

ORDINANCE NO. 10

AN ORDINANCE REGULATING THE USE OF LAND, THE LOCATION AND THE USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS IN THE TOWNSHIP OF GREY CLOUD, MINNESOTA.

THE TOWN BOARD OF GREY CLOUD DOES ORDAIN THAT THE ORDINANCE COMMONLY KNOWN AS THE "ZONING ORDINANCE OF THE TOWNSHIP OF GREY CLOUD" BE AMENDED TO READ AS FOLLOWS:

SECTION I. PURPOSE.

THIS ORDINANCE IS BEING ENACTED IN ORDER TO PROTECT AND PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE PEOPLE OF GREY CLOUD, MINNESOTA.

SECTION II. GENERAL PROVISIONS.

A. LOTS AND BUILDINGS.

- 1) COMPLIANCE WITH THIS ORDINANCE. NO BUILDING OR PREMISES MAY HEREAFTER BE USED OR OCCUPIED, AND NO BUILDING PERMIT SHALL BE GRANTED THAT DOES NOT CONFORM TO THE REQUIREMENTS OF THIS ORDINANCE.
- 2) STREET FRONTAGE REQUIRED. NO NEW BUILDING SHALL BE CONSTRUCTED ON ANY SITE THAT DOES NOT ABUT AT LEAST 40 FEET ON A PUBLIC STREET.
- 3) ACCESSORY BUILDINGS. NO ACCESSORY BUILDING OR STRUCTURE, UNLESS AN INTEGRAL PART OF THE PRINCIPAL BUILDING, SHALL BE ERECTED, ALTERED, OR MOVED WITHIN 8 FEET OF THE PRINCIPAL BUILDING. NO ACCESSORY BUILDING SHALL EXCEED 15 FEET IN HEIGHT, EXCEPT FOR FARM BUILDINGS.
- 4) RELOCATED STRUCTURES. BEFORE ANY HOUSE OR OTHER STRUCTURE IS MOVED ONTO A VACANT LOT, THE BUILDING INSPECTOR SHALL REPORT TO THE TOWN BOARD WHETHER THE STRUCTURE WILL BE COMPATIBLE WITH OTHER DEVELOPMENT (EXISTING OR FUTURE) IN THE AREA. FACTORS TO BE CONSIDERED ARE AGE, BULK, AND SOUNDNESS OF CONSTRUCTION. IF THE TOWN BOARD CONCURS WITH THE DECISION OF THE BUILDING INSPECTOR THAT A STRUCTURE WOULD DEPRECIATE THE AREA INTO WHICH IT IS TO BE MOVED, IT MAY WITHHOLD ISSUANCE OF A PERMIT FOR SUCH RELOCATION.
- 5) REQUIRED AREA NOT TO BE REDUCED. NO LOT, YARD, OR PARKING AREA SHALL BE SO REDUCED IN AREA OR DIMENSION AS TO MAKE ANY SUCH AREA OR DIMENSION LESS THAN THE MINIMUM REQUIRED BY THIS ORDINANCE, AND IF ALREADY LESS THAN THE MINIMUM REQUIRED, IT SHALL NOT BE FURTHER REDUCED.
- 6) HOUSES ON LARGE LOTS. HOMES CONSTRUCTED ON LOTS ONE ACRE IN SIZE OR LARGER SHALL BE SO PLACED AS TO PERMIT FUTURE DIVISION OF THE LOT.

A. PERMITTED ENCROACHMENTS.

THE FOLLOWING SHALL BE CONSIDERED AS PERMITTED ENCROACHMENTS ON SETBACK AND HEIGHT REQUIREMENTS:

- 1) IN ANY YARDS: POSTS, OFF-STREET OPEN PARKING SPACES, OPEN TERRACES, AWNINGS, OPEN CANOPIES, STEPS, CHIMNEYS, AND FLAG POLES.
- 2) IN FRONT YARDS: FENCES AT LEAST 80% OPEN.
- 3) IN SIDE AND REAR YARDS: FENCES OR WALLS SIX FEET IN HEIGHT OR

LESS. HOWEVER, IN A CORNER LOT NO OBSTRUCTION HIGHER THAN THREE FEET ABOVE CURB LEVEL SHALL BE LOCATED WITHIN TWENTY FEET OF THE LOT CORNER FORMED BY ANY TWO STREETS, OR WITHIN FIFTEEN FEET OF ANY STREET RIGHT- OF-WAY.

- 4) IN REAR YARDS: RECREATIONAL AND LAUNDRY DRYING EQUIPMENT, OPEN ARBORS AND TRELLISES, BALCONIES, BREEZEWAYS, PORCHES, DETACHED OUTDOOR LIVING ROOMS, BARBECUE FACILITIES.
- 5) HEIGHT LIMITATIONS SHALL NOT APPLY TO BARNs, SILOS, AND OTHER STRUCTURES ON FARMS; TO CHURCH SPIRES, BELFRIES, CUPOLAS AND DOMES; MONUMENTS; CHIMNEYS AND SMOKESTACKS; FLAG POLES; PUBLIC AND PUBLIC UTILITY FACILITIES; TRANSMISSION TOWERS OF COMMERCIAL RADIO BROADCASTING STATION; TELEVISION ANTENNAE AND PARAPET WALLS EXTENDING NOT MORE THAN FOUR FEET ABOVE THE LIMITING HEIGHT OF THE BUILDING.

B. REQUIREMENTS AS MINIMUM. IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS ORDINANCE SHALL BE HELD TO BE MINIMUM REQUIREMENTS. WHEREVER THIS ORDINANCE IMPOSES GREATER RESTRICTIONS THAN ARE IMPOSED OR REQUIRED BY OTHER PROVISIONS OF LAW OR BY OTHER RULES OR REGULATIONS, THE PROVISIONS OF THIS ORDINANCE SHALL GOVERN.

SECTION III. DISTRICT PROVISIONS.

