refundable when the temporary residence is removed from the construction site. A sanitary check-off by the St. Louis County Health Department is required for the temporary residence. There shall be a time limit of two (2) years for the temporary residence to be used on the property. A one-year extension may be approved by the Planning Director upon request.

ARTICLE IV NONCONFORMITIES

Section 1 **General**

Where the districts established by this Ordinance, and amendments thereto, contain structures, uses or lots of record that were legally established or created prior to the enactment of this Ordinance and amendments thereto, which structures, uses or lots of record would be prohibited under the provisions of this Ordinance, said structures, uses or lots of record may be continued subject to the provisions herein described.

Section 2 **Nonconforming Uses:**

2.01 **General Standards:** A nonconforming use is a use that is not permitted within the particular land use district where it is found, or a use that is permitted through the conditional use process but has been in existence prior to the adoption of a Zoning Ordinance allowing it as a conditional use. The uses which would be allowed through the conditional use process may obtain a Conditional Use Permit from the Planning Commission. Uses which are not allowed in the zone district shall not receive a conditional use or a variance.

2.02 **Specific Standards for Nonconforming Uses:** Nonconforming uses may follow these standards:

- A. Nonconforming uses may not be enlarged, increased, moved or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, unless specifically allowed under the provisions of this Ordinance or State Statute.
- B. Nonconforming uses shall not be changed to another nonconforming use.
- C. Nonconforming uses may not be reestablished if voluntarily discontinued for a continuous twelve (12) month period.
- D. Nonconforming uses may add an accessory structure, provided the structure does not increase the nonconformity.

Section 3 **Nonconforming Structures**

- 3.01 **General Standards:** Expansion of structures that are located in a manner that does not conform with the dimensional standards of this Ordinance ordinarily requires a variance approved by the Board of Adjustment unless the expansion falls within the standards found in this section. The general standards are as follows:
- A. Nonconforming principal structures may be allowed one addition in accordance with the standards found in this Article, provided it does not increase the nonconformity. This provision pertains to additions in existing structures only. Remodeling as defined in this Ordinance is exempt from these provisions.
 - B. If any nonconforming structure is destroyed by fire or other peril to the extent of fifty percent (50%) or more of its market value, any subsequent rebuilding or replacing of the structure shall conform to the terms of this Ordinance except as otherwise allowed per State Statute.
 - C. Should a nonconforming principal structure be moved for any distance whatsoever, it shall be done in such a manner as to conform to the regulations of the district where it is relocated. However, if physical features such as wetlands or bedrock prevent full conformance, the structure shall be placed to minimize the nonconformity to the greatest extent and must meet all Health Department separation distances and under this situation a Land Use Permit is required, but no variance is required.
 - D. Nonconforming structures may remodel as defined in this Ordinance except as otherwise allowed per State Statute.
 - E. Nonconforming accessory structures in waterfront zone districts may be moved away from the shoreline, provided the structure is moved outside the bluff and shore impact zones, and provided that no replacement or additions to the structure are made. A standard Land Use Permit is required, but no variance is required.
 - F. No additions shall be allowed to nonconforming accessory structures.
 - G. Any grandfathered nonconforming structure or deck that is altered, replaced or partially replaced beyond what is allowed for remodeling shall no longer be considered grandfathered, and shall meet all standards of this Ordinance except as otherwise allowed per State Statute.

H. Principal structures at a nonconforming shoreline setback may square off the area of the structure closest to the shoreline going no closer to the shore than the existing structure and not exceeding 120 square feet.

3.02 **Nonconforming Principal Structures located within the Shore Impact Zone** may expand without a variance if the following standards are met:

A. The principal structure meets or exceeds a ground floor area of 400 square feet.

B. The existing structure does not encroach upon a side or local road setback.

C. The existing principal structure (including deck) is set back from the shore a minimum of 25 feet or 25% of the required shoreline setback, whichever is greater.

D. The height of the proposed addition, or completed structure, shall not exceed a total of:

1. 20 feet in height maximum if all or part of the structure is in the shore impact zone.
2. 25 feet in height if the entire structure is between the shore impact zone and the required setback.
3. 35 feet in height from the required setback to the rear lot line.

E. No additions (barring a deck) have been added to the structure since the implementation date of the appropriate setback standard, and the original structure existed before setback requirements were established. The appropriate dates are found in the appendix.

F. The addition will not encroach upon the septic treatment system or expansion area.

G. The maximum allowable addition shall be determined by the following formula to be applied only once:

1. Divide the existing setback by the required setback for the zone district.
2. Multiply the above figure by 800 if the addition is to the rear, and 300 if the addition is to the side; 500 feet for "L" shaped additions.
3. In no event shall an addition to the rear exceed 50% of original ground floor area, or an addition to the side exceed 25% of the original ground floor area. For "L" shaped additions, the addition shall not exceed 35% if the majority of the addition is to the rear, and 25% if the majority of the addition is to the side.

- 3.03 **Nonconforming principal structures that do not meet the required shoreline setback**, but are not located in the Shore Impact Zone may expand if the following conditions are met:
A, B, C, D, E and F above, with G-1 and G-3 remaining the same and the following modification of G-2:

Multiply the above figure by 800 if the addition is to the rear, by 400 if the addition is to the side, and 600 feet for “L” shaped additions.

- 3.04 **Additions to nonconforming structures that meet the shoreline setback**, but do not meet side yard, rear yard, right-of-way and/or road centerline setbacks shall be restricted in the following manner:

A. If the structure is sited to equal or greater than 50% of the required setback, additions may be in any direction except toward the nonconforming setback.

B. Where the structure is sited less than 50% of the required setback, the addition shall only be in the opposite direction of the nonconforming setback.

C. Structures that become nonconforming as a result of a change in functional road class may enlarge in a manner that does not exceed the road setback standards of the original classification.

Section 4

Construction on Nonconforming Lots of Record

- 4.01 Lots of record may be permitted as a buildable lot if all of the following criteria can be met:

- A. The lot has a minimum of one-half acre suitable for development and sewage treatment system area, unless connection to a municipal sewer system is available then they may have less than one half acre.
B. The lot is a Lot of Record, as defined by this Ordinance..
C. The lot created complied with official controls in effect at the time.
D. Sewage treatment and building setback requirements are met.

- 4.02 **Shoreline Riparian Nonconforming Lots**

A. Lots that do not conform to the minimum area standard under Article III, Section 2 of this Ordinance are allowed a maximum 15% building footprint of lot area.

B. Lots must meet the requirements of Article 4, Section 4.01 to be considered a buildable lot.

C. Nonconforming lots, regardless of size, containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements of this Ordinance and will not cause the maximum percentage of building or lot coverage to be exceeded.

D. Additions to principal or accessory structures located on nonconforming lots, regardless of lot size, are permitted if such addition will meet the minimum set-back requirements of this Ordinance and will not cause the maximum percentage of lot coverage to be exceeded.

E. Nonconforming lots, regardless of lot size and width, may have one water orientated accessory use in accordance with the standards found in Section 12 of this Ordinance. However, boathouses which shall require 65% of the minimum lot width requirements to be permitted without a variance (provisions found in Article VI, Section 12.01 which prohibits such a use is repealed). Water orientated accessory structures are not allowed on trout streams and natural environment lakes.

Section 5 **Shoreline Averaging**

Regardless of the minimum shoreline setbacks set forth in Article III, a principal structure including decks may be permitted to be set back from the shoreline a distance equal to the average shoreline setback of certain principal structures, plus 25 feet. To determine the allowable setback for a principal structure, the following method shall be used:

A. Measure the distance of the shoreline setback of all principal structures (excluding decks) within 150 feet of each side of the subject property building site.

B. Should an undeveloped lot be encountered where there is one or no principal structures within the distance described in "A" above, the measured setback shall be assumed to be equal to the normally required minimum shoreline setback for the district.

C. Total the measured setbacks and divide by the number of setbacks.

D. To obtain the required setback, add 25 feet.

E. The following exceptions shall apply to shoreline averaging:

1. Shoreline averaging shall not be used for additions to structures on already developed lots. Additions shall use the standards found in this Article.

2. Shoreline averaging may only be used on lots with less than the required width for the zone district in which it is located or less than 125 feet of width on General Development lakes.

3. The resultant structure shall not be located within the bluff or shore impact zone.

Section 6 **Decks - Attached**

6.01 **Deck Additions to Principal Structures Toward Shoreline:** Deck additions extending toward the water body may be allowed to nonconforming primary structures with the following performance standards. An evaluation of the property must reveal that no reasonable location for a deck exists except towards the shore.

- A. The deck shall have neither side walls nor roof, but may contain railings for safety purposes.
 - B. The deck shall not exceed 12 feet in depth.
 - C. The closest point of the deck from the nearest ordinary high water level shall be no closer than 50% of the required setback of the zone district.
 - D. Stairs and landings shall be included as part of the deck.
- 6.02 **Deck Additions to Side of Principal Structures Not Extending Closer to Shoreline:** Deck additions to the side of nonconforming principal structures (not encroaching toward the water body) shall be permitted as per the following:
- A. Shall be limited to 12 feet in width if located within the Shore Impact Zone.
 - B. Shall be limited to 16 feet in width if located outside the Shore Impact Zone.
 - C. The design standards in 5.01 shall be followed.
- 5.03 **Deck Additions to Rear of Principal Structure:** Deck additions to the rear of nonconforming principal structures shall be permitted as per the following:
- A. Limited to 16 feet in width if located within the Shore Impact Zone.
 - B. No restrictions as to width outside the Shore Impact Zone, but may not be enclosed or have a roof.

Section 7 **Natural Disaster**

The following standards shall be in effect for the reconstruction of structures damaged in a natural disaster including floods, storms or fires:

- 7.01 **Structures that do not meet** lot area, lot width, shore, side, rear, or road setback may be replaced without a variance if the following standards are met:
- A. Efforts shall be made to bring the new structure into compliance with the zoning standards.
 - B. Building does not increase the nonconformity greater than what existed prior to the natural disaster.

- C. Effective erosion control measures that limit runoff into adjacent waters or properties are in effect.
- D. A plan for revegetation of the Shore Impact Zone is developed and implemented.
- E. Unused wells are sealed.
- F. On-site sewage treatment regulations are followed.
- G. The rebuilt structure must be in compliance with the floodplain regulations to ensure building at the appropriate elevation.
- H. Structures may utilize the formula for building expansion found in Section 3 of Article IV if a building footprint larger than the original structure is proposed. The use of the formula shall constitute the one time standard found in Section 3.01 A of Article IV.

- 7.02 **Determination of Natural Disaster:** This Section shall be in effect by Natural Disaster declaration by the Governor or President. The County Board may, by resolution, define the geographic area.
- 7.03 **Application process:** A person using this provision shall obtain a Land Use Permit from the Township; and they shall have 18 months from the date of the determination to make application for a permit. A permit issued under this provision shall be in effect for two years, during which time substantial construction must begin, with the Director being permitted to grant extensions.
- 7.04 **Variance process:** Nothing in this Section shall prohibit a person from making an application for a variance.

**ARTICLE V
LAND USE CONTROLS**

Section 1 **Zone District Establishment:** All Zone Districts within Greenwood Township shall have a Dimensional Standard from Article III and a Land Use District set forth in this Article. The Land Use and Dimensional Districts are based on the State Shoreland Regulations (Citation Rule Number 6120), Goals and Policies Land Use Plan of the Township, and the Purpose Statement of each Land Use District. The Dimensional Standards will be identified by a number on the Zoning Map in accordance with the District Number found in Article III. The Land Use District will be identified by an abbreviation.

Section 2 **Land Use District Titles:** The following shall be the titles of the Land Use Districts used within the Township and the abbreviation for the District which may be found on the Zoning Map:

- Forest Agricultural Management District - FAM
- Multiple Use Non-Shoreland - MUNS
- Residential - RES
- Shoreland Mixed Use - SMU
- Non-Shoreland Commercial - COM
- Shoreland Commercial - SCO
- Sensitive Areas - SENS
- Industrial - IND
- Limited Industrial - LIU

Section 3 **Use Classification:** Each Land Use District is divided into Purpose Statement, Permitted Uses, Permitted Uses with Performance Standards, and Conditional Uses. Each Section has the following purposes:

Purpose Statement: Provides guidance on the use of the Zone District. The District shall not be used contrary to the purpose of the District or in conflict with State Statute, Regulations or Adopted Plans.

Permitted Uses: These uses are allowed with a permit from the Township, provided all standards found in this Ordinance are being followed. Additional uses may be permitted if similar to the listed Permitted Uses and the Purpose Statement of that District.

Permitted with Performance Standards: These uses are permitted if the standards found in this Ordinance are met and those standards are part of the permit. If the standards cannot be met, the use may still be allowed through the Variance or Conditional Use process, depending upon the nature of the

non-compliance with the standards identified by a “C” or “V” in the Ordinance.

Conditional Use Permits: These uses require approval by the Planning Commission in accordance with the criteria set forth in this Ordinance. Uses other than those listed may be permitted through the Conditional Use process if similar to the uses listed under the Performance Standard or Conditional Use Standard of that Zone District, and consistent with the purpose of that district

Section 4 **DISTRICT CONVERSION TABLE**

Zone Districts established according to St. Louis County Ordinance Number 35 are the same as the following districts under this Ordinance:

If the present Zoning Ordinance Zone District is:	The new Zone District is converted to the following District under this Ordinance	Greenwood Zone District Conversions:
FM	FAM-1	FM to FAM-1
FA	FAM-2	FA to FAM-2
A-1	FAM-3	A-1 to FAM-3
AR	MUNS-4	AR to MUNS-4
R-1	MUNS-5	W-1 to RES-5
R-2	RES-7	W-2 to SENS-3
R-3	RES-12	W-3 to SMU-11
C	COM-11	W-3a to SMU-9
ML	LIU-10	W-3b to SMU-10
M-1	LIU-10	
M-2	IND-4	
O	RES-5	
W-1	RES-5	
W-2 (Lost Lake)	SMU-7	
W-3	SMU-11	
W-3a	SMU-9	
W-3b	SMU-10	
LSO	LSO-10	
D	See Article VI, Section 23 (Density Transfer)	

Section 5 **Land Use Districts**

5.01 **Forest Agricultural Management District (FAM)**

Purpose: This district is intended to recognize and promote the development of the Township's forestry and agricultural industry and to encourage recreational use of such areas. This district is typically used in areas with land developed at very low densities and often there is considerable government and corporate ownership. A low level of development is important in areas where this district is used, since the uses encouraged in this district would be less compatible in a more urban setting.

A. **Permitted Uses:**

1. Temporary wood processing activities
2. Home occupation
3. Seasonal residences
4. Public recreational facilities
5. Hunting shacks and other primitive dwellings
6. Accessory uses
7. Livestock

B. **Permitted Uses with Performance Standards:**

1. Single family dwellings
2. Recycling centers (publicly operated)
3. Signs, on-site and off-site
4. Borrow pits - public works
5. Community center facilities
6. Residential density controls and density transfer
7. Home business

C. **Uses Authorized by Conditional Use Permit:**

1. Rural industry
2. Utility facilities
3. Electric generation facility
4. Facilities related to solid waste, disposal or recycling
5. Kennel
6. Airport
7. Commercial or private recreational uses which by their nature require large land areas such as campgrounds and race tracks
8. Highway commercial
9. Neighborhood commercial
10. Permanent forest processing

11. Borrow pits
12. Mobile home parks
13. Group home

5.02 **Multiple Use Non-Shoreland (MUNS)**

Purpose: The rural areas of Greenwood Township outside of shoreland areas, due to the low density of development, can accommodate a wide range of activities if properly sited.

A. **Permitted Uses:**

1. Single family dwellings
2. Seasonal dwelling
3. Home occupation
4. Accessory uses

B. **Permitted Uses with performance Standards:**

1. Home business
2. Recycling centers (publicly operated)
3. Borrow pits - public works projects
4. Two, three, and four family dwellings
5. Community center facilities

C. **Uses Authorized by Conditional Use Permit:**

1. Public facility renovation
2. Planned development
3. Recreational vehicle parks
4. Public/semi-public uses
5. Highway and neighborhood commercial
6. Multiple family dwellings
7. Facilities related to solid waste disposal or recycling
8. Airport
9. Utility facilities
10. Livestock

D. **Requirements:** Minimum width of dwelling unit - all dwellings other than mobile homes in approved mobile home parks shall be a minimum of 20 feet in width.

5.03 **Residential (RES)**

Purpose: This district is intended to be used in those areas of the Township with extensive residential development. This district shall be used to promote a high quality residential living environment

where non-residential uses are restricted. This district may be used in shoreland and non-shoreland areas that are typically platted or, if not platted, have a development density of dwellings of more than one dwelling per 300 lineal feet of road or shore frontage.

- A. **Permitted Uses:**
 - 1. Single family dwellings
 - 2. Home occupations

- B. **Permitted Uses with Performance Standards:**
 - 1. Two-family dwellings
 - 2. Signs
 - 3. Accessory structures larger than 1,000 square feet
 - 4. Residential density controls and density transfer

- C. **Uses Authorized by Conditional Use Permit:**
 - 1. Multiple and three- and four-family dwellings
 - 2. Residential planned unit developments
 - 3. Home business
 - 4. Group home
 - 5. Public/semi-public uses
 - 6. Mineral exploration and evaluation
 - 7. Utility facilities
 - 8. Mobile home park
 - 9. Neighborhood commercial

5.04 Shoreland Mixed Uses (SMU)

Purpose: This district is intended to provide a balance between lake and river use and the water resources by allowing a wide range of uses that are consistent with adjacent land uses and the recreational and natural attributes of the water body.