- A. DISTRICTS. THE FOLLOWING DISTRICTS ARE HEREBY ESTABLISHED:  
 R-1 RESIDENTIAL - ESTATE DISTRICT  
 I-1 LIMITED INDUSTRY DISTRICT  
 C-1 COMMERCIAL EXCAVATION

B. MINIMUM REQUIREMENTS.

	R--1	I-1	C-- 1
FLOOR AREA (SQ FT)	1,200	10,000	C/E
LOT WIDTH	180'	N/A	N/A
LOT AREA	1-1/2 ACRES	N/A	<b>N/A</b>
FRONT SET BACK	50'	50'	50'
SIDE SET BACK	25'	50'	50'
REAR SET BACK	50'	50'	50'

C. EXCEPTIONS AND ADDITIONS TO ABOVE REQUIREMENTS.

- 1) SET-BACKS FOR CORNER LOT. WHERE A STRUCTURE FRONTS ON TWO STREETS, ONE OF THE FRONT SET-BACKS MAY BE REDUCED BY 1/3 FROM THAT REQUIRED. THE DETERMINATION AS TO WHICH FRONT YARD SHALL HAVE THE FULL SETBACK WILL BE MADE BY THE BUILDING INSPECTOR ON THE BASES OF PREVAILING SET-BACKS IN THE IMMEDIATE VICINITY.
- 2) RESIDENTIAL GARAGES. THE REQUIRED SIDE-YARD SET-BACK MAY BE REDUCED FIVE FEET IN THE CASE OF A RESIDENTIAL GARAGE.
- 3) FRONT SET-BACKS. WHERE ADJOINING STRUCTURES EXISTING AT THE TIME OF ADOPTION OF THIS ORDINANCE HAVE A DIFFERENT FRONT SET-BACK FROM THAT REQUIRED, THE FRONT SET-BACK OF A NEW STRUCTURE SHALL CONFORM TO THE PREVAILING SET-BACK IN THE IMMEDIATE VICINITY. THE BUILDING INSPECTOR SHALL DETERMINE THE NECESSARY FRONT YARD SET-BACK IN SUCH CASES. HOWEVER, IN NO CASE SHALL A BUILDING BE REQUIRED TO SET-BACK MORE THAN 60 FEET, EXCEPT WHERE AN INDUSTRIAL DISTRICT IS ADJACENT TO A RESIDENTIAL DISTRICT.

- 4) NO BUILDING IN AN INDUSTRIAL USE DISTRICT SHALL BE PLACED NEARER THAN 200 FEET FROM ANY PRESENTLY EXISTING ROAD, HIGHWAY OR RESIDENTIAL PROPERTY, EXCEPT BY SPECIAL PERMIT OF THE TOWN BOARD.
- 5) SET-BACKS ALONG THOROUGHFARES. ALONG STREETS DESIGNATED AS A MAJOR STREET BY THE TOWN BOARD, THE MINIMUM FRONT SET-BACK SHALL BE 90 FEET FROM THE CENTER LINE OF THE STREET OR 50 FEET FROM THE RIGHT-OF-WAY LINE, WHICHEVER IS THE GREATER SET-BACK.
- 6) HEIGHT. ALL STRUCTURES SHALL HAVE ADDITIONAL SET-BACK REQUIREMENTS (FRONT, SIDE AND REAR) OF ONE FOOT FOR EACH FOOT OF HEIGHT OVER 15 FEET. WHERE A SITE CONTAINS MORE THAN ONE PRINCIPAL STRUCTURE, THE DISTANCE BETWEEN ANY TWO STRUCTURES MUST BE NO LESS THAN THE SUM OF THE HEIGHTS OF THE TWO STRUCTURES.
- 7) LIVESTOCK. NO LIVESTOCK SUCH AS FARM ANIMALS, HORSES, COWS, FOWL, PIGS, SHEEP, PONIES, SHALL BE KEPT ON ANY LAND WITHIN THE TOWNSHIP UNLESS A SPECIAL USE PERMIT FOR THE KEEPING OF SUCH ANIMAL OR ANIMALS IS OBTAINED FROM THE TOWN BOARD.

C. PERMITTED USES. NO BUILDING OR PREMISE MAY BE DEVOTED TO USES OTHER THAN AS PROVIDED FOR BELOW:

R-1 DISTRICT;  
 AGRICULTURE – THOSE USES ASSOCIATED WITH GROWING OF PRODUCE AND LIVESTOCK ON FARMS. DOES NOT INCLUDE FUR FARMS AND COMMERCIAL ANIMAL FEED LOTS.

CHURCHES-

PUBLIC AND PUBLIC UTILITY USES-

SINGLE FAMILY DWELLINGS- HOME OCCUPATIONS, PROVIDING: NO RETAIL BUSINESS, OTHER THAN THAT CONDUCTED BY MAIL, IS CONDUCTED ON THE PREMISES; THERE IS NO MANUFACTURING OR EQUIPMENT REPAIR; NO STOCK IN TRADE SHALL BE KEPT AND SOLD ON THE PREMISES; NO PERSON NOT RESIDING ON THE PREMISES SHALL BE EMPLOYED; NO INTERIOR OR EXTERIOR ALTERATIONS NECESSARY TO CONDUCT A BUSINESS SHALL BE MADE TO THE STRUCTURE; THE ENTRANCE TO THE SPACE DEVOTED TO SUCH OCCUPATION SHALL BE WITHIN THE DWELLING; THERE IS NO EXTERIOR DISPLAY OR SIGN EXCEPT THOSE NORMALLY PERMITTED IN A RESIDENCE DISTRICT; THERE SHALL BE NO EXTERIOR STORAGE OF MATERIAL OR EQUIPMENT; THE HOME OCCUPATION IS CONDUCTED ENTIRELY WITHIN A BUILDING.