- A. **Permitted Uses:**
 - 1. Single family dwellings
 - 2. Seasonal dwellings
 - 3. Public and semi-public, non-commercial uses including trails, parks, beaches, waysides, etc.
 - 4. Accessory uses
 - 5. Home occupation

- B. **Permitted Uses with Performance Standards:**
 - 1. Signs
 - 2. Accessory structures larger than 800 square feet
 - 3. Water-oriented accessory uses
 - 4. Two-family dwellings
 - 5. Residential density control and density transfer

6. Home business

C. **Uses Authorized by Conditional Use Permit:**

1. Planned unit developments
2. Multiple, two- and three-family dwellings
3. Waterfront commercial
4. Public/semi-public uses
5. Utility facilities
6. Public facility renovation
7. Airports
8. Off-site signs

D. **Requirements:**

Minimum width of dwelling unit – all dwellings other than mobile homes in approved mobile home parks shall be a minimum of 20 feet in width.

5.05 **Non-Shoreland Commercial (COM)**

Purpose: The district is established to direct intense and varied commercial development outside the shoreland area to appropriate locations which will promote the efficient delivery of goods and services while assuring the integrity of surrounding land uses.

A. **Permitted Uses:**

1. Commercial retail and service establishments including, but not limited to: General merchandise, motor vehicles, farm machinery, apparel, furniture, hardware, food, eating, drinking, lodging, personal and professional services, entertainment, recreational facilities and services, finance, insurance, and real estate services.
2. General warehousing, storage, and wholesaling.
3. Accessory uses.

B. **Permitted Uses with Performance Standards:**

1. Signs
2. Residential uses

C. **Uses Authorized by a Conditional Use Permit:**

1. Public and semi-public uses
2. Rural industry
3. Public facility renovation
4. Planned unit development
5. Transportation terminals
6. Borrow pits

5.06 **Shoreland Commercial (SCO)**

Purpose: This district is intended to direct water-oriented commercial uses on the Township's General Development lakes.

A. **Permitted Uses:**

1. Home occupation
2. Home business
3. Expansion of existing Commercial Planned Developments consistent with the standards contained in this Ordinance and other County Ordinances

B. **Permitted Uses with Performance Standards:**

1. Single family dwellings
2. Signs
3. Borrow pits - public project
4. Real estate offices and other professional offices
5. Public/semi-public uses
6. Neighborhood commercial
7. Recycling centers
8. Home business

C. **Uses Authorized by Conditional Use Permit:**

1. New commercial planned unit developments
2. Residential planned unit developments
3. Multiple family residential
4. Waterfront commercial
5. Mineral exploration and evaluation
6. Public facility renovation
7. Utility facilities
8. Golf courses, racetracks, and other recreational facilities requiring significant land area
9. Airport
10. Marina
11. Borrow pits

5.07 **Sensitive Areas (SENS)**

Purpose: Significant areas of Greenwood Township are unsuitable for intensive development due to wetlands, steep slopes, flooding, inadequate drainage, hazardous waste sites, areas highly susceptible to ground water contamination, significant wildlife habitat areas, severe erosion potential, or other features likely to be harmful to the community if development is not properly managed in these areas.

- A. **Permitted Uses:**
 - 1. Forestry management
 - 2. Permanent open space
- B. **Uses Permitted by Performance Standards:**
 - 1. Single family dwelling
 - 2. Temporary forest processing
 - 3. Home occupation
 - 4. Recreational trails
 - 5. Accessory uses and structures
- C. **Uses Authorized by Conditional Use:**
 - 1. Public/semi-public uses
 - 2. Public facility renovation
 - 3. Livestock

5.08 **Industrial (IND)**

Purpose: This district is intended to encourage the development of heavy industry in the Township by providing appropriate locations for such activities. It is recognized that industrial development is vital to the economic well-being of the Township. It is also recognized that major industrial land uses, due to their size and/or nature of operation, may have a significant impact upon the environmental and social well-being of the Township. The district, then, should always be located in an area and manner which will ensure the most effective and beneficial impact to the Township. This district shall not be used in any shoreland district.

- A. **Permitted Uses:**
 - 1. Mining, quarrying, and processing of products from these activities
 - 2. Manufacturing and similar type industrial operations consistent with the intent of this district
 - 3. Wrecking and salvage facilities
 - 4. Borrow pits
 - 5. Mineral exploration and evaluation
 - 6. Sanitary landfills
 - 7. Stockyards
 - 8. Petroleum refining
- B. **Uses Authorized by Performance Standards**
 - 1. Public/semi-public uses
 - 2. Public facility renovation
 - 3. Signs

C. **Uses Authorized by Conditional Use:**

1. Cement, lime or gypsum manufacture
2. Kennels
3. Junk or salvage facilities
4. Temporary wood processing facilities
5. Mineral exploration and evaluation
6. Smelting of tin, copper, zinc or iron ore
7. Planned unit development

5.09 **Limited Industrial Use (LIU)**

Purpose: This district is designed to accommodate those industrial and manufacturing uses that foster orderly economic growth, without adversely affecting the residential and recreational character of the surrounding area, by imposing performance standards, additional standards through conditional use review or by prohibiting a use.

A. **Uses Permitted with Performance Standards:**

1. Manufacturing and light industrial uses consistent with the purpose of this district
2. Warehousing, storage, and wholesaling
3. Borrow pits - public works
4. Single site contaminated soils disposal facility

B. **Uses Authorized by Conditional Use Permit:**

1. Planned unit development
2. Transportation terminal
3. Borrow pits
4. Mineral extraction, but not processing
5. Recreational facilities
6. Public/semi-public
7. Multiple site contaminated soils disposal facility including incineration

ARTICLE VI
PERFORMANCE AND ADMINISTRATIVE STANDARDS

Section 1 **General**

The following shall apply for all standards addressed in this Article:

A. If a use requiring performance standards cannot meet the standards contained in this article, or the applicant does not wish to follow those standards, the use may then be reviewed as a conditional use or variance, and subject to additional or alternative conditions, or denial, in accordance with the criteria found in this Ordinance. The Ordinance states what permit is needed by identifying, at the end of a Section, a “C” or “V”.

A “C” means that an applicant shall apply for a Conditional Use Permit from the Planning Commission, and a “V” means the applicant shall apply for a Variance from the Board of Adjustment if a particular standard cannot be followed.

B. Every land use permit issued with performance standards shall be conditioned upon the proposed development being in full compliance with the terms of the specified standards. Failure to comply with the terms shall result in the Planning Director revoking the permit.

C. Uses that are listed as a Conditional Use in the zone district, and where standards are found in this Section, shall utilize the standards in this Section as minimum standards and the Commission may require additional standards as part of the review process.

D. Uses that are listed as performance standards that are heard as a Conditional Use as stated in “A” above, will have the standards contained in this Section as a guide to the Planning Commission or Board of Adjustment in their review, and if the Commission or Board does not specifically alter the particular performance standard, it shall be considered as a condition of the permit.

E. All Land Use Districts permit accessory structures related to the principal structure, but in designated circumstances, performance standards or a Conditional Use Permit may be required.

F. All Land Use Districts allow other uses similar to those listed and in keeping with the intent of the district.

G. High Water Elevations: Structures must be placed in accordance with any floodplain regulations applicable to the site. When the Flood Insurance Rate Maps are not explicit, the elevation to which the lowest floor, including basement is placed shall be determined as follows:

For lakes, rivers and streams, place the lowest floor at an elevation which is at least consistent with the regulatory Flood Protection Elevation (RFPE) as published by the Federal Emergency Management Agency in Flood Insurance Studies, both text and maps, and in other accepted technical studies, or consistent with an elevation determined by conducting a technical evaluation to determine the effects of proposed construction upon flood stages and flood flow and to establish the Regulatory Flood Protection Elevation, all of which is consistent with Greenwood Township Flood Plain Management Ordinance. The Planning Director may allow the following alternatives of three feet above the Highest Known Water Level or three feet above the Ordinary High Water Level.

In instances where lakes have a history of extreme water fluctuations, or have no outlet capable of keeping the lake level at or below a level three feet above the Ordinary Water Level, local controls may require structures to be placed higher.

Section 2 **Residential**

- 2.01 **Private Drives** - Each lot where a structure is to be erected, altered in its exterior dimensions or moved, shall have frontage on and access to an improved public road, except as follows:
- A. Lots to be used for a seasonal or recreational cabin may have alternate means of access, which shall be either by a private drive, easement of record, permission to cross, or public water. “V”
 - B. Year-round occupied homes must meet the following criteria: “V”
 - 1. The lot owner shall present to the Planning Director proof of permanent access to the property from an improved public road, except for year-round homes with water access only.
 - 2. The lot owner shall sign before a Notary Public and record with the Recorder, an affidavit agreeing to the following:
 - a. The lot owner shall agree to maintain a private access to the lot, within the easement, at his or her own expense, that allows the reasonable access of emergency vehicles.
 - b. The lot owner will not demand public road maintenance.
 - c. School bus service shall be made solely at the discretion of the local school district.
 - d. The lot owner will comply with all other Township and County Official Controls including subdivision, zoning, sanitary and rural addressing Ordinances.

2.02 **Residential Uses in Commercial, Borrow Pit, and Sensitive Areas: “V”**

A. Residential uses are permitted in such areas provided they meet the following standards:

1. All standards found in this and other Township and County Ordinances are met.
2. An affidavit shall be signed by the homeowner acknowledging the existence of the commercial, borrow pit, or sensitive area and that he/she understands the potential impact such uses may have on the home.

2.03 **Two-, Three- and Four-Family Detached Housing Units: “C”**
Two-, three- and four-family detached housing units are permitted on a parcel if the following standards are met:

A. Detached housing units are permitted on a single parcel provided each structure meets the minimum lot area, width, setback and on-site sewage disposal requirements, and the structures are placed so they can be divided at a later date into conforming lots.

B. Five housing units on a single parcel shall be considered a residential planned unit development.

C. Lots created in a subdivision plat, approved after September 1, 1977, were considered suitable for one single family three-bedroom residence. Development that would increase water usage beyond what occurs in such a residence shall require a variance if the lot does not have sufficient room for such a system and expansion area.

2.04 **Two-, Three- and Four-Family Attached Housing Units: “C”**
Two-, three- and four-family attached dwelling units are permitted if the following standards are met:

A. The use is specifically authorized in the Land Use District.

B. There is sufficient lot area per unit to equal the minimum dimensional standard required in Article III (i.e., if the parcel under consideration is located in District Number 3 which requires a 9-acre minimum lot area, a three unit attached housing, if allowed under the Land Use District, would be required to have 27 acres and 900 feet in lot width). These structures located on Natural Environment Lakes shall be set back at least 200 feet from the Ordinary High Water Level and meet the other standards of the State Shoreland Regulations.

- C. The required side and rear yard setbacks for the dimensional district are doubled.
- D. The parcel is not divided in a manner that would result in B and C above not being followed. Documents must be developed and approved by the Planning Director prohibiting such division.
- E. All on-site sewage system regulations are observed.

Section 3 **Intensive Vegetation Removal: “V”**

The following standards shall apply within the Shore and Bluff Impact Zones on all lakes and rivers.

- 3.01 **Limits to removal of vegetation:** The removal of natural vegetation (i.e., trees, shrubs and plants) within the Shore and Bluff Impact Zones is restricted and limited to the following:
 - A. The removal of dead, diseased, dangerous, and storm or fire damaged trees, shrubs and plants.
 - B. The trimming and pruning of trees, shrubs and plants.
 - C. The removal of 25% of trees (greater than two inches in diameter at breast height), shrubs and plants. Note: This means that no more than 25% of the trees may be removed between the principal structure and the water body within the Impact Zone, and 25% vegetative removal standard throughout the Shore Impact Zone.
 - D. Authorized removal of trees, shrubs and plants shall be accomplished through human means (i.e., hand, ax, saw, etc.), and shall not be done by heavy equipment.
- 3.02 **Exemption to Vegetative Removal Standards:** Removal in excess of 25% of existing vegetation is allowed under the following conditions:
 - A. The vegetation removed is replaced with trees, shrubs and plants that have similar, or more beneficially ecological, erosion preventive, and screening values than previously existed.
 - B. Forest Management activity where the intent is to have an ongoing timber producing area and not to convert the area to residential, commercial, recreational, or other more intensive use

will use Best Management Practices as developed by the State of Minnesota.

C. The removal of more than 25% of trees is permitted when the trees were planted as part of a plantation and thinning is needed to ensure continued viability of the plantation.

Section 4 **Utility Structures and Commercial Communication Towers:**

4.01 **Utility Structures and Commercial Communication Towers** are permitted in all Zone Districts on lots or leased parcels as small as 20,000 square feet, provided the following standards are met. All Commercial Communication Towers and Electrical Substations will require a Conditional Use Permit unless they meet the requirements for exemption. A Performance Standard Permit may be issued for other utility structures, camouflaged towers 100 feet or less in height or other incidental towers not meeting the standards for an exemption if all of the following provisions are followed:

A. All property owners within one quarter mile of the utility site sign a petition. The Director will approve of the petition, which must describe the project and provide property owners a place to sign their name and address; and

B. The utility structure or communication tower does not encroach within the shore or road setback standards for the Zone District in which it is located. Encroachment onto a side yard setback is permitted when authorized by the adjacent property owner. A variance is required when these setback standards cannot be implemented; and

C. Tower is not illuminated. Lighting for other utility structures shall not be directed towards roads, public waters or adjacent properties; and

D. All state and federal regulations relating to the facility are being implemented.

Utility structures and communication towers not meeting the above requirements may apply for a Conditional Use Permit.

All Conditional Use and Performance Standard Permits will be submitted on an application form approved by the Director which will contain, but is not limited to, the following information: Explanation of the reasons a particular site has been selected; documentation that the structure or communication tower has been designed to conform to applicable state structural building standards and to conform to accepted electrical engineering methods and practices as specified in applicable provisions of the National Electric Code, and identification of a qualified engineer licensed by the State of Minnesota who will inspect the facility when required, fencing plan and other information as determined by the Director as necessary to review the application. If the structure or tower is higher than 100 feet, excluding amateur radio towers, a visual study depicting where within one mile of the facility that it will be visible from a developed land use and the visibility from the surface water of any classified lake within two miles of the structure or communication tower. "C"

4.02 **Minimum Standards** - The following minimum standards will apply to all utility structures and commercial communication towers under the jurisdiction of this Ordinance:

A. Commercial Communication Towers will be outside of significant migratory bird flight paths as determined by the Minnesota Department of Natural Resources or the U.S. Fish and Wildlife Service. It is the responsibility of the Township to demonstrate that the tower is within significant migratory bird paths. Towers within significant migratory bird flight paths will comply with standards of the United States Fish and Wildlife Service in designing towers.

B. The following height standards will apply to Commercial Communication Towers:

1. Towers within 1,000 feet of a classified Lake or a Residential Zone District are restricted to a height of 100 feet and will not be a guyed tower.
2. Towers located between 1,000 feet and one-half mile of a lake are restricted to less than 200 feet in height.
3. Towers located within one-quarter mile of types three, four or five wetlands, and protected rivers and streams, public parks and recreation areas, or public, private or personal use airstrip, or Minnesota Highway #61 are restricted to less than 200 feet in height.
4. Towers located elsewhere have no specific height limitations, but all other standards of this Ordinance will be followed and the Planning Commission may limit height of a tower based

on the criteria set forth in this Ordinance for conditional use approval.

In order for a Conditional Use Permit to be approved for a higher tower in the areas listed in 1, 2 and 3 above, the applicant must demonstrate that the selected site requires a higher tower to meet gaps in service that cannot be addressed by alternative sites and that the service gaps exist due to unique topographics, land ownership, or other environmental issues that can only be resolved by construction of a higher tower.

C. Nighttime strobe lights will not be permitted unless specifically approved through the Conditional Use Permit, then only when necessary to meet federal standards or protection of migratory birds.

D. Towers will not be closer than two times the tower height to the nearest structure off of the property. The placement of a structure off of the property after the issuance of the permit for a tower does not create a non-conformity for the tower. The applicant must provide written authorization from the landowner regarding the location of the tower in relation to any structures or uses on the property on which the tower is located. The tower will be located a distance from property lines equal to the tower height. This setback will also apply from the Ordinary High Water Mark for properties on a lake or river. All other utility structures are required to follow principal structure setback requirements.

E. All facilities, including Commercial Communications Towers, will have a landscaping or vegetative protection plan and property maintenance, including litter, vegetation and a structural care plan approved by the Director. No advertisement will be placed on utility structures and towers except for the name of facility owners. A fencing plan will be required as part of the application review.

F. The co-location of antennas is encouraged and the applicant will demonstrate that the facility will be constructed in a manner that will accommodate multiple users. No additional permits are required for the placement of additional antennas on an approved tower, provided tower height is not increased by more than 20 feet and the new tower height does not exceed 200 feet, or lighting is required where previously lighting was not required. The tower owner, including successor owners, will provide information that the site will be a shared use facility, provided other users meet reasonable industry terms. The conditional use requirement for towers is waived for antennas placed on utility structures such as water towers, utility poles, steeples, public buildings or similar facilities if the overall

height does not increase more than 20 feet. No Land Use Permit will be required for any co-location on an existing facility.

G. Prior to submission of any application, the applicant will discuss emergency and public information needs with the appropriate government agencies.

H. Structures will not exceed 600 square feet in area. This may be in a single structure or a series of structures at the site, provided total area does not exceed 600 square feet.

I. One parking place will be provided.

J. If the site is on a private road, there must be an agreement to use such a road from the appropriate party.

K. Facilities that are no longer being utilized for their intended purposes will be considered an inactive permit subject to permit revocation. The Director will follow inactive permit requirements stated in Article VIII, Section 10.02 of this Ordinance. Facility owners that have had their permit revoked will remove the facility and tower within 12 months of revocation.

L. All appropriate government permits and authorizations are followed and evidence of compliance with these regulations will be submitted to the Director.

M. Windmills must follow all setback requirements for the Zone District in which they are located except that the side yard setback shall be equal to the height of the windmill. A Land Use Permit, but no Performance Standard Permit or Conditional Use hearing is required for windmills following the height standards for towers found in B in this Section. A Performance Standard Permit is required for personal use windmills that exceed the height standards stated in B, or if the proposed side yard setback is less than the windmill height but greater than the side yard setback for the Zone District in which the windmill is located. A Conditional Use Permit is required for all towers not intended for personal use.