USES THAT MAY BE PERMITTED BY SPECIAL USE PERMIT:

- CEMETERIES
- GREENHOUSES
- PUBLIC STABLES
- COMMERCIAL ANIMAL FEED LOTS
- REST HOMES
- LIVESTOCK
- DUMPS AND DUMPING GROUNDS

I-1 DISTRICT:  
 AGRICULTURE, AS SPECIFIED IN PREVIOUS PARAGRAPH

PUBLIC AND PUBLIC UTILITY USES

OFFICES

WAREHOUSING AND WHOLESALING WHERE EXTERIOR STORAGE IS NOT A PRIMARY USE.  
RESEARCH LABORATORIES

MANUFACTURING – INCLUDES MANUFACTURING, COMPOUNDING, PROCESSING,  
PACKAGING, TREATMENT, OR ASSEMBLY OF PRODUCTS AND MATERIALS.

ACCESSORY USES (CIGAR AND CANDY COUNTERS, ETC.)

USES THAT MAY BE PERMITTED BY SPECIAL USE PERMIT:

OPEN STORAGE AS A PRIMARY USE

SERVICE STATIONS

EATING ESTABLISHMENTS

- C-1 DISTRICT (COMMERCIAL EXCAVATION) – AGRICULTURAL USES AS PERMITTED IN R-1 DISTRICT AS HEREIN BEFORE SET FORTH AND IN ADDITION COMMERCIAL EXCAVATION AND MINING OF SAND, GRAVEL AND ROCK SHALL BE PERMITTED AND THAT UPON THE CESSATION OF COMMERCIAL EXCAVATION THE SAID AREA SHALL REVERT TO R-1.

#### SECTION IV. PERFORMANCE STANDARDS.

BEFORE ANY BUILDING PERMIT IS APPROVED, THE BUILDING INSPECTOR SHALL DETERMINE WHETHER THE PROPOSED USE IS LIKELY TO CONFORM TO THE PERFORMANCE STANDARDS LISTED BELOW. IN CASE OF DOUBT, THE APPLICANT MAY BE REQUIRED TO SUBMIT ADDITIONAL DATA ABOUT THE PROPOSED USE. THE TOWN BOARD MAY DENY ISSUANCE OF A BUILDING PERMIT IF IT DETERMINES THAT THE PROPOSED USE IS NOT LIKELY TO MEET THESE PERFORMANCE STANDARDS. WHERE A BUILDING PERMIT IS APPROVED, THE LAND USER SHALL BE RESPONSIBLE FOR COMPLYING WITH THE PERFORMANCE STANDARDS.

- A. EXTERIOR STORAGE. ALL MATERIALS AND EQUIPMENT SHALL BE STORED WITHIN A BUILDING OR FULLY SCREENED (SO AS NOT TO BE VISIBLE) FROM ADJOINING PROPERTIES, EXCEPT FOR THE FOLLOWING:  
LAUNDRY DRYING AND RECREATIONAL EQUIPMENT  
AGRICULTURAL EQUIPMENT AND MATERIALS ON FARMS  
OFF-STREET PARKING AND LOADING  
MATERIALS BEING USED FOR CONSTRUCTION OR LANDSCAPING ON THE PREMISES.
- B. REFUSE. ALL WASTE MATERIAL, DEBRIS, REFUSE, OR GARBAGE SHALL BE KEPT IN AN ENCLOSED BUILDING OR PROPERLY CONTAINED IN A CLOSED CONTAINER DESIGNATED FOR SUCH PURPOSE.  
THE OWNER OF VACANT LAND SHALL BE RESPONSIBLE FOR KEEPING SUCH LAND FREE OF REFUSE.
- C. LANDSCAPING. ALL DEVELOPED USES SHALL PROVIDE A LANDSCAPED YARD ALONG ALL STREETS. THIS YARD SHALL BE KEPT CLEAR OF ALL STRUCTURES, STORAGE, AND OFF-STREET PARKING. THIS YARD SHALL BE AT LEAST 50 FEET IN DEPTH ALONG ALL STREETS, MEASURED FROM THE STREET RIGHT-OF-WAY. EXCEPT FOR DRIVEWAYS, THE YARD SHALL EXTEND ALONG THE ENTIRE FRONTAGE OF THE LOT, AND ALONG BOTH STREETS IN CASE OF A CORNER LOT.

- D. MAINTENANCE. ALL STRUCTURES, REQUIRED LANDSCAPING AND FENCES SHALL BE MAINTAINED SO AS NOT TO BE UNSIGHTLY TO THE ADJOINING AREAS.
- E. GLARE. ANY LIGHTING USED TO ILLUMINATE AN OFF-STREET PARKING AREA OR SIGN SHALL BE ARRANGED AS TO DEFLECT LIGHT AWAY FROM ANY ADJOINING RESIDENTIAL ZONE OR FROM THE PUBLIC STREETS. DIRECT OR SKY-REFLECTED GLARE, WHETHER FROM FLOODLIGHTS OR FROM HIGH-TEMPERATURE PROCESSES, SUCH AS COMBUSTION OR WELDING, SHALL NOT BE DIRECTED INTO ANY ADJOINING PROPERTY.
- F. SIGNS.
- 1) TYPE. IDENTIFICATION SIGNS ARE PERMITTED IN ALL DISTRICTS. BUSINESS SIGNS ARE PERMITTED IN THE I-1 DISTRICT. OUTDOOR ADVERTISING SIGNS ARE NOT PERMITTED IN ANY DISTRICT.
  - 2) ILLUMINATION. ILLUMINATED BUT NON-FLASHING SIGNS ARE PERMITTED IN ALL DISTRICTS. THE LIGHTING MUST BE INDIRECT OR DIFFUSED IN RESIDENTIAL DISTRICTS.
  - 3) HEIGHT. SIGNS MUST NOT BE OVER 10 FEET ABOVE GRADE IN RESIDENTIAL DISTRICTS. IN INDUSTRIAL DISTRICTS, NO SIGN SHALL BE OVER 35 FEET ABOVE GRADE.
  - 4) SET-BACK. ANY SIGN OVER 5 SQUARE FEET MAY PROJECT ONLY TWO FEET INTO THE REQUIRED FRONT OR SIDE SET-BACK AREA.
  - 5) SIZE. THE FOLLOWING ARE MAXIMUM PERMITTED (TOTAL AREA PER USE):  
 ONE AND TWO-FAMILY DWELLINGS – 2 SQ. FEET  
 OTHER USES IN RESIDENTIAL DISTRICTS – 24 SQ. FEET  
 INDUSTRIAL DISTRICTS – 1 SQ. FOOT FOR EACH 100 SQ. FEET OF GROUND FLOOR AREA.
  - 6) DISTRACTION. BUSINESS SIGNS SHALL BE SUFFICIENT TO IDENTIFY, BUT NOT TO DISTRACT:
    - A) EXCEPT FOR GRAND OPENINGS AND HOLIDAYS, BANNERS AND STRINGERS MAY NOT BE USED.
    - B) THERE SHALL BE NO USE OF REVOLVING SIGNS, REVOLVING BEACONS, ZIP FLASHERS, OR SIMILAR EYE-CATCHING DEVICE.
    - C) THERE SHALL BE NO TEMPORARY SIGNS IN ANY REQUIRED SET-BACK AREA. THERE SHALL BE NO MORE THAN THREE SUCH SIGNS ON ANY PARCEL, AND THE TOTAL AREA OF SUCH SIGNS MAY NOT EXCEED 30 SQ. FEET.
  - 7) WALL SIGNS. SIGNS SHALL NOT BE PAINTED ON THE OUTSIDE WALL OF A BUILDING OR ON A FENCE IN ANY DISTRICT.
  - 8) FOR RENT AND FOR SALE SIGNS. THESE MAY BE PLACED IN ANY YARD, PROVIDING SUCH SIGNS ARE NOT CLOSER THAN 10 FEET TO ANY PROPERTY LINE AND DO NOT EXCEED 10 SQ. FEET IN RESIDENTIAL DISTRICTS, AND 32 SQ. FEET IN OTHER DISTRICTS.
- G. OFF-STREET PARKING. ALL USES SHALL PROVIDE OFF-STREET PARKING FACILITIES. ANY PARKING LOT CONTAINING SIX PARKING SPACES OR MORE SHALL BE IMPROVED WITH A DURABLE AND DUSTLESS SURFACE AND SHALL BE SO GRADED AND DRAINED AS TO DISPOSE OF ALL SURFACE WATER ACCUMULATION. ALL OFF-STREET PARKING SPACES SHALL HAVE ACCESS OF DRIVEWAYS AND NOT DIRECTLY OFF THE PUBLIC STREET. THE FOLLOWING USES MUST PROVIDE OFF-STREET PARKING SPACES AS SPECIFIED (EACH SPACE EQUALING 300 SQ. FEET OF STANDING AND MANEUVERING AREA):  
 RESIDENTIAL USES – TWO SPACES PER DWELLING UNIT

PLACES OF ASSEMBLY – ONE SPACE FOR EACH THREE SEATS OR EACH FIVE FEET OF PEW LENGTH.

INDUSTRY - ONE SPACE FOR EACH EMPLOYEE (BASED UPON MAXIMUM PLANNED EMPLOYMENT DURING ANY WORK PERIOD) OR ONE SPACE FOR EACH 800 SQ. FEET OF FLOOR AREA WHICHEVER REQUIREMENT IS THE GREATER.

PARKING REQUIREMENT FOR USES NOT LISTED SHALL BE DETERMINED BY THE BUILDING INSPECTOR UPON BASIS OF PROBABLE PARKING NEED.

H. OFF-STREET LOADING. ALL INDUSTRIAL USES SHALL PROVIDE OFF-STREET LOADING SPACE ON THE BASIS OF THE FOLLOWING MINIMUM REQUIREMENTS:

SQ. FEET OF AGGREGATE GROSS FLOOR AREA	MINIMUM REQUIRED NUMBER OF BERTHS
UP TO 10,000	0
10,000 TO 16,000	1
16,000 TO 40,000	2
FOR EACH ADDITIONAL 40,000	1 ADDITIONAL

THE SIZE OF THE BERTHS WILL DEPEND UPON THE SIZE OF THE TRUCKS TO BE USED. NO LOADING BERTH OF VEHICLES OVER TWO-TONS CAPACITY SHALL BE CLOSER THAN 100 FEET TO ANY RESIDENCE DISTRICT UNLESS COMPLETELY ENCLOSED BY BUILDING WALLS NOT LESS THAN EIGHT FEET IN HEIGHT.

WHERE NOISE FROM LOADING OR UNLOADING ACTIVITY IS AUDIBLE IN A RESIDENTIAL DISTRICT, THE ACTIVITY SHALL TERMINATE BETWEEN THE HOURS OF 7:00 P.M. AND 7:00 A.M.

I. ARCHITECTURE. ALL STRUCTURES OTHER THAN FARM AND RESIDENTIAL STRUCTURES SHALL BE DESIGNED BY A REGISTERED ARCHITECT.

J. OTHER NUISANCE CHARACTERISTICS. ANY NEW INDUSTRIAL USE OR EXPANSION OF AN EXISTING INDUSTRIAL USE SHALL REQUIRE SUBMISSION OF INFORMATION CONCERNING POSSIBLE CREATION OF THE FOLLOWING NUISANCES:

- DANGER FROM EXPLOSIVES
- DANGER FROM RADIATION AND ELECTRICAL EMISSIONS
- NOISE
- ODORS
- SMOKE
- AIR POLLUTION
- WASTES
- VIBRATION
- DUST

THE APPLICANT MAY BE REQUIRED TO DEMONSTRATE THAT HE WILL NOT EXCEED THE PERFORMANCE LEVEL ESTABLISHED BY THE TOWNSHIP. THE TOWN BOARD SHALL APPROVE A GIVEN PERFORMANCE LEVEL WHERE IT IS ESTABLISHED THAT NO NUISANCES WOULD BE CREATED THAT WOULD ADVERSELY AFFECT EXISTING OR POTENTIAL USES IN ADJOINING AREAS. THE INDUSTRY SHALL NOT EXCEED THOSE PERFORMANCE LEVELS EXCEPT WHEN SPECIFICALLY AUTHORIZED BY THE TOWN BOARD.