N. All utility structures within parcels containing active or inactive borrow pits will require a Conditional Use Permit, and as part of the review, these facilities must demonstrate that they will not interfere with the reclamation of the borrow pit or deny access to aggregate material, and that the borrow pit is in compliance with Article VI, Section 24 of this Ordinance.

O. The applicant will demonstrate that the facilities, including roads, are in compliance with county, state and federal wetland regulations.

P. All facilities, prior to receiving a permit from Greenwood Township, will obtain an address from County Communications.

4.03 Pre-existing Commercial Communication Towers: All commercial tower facilities which have not obtained a permit from Greenwood Township will have two years from the effectuation date of this Ordinance to make an application for the facility. The facility permit may not be denied by the Township, but the facility owner of the Commercial Communication Tower shall document the following:

- A. The use of the tower;
- B. Structural condition of the tower;
- C. Plans for tower removal or expansion of use;
- D. Date tower was constructed and its original purpose;
- E. Extent the tower complies with the standards of this Ordinance; and
- F. Other information as determined by the Director to establish the extent of the non-conformity.

The information from the permit shall be utilized to determine the level in which the tower has nonconformity rights as per Minnesota Statute Chapter 394.36.

Section 5 **Steep Slopes:** In areas where slope exceeds 12% over a horizontal distance of 50 or more feet, the Planning Director may require that the applicant, for any Land Use Permit, submit information on how erosion will be prevented, existing vegetation preserved, and the view from the surface water screened for structures and vehicles: “V”

Section 6 **Stairways, lifts and landings** are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. All such facilities shall meet the following standards in the bluff or steep slope areas: “V”

- A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for other allowed uses.

- B. Landings for stairways and lifts on residential lots must not exceed 32 square feet.
- C. Canopies or roofs are not allowed on any stairways, lifts or landings in the bluff or steep slope areas.
- D. Stairways, lifts and landings may be either constructed above the ground on posts or pilings or located on ledgerrock, or designed in a manner that ensures control of erosion. Landings shall be located as close to the ground surface as feasible.
- E. Stairways, lifts and landings must be located in the most visually inconspicuous portions of lots as viewed from the surface water, provided that location is suitable for such construction.
- F. A parcel may have as many of these facilities as needed, but the vegetative removal standards shall apply to placement of these facilities. Also, there shall be an average 10-foot separation between each facility.
- G. Facilities such as ramps, lifts or mobility paths for the physically handicapped are permitted, provided the standards found above are followed and the requirements of state regulations relating to design and construction of such facilities are followed.

Section 7 **Alternative Shore Impact Zone:** The Minimum Shore Impact Zone in Greenwood Township shall be fifty (50) feet. It is recognized that in areas with concentrated development and on General Development Lakes this standard may not be practical. The following standards shall therefore then apply to such an area: “V”

- A. Lawn fertilizer is not permitted within 37.5 feet of the shore.
- B. Existing vegetation is maintained.
- C. Erosion control standards approved by the Soil and Water Conservation Service are agreed to and implemented if determined to be needed by the Planning Director.
- D. Vegetation planting plan approved by the Planning Director and implemented if the Planning Director determines additional vegetation is needed to meet the intended purpose of the Shore Impact Zone.

Section 8 **Recreational Vehicles on Lots:** Recreational vehicles and other camping is permitted on parcels without a permit, provided the following standards are followed: “C”

- A. No more than one recreational vehicle per parcel.
- B. The recreational vehicle shall have a current motor vehicle license.
- C. All setbacks, including bluff setbacks, vegetative removal and shoreland alteration standards are observed.
- D. Privies shall be the only sanitary facility.
- E. No structures, including decks, shall be placed on the property.

If the above standards are not met, the applicant shall apply for the appropriate permits from the Township.

Section 9 **Community Centers:** All Community Centers that are operated by a public agency shall be considered a permitted use without a Conditional Use Permit on any acreage and width, provided that the following standards are met: “C”

- A. The lot is of sufficient size to meet the following standards: Side and rear yard setbacks of the district in which the use is located: “V”
- B. On-site parking as required in this Ordinance be adhered to.
- C. On-site sewage treatment system meets with the approval of the County.
- D. Sufficient land be permanently set aside for sewage expansion area.
- E. The State Well Code is followed.
- F. Appropriate road authority authorizes access onto the road from the parcel.
- G. The authorization to place the use on the parcel was done at a public meeting where members of the public had an opportunity to know about the proposal and comment on it.

Section 10 **Home Business:** Home businesses may be permitted without a Conditional Use Permit if the following standards are met: “C”

- A. No outside storage of material or equipment.
- B. All waste be disposed of in accordance with County and State Regulations.

- C. Local road authority whose road provided access to the parcel determines that the road may be utilized by the home business without adversely impacting the public safety or ability of the road to support the additional traffic.
- D. The County on-site sewage treatment regulations be adhered to.
- E. A majority of the property owners within one-quarter mile of the use sign a petition in support of the proposal. The petition must be submitted to the Planning Director for approval of form prior to obtaining the authorization.
- F. The local Fire Department approves the design and placement of structures and the storage of materials. The Fire Department must be made aware of any hazardous, toxic or flammable material kept on the property.
- G. The home business shall not be a rural industry, salvage facility or other use that is industrial in character.

Section 11 **Land Alterations Within 300 Feet of Lakes and Rivers: “C”**

- 11.01 **Permit Threshold Standard:** Within 300 feet of any lake or river grading, filling, excavating, or any alteration of the natural topography requires a permit if the following levels of alteration are met or exceeded:
- A. Any alteration of the natural topography located within the Shore Impact Zone, Bluff Impact Zone, or on a steep slope involving more than 10 cubic yards of material.
 - B. Any alteration of the natural topography located within 300 feet of the shore, and not covered in “A” above, involving more than 50 cubic yards of material.
 - C. The Threshold Standards listed above shall apply for the minimum lot area for the Zone District where the alteration is taking place (i.e., if the parcel is located in Dimensional District 7 which requires a minimum lot area of one acre and a width of 150 feet, and the parcel in question has twice the minimum required lot area and width, an individual would be permitted, on each 150-foot one-acre segment, to make alterations under the thresholds identified in “A” and “B” above without receiving a permit).

D. The following shall not require a permit of any type:
Excavations, grading and filling associated with construction of permitted structures, driveways located at the building setback or greater (construction of boat or seaplane ramps are not exempt unless activity is less than minimum threshold), walking paths, sewage treatment systems, and gardens, provided that:

1. It is done in a manner designed to minimize erosion, sedimentation and surface runoff, and the standards set forth in Section 11.04, 11.05 and 11.06 are observed.
2. Permanent ground cover is established in as short a period of time as possible following completion of the project.

11.02 **Land Alteration Performance Standard Permit:** An Over-the-Counter Permit may be issued for alterations exceeding the Threshold Standards listed in 11.01 above, if the following standards observed:

- A. No alteration which exceeds the threshold has taken place in the two years prior to the proposed alteration.
- B. The standards listed in Sections 11.04, 11.05 and 11.06 are being observed.
- C. The technical standards of the Soil and Water Conservation District are being observed.

11.03 **Land Alteration Conditional Use:** A Conditional Use Permit shall be required when the threshold has been exceeded and one of the following has taken place:

- A. The applicant disagrees with the permit standards developed under Section 11.02.
- B. Any alteration which exceeds the threshold standard has taken place without permit. Note: Applicant shall pay appropriate late fee.

11.04 **Alterations Not Permitted:** The following alterations in shoreland and wetland areas shall not be allowed:

- A. Activities that cause unnecessary potential for soil erosion.
- B. An alteration that will cause water backup on adjacent properties.

C. Land disturbances that significantly retard or severely impede the drainage of adjacent properties.

D. Intensive vegetation clearing within Shore and Bluff Impact Zones and on steep slopes.

E. Activities in designated wetland areas according to State, County and Federal regulations.

11.05 **Minimum Standards for All Alterations:** The following standards shall apply to all alterations whether or not they require a permit, a Performance Standard Permit, or Conditional Use Permit:

A. The smallest amount of bare ground shall be exposed for as short a period of time as possible.

B. Mulches or similar materials shall be used for temporary bare ground coverage, and permanent vegetation cover shall be established as soon as possible.

C. Accepted methods to prevent or limit erosion and trap sediment shall be employed (i.e., hay bales or silt fences).

D. Altered areas shall be stabilized according to accepted engineering or soil erosion standards.

E. Material shall not be placed in a manner that creates an unstable slope, or in Bluff Impact Zones.

F. Plans to place material on steep slopes shall be reviewed by qualified professionals, and the finished slope shall not exceed 20%.

G. Any alterations below the Ordinary High Water Level of public waters must first be authorized by the Commissioner of Natural Resources.

H. The applicant shall submit a detailed plan showing existing conditions and proposed alterations, from aerial view and cross-section perspectives.

11.06 **Storm Water Management:** The following standards shall apply for Storm Water Management:

A. Impervious lot coverage shall not exceed 25%.

B. Existing natural features that control storm water runoff shall remain unchanged, as much as is possible.

C. When areas are to be disturbed, alterations shall be managed to minimize the area to be modified, control runoff velocity and erosion, and reduce and/or delay runoff volume. Sediments shall be retained on-site and the disturbed area shall be stabilized and in a completed condition in as short a period of time as possible.

D. When man-made materials and/or facilities are used to control runoff directly into surface waters, the Soil and Water Conservation District shall be informed and their requirements and concerns shall be addressed and followed.

E. Whenever a question arises concerning methods, management or engineering practices, the Soil and Water Conservation District's advice shall be followed.

Section 12 **Water Oriented Accessory Structures: “V”**

12.01 **General Guidelines:** Specific water-oriented accessory structures shall be allowed at a reduced shoreline setback in certain zone districts with performance standards. They include saunas, boathouses, storage buildings and fish cleaning houses, screen houses, gazebos, detached decks and satellite dishes. A residential lot may have only one such structure per parcel, but additional structures would be permitted if parcel ownership exceeds the minimum lot area and width requirement for that district, and if spaced as if under separate ownership.

Water-oriented structures allowed within the Shore Impact Zone shall be limited to storage buildings, boathouses, screen houses, gazebos, detached decks and satellite dishes. Only one structure or satellite dish, of any type or use, new or existing, may be closer than the required principal structure setback (i.e., if there is an existing structure there from any time period, a new additional structure shall not be allowed). Except for saunas, a water-oriented structure must be located within the Shore Impact Zone or at the principal structure setback or beyond.

There shall be no water-oriented structure within the Voyageurs National Park, on trout streams, or Natural Environment Lakes.
“V”

12.02 **Saunas: “V”**

Saunas may be allowed 50 feet from the shoreline on General Development and 75 feet from the shoreline on Recreational Development lakes, with the following performance standards:

- A. The maximum size shall be 200 square feet in floor area and 12 feet in height.
- B. The structure may include a changing room, but this area may not be used for sleeping or cooking.
- C. A deck is allowed, but it must meet said setback requirements and it shall be included in the maximum floor area.
- D. The structure shall be served by a gray water septic system, approved by the St. Louis County Health Department.
- E. The structure shall not be used to store combustible petroleum products, nor shall it be attached to a structure where such products are present.
- F. The structure shall be stained or painted in unobtrusive colors.
- G. The sauna shall be screened from the shore by natural means.
- H. There shall be no other accessory structures located closer than the required principal structure setback.

12.03 **Storage Buildings and Fish Cleaning Houses: “V”**

May be allowed at a reduced setback with the following performance standards:

- A. The building shall be set back a minimum of 30 feet from the Ordinary High Water Level.
- B. The building shall be limited in size to 200 square feet of floor area and 12 feet in height.
- C. The building may not be constructed on slopes exceeding 20%.
- D. The building shall not be used for human habitation.
- E. The building shall not have an attached deck.

F. There shall be no other accessory structures or satellite dishes located within the Shore Impact Zone.

G. Waste from fish cleaning houses must be disposed of in a manner that conforms with County Regulations and policies regarding waste disposal.

H. The building shall be painted or stained in unobtrusive colors.

I. The building shall be substantially screened from the lake by natural means.

12.04 **Boathouses: “V”**

Boathouses may be allowed solely on General Development and Recreational Development classified lakes with the following performance standards:

A. Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation.

B. The closest point of a boathouse to the Ordinary High Water Level shall be no less than 10 feet, or more than 25 feet.

C. Side yard setback shall be no less than 10 feet for structures up to 520 square feet and 15 feet for structures exceeding 520 square feet.

D. Boathouses shall be limited in floor area to 400 square feet on lakes less than 5,000 acres in size, and 520 square feet in floor area on lakes greater than 5,000 acres in size. (Lake Vermilion is over 40,000 acres)

E. Boathouses shall be limited to 20 feet wide on the side most parallel to the shoreline, and 26 feet deep on the side most perpendicular to the shoreline, and shall also adhere to the square foot limitations in “D” above.

F. Boathouses shall not exceed one-story, or 14 feet in height, measured from natural grade at lake setback to highest point of roof.

G. Boathouses shall not have decks on the roof, to the side, or to the front.

H. Boathouses shall not be constructed on slopes greater than 20%.

- I. Boathouses shall have a garage type door(s) that is large enough to fit a boat(s) facing the water.
- J. There may be no other accessory structures or satellite dishes located within the Shore Impact Zone.
- K. Boathouses shall be painted or stained in unobtrusive colors. (See “Earth Tone” in the Definitions section)
- L. Construction shall conform to all Shore Impact Zone requirements.

12.05 Satellite Dish: “V”

Satellite dishes may be allowed at a reduced setback with the following performance standards:

- A. The satellite dish must be set back a minimum of 10 feet from the Ordinary High Water Level.
- B. There shall be no other accessory structures or satellite dishes located within the Shore Impact Zone.
- C. The satellite dish must be of the black mesh type or of a darker color, and may not be white.

12.06 Gazebos and Screen Houses: “V”

- A. The building shall be limited to 150 square feet in size.
- B. The building shall be limited to one story and 12 feet in height.
- C. The building shall not have pressurized water, nor kitchen or sanitary facilities.
- D. The building shall be set back from the Ordinary High Water Level a minimum of 30 feet.
- E. The building shall not have decks.
- F. There may be no other accessory structures or satellite dishes located within the Shore Impact Zone.
- G. The structure shall be painted or stained an unobtrusive color.

H. The structure shall be substantially screened from the lake by natural means.

12.07 Detached Decks: “V”

Detached decks are permitted with the following conditions:

- A. Decks shall be limited to 150 square feet in size.
- B. Decks shall be limited to 12 feet in height.
- C. Decks shall be set back from the Ordinary High Water Level a minimum of 30 feet.
- D. There shall be no other accessory structures or satellite dishes located within the Shore Impact Zone.
- E. The deck shall be painted or stained an unobtrusive color.
- F. The deck shall be substantially screened from the lake by natural means.

Section 13 Other Structures

13.01 Principal Structures on Riparian Lots: “V”

- A. Structure width facing the water shall not exceed 40% of lot width.
- B. The maximum height shall be 35 feet.

13.02 Detached Garages and Pole Buildings: “V”

The following shall apply to garages and pole buildings over 800 square feet in size located on riparian lake lots:

- A. The minimum setback from the Ordinary High Water Level shall be the following: 125 feet on General Development lakes, 150 feet on Recreational Development lakes, and 200 feet on Natural Environment lakes and all river classes.
- B. The building setback from the side yard lot line shall be a minimum of 20 feet, unless there is a stormwater management to ensure that the runoff does not impact adjacent properties.
- C. The structure shall be painted or stained in an unobtrusive color.

13.03 Bunkhouses: “V”

The following minimum standards shall apply to bunkhouses:

- A. Bunkhouses shall be reviewed as added living and bedroom space, and the septic treatment system of the principal structure shall be sized to take into account the added water use.
- B. Bunkhouses located on riparian lake lots shall not exceed 260 square feet in ground floor area and 14 feet in height, unless the following performance standard is met:
 - 1. They shall be located on lots that have two times the minimum lot area and width requirements.

13.04 Detached Platforms: “V”

A detached platform is a deck without rails or seats and may be allowed without a building permit, and shall not be considered as a water-oriented accessory structure, if the standards listed below are met:

- A. It shall be no larger than 120 square feet in size.
- B. The highest point shall not exceed 18 inches from the ground.
- C. It shall be set back from the Ordinary High Water Level a minimum of 10 feet and meet six-foot setbacks.
- D. It shall not be located in the Bluff Impact Zone.

Section 14 Domesticated Animals: “C”

- A. In shoreland areas, domesticated animals shall not be picketed, fenced or otherwise contained in Shore and Bluff Impact Zones or on steep slopes. However, access to the shore shall be allowed for watering purposes only, on a site to be approved by the Soil Conservation Service.
- B. These standards recognize that in agricultural areas, the keeping of livestock and related farming activities should be considered preeminent over non-agricultural uses in the area. Therefore, in the FAM Zone District, no permits for keeping and raising of livestock are required, provided no shoreland areas are evident.
- C. In areas designated as residential or other more developed uses, the Township recognizes that agricultural and residential and other uses should exist in a manner that promotes and protects the interests of all concerns.

The Township determines impact by using Animal Units and the following table shows the animal unit for each species. The Planning Director may determine the Animal Unit for animals not listed below:

Animal	Unit
One dairy cow	1.4 Animal unit
One slaughter steer or heifer	1.0 Animal unit
One horse	1.0 Animal unit
One swine	.4 Animal unit
One sheep, goat, dog	.2 Animal unit
One duck, turkey, cat	.02 Animal unit
One chicken	.01 Animal unit

PERMITS NOT REQUIRED:

- (1) Dogs and cats may be kept as pets as long as they do not equal or exceed the threshold of one animal unit on parcels of under two acres.
- (2) On parcels 2 to 4.5 acres, one animal unit is allowed.
- (3) On parcels 4.51 to 9 acres, five animal units are allowed.
- (4) For parcels larger than 9 acres, 9 animal units plus one unit per acre beyond 9 acres, to a maximum of 30 per quarter/quarter section or government lot. If an individual owns more than one quarter/quarter or government lot that may be considered in the general area, that property may be used in calculating the total animal units allowed at the rate of 20 animal units per quarter/quarter section or government lot, even if all the animals are kept on a single parcel.

Permits Required:

- (1) If the landowner is operating any type of business involving animals, a Home Business or Conditional Use Permit is required.
- (2) No animals may be penned within 200 feet of a neighboring residence or 150 feet from any well, except up to five domesticated dogs or cats shall be permitted. Penned is defined as the confined feeding, breeding, raising, or holding of animals. This provision does not apply if the animals are pastured in an area of ten acres or more.

- (3) The keeping of amounts greater than 1,000 poultry or small animals, or more than 250 swine shall require a Conditional Use Permit.
- (4) Where any parcel contains five or more animal units of swine or poultry, enclosed quarters or fencing shall be provided at no less than twice the required setback for the Zone District, unless the provision in (2) above results in a greater setback.
- (5) All required state and federal permits shall be obtained for the keeping of animals.
- (6) Animal waste must be disposed of in an environmentally sound manner, and in no case shall runoff from waste discharge directly into a lake, river, unsealed well, or wetland. The construction of animal waste systems is encouraged and may be required by the Planning Commission or the Planning Director.

Section 15 **Off-street Loading, Parking and Access: “C”**

- 15.01 **Loading** - Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One such space shall be provided for every 10,000 square feet of floor area or fraction thereof, and such spaces shall be a minimum of 10 feet in width, 35 feet in length.
- 15.02 **Parking** - Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with vehicular access to a street or alley, and such space shall be provided with a suitable area for vehicle turn-around so as to allow vehicles safe entry onto the roadway, and such space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion if the enlargement increases the demand for parking. If a use is changed to a different use requiring more, the additional amount of parking area shall be provided. Facilities which operate on shifts shall have sufficient parking based on the standards in this Section and the maximum number of employees that would park at the facility at any given time. In addition, the following minimum standards shall apply:
- A. An off-street parking space shall comprise an area with dimensions of 9 feet by 18 feet, plus necessary maneuvering space;

total area for parking and maneuvering shall not encroach upon any public right-of-way.

B. Residential dwelling: One parking space for each unit.

C. Tourist accommodations: One parking space for each room or unit, and one parking space for each non-resident employee.

D. Theater, stadium, auditorium, church, or other places of public assembly: One parking space for each five seats, based on maximum seating capacity, and one parking space for each employee.

E. Stores and other retail business establishments: 5.5 Parking spaces for each 1,000 square feet of total floor area, and one parking space for each employee.

F. Office buildings: One parking space for each 200 square feet of office floor area.

G. Industrial, manufacturing or wholesale establishments: One parking space for each three workers, based on peak employment in any one shift.

H. Restaurants, supper clubs, taverns and bars: One parking space for each four seats, based on maximum seating capacity, and one parking space for each employee.

I. Off-street parking areas, whether public or private, for more than five vehicles, shall be effectively screened from residential uses. All public or private parking areas shall be separated from the right-of-way of any road by means of a sod strip not less than three feet in width or other barrier that clearly delineates the parking lot from the road.

- 15.03 **Access** - Driveway access to any parcel or lot from any public roadway shall be limited to not more than one 20 to 32-foot wide driveway entrance for each parcel, unless permission is given by the appropriate road authority. In no case shall a driveway entrance be permitted to be located within 100 feet of the right-of-way line of any intersecting road. All access points shall meet the sight visibility standards of the appropriate road authority and the road authority shall approve of all entrances onto collector and arterial highways. The applicant shall, if possible, make use of common driveways to limit the number of access points to any road.

Section 16 **Placement and Design of Roads, Driveways and Parking Areas in Shoreland Areas: “V”**

The following design criteria shall apply to all such facilities located in the shoreland area:

A. Public and private roads, driveways and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. They must be designed and constructed to minimize and control erosion to public waters consistent with the Field Office Technical Guide of the local Soil and Water Conservation District, or other applicable technical materials.

B. Roads, driveways and parking areas must meet structure setbacks and must not be placed within Bluff and Shore Impact Zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts.

C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within Shore Impact Zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Article VI, Section 11 of this Ordinance must be met.

Section 17 **Large Parking Lots: “C”**

Parking areas containing parking for 100 vehicles or more shall develop a storm water runoff plan so that snow and rain runoff does not discharge directly into lakes, streams, or wetlands. The technical standards of the Soil and Water Conservation District shall be used as a guideline in preparing and implementing such a plan. No Conditional Use Permit will be required if the standards of such an approved plan are implemented.

Section 18 **Signs: “C”**

18.01 **General** - The provisions of this Article shall be complied with after notice by the Planning Director to the property owner or sign owner directing such compliance. Said notice shall be in writing and shall specify a reasonable period of time that the device shall be made to conform, or be removed.

18.02 **Exemptions** - Sign permits for both on-site and off-site signs shall be required and shall be subject to performance standards herein, with the following exemptions:

- A. Signs not exceeding six square feet in area and bearing only property numbers, post box number, names of occupants, or other identification of premises, not having commercial connotations;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies, as defined in Minnesota Laws 1971, Chapter 173, Section 173.02, Subdivision 6;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter;
- F. A temporary sign indicating real estate for rent or for sale, related only to the premises on which it is located, and not exceeding six square feet in area.
- G. Signs used on a temporary basis in conjunction with garage, estate, rummage and produce sales, and not exceeding six square feet in area.

18.03 **Prohibited Devices** - No advertising device shall be erected or maintained that:

- A. Claims to be or resembles, hides from view, or interferes with the effectiveness of any official traffic or railroad control device, sign or signal;
- B. Obstructs or interferes with a driver's view of approaching, merging or intersecting traffic;
- C. Prominently displays the words "stop" or "danger";
- D. Displays messages that are painted or drawn upon rocks, trees, public utility poles, or abandoned buildings;
- E. Allows access to be obtained only from an interstate main-traveled way, but excluding frontage roads adjacent thereto;
- F. Is structurally unsafe, or in disrepair;

- G. Is located within the right-of-way of any public roadway;
- H. Is located in, over or upon public waters, unless authorized by public authority;
- I. Is located within the Shore Impact Zone, unless attached to a permanent structure.

18.04 **Number** - Only one side of a double-sided, or V-type sign shall be used in calculating the maximum surface area of a sign.

18.05 **Surface Area** - The surface, or advertising area, of a sign shall mean that portion of the advertising face of a sign that includes the border and trim thereof, but excludes the base and apron supports and other structural members.

18.06 **Outdoor Advertising**

A. **Official Signs** - Only official identification, directional or traffic control signs, as defined in Minnesota Laws 1971, Chapter 173, Section 173.02, Subdivision 6(a), (b) and (d), and all acts amendatory thereof, shall be allowed within the public right-of-way.

B. **Setbacks** - all free-standing signs shall be set back a minimum distance of ten feet from any right-of-way, and/or front, side, or rear lot line. In shoreland areas, the normal shoreline setback shall prevail unless otherwise approved by the Board of Adjustment.

C. **Lighting** - Signs shall not be erected or maintained that contain, include or are illuminated by any flashing lights except those giving public service information such as time, date, temperature, weather or news.

1. Signs shall not be erected or maintained that are not effectively shielded so as to prevent:
 - (a) beams or rays of light from being directed at any portion of any roadway, or
 - (b) beams of light of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle, or
 - (c) beams of light from being illuminated out across public waters.
2. No sign shall be erected or maintained which will be so placed or illuminated that it obscures or interferes with the

effectiveness of any official traffic sign, device, or signal, or any official sign.

3. The change in advertising message, maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing sign shall not be considered an enlargement, extension or structural alteration, provided the sign does not exceed any limitation imposed by this Ordinance.

18.07 **On-Site Signs** - All on-site signs shall require a Sign Permit and conform to the following:

A. Commercial and Industrial Zone Districts

Each use shall be allowed two signs. Each sign shall not exceed 128 square feet in surface area and shall not exceed 35 feet in height.

B. Commercial Uses (Non-shoreland)

Each use shall be allowed two signs. One sign shall not exceed 128 square feet in surface area. The second sign shall not exceed 64 square feet in surface area. Modifications from the above standards shall require a Conditional Use Permit

C. Commercial Uses Located Within Shoreland Areas

Each use shall be allowed one sign that can be viewed from the public waterway and one sign that can be viewed from the roadway. The sign facing the water body shall not exceed 32 square feet in surface area and may not exceed 10 feet in height. The sign facing the roadway may not exceed 64 square feet and may not exceed 15 feet in height.

Free-standing signs shall meet the required shoreline setback for principal structures. Signs may be located at a reduced setback from the shoreline, provided the sign is attached to a permanent structure. Setbacks shall be a minimum of 10 feet from the right-of-way, and shall be the same as the required side yard setback for buildings. Signs must be made of wood and shall be rustic in appearance.

The signs must only convey the location and name of establishment, and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices.

D. Home Occupations

Shall be limited to one on-site sign not to exceed 16 square feet.

18.08 **Off-Site Signs**

The following minimum standards shall be followed:

A. No off-site signs shall be allowed within 200 feet of a classified water body.

B. Within Shoreland Zone Districts, off-site signs shall only be allowed if the sign's advertising message will relate only to services and accommodations available from specific establishments within the same general neighborhood as the sign.

C. The maximum surface area of an off-site sign shall not exceed 32 square feet.

D. No off-site sign shall be erected closer to any other off-site sign on the same side of the same roadway facing traffic proceeding in the same direction than:

1. 500 feet on any interstate highway or fully controlled freeway;
2. 300 feet on any other highway or roadway.

18.09 **Political Posters**

A. Political posters, erected or placed in accordance with all applicable state laws, may be allowed without obtaining a Land Use Permit, provided that they are removed within 30 days following the election for which they were intended, and provided that such posters do not exceed 32 square feet in area.

Section 19 **Salvage Facility Standards: "C"**

19.01 **Minimum Standards:** All salvage facilities under the jurisdiction of this Ordinance shall meet the following minimum standards. These standards shall apply to all salvage facilities, regardless of the

year of salvage facility establishment. A new salvage facility requires a Conditional Use if permitted in the Land Use District where it is located.

A. No material shall be disposed of in a wetland and no draining or filling of wetlands shall take place.

B. All salvage facilities shall have a minimum rear, side and road setback of 100 feet. No activity except fencing, berms or other screening may take place in the setback area.

C. No salvage facility is permitted within 300 feet of a protected water.

D. All waste including batteries, tires and hazardous waste shall be kept on the property in a manner acceptable to St. Louis County or disposed of in a manner acceptable to the County and State and Federal regulations.

E. Fencing, berms, and use of natural topography shall be sufficient to shield the view of any salvage material from any surface water, park, public road, private residence, or other structure, within one-quarter mile of the parcel containing the salvage facility.

F. No delinquent taxes shall be owed on the property.

G. A record shall be kept of all salvage material and waste brought in and out of the property.

H. The local Fire Department shall receive information on all flammable and hazardous material stored on the property including: amounts, types and location.

I. Fire breaks and roads shall be approved by the local Fire Department.

J. A bond or other financial assurances must be provided the Township that is sufficient to cover the cost of removal and proper disposal of all salvage material and waste on the property. The Township shall determine the amount and type of assurances.

K. The salvage facility shall conform to all on-site sewage disposal regulations.

L. The salvage facility shall conform with all the standards for wells of the State Health Department including the sealing of abandoned wells.

M. All access roads and bridges shall be able to handle traffic generated by the salvage facility and this determination shall be made by the County Highway Engineer.

N. No parking relating to salvage facility activity shall take place off of the property, including all roads and highways.

19.02 **Existing Salvage Facilities:** Salvage facilities that do not have a Conditional Use Permit shall obtain a permit from the Greenwood Township Planning Commission at a public hearing. This permit may not be denied if it is demonstrated that the applicant's salvage facility has been in existence since January 1, 1978. All salvage facilities shall immediately follow the minimum standards found in Section 19.01. If the operator of the salvage facility is unable to follow the above minimum standards, the Planning Commission may impose other standards to mitigate the problems with the salvage facility.

19.03 **New Salvage Facilities:** All new salvage facilities shall be reviewed as a Conditional Use. Approval will be determined by the criteria for approval of conditional uses and the above minimum standards shall be conditions of the permit if approved.

Section 20 **Contaminated Soils Disposal Standards: "C"**

20.01 **Permit Standards:** The disposal of contaminated soils from underground storage tanks, if the disposal is done off of the site or origin, shall require a permit. All permits must follow the policies of the County Water Plan.

A. Disposal of up to 1,500 cubic yards of contaminated soils shall be done by performance standard in the following manner:

1. All Minnesota Pollution Control Agency Regulations shall be followed.
2. The proposer of the land farming, or other method, shall notify all property owners within one-quarter mile of the parcel containing the site.

3. The proposer shall provide a minimum of 30 days notice to the County and the Township. The Township may designate an individual contact person or committee to review the proposal and to review site activity. The permit is not valid if the Township, within 30 days, rejects the proposal and can document the objection according to the criteria found in the Water Plan and this Ordinance.
4. The Township and County shall receive all reports regarding the site and on-going operations that are sent to the State.
5. No disposal area shall be within 300 feet of lakes, streams, mine pit lakes, and wetland types 3, 4 and 5.
6. No disposal area shall be within 100 feet of wetland types 1, 2, 6 and 7.
7. There shall be a 100-foot setback from the disposal site to any active or inactive borrow pit.
8. The required separation distance from ground surface to water table shall be according to State regulations and the seasonal high water table shall be the standard used to set the water table location.
9. A minimum 20-foot wide filter strip of grass or other vegetation shall separate each individual spill site contaminated soil plot.
10. Each individual plot shall have the borders identified and the source of the soil, date and amount of disposal, and other pertinent data shown on each plot site.
11. The operator of the facility shall demonstrate to the Township and the County the ability to fulfill the requirements of the State and other jurisdictions. The failure to demonstrate this ability shall result in the denial of the permit.
12. All road weight restrictions shall be observed by the operator of the facility.
13. The applicant shall demonstrate an ability to implement the disposal regulations.

14. The permit may be revoked if the conditions of the permit are not being observed. Permit revocation shall be made by the Planning Director with appeal of the revocation made to the Board of Adjustment. The Planning Director may require remedial efforts regarding site cleanup and closure.

B. Disposal sites containing more than 1,500 cubic yards of contaminated soils shall be considered as a Conditional Use application and all of the above standards for the less than 1,500 cubic yard disposal sites shall apply for these types of sites, except that revocation of permit shall be done in accordance with the revocation requirements for all Conditional Use Permits.

Section 21 **Houseboat Standards**

All commercial houseboat operations shall meet the following standards. New houseboat operations shall be reviewed as a Conditional Use: “C”

A. All new operations shall be reviewed as a Conditional Use. Existing operations may continue without a Conditional Use Permit, but may not expand over the number of existing boats, and all replacement boats shall comply with these standards.

B. No gray water may be discharged into the water. Existing boats that contain all gray water shall continue to contain all such waste and the Planning Commission shall require, for new operation, boats that contain all gray water.

C. All boats shall have up-to-date navigational information along with an explanation of such information. Maps should also designate areas where overnight parking is permitted. Platted areas around lakes should be discouraged as parking areas.

D. Sufficient area shall exist on the boat for storage of solid waste, and disposal must be in accordance with County and State solid waste regulations.

Section 22 **Rural Industry and Forest Project Processing: “C”**

22.01 **Minimum Standards**

All new rural industries require a Conditional Use Permit and, in addition to the criteria established for granting a Conditional Use Permit, the following requirements shall apply:

A. Transportation facilities shall be able to handle proposed increases.

B. Current Minnesota Pollution Control Agency standards on noise shall apply.

C. Lighting shall not be directed upon nearby or adjacent properties.

D. All solid and hazardous waste shall be stored and disposed of in accordance with County, State and Federal Regulations.

E. Local Fire Departments shall receive information on all material stored on the property, particularly hazardous, highly combustible, or toxic material.

Section 23 **Density Transfer: “V”**

23.01 **General:** In those areas designated for density zoning and when an individual would be permitted to create more than two reduced size lots on a contiguous parcel, the Planning Commission may permit a transfer of all the lots into a single 40-acre parcel. All transfers shall be subject to the conditions listed in this Section and any other conditions that the Commission may view as appropriate.

23.02 **Density Transfer Standards**

A. All lots created shall be used for residential purposes only.

B. The maximum lot size shall be 5 acres and all lots must meet on-site sewage treatment requirements.

C. The maximum number of lots created shall be that which would be permitted under the Certificate of Survey Subdivision (short plat) Procedures found in the County Subdivision Regulations. The design and survey standards for Short Plats found in the Subdivision Regulations shall be followed.

D. The person creating the reduced size lots shall live on contiguous property, and a Residential Land Use Permit shall be issued within one year of lot creation.

Section 24 **Borrow Pits: “C”**

24.01 **Minimum Standards:** All borrow pits, whether they are in operation at the time of this Ordinance adoption or are proposed, including regularly established non-conforming pits, shall follow the

Minimum Standards set forth in this Section, except for the Financial Assurances Section. A borrow pit shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related facilities. If a pit operator of an existing borrow pit cannot meet these standards due to practical difficulty, such as extent of existing excavation or topographic conditions, the operator shall demonstrate the nature of the difficulty to the Planning Director and the decision of the Planning Director may be appealed to the Planning Commission for a ruling. All new pits that cannot meet the minimum standards may have the standards altered through a Conditional Use Permit.