SECTION V. ADMINISTRATION.

A. AMENDMENTS TO TEXT OF ZONING ORDINANCE. MINOR AMENDMENTS MAY BE ADOPTED BY THE TOWN BOARD. OTHER AMENDMENTS SHALL REQUIRE A PUBLIC

HEARING TO BE HELD AS REQUIRED BY STATE LAW. THE TOWN BOARD SHALL DETERMINE WHETHER ANY PROPOSED AMENDMENT IS "MINOR".

B. REZONING. THE PROCEDURE FOR CHANGING ZONING DISTRICT BOUNDARIES (RE-ZONING) SHALL BE AS FOLLOWS:

- 1) THE TOWN BOARD OR PROPERTY OWNER, MAY INITIATE A REZONING. PROPERTY OWNERS WISHING TO INITIATE A REZONING OF THEIR PROPERTY SHALL FILL OUT A "ZONING FORM", COPIES OF WHICH ARE AVAILABLE FROM THE TOWN CLERK. THE ZONING FORM SHALL BE ACCOMPANIED BY A FEE OF \$45.00, TO BE USED FOR THE COSTS OF PROCESSING THE APPLICATION. THE ZONING FORM SHALL BE FILED WITH THE TOWN CLERK.
- 2) THE TOWN BOARD SHALL SET A HEARING ON THE APPLICATION AND SHALL HAVE NOTICE OF SUCH HEARING PUBLISHED AS REQUIRED BY STATE LAW. PROPERTY OWNERS WITHIN 1,000 FEET OF THE PROPERTY IN QUESTION SHALL BE NOTIFIED, ALTHOUGH FAILURE BY ANY PROPERTY OWNER TO RECEIVE SUCH NOTIFICATION SHALL NOT INVALIDATE THE PROCEEDINGS.
- 3) THE HEARING ON THE REZONING APPLICATION SHALL BE HELD BY THE TOWN BOARD AT ITS FIRST REGULAR MEETING AFTER THE REQUIRED TIME INTERVAL FOLLOWING NEWSPAPER PUBLICATION OR POSTING OF THE HEARING.
- 4) THE TOWN BOARD SHALL DETERMINE WHETHER THE PROPOSED CHANGE CONFORMS TO ITS GENERAL LAND USE PLAN. IT SHALL TAKE ACTION ON THE APPLICATION WITHIN 60 DAYS FOLLOWING THE DATE OF THE HEARING. THE PERSON MAKING THE APPLICATION SHALL BE NOTIFIED OF THE TOWN BOARD'S ACTION.

C. SPECIAL USE PERMITS. THE PROCEDURE FOR ISSUANCE OF SPECIAL USE PERMITS IS AS FOLLOWS:

- 1) THE PERSON APPLYING FOR A SPECIAL USE PERMIT SHALL FILL OUT AND SUBMIT A "ZONING FORM", COPIES OF WHICH ARE AVAILABLE FROM THE CLERK, TOGETHER WITH A FEE OF \$1.00 AND THAT SAID APPLICATION SHALL THEN BE REFERRED TO THE TOWN BOARD FORTHWITH.
- 2) THE TOWN BOARD SHALL CONSIDER THE PETITION AT ITS NEXT MEETING, BUT NOT EARLIER THAT SEVEN DAYS.
- 3) THE PETITIONER OR HIS REPRESENTATIVE SHALL APPEAR BEFORE THE TOWN BOARD IN ORDER TO ANSWER QUESTIONS CONCERNING THE PROPOSED SPECIAL USE.
- 4) THE TOWN BOARD WILL DETERMINE WHETHER THE PROPOSED USE WOULD BE COMPATIBLE WITH OTHER EXISTING AND POTENTIAL USES IN THE AREA.
- 5) THE TOWN BOARD MUST TAKE ACTION ON THE APPLICATION WITH IN 60 DAYS FROM THE DATE OF THE HEARING. IF IT GRANTS THE SPECIAL USE PERMIT, THE TOWN BOARD MAY IMPOSE CONDITIONS IT CONSIDERS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE.

ANY EXISTING USE WHICH IS IN THE CATEGORY OF A SPECIAL USE IN A GIVEN DISTRICT SHALL AUTOMATICALLY BE CONSIDERED TO HAVE A SPECIAL USE PERMIT. ANY EXPANSION OF SUCH USE, HOWEVER, WILL REQUIRE APPROVAL BY THE TOWN BOARD.

D. VARIANCES. WHERE THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE PROVISIONS OF THIS ORDINANCE, A VARIANCE MAY BE GRANTED. THE DIFFICULTIES OR HARDSHIPS MUST HAVE TO DO WITH THE CHARACTERISTICS OF THE LAND AND NOT OF THE PROPERTY OWNER.

- 1) A PERSON DESIRING A VARIANCE SHALL FILL OUT AND SUBMIT A "ZONING FORM", COPIES OF WHICH ARE AVAILABLE FROM THE TOWN CLERK, TOGETHER WITH A FEE OF \$5.00. IF POSSIBLE THE PETITIONER SHALL OBTAIN THE WRITTEN CONSENT OF ANY ADJACENT PROPERTY OWNER WHO MIGHT BE AFFECTED BY THE VARIANCE.
- 2) THE TOWN BOARD SHALL CONSIDER THE VARIANCE REQUEST AT ITS NEXT REGULAR MEETING. THE PETITIONER SHALL APPEAR BEFORE THE TOWN BOARD IN ORDER TO ANSWER QUESTIONS.
- 3) THE TOWN BOARD SHALL GRANT THE VARIANCE IF IT FINDS:
  - A. A HARDSHIP HAS BEEN CREATED BY THE SHAPE OR CONDITION OF THE PARCEL IN QUESTION.
  - B. GRANTING THE VARIANCE IS NECESSARY TO THE REASONABLE USE OF THE LAND.
  - C. GRANTING THE VARIANCE WILL NOT ADVERSELY AFFECT EXISTING OR FUTURE DEVELOPMENT OF EXISTING LAND.