A. The Minimum Standards are as follows:

1. No borrow pit shall be within the setback for principal structures from the shore of any lake or river.
2. A no-disturbance 100-foot buffer area shall be established between the property line containing the borrow pit and any adjacent parcel containing a residence or public/semi-public building. In order to qualify as a parcel with a residence or public/semi-public use, such a parcel must have the principal structure within 300 feet of the property line adjacent to the proposed pit. The 100-foot buffer area may be altered through an agreement with the adjacent property owner. Proof of the agreement shall be filed with the Planning Director and recorded with the County Recorder, and specifically shall state what activities may take place in the buffer area. Without such an agreement, the buffer area may be used under the following circumstances:
 - a. The buffer area may contain the haul road if it is determined by the public road authority that, for safety purposes, the pit access needs to be within the buffer area.
 - b. The haul road may also be placed in the buffer area to avoid wetlands. The haul road must, in the above two situations, move away from the property line as soon as feasible, unless permission is obtained by the adjacent property owner.
 - c. If authorized in an approved reclamation plan, 50 feet of the buffer area may be used for storage of topsoil and final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the

buffer area, but they shall be seeded and mulched in a manner that prevents dust from blowing onto the adjacent properties. Only berms within the buffer area are required to be seeded and mulched, and such berms that are in 45-day permit pits only are required to have temporary seeding and need not be mulched.

3. A no-disturbance 50-foot buffer area shall be established for all other parcels not listed in Number 2 above, unless the adjacent property owner authorizes, in writing, a reduced buffer. The 50-foot buffer shall apply to all highways and the buffer area shall begin at the edge of the highway right-of-way.
4. Hours of operation shall be limited to 7:00 a.m. to 8:00 p.m., Monday through Saturday. No borrow pit operations may take place on Memorial Day, Independence Day, Labor Day, or Sundays. The hours of operation may be expanded either through Conditional Use approval or by the pit operator obtaining the signatures of two-thirds of the resident property owners who live within one-quarter mile of the pit, and all resident property owners whose dwelling is within 300 feet of the pit. The petition must be renewed on an annual basis. Equipment maintenance may take place at any time if done within an enclosed structure or if maintenance is part of an extended hour petition. Hauling from a pit to a residential lot is permitted on Sundays and Holidays if delivery during regular hours is not feasible for the residential property owner. Hours and days of operations may also be extended when an emergency exists. An emergency is a short-term, unplanned and unexpected event where an immediate need for borrow material exists in order to address a significant threat to the public safety.
5. Permanent hot mix facilities require specific approval in a Conditional Use Permit. Portable hot mix facilities are permitted for specific projects without a Conditional Use Permit if no residence is located within 300 feet of the pit and the facility is limited to being in the pit two working days per 1,000 tons hot mix. The time in the pit shall begin with the startup of production.
6. All Minnesota Pollution Control Agency noise and air quality standards shall apply.
7. Existing vegetation shall remain as a screen between the pit site and surrounding residences and public roads or parks. If screening is not sufficient to block the view of the borrow pit from any residence, road or park, the Planning Director may require additional screening

or placement of a fence and/or berm when such additional screening is topographically feasible.

8. Excavation below the water table is permitted with appropriate State permits, provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.

9. All entrances and exits shall be constructed so as not to create a safety hazard and, during the hours of operation of the pit, "Trucks Hauling" signs shall be placed along all public roadways leading to the pit at a distance not less than 500 feet from the pit access road. Signs must be removed or covered when the pit is not in use for more than a 48-hour period.

10. A pit shall have a barrier controlling access, and such barriers shall be clearly visible to prevent safety hazards of members of the public. The use of cable, chain, or similar barrier is prohibited. The control barrier shall deny access when the pit is not in operation.

11. The pit access road shall be placed in a manner that minimizes the view into the pit from the public road or any residence unless the road authority requires improved visibility for safety purposes.

12. Dust control measures shall be utilized on non-paved routes in accordance with the policy of the local road authority. Dust control measures shall also take place within the pit itself if dust leaves the property and regularly affects adjacent residential properties.

13. A borrow pit shall be solely used for operations directly related to a borrow pit. Any other use shall require a Conditional Use approval by the Township. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or other material left on the site. If done in conjunction with a hot mix operation, the recycling of asphalt may be done in a borrow pit. Storage of asphalt, including concrete, is permitted in a general purpose or public works pit, provided it is part of an ongoing recycling effort.

14. No waste classified as hazardous by the Minnesota Pollution Control Agency shall be disposed of on the site.

15. A concurrent reclamation plan shall be submitted and approved by the Township. The stripping and stockpiling of the upper six inches of soil is a required component of all reclamation plans.

These stockpiles shall be seeded and used only for reclamation purposes.

16. All property lines shall be located by a Registered Land Surveyor with the line location approved by the County Surveyor. This requirement may be waived if the adjacent property owners and the borrow pit owner/operator agree to the property lines and the agreement is recorded. This agreement must be in writing and submitted to the Planning Director. No survey would be needed if the County Surveyor determines that a property line dispute has no merit, or if the pit operator will maintain all setbacks based on the line proposed by the adjacent owner, or that the operation would not encroach upon any required setback based upon a determination by the Planning Director.

17. All utility line easements shall be observed and any encroachment into the utility right-of-way shall be permitted only with the written approval of the utility.

18. All operating borrow pits shall take measures to control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site. The access road shall also be designed in a manner that minimizes erosion. Erosion and sediment control measures shall conform to the standards and specifications of the Soil Conservation Service "Field Office Technical Guide", or that of the Minnesota Department of Transportation. The Planning Director shall approve all erosion and sediment control measures. The owner or operator shall maintain all such practices until the pit area is permanently stabilized or reclaimed.

19. No surface or ground water may be used in borrow pit operations unless specifically authorized by the Department of Natural Resources. The Township and County shall receive proof of such authorization.

20. All road weight limits and other road restrictions placed in effect by the local road authority shall be observed.

21. The County adopts as a guideline for reclamation the report entitled "A Handbook for Reclaiming Sand and Gravel Pits" published in July 1992 by the Minnesota Department of Natural Resources. Reclamation plans will be reviewed in accordance with those standards and the technical standards of the Soil and Water Conservation District.

22. Under no circumstances may a borrow pit come within the principal structure setback standard for the Zone District unless a variance is approved.

24.02 **Borrow Pit Permitting**

The following borrow pit permits shall be available within Greenwood Township:

1. Existing pre-Ordinance pits
2. 45-Calendar Day Permit
3. Public Works pit, 2-year Permit
4. General Purpose pit

All permits shall be recorded in such a manner that adjacent property owners will be notified of the existence of a pit. Local governments shall receive notice of all authorized pits.

The following procedure shall also be followed for each of the permit types. Greenwood Township shall not use any borrow material originating from a pit not in conformance with these standards. Greenwood Township shall comply with the standards found in this Section.

A. **Existing Pre-Ordinance Pits:**

1. All pit owners whose pit does not have a Conditional Use Permit or other authorization shall make application to the Township within 24 months of adoption of this Ordinance.
2. No borrow pits may be closed under this provision if the pit was established prior to January 1, 1969 and has been in continuous use since that date, application is made within the 18 month period, and the minimum standards are met. Continuous use is defined as the removal of a minimum of 100 cubic yards of material every 2 years.
3. All legally established non-conformities (Grandfathered Rights) shall cease to exist if no application is made.
4. The permit shall remain in effect as long as the operation remains in compliance with the minimum standards.
5. A pre-Ordinance pit that cannot meet the minimum standards may continue in operation, provided the Planning Commission has reviewed the applicant's basis for non-compliance and agrees that the standards cannot be followed. The Commission, in such a situation, while not being permitted to close the operation, may require other mitigative measures.

B. 45-Calendar Day, Single Season Pits:

A regular Land Use Permit may be issued for a borrow pit established in response to a single public works project that will not be used for more than one construction season, and activity other than hauling from stock-piles and any hot mix operation will not continue for more than 45 calendar days. The following restrictions shall apply for such a permit:

1. No residential uses or lakes and rivers within 300 feet of the borrow pit.
2. All minimum standards shall be followed.
3. Hot mix plant may be part of the application and all Federal and State Regulations shall be met.
4. The establishment of a 45-day permit pit will not be used as a rationale for a permanent borrow pit.
5. The appropriate public agency has notified the Township government by March 31 of a pending public works project in which the Township may be considered as a source of borrow material and that this permit may be utilized. The Township shall have 30 days to notify the Planning Director of areas it considers as not meeting the Land Use and Environmental Standards set forth in the Zoning Ordinance for such pits. Borrow pits located in such areas may be established by utilizing the 2-Year Public Works Pit permitting process. The Planning Director may authorize additional public works projects for this permit if it was not feasible for a specific project to meet the March 31 deadline; in such situations, the Township shall be given 30 days notice for comment purposes.
6. Hours of operation may be expanded upon written permission of two-thirds of residential property owners within one-quarter mile of the proposed pit and all of the properties containing a residence within 300 feet of the pit. If the pit is located on a road closed for construction, hours and days of operation will be permitted without restriction if the residential property owners within 300 feet of the pit agree to such an extension.
7. No application will be permitted from an operator who has received a Single Site Permit previously and the Planning Director has determined that the previously approved pit was not adequately reclaimed.

8. The borrow pit shall conform with adopted land use plans.
9. Crushing shall be limited to 45 calendar days, hauling may continue until completion of the project for which the pit was authorized, and the hot mix operation may continue for 2 working days for each 1,000 tons of mix produced from the time of hot mix plant startup.

C. Public Works Pits, 2-Year Permit:

Pits that are exclusively used for public works purposes may be established without a Conditional Use Permit if the following criteria are met:

1. All minimum standards are followed.
2. Two-thirds of the residential property owners within one-quarter mile of the pit and all of the residential property owners within 300 feet of the pit sign a petition authorizing the pit. An applicant is eligible for a Conditional Use Permit if signatures are not obtained.
3. The pit is in existence for not more than 2 years unless re-authorized by another petition or approved by a Conditional Use Permit.
4. The pit must be used solely for public works projects that are defined as work on bridges, public roads, landfills, and other public facilities except up to 10% of production may be offered for general sale.
5. All borrow pits must comply with adopted land use plans

D. General Purpose – Conditional Use Borrow Pits:

1. All borrow pits that do not meet the public works criteria, new borrow pits, or reopening of pits, shall be a Conditional Use Permit approved by the Township. Existing pre-Ordinance pits that cannot meet the performance standards cannot be closed by the Township, but the Planning Commission may impose conditions to mitigate the problems relating to the pit.
2. No Conditional Use application will be accepted by the Greenwood Township Planning Commission unless all the text and drawing requirements listed in this section are met by the applicant.
3. The following criteria shall be used by the Planning Commission in approving a new borrow pit Conditional Use application.
 - a. The ability of roads to handle pit-related traffic.

- b. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties.
 - c. Ground water protection.
 - d. Public safety.
 - e. Control of erosion and sedimentation.
 - f. Impact upon watershed.
 - g. The cumulative impact of borrow pit operations in the area.
 - h. The ability of the owner/operator to implement the requirements of this Ordinance.
4. The Planning Commission may take the following actions relating to new borrow pits:
- a. Approve the borrow pit with conditions including limiting the years the permit is valid, and conditions that mitigate problems relating to pit operations.
 - b. Deny the application, but permit re-application after certain conditions are met.
 - c. Deny the application for a period of years.
 - d. Deny the application permanently.
5. The Planning Director may extend the years an approved Conditional Use pit is to remain in operation if the following circumstances exist:
- a. All standards found in this Ordinance are being observed.
 - b. The intent of the original Planning Commission approval would be met if an extension was authorized.
 - c. The Township shall be notified of the extension.
 - d. The Planning Director's extension can be appealed to the Board of Adjustment within 45 days for the Township Board or by a property owner within the notification area.
 - e. The extension cannot exceed the length of the original permit.

24.03 **The Application Form**

A. All borrow pit applications shall contain the following information:

- 1. An index map using the U.S.G.S. map showing all features within one mile of the pit. The features shall include all residences, wetlands, lakes and rivers, roads, existing borrow pits, location of other structures, utility lines and other features.

2. A written description of the pit and operation including: Volume of material to be excavated, length of time pit to be in operation, amount of truck activity at highest and average levels, dust control measures, buffer area vegetation, depth to ground water, hours of operation, description of operation including time of excavation area, routes trucks will take to and from site, types of barriers established, property line establishment, reclamation plans, noise levels at property lines, screening from the residential properties, drainage from the site, location and adequacy of topsoil set aside for reclamation, and future plans for the pit.

3. A detailed scale drawing at a scale of 100 feet per inch unless pit property covers 40 acres or more, and then a 200 feet per inch scale may be used. The drawing shall show the following:

- a. Contour intervals utilizing 10 foot contour intervals unless the Planning Director requires a drawing at 2-foot contour intervals.
- b. Location of all pit operations.
- c. Horizontal dimensions of the pit site.
- d. All setbacks from roads and adjacent property lines.
- e. Location, size and use of all structures on the parcel.
- f. Location of all adjacent structures and their uses.
- g. Area of excavation.
- h. Extent of vegetation in buffer area.
- i. Location of utilities.
- j. Location of all interior roads and the location of barriers.
- k. All lakes, streams and wetlands on property.
- l. Timing of reclamation effort.

B. Information submitted to other regulating agencies that address the required information needs of this Ordinance may be used in lieu of the specific information item listed in this Section.

24.04 **Reclamation Standards**

All borrow pits shall implement the following minimum reclamation standards:

A. Concurrent reclamation shall occur during the operation as well as at the completion of borrow excavation and related activities.

B. At the non-working face of the pit, banks shall be maintained at a slope not to exceed 2:1, except that at cessation of pit operations, the slope shall not exceed 2.5:1. The working face may be permitted at a greater than 2:1 slope, provided that by December 1 of each

year, banks that are higher than 15 feet shall be rounded for safety purposes, or fenced. Pits that are in operation year-round may be exempted from this standard if the operator demonstrates to the Planning Director that these safety measures are not needed and that other measures are more appropriate.

C. All trees, brush, stumps and any other debris removed for the sole purpose of operation of borrow pits shall be disposed of in a manner acceptable to the Fire Warden and the local solid waste authority. In no case shall vegetation from over a 10 acre area be kept on the property unless it is burned or buried.

D. The tops of all banks shall be rounded to conform to the surrounding topography.

E. Pits may also be reclaimed for wetland mitigation or creation and, if it is the intent of the operator to reclaim in that manner, it must be done in accordance with a plan approved by Greenwood Township and St. Louis County.

F. All slopes shall be stabilized, equipment and structures removed, topsoil properly placed and permanent seeding established, banks rounded and other reclamation actions completed in accordance with the reclamation plan within 18 months of cessation of pit operations. A pit shall be considered inactive and requiring reclamation when less than 100 cubic yards of borrow material is excavated and removed per year for a two-year period. The Planning Director may require the pit owner to supply evidence of pit usage. All temporary/permanent seedings shall conform to Department of Natural Resources Pit Reclamation Standards, Minnesota Department of Transportation Standards, or Soil Conservation Service Technical Standards.

24.05 **Financial Assurances**

All pits shall meet the financial assurances standards listed in this Section.

A. The pit owner shall not, at any time, have any delinquent taxes owed on the pit.

B. All pits, unless owned by a government agency or if proof is provided that through government road projects adequate bonding protection to assure reclamation is provided, shall have a bond or other financial instrument of sufficient amount to cover cost of reclamation of the site. The County Highway Engineer shall determine if the financial assurance is sufficient to cover the cost of reclamation by a private individual. The financial assurance amount

shall be adjusted annually for inflation. The amount of the financial instrument may be increased to cover cost of other potential environmental or safety related issues. The Planning Director is authorized to develop a formula to set the cost of reclamation so that there will be a standard basis for assurance amount calculation. No financial assurances will be required for pits that have less than 2 acres excavated at any given time and in which the applicant demonstrates that concurrent reclamation is taking place

24.06 **Permit Revocation**

Permits may be revoked in accordance with the procedure found in this Ordinance.

Section 25 **Mineral Exploration and Evaluation: “C”**

This activity is permitted through a Land Use Permit if the following standards are met. A Conditional use application is required for all exploration and evaluation that cannot meet these standards.

- A. Activity is outside the shoreland area.
- B. Operations are a minimum of one-quarter mile from a resident.
- C. Access to the site is obtained.
- D. The surface owner has authorized the activity.
- E. All State Regulations are followed, including reclamation.
- F. Any damage to roads and other facilities shall be repaired.

In authorizing mineral exploration and evaluation, the Township is not in any way authorizing the mining and processing of minerals.

Section 26 **Solid Waste: “C”**

26.01 **Permitting:**

All solid waste facilities that require an individual permit from the Minnesota Pollution Control Agency (MPCA) shall require a Conditional Use Permit from the Township. Solid waste facilities that are permitted by the MPCA as a permit by rule do not require any permit from the Township unless specifically required by this Ordinance.

26.02 **Standard Permit:**

Solid waste facilities operated by the County or other government agency may expand without a Conditional Use Permit if the following standards are met:

- A. The facility is not in a shoreland area.
- B. The road authority whose road provides access to the site authorizes the use.

- C. Property owners within one-quarter mile of the site sign a petition authorizing the expansion.
- D. The facility was discussed at a public hearing.

26.03 **All uses shall conform to solid waste rules:** All land uses within the Township shall comply with all Federal, State and County Solid Waste Regulations and Standards.

Section 27 **Wetlands: “V”**

27.01 **Conformance with Federal and State Wetland Standards:**
All development shall conform with Federal and State Wetland Regulations and it shall be the responsibility of the applicant to demonstrate conformance with the appropriate regulations.

27.02 **County Board to Develop Additional Policies:**
St. Louis County will develop by County Board Resolution policies which implement the County’s responsibility in wetland regulation implementation and all applicants shall conform to said policies.

27.03 **County Review of Wetland Activity:**
The following procedures shall be used for wetland program implementation within the County:

A. All development must follow the sequencing standards found in State Statutes and Regulations. Sequencing is the process of avoiding, minimizing, or replacing wetland values lost by draining or filling.

B. St. Louis County will not issue Certificates of Exemptions or No Net Loss Exemptions unless specifically requested to do so.

C. St. Louis County shall review all wetlands replaced within its jurisdiction except for replaced wetlands resulting from mineral mining activity.

D. A Wetlands Technical Advisory Committee shall be established as a committee of the Planning Commission in accordance with the standards set forth in Article VIII of St. Louis County Ordinance Number 46.

E. The Wetlands Technical Advisory Committee shall have the following advisory responsibilities throughout the entire unincorporated areas of the County:

1. The identification of high priority areas for wetland preservation, enhancement, restoration and establishment. These high priority areas must be specifically identified in the Water Plan as adopted or amended by the County Board.
 2. Review questions of exemptions and No Net Loss Certifications brought to it by the Wetlands Coordinator, particularly those relating to wetland type and size.
 3. Prepare comprehensive wetland management plan that delineates location, size and types of wetlands for all or portions of the County. This plan shall be part of the County Water Plan as approved by the County Board.
 4. Review and make recommendations regarding wetland replacement plans. All replacement plans shall be approved by the Planning Commission using the same notification and hearing standards set forth in this Section.
 5. Monitor all replaced wetlands in accordance with Minnesota State Regulations.
 6. Review wetland restoration plans referred to it by the Soil and Water Conservation District.
- F. The St. Louis County Planning Commission shall act upon all recommendations made by the Technical Advisory Committee. The Commission, using the criteria set forth in State Regulations and the Water Plan, may accept, reject, or modify the plan.
- G. The Planning Director shall serve as the contact person for the County Wetlands Program, including the work of the Technical Advisory Committee.
- H. The County shall notify adjacent property owners to impacted and replaced wetlands in the following manner:
1. The adjacent property owners to impacted wetlands shall be notified.
 2. Property owners within one-quarter mile of replaced wetlands shall be notified.
 3. Notification of property owners is not required for wetlands replaced on the same parcel as the the impacted wetland, or for wetlands replaced within the same minor watershed and two acres or less in surface area.

4. Wetland banks of two acres or less may be authorized without Planning Commission review if the landowner obtains approval from the Wetland Technical Committee and obtains the signatures of a majority of property owners within one-quarter mile of the “forty” the bank is located in.

I. The review time limits outlined in the State Wetland Regulations shall be adhered to.

J. The Technical Advisory Committee shall be the final local authority in reviewing wetlands replaced on the same parcel and replaced wetlands located within the same minor watershed that are two acres or less in size. The Planning Commission shall be the final local authority for all other wetland issues.

27.04 **Administration:** St. Louis County will be the local unit of government administering the wetlands regulations.

**ARTICLE VII
PLANNED DEVELOPMENT**

Section 1 Information Requirements:

1.01 Information requirements:

Planned Development applications shall contain the following information:

A. A site plan drawn to either 1 inch:100-foot or 1 inch:50-foot scale showing property boundaries, surface water features, existing and proposed structures and their uses, sewage treatment systems, topographic contours at ten-foot intervals or less, location of all uses including docking facilities, trails and other recreational facilities, utility lines, driveway entrances, existing wells including abandoned wells, and other information required by the Planning Director in order to adequately review the proposal.

B. Documents that explain how the project is designed and will function. These documents, which shall be submitted in draft form for Commission review, may be finalized after review and shall include: Vegetation and erosion control plan, covenants, property association of which all property owners shall be a member, easement, floor plan for structures, fire protection plans and other information required to adequately review the proposal.

Section 2 Development Density:

The density standards found in this Article are maximum allowed densities and the Planning Commission by considering land use and environmental impacts may decrease the permitted densities.

2.01 **Division into tiers for shoreland parcels:**

Within shoreland areas the proposed project must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the Ordinary High Water Level at the following intervals proceeding landward:

<u>Shoreland Tier Dimensions</u>	<u>Un-sewered</u>	<u>Sewered</u>
General Development Lakes first tier and sewerd		
Recreational Development Lakes first tier	GD Lakes Only 200	200
General Development Lakes and Recreational Development Lakes	267	200
Natural Environment Lakes and all river classes	400	320

2.02 **Tier Division in Non-Shoreland Area:**

The property shall be divided into tiers using the depth of tier based on the minimum lot width for the Zone District in which the planned development is located. The tier distances shall be measured from the side of the parcel with the greatest width

2.03 **Usable Area Calculation:**

The total area within each tier is then calculated by excluding from each tier: the area in wetlands, bluffs, bedrock area, highly erodible soils, the area set aside for sewage treatment, or land below the Ordinary High Water Level of public waters. The area remaining shall be used to calculate the allowed density for either residential or commercial planned development.

Section 3 **Design Criteria:**

Stated in the St. Louis County Subdivision Regulations shall serve as the design criteria for all Planned Unit Developments. The Planning Commission may grant waivers from the design standards in the same manner waivers are granted for subdivision plats.

3.01 **Setback Standards:** Exterior setback and public road setbacks shall be the same as required for the particular Zone District in which the planned unit development is located. The Board of Adjustment shall act on any variance request from those standards.

All interior setbacks, including those from interior roads, will be set by the Planning Commission.

3.02 **Fire Department Review:** The local Fire Department shall approve of the planned unit development design from a fire safety criteria. Failure of the Fire Department to respond within 60 days of notification by the Township will be construed as approval of the project as submitted.

3.03 **Water-Oriented Accessory Uses:** Water-oriented accessory uses that are permitted in this Ordinance are allowed in planned unit developments if authorized through permit review in accordance with the standards found in this Ordinance.

Section 4 **Residential Planned Development Evaluation: Steps and Design Criteria**

4.01 **Usable Area Calculation:**
 The usable area within each tier is divided by the single residential lot size standard for lakes; or, for rivers, the single residential lot width standard times the tier depth. The Commission may allow density increases for residential planned developments if lot dimension and design criteria are met. Density increases may be transferred from one tier to a tier further from the shore but no transfer is allowed from one tier to one closer to the shore. Density transfers in non-shoreland areas may be permitted to and from any tier, provided such transfer is approved. The development density increase shall not increase further than that permitted in the following table:

Maximum Allowable Dwelling Unit or Site Density

Density Evaluation Tiers	Maximum Density Increase Within Each Tier (percent)
First	0
Second	100
Third	200
Fourth	200
Fifth	200

4.02 **Design Criteria for Residential Planned Unit Developments:**

Residential planned development design criteria for approval are as follows:

- A. All residential planned unit developments must contain at least five dwelling units or sites.
- B. At least 50 percent of the total project area must be preserved as open space.
- C. Dwelling units or sites, road right-of-ways, or land covered by road surfaces, parking areas or structures, except water-oriented accessory structures or facilities, are developed areas and should not be included in the computation of minimum open space.
- D. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
- E. Open space may include outdoor recreational facilities for use by owners of the dwelling units or sites, or the public.
- F. The Shore Impact Zone, based on normal structure setbacks, must be included as open space. At least 50 percent of the Shore Impact Zone area of existing developments or at least 70 percent of the Shore Impact Zone area of new developments must be preserved in their natural or existing state.
- G. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities. In non-shoreland areas the open space area may include recreational buildings.
- H. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means.
- I. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems.
- J. Residential planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized

when feasible, and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and St. Louis County. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.

K. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: Setback from the Ordinary High Water Level, elevation above the surface water features, and maximum height. Setbacks from the Ordinary High Water Level must be increased for developments with density increases. Maximum density increases may only be allowed if structure setbacks from the Ordinary High Water Level are increased to at least 50 percent greater than the minimum setback, or the impact on the body of water is reduced an equivalent amount through vegetative management, topography, or additional means acceptable to the Township and the setback is at least 25 percent greater than the minimum setback.

L. Shore recreation facilities, including but not limited to swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

M. Structures, parking areas and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Accessory structures may be permitted as allowed in the Zoning Ordinance.

N. Non-shore recreational facilities should be placed in a manner that avoids major traffic routes and placed in an environmentally sound location. The facilities should also be located in centralized locations for use by the residents of the facility.

O. Erosion control and stormwater management for residential planned unit developments must:

1. Be designed and constructed to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant.
2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff.

Section 5 **Commercial Planned Developments**

5.01 **Density Evaluation Steps**

The following steps shall be taken to determine the allowed density for commercial planned developments:

- A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

B. Select the appropriate floor area ratio from the following table:

**Commercial Planned Unit Development
Floor Area Ratios*
Public Waters Classes**

Average Unit Floor Area (sq.ft.)	Sewered General and Recreational Development Lakes; First Tier on Unsewered General Development Lakes.	Second and Additional Tiers on Unsewered General Development Lakes; Recreational Development Lakes	Natural Environment Lakes; All River Segments.
200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
1,500	.150	.075	.038

*For average unit floor areas less than shown, use the floor area ratios listed for 200 square feet. For areas greater than shown, use the ratios listed for 1,500 square feet. For recreational camping areas, use the ratios listed for 400 square feet. Manufactured home sites in recreational camping areas shall use a ratio equal to the size of the manufactured home, or if unknown, the ratio listed for 1,000 square feet.

C. Multiply the useable area within each tier by the floor area ratio to yield total floor area for each tier allowed to be used for dwelling units or sites.

D. Divide the area computed in Item “C” by the average determined in Item “A”. This yields a base number of dwelling units and sites for each tier.

E. Determine whether the project is eligible for any additional density increases. To be eligible, projects must meet all of the design standards in Section 5.03, and exceed one or more of them. The Planning Commission will decide how much, if any, increase in density to allow for each tier. Density may not exceed the maximum allowable density increases listed in the following table:

**Maximum Allowable Dwelling Unit or Site
Density Increases for Commercial
Planned Unit Developments**

Tier	Maximum Density Increase Within Each Tier (percent)
First	0
Second	100
Third	200
Fourth	200
Fifth	200

F. Allowable densities may be transferred from any tier to any other tier further from the shore of the lake or river, but must not be transferred to any other tier closer to the shore.

5.02 **Non-Shoreland Density** shall be calculated by dividing the parcel into tiers in the same manner that is done for residential non-shoreland planned unit developments. The Recreational Development Lake floor area ratios shall be used to calculate maximum allowed densities. Density transfers may be permitted from any tier to any other tier. All density transfers must be approved by the Planning Commission.

5.03 **The Design Criteria:**

A. Open Space.

Commercial planned unit developments must contain open space meeting all of the following criteria:

1. At least 50 percent of the total project area must be preserved as open space.

2. Dwelling units or sites, road right-of-way, or land covered by road surfaces or parking areas, except water-oriented accessory structures or facilities, are developed areas and should not be included in the 50 percent figure.
 3. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries.
 4. All Shore Impact Zones within commercial planned unit developments must be included as open space, and at least 50 percent of these areas must be preserved in their natural or existing state.
 5. Open space may include outdoor recreation facilities for use by guests staying in dwelling units or sites, or the public.
 6. Open space may include subsurface sewage treatment systems if use of the space is restricted to avoid adverse impacts on the systems.
- B. Design of structures and facilities must be done according to the following standards:
1. Commercial planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be designed and installed to meet or exceed applicable rules of the Minnesota Department of Health and the Minnesota Pollution Control Agency and St. Louis County. On-site sewage treatment systems must be located on the most suitable areas of the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system.
 2. Dwelling units or sites must be located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification: setback from the ordinary high water level, elevation above surface water features, and maximum height. Maximum density increases may only be allowed if structure setbacks from the ordinary high water level are increased to at least 50 percent greater than the minimum setback, or the impact on the water body is reduced an equivalent amount through vegetative management, topography or other means acceptable to the Commission,

and the setback is at least 25 percent greater than the minimum setback. The setback calculations shall utilize the shoreline setback for structures in Article III except that commercial planned developments on seweried Recreational Development Lake parcels shall have a shoreline setback of 112 feet if density increases are allowed and the Commission may reduce this to 94 feet if, through design controls, vegetation preservation or other means, the developer demonstrates a decrease in the impact upon the water body.

3. Structures, parking areas and other facilities must be designed and located in a manner that minimizes their visibility from surface water features, assuming summer, leaf-on conditions. The structure, dwelling unit, accessory structure, or parking area must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color or other means acceptable to the local unit of government assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.
4. Shore recreation facilities including, but not limited to, swimming areas, docks and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to ground water and bedrock, or other relevant factors. The number of watercraft allowed to be continuously beached, moored or docked must not exceed one for each allowable dwelling unit or site in the first tier, notwithstanding existing mooring sites in an existing harbor. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

C. Erosion control and storm water management for commercial planned unit developments must:

1. Be designed, and their construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water

features. Erosion control plans approved by a Soil and Water Conservation District may be required if project size and site physical characteristics warrant.

2. Be designed and constructed to effectively manage reasonably expected quantities and qualities of storm water runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except 35 percent impervious surface coverage may be allowed in the first tier of general development lakes with an approved storm water management plan,

Section 6 **Resort Conversions and Development on Existing Resorts**

6.01 **Conversion:** Operating resorts may be converted to a residential or commercial planned unit development depending upon the nature of the conversion. All conversions shall be approved by the Planning Commission and the following criteria shall be followed:

A. The conversion shall first be evaluated in terms of the requirements for new development and any inconsistencies from the standards must be presented to the Commission.

B. Deficiencies involving water supply and sewage treatment shall be corrected prior to any final conversion or a specific timetable approved. The Commission shall develop a timetable for correction of deficiencies relating to structure color, impervious coverage, open space, shore recreational facilities, and structures in the Shore and Bluff Impact Zones.

C. The Commission may order remedial action relating to erosion and vegetative cover, and road location and design.

6.02 **Development on existing resorts shall take place in the following manner:**

A. Resorts are encouraged to develop long-term improvement plans. Those plans, upon approval of the Planning Commission, shall serve as the overall approval for future development over the time frame of the plan. The Commission shall set the time frame, and in no situation shall it be less than five years or more than ten years. A one-year extension may be approved by the Planning Commission without a public hearing if the extension conforms to the original plan. The following standards shall apply to resorts with approved plans. Resorts and other commercial planned unit

developments in a Commercial Zone District may expand without an approved plan if all standards of the Zoning Ordinance are met.

1. Overall capacity of the resort may expand by one unit or 10 percent, whichever is greater, for resorts with an approved plan provided all provisions of the Planned Unit Development and sanitary standards are met. This provision may only be used once during the time frame of the approved plan.
2. An existing rental unit may be replaced with a Standard Permit if all other standards are followed.
3. Shoreland averaging, deck additions, and expansion of cabins at non-conforming setbacks for individual resort cabins and the lodge is permitted, if done in accordance with the appropriate zoning provisions.
4. Resorts converting from seasonal to year-round use shall require a Conditional Use. Year-round usage is defined as a resort that is open at any time between the months of November through April.

B. Resorts without an approved long-range plan may do the following without a Conditional Use Permit if they are not in a Commercial District:

1. Accessory structures may be added in accordance with the standards of this Ordinance.
2. Decks may be added to cabins in accordance with the standards of this Ordinance.
3. One cabin up to three bedrooms in size may be added once during a 15-year period with a Standard Permit. The cabin may use shoreland averaging according to this Ordinance. A resort may add three camping spaces in lieu of the one cabin, but all standards of this Ordinance shall be met.
4. No expansion of cabins are permitted which are within the Shore Impact Zone except that a bathroom may be added if the addition does not exceed the floor area expansion maximum allowed in this Ordinance and conforms to the County Health Ordinance.
5. Expansions outside of the Shore Impact Zone, but in the building setback area, may be done in accordance with the

standards found in this Ordinance. No more than one rental cabin per minimum lot width as required in the Zone District in which the resort is located may be expanded in this manner.

6. A change from seasonal to year-round operation shall require a Conditional Use Permit. The application for any alcohol license or a change in the license shall require a Conditional Use Permit. Resorts with long-range plans that does not address the year-round use or alcohol issues shall, for those items, be considered without a long-range plan.

Section 7 **Administration**

7.01 **Approval of Documents:**

Before final approval can be granted, the applicant shall have received approval from the Township of documents demonstrating that adequate provisions have been developed that preserve and maintain in perpetuity all open spaces and common facilities. This information shall include:

A. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections:

1. Commercial uses prohibited for residential planned unit developments except neighborhood commercial facilities intended for the use of those living in the development.
2. Vegetation and topographic alterations shall conform with the land alteration and intensive vegetation removal standards of this Ordinance.
3. Construction of additional buildings or storage of vehicles and other materials prohibited; and
4. Uncontrolled beaching prohibited.

B. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an Owners Association with the following features:

1. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers.
2. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites.
3. Assessments must be adjustable to accommodate changing conditions.
4. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

7.02 Number of Documents Needed:

The applicant shall submit a suitable number of preliminary and final documents and maps so that each appropriate government and agency shall be able to review them. The following shall receive a copy of the documents and maps:

- A. Ten (10) copies for the Township
- B. One (1) copy for the County
- C. One (1) copy for the local Fire Department
- D. One (1) copy for the local School District
- E. One (1) copy for the Department of Natural Resources

Section 8 Resorts in Shoreland Commercial Districts

Resorts located within the Shoreland Commercial Land Use District may expand without a Conditional Use Permit if all of the standards found in this Ordinance are followed. The Township may authorize a single over-the-counter permit to cover all of the work being considered during the time frame of the plan. The minimum side yard setback shall be 50 feet from a residential property line or, if no residence is adjacent to the side yard, the setback shall be whatever the minimum setback is for the dimensional district in which the resort is located. Resorts which do not meet the minimum standards may apply for a Conditional Use.

ARTICLE VIII
ADMINISTRATION, ENFORCEMENT AND APPLICATION REVIEW

Section 1 **General**

1.01 **Planning Director's Responsibilities:**

This Ordinance shall be administered by the Greenwood Township Planning Director, who shall provide assistance to any applicant in preparing his application; advise the applicant as to the provisions of this Ordinance; and shall conduct an inspection program.

1.02 **Voiding of Permits Issued in Error:**

Any permit issued on the basis of an application which is in error, whether the error is intentional or not, shall be null and void. No such permit may be construed as permission to build or begin a land use. It shall be the responsibility of the Planning Director to notify the property owner upon discovery of an erroneous application.