SECTION VI. RULES AND DEFINITIONS. THE LANGUAGE SET FORTH IN THE TEXT OF THIS ORDINANCE SHALL BE INTERPRETED AS FOLLOWS:

- A. THE SINGULAR NUMBER INCLUDES THE PLURAL, AND THE PLURAL THE SINGULAR.
- B. THE PRESENT TENSE INCLUDES THE PAST AND THE FUTURE TENSES, AND THE FUTURE THE PRESENT.
- C. THE WORD "SHALL" IS MANDATORY, WHILE THE WORD "MAY" IS PERMISSIVE.
- D. THE MASCULINE GENDER INCLUDES THE FEMININE AND NEUTER.
- E. ALL MEASURED DISTANCES SHALL BE TO THE NEAREST INTEGRAL FOOT. IF A FRACTION IS ½ FOOT OR LESS, THE INTEGRAL FOOT NEXT BELOW SHALL BE TAKEN.
- F. THE TOWN BOARD SHALL CLARIFY ANY QUESTIONS AS TO THE MEANING OR INTENT OF THIS ORDINANCE.
- G. THE FOLLOWING WORDS AND TERMS, WHEREVER THEY OCCUR IN THIS ORDINANCE SHALL BE INTERPRETED AS HEREIN DEFINED:

ACCESSORY USE OR STRUCTURE: A USE OR STRUCTURE SUBORDINATE TO THE PRINCIPAL USE OR BUILDING ON THE SAME LOT AND SERVING A PURPOSE CUSTOMARILY INCIDENTAL THERETO.

BUILDING: ANY STRUCTURE WHICH IS BUILT FOR THE SUPPORT, SHELTER OR ENCLOSURE OF PERSON, ANIMALS, CHATTELS OR MOVABLE PROPERTY OF ANY KIND WHICH IS PERMANENTLY AFFIXED TO THE LAND.

DWELLING: A RESIDENTIAL BUILDING OR PORTION THEREOF, BUT NOT INCLUDING HOTELS, MOTELS, BOARDING OR ROOMING HOUSES, TOURIST HOMES OR TRAILERS.

FAMILY: A FAMILY IS –

- 1) AN INDIVIDUAL, OR TWO OR MORE PERSONS RELATED BY BLOOD, MARRIAGE OR ADOPTION, LIVING TOGETHER, OR
- 2) A GROUP OF NOT MORE THAN FIVE PERSONS WHO NEED NOT BE RELATED BY BLOOD, MARRIAGE OR ADOPTION, LIVING TOGETHER AS A SINGLE HOUSE-KEEPING UNIT IN A DWELLING UNIT, EXCLUSIVE OF USUAL SERVANTS.

FLOOR AREA: THE SUM OF THE GROSS HORIZONTAL AREAS OF THE SEVERAL FLOORS OF THE BUILDING OR PORTION THEREOF DEVOTED TO A PARTICULAR USE, INCLUDING



ACCESSORY STORAGE AREAS LOCATED WITHIN SELLING OR WORKING SPACE SUCH AS COUNTER, RACKS OR CLOSETS, AND ANY BASEMENT FLOOR AREA DEVOTED TO RETAILING ACTIVITIES, TO THE PRODUCTION OR PROCESSING OF GOODS, OR TO BUSINESS OR PROFESSIONAL OFFICES. HOWEVER, THE FLOOR AREA SHALL NOT INCLUDE: BASEMENT FLOOR AREA OTHER THAN AREA DEVOTED TO RETAILING ACTIVITIES, THE PRODUCTION OR PROCESSING OF GOODS, OR TO BUSINESS OR PROFESSIONAL OFFICES. THE FLOOR AREA OF A RESIDENCE SHALL INCLUDE 50% OF THE AREA OF ATTACHED GARAGES AND ENCLOSED BREEZEWAYS OR PORCHES, BUT SHALL NOT INCLUDE BASEMENT AREA.

HOME OCCUPATION: ANY GAINFUL OCCUPATION OR PROFESSION ENGAGED IN BY THE OCCUPANT OF A DWELLING AT OR FROM THE DWELLING WHEN CARRIED ON WITHIN A DWELLING UNIT AND NOT IN AN ACCESSORY BUILDING.

OFF-STREET LOADING SPACE: A SPACE ACCESSIBLE FROM A STREET, ALLEY, OR DRIVEWAY FOR THE USE OF TRUCKS WHILE LOADING OR UNLOADING MERCHANDISE OR MATERIALS. SUCH SPACE SHALL BE OF SUCH SIZE AS TO ACCOMMODATE ONE TRUCK OF THE TYPE TYPICALLY USED IN THE PARTICULAR BUSINESS.

OUTDOOR ADVERTISING SIGNS: A SIGN WHICH DIRECTS ATTENTION TO A BUSINESS, COMMODITY, SERVICE, OR ENTERTAINMENT, NOT NECESSARILY CONDUCTED, SOLD OR OFFERED UPON THE PREMISES WHERE SUCH SIGN IS LOCATED OR TO WHICH IT IS AFFIXED.

PUBLIC STABLES: A STABLE WHERE HORSES ARE KEPT FOR RENUMERATION, HIRE, OR SALE.

PUBLIC USES: MUNICIPAL, COUNTY, SCHOOL DISTRICT, STATE, FEDERAL, AND OTHER PUBLIC USES.

PUBLIC UTILITY USES: TRANSMISSION FACILITIES OF ELECTRIC POWER, PETROLEUM PRODUCTS, GAS, WATER, TELEPHONE AND RAILROAD COMPANIES. THESE INCLUDE RAILROAD TRACKAGE, BUT NOT STORAGE AND SWITCHING YARDS.

SET-BACK: THE MINIMUM HORIZONTAL DISTANCE BETWEEN A BUILDING AND STREET OR LOT LINE.

SIGN: A NAME, IDENTIFICATION, DESCRIPTION, DISPLAY, ILLUSTRATION, STRUCTURE, OR DEVICE WHICH IS AFFIXED TO, OR PAINTED, OR REPRESENTED DIRECTLY OR INDIRECTLY UPON A BUILDING OR OTHER OUTDOOR SURFACE OR PIECE OF LAND, AND WHICH DIRECTS ATTENTION TO AN OBJECT, PRODUCT, PLACE, ACTIVITY, PERSON, INSTITUTION, ORGANIZATION OR BUSINESS, AND MAY BE A SINGLE-FACE, DOUBLE-FACE, OR "V"-TYPE STRUCTURE.

STRUCTURE: ANYTHING ERECTED, THE USE OF WHICH REQUIRES MORE OR LESS PERMANENT LOCATION ON THE GROUND; OR ATTACHED TO SOMETHING HAVING A PERMANENT LOCATION ON THE GROUND. THIS SHALL INCLUDE SIGNS. A PRINCIPAL STRUCTURE IS ONE WHICH DETERMINES THE PREDOMINANT USE OF THE LOT ON WHICH IT IS LOCATED.

WAREHOUSING: THE STORAGE OF MATERIALS OR EQUIPMENT WITHIN AN ENCLOSED BUILDING.

WHOLESALING: THE SELLING OF GOODS, EQUIPMENT AND MATERIALS BY BULK TO ANOTHER BUSINESS THAT IN TURN SELLS TO THE FINAL CUSTOMER

SECTION VII. ZONING DISTRICT BOUNDARIES.

A. THE FOLLOWING DISTRICTS AND BOUNDARIES ARE HEREBY ESTABLISHED IN THE TOWN OF GREY CLOUD AS HEREINBEFORE DEFINED.

1. THE I-1 DISTRICT IS HEREBY CREATED AND DESCRIBED AS FOLLOWS, TO-WIT:

ALL OF SECTION THIRTEEN (13) LYING AND BEING WITHIN THE TOWN OF GREY CLOUD EXCEPT ALL THAT PART OF THE SOUTH ONE-HALF (S ½) OF SOUTHWEST QUARTER (SW ¼) OF SAID SECTION LYING AND BEING WESTERLY OF ISLAND DRIVE AND ALSO EXCEPTING ANY ISLANDS WESTERLY OF SECTION THIRTEEN (13) WITHIN THE CONFINES OF THE TOWN OF GREY CLOUD, AND ALSO EXCEPTING ALL THAT PART OF SECTION THIRTEEN (13) LYING NORTH OF FIFTEENTH AVENUE, WEST OF SIXTH STREET AND EAST OF SECOND STREET.

ALL OF SECTION TWENTY-FOUR (24) LYING AND BEING NORTH AND EAST OF O'BOYLE LANE.

2. THE C-1 DISTRICT IS HEREBY CREATED AND DESCRIBED AS FOLLOWS, TO-WIT:

THAT PART OF GOVERNMENT LOT TWO (2), SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27), NORTH, RANGE TWENTY-TWO (22) WEST, WASHINGTON COUNTY, SOUTH OF A LINE BEGINNING AT AN IRON MONUMENT ON THE EAST LINE OF SAID SECTION TWENTY-THREE (23) AT A POINT 338.85 FEET SOUTH OF THE NORTHEAST CORNER OF SAID GOVERNMENT LOT TWO (2) AND CONTINUING THENCE AT RIGHT ANGLES TO THE EAST LINE OF SECTION TWENTY-THREE (23) A DISTANCE OF 605.48 FEET THROUGH AN IRON MONUMENT AND THENCE CONTINUING TO THE SHORE OF THE MISSISSIPPI RIVER; AND ALL OF GOVERNMENT LOT THREE (3) IN SAID SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST, WASHINGTON COUNTY, EXCEPTING THEREFROM THE FOLLOWING TRACT: COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION TWENTY-THREE (23), THREE (3) RODS NORTH FROM THE SOUTHEAST CORNER THEREOF, THENCE WEST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID SECTION TWENTY-THREE (23) A DISTANCE OF 40 RODS; THENCE NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SECTION TWENTY-THREE (23) TO THE NORTH LINE OF SAID LOT THREE (3), THENCE EASTERLY ON THE NORTH LINE OF SAID LOT THREE (3) TO THE EAST LINE OF SAID SECTION: THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION TO THE PLACE OF BEGINNING. ALSO THE EAST HALF OF THE NORTHEAST QUARTER (E ½ OF NE ¼) AND GOVERNMENT LOTS ONE AND TWO (1 & 2) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST, WASHINGTON COUNTY, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF GOVERNMENT LOT TWO (2) AND OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE ¼ OF NE ¼), SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST OF THE FOURTH PRIME MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT MARKED BY AN IRON PIPE SET IN THE SECTION LINE BETWEEN SECTIONS TWENTY-FIVE (25) AND TWENTY-SIX (26), SAID POINT BEING SOUTHERLY 2340.00 FEET FROM THE SECTION CORNER OF SECTIONS TWENTY-THREE, TWENTY-FOUR, TWENTY-FIVE AND TWENTY-SIX, (23, 24, 25 & 26): AND RUNNING THENCE NORTH 88 DEG 00' WEST A DISTANCE OF 1315.70 FEET TO AN IRON PIPE; THENCE NORTH 64 DEC 01' WEST A DISTANCE OF 1474.47 FEET TO A CORNER FENCE POST ON THE HIGH BANK OF THE MISSISSIPPI RIVER; CONTINUING THENCE ON THE SAME COURSE OF NORTH 64 DEG 01' WEST TO THE WESTERN BOUNDARY OF GOVERNMENT LOT TWO (2); THENCE SOUTHWESTERLY ALONG THE WESTERN BOUNDARY OF GOVERNMENT LOT TWO (2) TO SAID WESTERN BOUNDARY'S