1.03 **Administrative Determinations:**

Administrative determinations are to be made by the Planning Director as questions arise. Should a question or problem arise concerning an approved Variance, Conditional Use Permit, Land Use Permit, or an existing use or structure, any person may request a review of the matter by the Planning Director. Such a request shall be in writing and shall detail the problem and location of the subject property, if applicable.

A. The Planning Director shall investigate the matter and report back to the party making the request within a reasonable period of time and take the appropriate action.

B. Any person taking exception to the Planning Director's determination may appeal to the Board of Adjustment, by letter, in the manner described in Section 7.02 F of this Article without the necessity of appealing directly to District Court.

C. Any person wishing to appeal the decision of the Board of Adjustment may appeal to District Court in the manner described in Section 6.06 of this Article.

1.04 **Notification to the Department of Natural Resources:**

The DNR shall be notified a minimum of ten days prior to public hearings relating to the following activity in Shoreland Districts: Preliminary Subdivision Plats, Rezoning, Amendments to Official

Controls, Land Use and other plans, Conditional Uses, Administrative Determinations, Variances and other permits involving hearings before the Planning Commission or Township Board.

Section 2 **Enforcement**

2.01 **Investigations:**

The planning director shall investigate all violations of this Ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and if compliance is not obtained within a reasonable period of time, shall report such violations to the Township Attorney, who shall take appropriate and immediate action on the matter.

A. Taxpayers within the Township may institute mandamus proceedings to compel specific performance by proper officials in reference to administration or enforcement of the Zoning Ordinance.

B. Greenwood Township may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The Township Board, or any member thereof, upon notification from the Planning Director, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The Township Board may, at a later date, vote to discontinue proceedings.

2.02 **Misdemeanor Penalty:**

Any person, firm, corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined in an amount not to exceed the maximum permitted for misdemeanors under State Statute. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the Township and shall be credited to the General Revenue Fund.

2.03 **Refusal to Comply:**

In the event that an applicant or his authorized representative violates, neglects or refuses to comply with the conditions, performance standards or dimensional requirements imposed upon the proposed or established use or structure as a condition of granting the permit for said use or structure, he shall be notified by the Planning Director in writing, by mail or in person, of those

requirements that have not been complied with (for purposes of computation of time, notification is complete upon mailing), in which:

- A. He shall have no more than thirty (30) days from the date of the notification to satisfy said requirements or be subject to the revocation of said permit; or
- B. He shall have no more than thirty (30) days from the date of the notification to make appeal to the appropriate body.

2.04 **Citations:**

The Planning Director or Sheriff's Department may issue citations for violations of this Ordinance.

A. Citations shall contain the following information:

1. The name and address of the person charged with a violation or the owner or person in charge of the premises at which the violation occurs.
2. The date and place of the violation.
3. A short description of the violation followed by the Section of the Ordinance violated.
4. The date and place at which the person receiving the citation shall appear and a notice that, if such person does not respond, a warrant may be issued for such person's arrest.

B. The citation shall be issued to the person charged with the violation, or in the case of a corporation or unit of government, to any officer or agent authorized to accept such issuance. The citation shall be issued to the person charged pursuant to the Minnesota Rules of Criminal Procedure.

2.05 **Inspections:**

All persons involved in land development activity shall allow free access to authorized representatives of the Township at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the Official Controls of Greenwood Township and St. Louis County. Failure of such persons to allow an inspection shall be considered a violation of this Ordinance and the Planning Director shall have the authority to take appropriate legal actions or to suspend review of a permit, or to revoke a permit.

Section 3 **Conditional Use**

3.01 **Planning Commission Must Approve:**

Any use listed in this Ordinance as a Conditional Use may be permitted only after an application for a Conditional Use Permit has been reviewed and approved by the Planning Commission.

3.02 **Applications**

A. An application shall be filed with the Planning Director on a form provided for that purpose, and shall be submitted in a timely manner as prescribed by the Planning Commission in its Rules of Procedure.

B. The application shall be complete and shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and proposed use, as well as any other information required to make clear the nature of the request and proposed use.

C. The application shall be accompanied by the required fee.

D. The Planning Director shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Written notification of rejection, along with the reason for such action, shall be sent to the applicant within fifteen (15) business days of receipt of the application, explaining to the applicant what information is missing.

3.03 **Public Hearing Required**

A. The Planning Commission shall conduct a public hearing on each application, giving notice as provided in Section 8 of this Article.

B. Such public hearings shall be conducted according to applicable Minnesota Statutes and to the Rules of Procedures of the Planning Commission.

3.04 **Decisions and Findings of Fact**

A. The Planning Commission shall make decisions on applications according to the Ordinance and the criteria as listed in Section 3.06 of this Article within 35 days of the close of the public hearing. The Planning Commission shall take public testimony into consideration.

Consideration of public testimony shall not be the only deciding factor.

B. Within thirty-five (35) days of the close of the public hearing, a Findings of Fact document shall show, in writing, that each of the items in Section 3.06 was either satisfied or not satisfied. It shall indicate the vote of the Commission. The Commission Chairperson and the Clerk shall sign the Findings of Fact document.

C. After a Conditional Use Permit is granted, the Planning Director shall file a certified copy of the decision with the County Recorder or Registrar of Titles.

3.05 **Conditions**

A. The Planning Commission may impose such conditions or restrictions as it deems necessary to protect the public interest including, but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics.

B. When appropriate, restrictive covenants may be entered into regarding such matters.

C. A Conditional Use Permit shall remain in effect for so long as the conditions agreed upon are observed. However, whenever it is deemed advisable, a time limitation or review requirement may be placed as a condition on any permit.

3.06 **General Criteria and Requirements**

A. All classes of Conditional Use Permits may be approved only upon a showing by the applicant that the standards and criteria stated in this Section will be satisfied. Since by definition a Conditional Use is a special use not generally appropriate within the Zone District, the applicant bears the burden of demonstrating a right to the permit by making such showing. Absent such showing, the Planning Commission shall deny any application.

B. A Conditional Use Permit may be granted only upon finding all of the following:

1. The use conforms to the Greenwood Township Goal and Policy Plan and the Greenwood Township Zoning Ordinance and is compatible with official DNR and County plans.
2. The use is compatible with the existing neighborhood.

3. The use will not impede the normal and orderly development and improvement in the surrounding area of uses permitted by right in the Zone District.
4. The location and character of the proposed use is considered to be consistent with a desirable pattern of development for the area.

C. When in the opinion of the Planning Commission, a Conditional Use Permit may result in a material adverse effect on the environment, the applicant may be requested by the Planning Commission to demonstrate the nature and extent of the effect.

Section 4 **Appeals from Decisions**

A. Appeals from Planning Commission decisions may be made as provided by law.

Section 5 **Variances and Other Appeals**

5.01 **General**

A. Applications for Variances from the terms of this Ordinance, or appeals from any order, requirement, decision or determination made by the Planning Director shall be made to the Board of Adjustment.

B. Such appeals may be taken by any person aggrieved, or by any officer, Department, Board or Bureau of a Township, Municipality, County or State.

C. Such appeals shall be taken to the Board of Adjustment within forty-five (45) days of receipt of notice from the Planning Director of any order,

D. An Appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment certifies that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.

5.02 **Applications**

- A. An application for a Variance shall be filed with the Planning Director on a proper form provided for that purpose. Other appeals shall be filed in a manner prescribed by the Planning Director.
- B. Appeals applications shall be filed in a timely manner in advance of a scheduled hearing date as the Board of Adjustment may provide in its rules of procedure.
- C. Application forms shall be complete, and shall clearly specify the grounds of the appeal. Where required by the nature of the appeal, the application shall be accompanied by detailed plans, drawn to scale, showing all details of the land area and the nature of the circumstances surrounding the appeal.
- D. The application shall be accompanied by the required fee.
- E. The Planning Director shall reject any application not accompanied by the required fee or by other material and information as required by this Ordinance. Written notification of rejection, along with the reason for such action, shall be sent to the applicant within fifteen (15) business days of receipt of the application, explaining to the applicant what information is missing.

5.03 **Hearings**

- A. The Board of Adjustment shall conduct a public hearing on each appeal.
- B. The Board of Adjustment shall set a reasonable time for the hearing of the appeal and shall give due notice thereof as provided for in this Article.
- C. Such hearings shall be conducted according to applicable Minnesota Statutes and to the Rules of Procedure of the Board of Adjustment.

5.04 **Decisions**

- A. Decisions by the Board of Adjustment shall be made within thirty-five (35) days of the date a public hearing is closed.

B. The Board of Adjustment shall keep a written record of its proceedings showing the vote of each member on each question, or if absent or failing to vote indicating such fact.

C. The Board of Adjustment shall render its decisions in writing stating its reasons in sufficient detail so that it can be determined that the decision was made in reliance on testimony given at the public hearing, and according to the criteria contained in this Ordinance.

D. A notarized copy signed by the Chairperson of any Order issued by the Board of Adjustment action upon any Appeal or Variance shall be filed by the Planning Director with the County Recorder or Registrar of Titles for record. The Order shall include a legal description of the property involved. The property owner shall keep in his/her possession all "original signed documents and receipts". The Planning Director and Township will maintain a "copy" of the documents and receipts.

E. After any appeal to the Board of Adjustment has been approved the appellant shall have sixty (60) days after receipt of notice of the decision to make application to the Planning Director for any permit necessary to begin the structure or the use for which the appeal was made.

5.05 **Criteria for Decisions**

A. The Board of Adjustment shall always act with due consideration to promote the public health, safety and welfare, encouraging the most appropriate use of land and conserving property value, and shall permit no structure, building or use detrimental to a neighborhood.

B. Variances

1. The Board of Adjustment may authorize a Variance from the terms of this Ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty or particular hardship would be created by carrying out the strict letter of the Ordinance, and when the terms of the Variance are consistent with the spirit and intent of this Ordinance and with the Township Goals and Policies Land Use Plan.
2. "Hardship" as used in connection with the granting of a Variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this

Ordinance; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the Variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance. No Variance may be granted that would allow any use that is prohibited in the Zoning District in which the subject property is located.

3. When in the opinion of the Board of Adjustment a Variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
4. It shall be the burden of the applicant to demonstrate sufficient hardship to sustain the need for a Variance. Absent a showing of hardship as provided in Minnesota Statutes and this Ordinance, the Board of Adjustment shall not approve any Variance.
5. The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest.

C. Other Appeals

1. The Board of Adjustment may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit

5.06 Appeals from Board of Adjustment Decisions

A. All decisions by the Board of Adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the State shall have the right to appeal within thirty (30) days, after the receipt of notice of the decision, to the District Court of the County on questions of law and fact.

Section 6 **Amendments**

6.01 **General**

A. This Ordinance and the Zoning Map may be amended whenever the public health, safety and general welfare would best be served by such amendment, in accordance with the Township's Goals and Policies Land Use Plan by the procedures set forth in this Article.

6.02 **Zoning Ordinance Text**

A. An amendment to this Ordinance text may be initiated by a Citizen, the Township Board or Planning Commission. An amendment not initiated by the Planning Commission shall be referred to it for study, public hearing, and report to the Township Board in writing.

B. Public hearings on text amendments by the Planning Commission, including requirements of notice to the public, shall be conducted pursuant to Minnesota Statutes regulating the adoption of ordinances by townships, and by the standards set forth in Section 7 of this Article.

C. After conducting a public hearing on an Ordinance text amendment, the Planning Commission shall report in writing to the Township Board within thirty (30) days of the close of the hearing. Upon filing of a report by the Planning Commission the Township Board, in the manner prescribed by Minnesota Statutes, may by Ordinance adopt the amendment or any portion thereof as it deems advisable.

6.03 **Zoning Ordinance Map**

A. An amendment to the Zoning Map may be initiated by the Township Board, the Planning Commission, or by the property owner of record.

B. The Planning Commission shall conduct at least one public hearing on all proposed Zoning Map amendments and report to the Township Board in writing within twenty (20) days of the close of the hearing(s).

1. The Planning Commission shall give notice of public hearings for Zoning Map amendments in the manner prescribed in this Article.

2. The Planning Commission's report to the Township Board shall contain a statement of the evidence relied upon, the factual determinations made from the evidence, and the criteria used in reaching its recommendation.
 3. Failure of the Planning Commission to report to the Township Board within the herein prescribed time shall be deemed to be recommendation for approval by the Commission of the proposed amendment.
- C. Upon filing of a report by the Planning Commission or upon expiration of the twenty (20) day period, the Township Board may, by resolution, adopt the amendment or any portion thereof as it deems advisable.
- D. Once an amendment has been acted upon by the Township Board, the matter shall not be reconsidered, nor shall any additional amendments involving the same parcel of property be heard or considered by the Planning Commission or the Township for at least twelve (12) months.
- E. Criteria for Zoning Map Amendments
1. Amendments to the Zoning Map shall be recommended for approval only upon the finding by the Planning Commission that all of the following conditions exist:
 - a. The proposed zoning shall be consistent with the Goals and Policies Land Use Plan adopted for the Township.
 - b. The proposed zoning shall not be spot zoning, which is zoning to discriminate in favor of one lot or parcel out of harmony with surrounding lots or parcels and the Goals and Policies Land Use Plan, and without benefit to the community.
 - c. There shall exist a clear public need for and benefit from additional zoning of the type proposed, which shall be above and beyond any benefit or convenience to the landowner.
 - d. Beyond a public need being evident, there shall be a showing that the public interest would be best served by re-zoning the property in question rather than other property in the community.

e. In the case of down zoning, which is the changing of a Zone District from a higher or more intensive use to a lower or less intensive use, the proposed zoning shall allow the property owner a reasonable use of his property under the terms of this Ordinance, as well as serve the public interest.

Section 7 **Hearings and Hearing Notices**

7.01 **General**

A. As prescribed in this Ordinance, public hearings shall be held before any Zoning Ordinance text amendment, Zoning Map amendment, Conditional Use Permit, Variance Appeal, or other appeal may be approved or recommended for approval. Such public hearings may be continued from time to time and additional hearings may be held.

7.02 **Hearing Notices**

A. Notice shall be given to the public for each required public hearing as prescribed in this Section.

B. Zoning Ordinance Text Amendments

1. Notice of public hearings regarding Zoning Ordinance text amendments shall be published in the official newspaper of the Township.
2. Written notice of public hearings on all text amendments shall be posted at all designated posting locations in the Township.

C. Zoning Ordinance Map Amendments

1. For map amendments initiated by petition of the property owner, notice of the time, place, and purpose of the hearing shall be given by publication in the official newspaper of the Township at least ten (10) days before the hearing. Written notice providing the same information shall be sent to all property owners of record within 500 feet of the affected property in incorporated areas, and within one-half mile of the affected property in unincorporated areas, and to the applicant.
2. For map amendments initiated by the Township Board or Planning Commission, notice shall be given in the manner

prescribed in Section 7.02 of this Article except that, in instances of a Township or County-wide amendment resulting from the recent completion of a Goals and Policies Land Use Plan or amendment, written notice need not be sent to property owners of record.

D. Conditional Use Permits

1. Written and published notice of hearing on Conditional Use Permit applications shall be given in the following manner:
 - a. For all Conditional Use Permit applications written notice shall be sent to property owners of record within 500 feet of the affected property in incorporated areas, and within one-quarter mile, or the nearest ten (10) owners, whichever is greater, in unincorporated areas.
 - b. Notice of public hearings shall be published in the official newspaper of the Township and shall be posted at all designated posting locations in the Township.

E. Variance Appeals

1. Written and published notice of hearings on Variance Appeals shall be given in the following manner:
 - a. Written notice shall be sent to property owners of record within 500 feet of the affected property, and a minimum of five (5) property owners shall be notified.
 - b. Notice of public hearings shall be published in the official newspaper of the Township and shall be posted at all designated posting locations in the Township.

F. Other Appeals

1. When an appeal is taken from any order, requirement, decision or determination of the Planning Director, if such appeal is regarding the application of this Ordinance to specific properties, written and published notice shall be given in the same manner as prescribed in this Ordinance.
2. When such appeal affects the interpretation and application of this Ordinance in general, and not to specific properties, notice shall be published in the official newspaper of the

Township at least 10 days before the hearing, and shall be sent to the applicant.

3. Notice shall also be provided to the Planning Director.

7.03 **Hearing Procedures**

A. Hearings shall be conducted according to all applicable requirements of Minnesota Statutes, of this Ordinance, and of the Rules of Procedure of the Planning Commission or Board of Adjustment. All members of the public shall have ample opportunity to be heard in person, in writing, or by authorized representative.

Section 8 **Planning Commission and Board of Adjustment Rehearing**

8.01 **Responsibility of Planning Director:**

The Planning Director may determine and place on the agenda of either the Planning Commission or Board of Adjustment a matter that has been previously heard by either body.

The basis for such rehearing shall be the following:

- A. An irregularity in the proceedings of either body whereby the Director determines that the person requesting the rehearing was deprived of a fair hearing and that if the irregularity had not taken place the decision-making body would have likely made a different decision.
- B. Misconduct of a member of the decision-making body.
- C. Material evidence newly discovered, which with reasonable diligence, could not have been found and produced at the hearing and that would have likely resulted in a change in the final outcome of the decision.
- D. Errors of law occurring at the hearing and objected to at the time of the hearing.
- E. Conditions have changed requiring a re-examination of the original conditions of a permit.

8.02 Rehearing Denial:

The Planning Director shall not order a rehearing when a Land Use Permit has been issued on the proposed activity.

8.03 Rehearing Procedures:

All rehearings shall be scheduled as soon as possible and, once scheduled, no Land Use Permit may be issued for the proposed activity. All hearings shall follow the same procedures as were required by the original permit. The Board of Adjustment or Planning Commission, after the close of public testimony, may take the following action:

- A. Affirm the previous decision.
- B. Adjust conditions placed on the previous decision.
- C. Reverse the decision.

Only members of the decision-making body who were present for the original decision may vote on the rehearing action. If less than five (5) members of the Planning Commission or three (3) members of the Board of Adjustment are eligible to vote on the matter, there shall be a new application on the proposal.

Section 9 New Application After Denial**9.01 Basis for a New Application:**

The Planning Director may permit a new application for a project previously acted upon by the Board of Adjustment or Planning Commission based on at least one of the following criteria:

- A. The new application is determined by the Planning Director to be significantly different from the earlier application.
- B. The intent of the standards for rehearing listed in Section 9 above are met.
- C. New State, Federal or local regulations are in effect which would alter the review of the application by the decision-making body.
- D. Development pattern of the area has changed in a manner which would alter the findings made by the decision-making body.
- E. The decision-making body in its original decision stated terms for reapplication.

9.02 **No New Application:**

No new application will be permitted if the intent of the applicant is to cause numerous hearings on a similar issue in order to either disrupt the review process, obtain a new vote based on a perceived difference in the decision-making body, or cause property owners and interested citizens to have to attend numerous hearings.

Section 10 **Permit Revocation**

10.01 **Recording Decisions:**

All decisions made by the Board of Adjustment or Planning Commission may be recorded immediately. No Land Use Permit will be issued until the conditions stated in the approval are implemented by the applicant. It shall be the responsibility of the Planning Director to determine if the conditions for permit issuance are being implemented. If the conditions are not being implemented and no Land Use Permit is issued, no revocation of a permit is required prior to commencing appropriate legal action to compel compliance.

10.02 **Inactive Permits**

A. If no application for a Land Use Permit has been applied for within two (2) years of Conditional Use or Variance approval, a permit may be revoked if the following takes place:

1. The Planning Director shall inquire of the Conditional Use or Variance decision holder as to whether the property is going to be developed.
2. The Planning Director determines that the holder of a Conditional Use or Variance decision no longer intends to develop the property for the purpose for which the decision was made. Pending legal action, or applications for approval by other government entities, shall be construed by the Planning Director as evidence that the holder of the Conditional Use or Variance approval does intend to develop the property.
3. The Conditional Use or Variance holder shall have sixty (60) days to respond. Failure to respond shall result in permit revocation. If the decision holder responds, the Planning Director may take any of the following actions:

- a. Take no action, which will continue the decision for one year.
- b. Record a statement of decision termination if the holder states that the property will not be used for the original purpose.
- c. Turn the issue over to the appropriate body for a formal revocation hearing.

B. If a decision holder applies for another Conditional Use or Variance which is intended as a substitute for a previously approved permit, the original permit shall be terminated by the Planning Director.

C. All Conditional Use Permit termination notices shall be recorded in the County Recorder's Office.

10.03 **Permit Noncompliance:**

Upon issuance of a Land Use Permit for a Variance, Conditional Use, Performance Standard or any other permit, the Planning Director shall monitor compliance with the terms of the permit. If the Planning Director determines that a violation has taken place, notification shall be given to the applicant of the nature of the violation and the steps needed to correct it. If the Planning Director determines that corrective steps are either not possible, or that the applicant is unwilling to take such steps, the permit may be revoked. Appeals of a Revocation Order shall be made to the Board of Adjustment. The Planning Director may, in lieu of revocation, refer the issue to the originating decision-making body for a determination and action. The originating body shall hold a public hearing on the issue in the same manner as the original permit. The body may find that the violation did not take place or was not material to compliance with the intent of the permit, or it may alter the terms of the permit conditions, or it may revoke the permit. Revocation decisions by the Planning Commission or the Board of Adjustment may be appealed to District Court.

Section 11 **Interpretation of Decision:**

The Planning Director shall be responsible for interpreting the decisions of the Planning Commission or Board of Adjustment. The Planning Director may refer an issue to the original decision-making body for an interpretation and that body may restate the conditions in a manner that clarifies the original action.

**ARTICLE IX
PLANNING COMMISSION**

Section 1 Creation

1.01 **The Greenwood Township Board hereby creates a Planning Commission** pursuant to Minnesota Statute 394.30 and all acts amendatory thereof.

Section 2 Membership

2.01 **Regular Voting Members**

A. The Planning Commission shall consist of seven (7) voting members, who shall be appointed by the Township Board of Supervisors as provided in this Ordinance, all of whom shall be residents of Greenwood Township.

B. One voting member shall also be a member of the Township Board of Supervisors.

C. No more than one voting member shall be an officer or employee of the Township.

2.02 **Ex Officio Members**

A. The following Township officers or employees or their representative are hereby designated as ex officio, non-voting members of the Planning Commission:

1. Township Attorney
2. Township Planning Director
3. Township Assessor

Section 3 Appointments

3.01 **Method of Appointment**

A. At the reorganizational meeting of the Township Board in each calendar year, the Township Board shall appoint members to the Planning Commission to fill expired terms. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

B. Every reasonable effort shall be made to appoint members to this Commission who are representative of all geographical areas of the Township.

C. Applicants will be solicited through one-time publication in the official Township newspaper.

3.02 **Terms of Office**

A. Except as provided below, each member of the Planning Commission shall be appointed to serve for a period of three (3) calendar years. No person shall be appointed for more than three (3) consecutive full terms of office.

B. The Township Board Member serving on the Planning Commission shall be appointed for a term of one calendar year.

C. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than three (3) terms, including that of the Township Board Member, shall expire at the close of any calendar year.

D. Each calendar year shall be presumed to run from April 1 to March 31 of the following calendar year.

3.03 **Vacancies**

A. Appointments shall be made by the Township Board to fill any vacancy for the unexpired duration of the term. Such appointment shall be made at the earliest possible convenience of the Township Board.

B. Vacancies in regular positions shall be declared by the Township Board under any of the following conditions:

1. Death of a member
2. Resignation of a member
3. Removal of a member for cause as provided in this Ordinance.

Section 4 **Removal for Cause**

4.01 **Reasons for Removal:**

The following shall be deemed sufficient cause for the Township Board of Supervisors to remove any regular Planning Commission member. The Township Board shall remove any member upon the occurrence of any of the following conditions as reported to the

Board by either the Chairman of the Planning Commission or the Planning Director:

- A. Failure of the member to attend one-third of the regularly scheduled Commission meetings in any twelve (12) month period.
- B. Failure of the member to attend three (3) consecutive regular Commission meetings, or to attend four (4) consecutive regular and special Commission meetings.
- C. Attendance at several regular or special Commission meetings for such a short length of time as to render the member's services of little value to the Township. The Township Board of Supervisors shall make judgment on such matters after receiving a report by the Chairman or the Planning Director as provided in this Section above.
- D. Violation by the member of any Land Use Control Ordinance adopted by the Township pursuant to Minnesota Statutes 394.21 to 394.37, and all acts amendatory thereof.
- E. Any change in residency status, such that the member is not a resident of Greenwood Township.
- F. Inability to carry out the duties of the Commission due to a conflict of interest.

Section 5 **Organization and Procedures**

5.01 **Officers**

A. The Planning Commission shall elect a Chairperson and vice-chairperson from among its regular members. The Township Clerk shall serve as secretary. Elections of Commission officers shall take place at the first Commission meeting after April 1st. Officers shall serve a term of one year.

5.02 **Rules of Procedure**

A. The Planning Commission shall adopt rules for the transaction of its business which shall be consistent with the Statutes of the State of Minnesota and the Ordinances of this Township.

5.03 **Meetings**

A. The meetings of the Planning Commission shall be held at the call of the Chairperson and at such other times as the Commission, in its Rules of Procedure, may specify.

B. All meetings of the Planning Commission shall be open to the public, pursuant to Minnesota Statutes.

5.04 **Voting**

A. Each regular member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting, due to a potential conflict of interest, shall also extend to discussion. Testimony, however, may be offered.

B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members, except the member who is being challenged.

C. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Planning Commission shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to "B" above.

D. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge the Commission shall decide the question pursuant to "B" of this Section.

E. Ex officio members of the Planning Commission shall not have the right to vote on any issues before the Planning Commission.

5.05 **Records**

A. The Planning Commission shall keep a written public record of all its transactions, findings, and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 6 **Authority and Duties**

6.01 **Plan Preparation and Review**

A. The Planning Commission shall cooperate with the Planning Director and other employees of the Township in preparing and recommending to the Township Board for adoption of a Goals and Policies Land Use Plan, recommendations for plan execution in the form of official controls and other measures, and amendments thereto.

B. The Planning Commission shall review any Goals and Policies Land Use, or other plans, or any official controls sent to the Township for review by any local unit of government, any council of governments, or any regional, State or Federal agency and shall report thereon in writing to the Township Board.

6.02 **Public Hearings**

A. The Planning Commission shall hold all required public hearings for the Goals and Policies Land Use Plan and amendments thereto, official controls and amendments thereto, all Conditional Use Permit applications, all Subdivision Platting proposals and other matters as may be prescribed by Ordinances of this Township.

1. The Planning Commission shall have the final authority to approve or deny all Conditional Use Permit applications, and to direct the issuance of Conditional Use Permits.
2. On all other matters which are before the Planning Commission for public hearing, the Commission shall report in writing to the Township Board.

B. The Planning Commission shall set a reasonable time for all hearings, shall give due notice thereof and shall conduct hearings in the manner prescribed by Minnesota Statutes and other Ordinances of this Township.

Section 7 **Compensation**

The voting members of the Planning Commission, other than the member of the Township Board, may be compensated in an amount determined by the Township Board. All voting members of the Planning Commission, including the member of the Township Board, may be paid their necessary expenses in attending meetings of the Planning Commission and in the conduct of the business of the Planning Commission. Nothing in this Subdivision shall be construed to prohibit the payment of a per diem to the

Township Board Member pursuant to Minnesota Statutes, Section 375.055,
Subdivision 1.

**ARTICLE X
BOARD OF ADJUSTMENT**

Section 1 Creation

1.01 **The Township Board hereby creates a Board of Adjustment** pursuant to Minnesota Statute 462.354 and all acts amendatory thereof.

Section 2 Membership

2.01 **Membership**

A. The Board of Adjustment shall consist of five (5) members who shall be appointed by the Township Board as provided in this Ordinance, all of whom shall be residents of Greenwood Township.

B. One member shall also be a member of the Greenwood Township Planning Commission. This member shall be appointed by the Planning Commission at its first meeting after April 1 and serve for one year.

C. No elected officer of the Township nor any employee of the Board of Supervisors shall serve on the Board of Adjustment.

Section 3 Appointments

3.01 **Method of Appointment**

A. At the reorganizational meeting of the Township Board in each calendar year, the Township Board shall appoint members of the Board of Adjustment to fill expired terms. The appointments shall be made upon approval of the Board by majority vote of the entire Board.

B. Every reasonable effort shall be made to appoint members to this Commission who are representative of all geographical areas of the Township.

C. Applicants will be solicited through one-time publication in the official newspaper of the Township.

3.02 **Terms of Office**

- A. Except as provided below, each member of the Board of Adjustment shall be appointed to serve for a period of three (3) calendar years.
- B. Initial appointments made pursuant to this Ordinance shall be made in such a manner that no more than two (2) terms shall expire at the end of any given calendar year.
- C. Each calendar year shall be presumed to run from April 1 to March 31 of the following year.
- D. No person shall be appointed for more than three (3) consecutive full terms of office.

3.03 **Vacancies**

- A. Appointments shall be made by the Township Board to fill any vacancy for the unexpired duration of the term.
- B. Vacancies in regular positions shall be declared by the Township Board under any of the following conditions:
 - 1. Death of a member
 - 2. Resignation of a member
 - 3. Removal of a member for cause as provided in this Ordinance

Section 4 **Removal for Cause**

4.01 **Reasons for Removal:**

The following shall be deemed sufficient cause for the Township Board of Supervisors to remove any Board of Adjustment Member. The Township Board shall remove any member upon the occurrence of any of the following conditions as reported to the Board by either the Chairperson of the Board of Adjustment or the Planning Director:

- A. Failure of the member to attend one-third of the regularly scheduled Board of Adjustment meetings in any twelve (12) month period.
- B. Failure of the member to attend three (3) consecutive regular Board of Adjustment meetings, or to attend four (4) consecutive regular and special Board of Adjustment meetings.

C. Attendance at several regular or special Board of Adjustment meetings for such a short length of time as to render the member's services of little value to the Township. The Township Board of Supervisors shall make judgment on such matters after receiving a report of the Chairperson or the Planning Director as provided in this Section above.

D. Violation by the member of any Land Use Control Ordinance adopted by the Township pursuant to Minnesota Statutes 462, and all acts amendatory thereof.

E. Any change in residency status, such that the member is not a resident of Greenwood Township.

F. Inability to carry out the duties of the Board due to a conflict of interest.

Section 5 **Organization and Procedures**

5.01 **Officers**

A. The Board of Adjustment shall elect a Chairperson and vice-chairperson from among its regular members. The Township Clerk shall serve as secretary. Elections of officers shall take place at the first planning meeting after April 1. Officers shall serve a term of one year.

5.02 **Rules of Procedure**

A. The Board of Adjustment shall adopt rules for the transaction of its business which shall be consistent with the Statutes of the State of Minnesota and the Ordinances of this Township.

5.03 **Meetings**

A. The meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment in its Rules of Procedure may specify.

B. All meetings of the Board of Adjustment shall be open to the public, pursuant to Minnesota Statutes.

5.04 **Voting**

A. Each member, including the Chairperson, shall be entitled to vote on all questions, unless a particular issue involves a conflict of

interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.

B. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

C. Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Board of Adjustment shall disclose such interest and either disqualify him or herself, or seek a ruling pursuant to this Ordinance.

D. Any person may, in person or in writing, challenge whether any member may have a conflict of interest. Upon any such challenge, the Board shall decide the question pursuant to this Ordinance.

5.05 Records

A. The Board of Adjustment shall keep a written public record of all its transactions, findings and determinations on all matters referred to it, and shall cause such records to be recorded as necessary pursuant to Minnesota Statutes.

Section 6 Authority and Duties

6.01 Variances

A. The Board of Adjustment shall have the exclusive authority to order the issuance of Variances from the terms of any official control, including restrictions placed on non-conformities.

B. Requests for Variances from the Subdivision Platting Regulations of St. Louis County shall first be referred to the Greenwood Township Planning Commission for a recommendation to the Board of Adjustment.

C. The Board of Adjustment shall have the exclusive authority to order the issuance of permits for buildings and uses in areas designated for future public use on an official map.

D. The Board of Adjustment may impose conditions in the granting of variances to ensure compliance and protect adjacent properties and public interests.

6.02 Other Appeals

A. The Board of Adjustment shall have the exclusive authority to hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing any Ordinance or Official Control adopted pursuant to Minnesota statutes.

B. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal was taken, and may direct the issuance of a permit.

C. Appeals shall be taken to the Board of Adjustment within forty-five (45) days of receipt of notice from the Planning Director of any order, requirement, decision or determination made by him.

6.03 Public Hearings

A. The Board of Adjustment shall conduct public hearings on all Variance appeals and other appeals brought before it.

B. The Board of Adjustment shall set a reasonable time for the hearing of all appeals and give due notice thereof to the applicant and the officer from whom the appeal is taken, and to the public as prescribed by Minnesota Statutes and applicable Ordinances of the Township.

C. Decisions by the Board of Adjustment shall be rendered on all appeals within thirty-five (35) days from the date the public hearing is closed.

D. The reasons for the decision of the Board of Adjustment shall be stated in writing.

E. All decisions by the Board of Adjustment in granting Variances or in hearing appeals from any administrative order, requirement, decision or determination, or in granting any permit shall be final, except that any aggrieved person or persons, or any Department, Board or Commission of the jurisdiction of the State shall have the right to appeal within thirty (30) days after receipt of notice of the decision, to the District Court in the County in which the land is located, on questions of law and fact.

6.04 **Other Duties and Authority**

A. The Board of Adjustment shall have such other duties and authorities as are prescribed by proper Ordinances of this Township.

Section 7 **Compensation**

Members of the Board of Adjustment may be compensated in any amount determined by the Township Board, and may be paid their necessary expenses in attending meetings of the Board of Adjustment and in the conduct of business of the Board of Adjustment.

**ARTICLE XI
VALIDITY AND EXEMPTIONS**

- Section 1 **Severability:**
Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- Section 2 **Impact Upon Other Property:**
Should this Ordinance be declared unconstitutional or invalid in its application to any given property or use, such decision shall not affect the validity or constitutionality of this Ordinance as applied to other properties or uses.
- Section 3 **Federal Government:**
No land owned or leased by the Federal Government shall be subject to the provisions of this Ordinance unless agreed to by the Federal Government.
- Section 4 **State Government:**
No land owned or leased by the State of Minnesota shall be subject to the provisions of this Ordinance unless agreed to by the State Government.
- Section 5 **County Government:**
No land owned or leased by St. Louis County shall be subject to the provisions of this Ordinance unless agreed to by the County Government.
- Section 6 **More Restrictive Standards:**
More restrictive Federal, State, or County regulations or standards shall take precedence over the provisions of this Ordinance.

**ARTICLE XII
FEES**

Section 1

A. The Township Board shall establish, by resolution, a schedule of fees applicable to all permit applications, petitions and appeals. The fee schedule resolution shall be attached to all copies of this Ordinance which are distributed to the public. The schedule of fees and penalty fees may be altered by Township Board resolution.

B. No application for a Zoning Permit, Conditional Use Permit, Planned Unit Development Permit, or any other required permit, nor any petition to amend the Zoning Ordinance Map, nor any appeal to the Board of Adjustment shall be recognized, acted upon, issued or granted unless and until all required fees have been submitted in full by means of cash, check or money order to the Planning Director. Receipt of fees shall be subject to their collection by the Township. If a fee is submitted by check or money order, no permit granted or action taken shall be of any force or effect until the check or money order submitted shall prove collectable.

C. Should a permit, petition or appeal be denied, the fee shall not be refunded.

D. Fees collected for permits issued "after the fact" shall be triple the amount in the approved fee schedule for the type of permit, plus administrative costs as determined by the Township Board.