INTERSECTION WITH THE EAST-WEST QUARTER-SECTION LINE OF SECTION TWENTY-SIX (26); THENCE SOUTH 88 DEG 00' EAST TO A ONE AND ONE-HALF (1 ½) INCH IRON PIPE AND FENCE CORNER ON THE HIGH BANK OF THE MISSISSIPPI RIVER, SAID FENCE CORNER BEING SOUTH 34 DEG 30' WEST, A DISTANCE OF 1067.47 FEET FROM THE FIRST AFOREMENTIONED CORNER FENCE POST; CONTINUING THENCE ON THE SAME COURSE OF 88 DEG 00' EAST A DISTANCE OF 3233.10 FEET TO THE INTERSECTION OF THE SAID QUARTER SECTION LINE OF SECTION TWENTY-SIX (26) WITH THE SECTION LINE BETWEEN SECTIONS TWENTY-FIVE (25) AND TWENTY-SIX (26); THENCE NORTH 2 DEG 00' EAST ALONG SAID SECTION LINE, 300.00 FEET TO THE POINT OR PLACE OF BEGINNING, CONTAINING 34.51 ACRES, MORE OR LESS.

THAT PART OF GOVERNMENT LOT THREE (3) IN SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST, WASHINGTON COUNTY, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION TWENTY-THREE (23), 3 RODS NORTH FROM THE SOUTHEAST CORNER THEREOF, THENCE WEST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID SECTION TWENTY-THREE (23) A DISTANCE OF 40 RODS, THENCE NORTH ON A LINE PARALLEL TO THE EAST LINE OF SAID SECTION TWENTY-THREE (23) TO THE NORTH LINE OF SAID LOT THREE (3); THENCE EASTERLY ON THE NORTH LINE OF SAID LOT THREE (3) TO THE EAST LINE OF SAID SECTION; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION TO THE PLACE OF BEGINNING.

SOUTHEAST QUARTER OF SOUTHEAST QUARTER (SE ¼ OF SE ¼) SECTION TWENTY-SIX (26), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST,

SOUTHWEST QUARTER OF SOUTHWEST QUARTER (SW ¼ OF SW ¼),  
SOUTHEAST QUARTER OF SOUTHWEST QUARTER (SE ¼ OF SW ¼),  
SOUTHWEST QUARTER OF SOUTHEAST QUARTER (SW ¼ OF SE ¼)  
SOUTHEAST QUARTER OF SOUTHEAST QUARTER (SE ¼ OF SE ¼)  
SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST,

NORTHWEST QUARTER OF NORTHWEST QUARTER (NW ¼ OF NW ¼),  
NORTHEAST QUARTER OF NORTHWEST QUARTER (NE ¼ OF NW ¼),  
NORTHWEST QUARTER OF NORTHEAST QUARTER (NW ¼ OF NE ¼),  
NORTHEAST QUARTER OF NORTHEAST QUARTER (NE ¼ OF NE ¼),  
SOUTHWEST QUARTER OF NORTHWEST QUARTER (SW ¼ OF NW ¼),  
SOUTH EAST QUARTER OF NORTHWEST QUARTER (SE ¼ OF NW ¼),  
SOUTH WEST QUARTER OF NORTHEAST QUARTER (SW ¼ OF NE ¼),  
SOUTHEAST QUARTER OF NORTHEAST QUARTER (SE ¼ OF NE ¼),  
NORTHEAST QUARTER OF SOUTHWEST QUARTER (NE ¼ OF SW ¼),  
NORTHWEST QUARTER OF SOUTHEAST QUARTER (NW ¼ OF SE ¼),  
SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-SEVEN (27) NORTH,  
RANGE TWENTY-TWO (22) WEST, LOTS ONE (1), TWO (2) AND THREE (3).

LOT ONE (1), NORTHWEST QUARTER OF NORTHEAST QUARTER (NW ¼ OF NE ¼),  
NORTHEAST QUARTER OF NORTHEAST QUARTER (NE ¼ OF NE ¼), SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST.

LOT TWO (2), SOUTHWEST QUARTER OF NORTHEAST QUARTER (SW ¼ OF NE ¼),  
SOUTHEAST QUARTER OF NORTHEAST QUARTER (SE ¼ OF NE ¼), SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY-SEVEN (27) NORTH, RANGE TWENTY-TWO (22) WEST.

ALSO EXCEPTING FROM SAID DISTRICT HEREBY CREATED ANY LAND LYING AND BEING WITHIN 500 FEET OF ANY BODY OF WATER.

3. THE R-1 DISTRICT IS HEREBY CREATED AND CONTAINS ALL OF THE REST AND REMAINDER OF THE TOWN OF GREY CLOUD NOT INCLUDED IN THE DISTRICTS ABOVE DEFINED.

SECTION VIII. ENFORCEMENT.

THIS ORDINANCE SHALL BE ADMINISTERED AND ENFORCED BY THE BUILDING INSPECTOR, WHO MAY INSTITUTE IN THE NAME OF THE TOWN BOARD ANY APPROPRIATE ACTIONS OR PROCEEDINGS AGAINST A VIOLATOR AS PROVIDED BY STATUTE AND THIS ORDINANCE. VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR, AND THE VIOLATOR, UPON CONVICTION, SHALL BE PUNISHED BY IMPRISONMENT IN THE COUNTY JAIL FOR NOT TO EXCEED 90 DAYS OR BY A FINE OF NOT TO EXCEED \$100.00 AND COSTS FOR EACH OFFENSE. EACH DAY THAT A VIOLATION IS PERMITTED TO EXIST SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION IX. VALIDITY AND DATE EFFECTIVE.

ORDINANCE NO. 1, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES OF THE TOWNSHIP OF GREY CLOUD IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED. IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE INVALID, SUCH DECISION SHALL NOT AFFECT VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION AND PUBLICATION ACCORDING TO LAW.

APPROVED THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 1962 BY THE TOWN BOARD OF THE TOWNSHIP OF GREY CLOUD.

S/R. A. PINSKA, CHAIRMAN

ATTEST: S/RICHARD E. MULLEN, CLERK