

ORDINANCE NO. 36

ZONING ORDINANCE GREY CLOUD TOWNSHIP

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## GREY CLOUD TOWNSHIP ZONING ORDINANCE

AN ORDINANCE REGULATING THE USE, ALTERATION, AND IMPROVEMENT OF LAND AND STRUCTURES, THE DENSITY OF POPULATION, THE SIZE AND LOCATION OF STRUCTURES AND OTHER IMPROVEMENTS, AND THE IMPLEMENTATION OF THE COMPREHENSIVE/CRITICAL AREA PLAN.

The Town Board of the Town of Grey Cloud ordains:

### SECTION ONE. TITLE AND PURPOSE

#### A. Short Title.

This Ordinance shall be cited as the "Grey Cloud Township Zoning Ordinance".

#### B. Purpose.

This Ordinance is enacted in order to accomplish the following purposes:

1. Provide for orderly growth and stage land development to coincide with availability of community services and facilities.
2. Preserve the open, scenic, and natural-characteristics and ecological and economic functions of the lands and waters of the Township.
3. Conserve the aesthetic cultural, and historic resources of the Mississippi River corridor.
4. Implement the Township Comprehensive/Critical Area Plan.

## SECTION TWO. GENERAL PROVISIONS

### A. Interpretation.

Provisions of this code shall be liberally construed to effect the well-being of the Township and to promote good government at a minimum of expense.

### B. Definitions

The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined.

1. Accessory Use or Structure - A use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily incidental thereto.
2. Barge Fleeting Area - A portion of the riverfront where barges are temporarily secured while awaiting loading, unloading, or shipment.
3. Barge Loading Facility - A facility located on the riverfront for the loading or unloading of a barge.
4. Building - Any structure which is built for the support, shelter, or enclosure of person, animals, chattels or movable property of any kind and which is permanently affixed to the land.
5. Critical Area - The area known as the Mississippi River Corridor Critical Area designated by the Governor in Executive Order No. 130 dated November 1976.
6. Dwelling - A residential building or portion thereof, but not including hotels, motels, boarding or rooming houses, tourist homes or trailers.
7. Engineer - An engineer registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects, and Land Surveyors.
8. Existing Lot - A lot or parcel of land which was of record as a separate lot or parcel in the Office of the Washington County Recorder, on or before the date of adoption of this Ordinance.

9. Family - A family is:
  - (a) An individual, or two or more persons related by blood, marriage or adoption, living together, or
  - (b) A group of not more than six persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual servants.
10. 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 counters, 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 basements area.
11. 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..
12. Land Surveyor - A land surveyor registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects, and Land Surveyors.
13. Landscape Architect -.A landscape architect registered with the Minnesota Board of Registration for Architects, Engineers, Landscape Architects, and Land Surveyors.
14. Lift Station - A facility, usually including pumping facilities for the lifting of sewage or stormwater to a higher sewage facility or stormwater runoff facility.
15. Marina - Facilities which may include piers or systems of floating or fixed access ways providing moorings for motor boats and yachts and offering supply, repair and other facilities for said use.

16. Mining and Mineral Resource Extraction is defined as follows:
- (a) Mining and mineral resource extraction shall include the excavation, removal, processing, or storage of sand, gravel, rock, soil, clay and other natural deposits.
  - (b) Mining and mineral resource extraction shall not include the excavation, removal, processing, storage of rock, sand, dirt, gravel, clay or other material for the purpose of the foundation, cellar, or basement of some pending structure within the township, for which a permit has been issued and which is to be erected immediately following the excavation, removal, processing or storage.
  - (c) Mining and mineral resource extraction shall not include the removal or moving of materials in the construction of roads, sewer lines, storm sewer water mains, surface water drainage, agriculture or conservation purposes and sod removal. Nor shall mining include the moving of dirt for landscaping purposes on a lot used or to be used for residential purposes.
17. Normal High Water Mark - A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural landscape changes from predominantly aquatic to predominantly terrestrial.
18. 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.
19. Pipeline.- An underground line of pipe including associated pumps, valves, control-devices and other structures utilized for conveying liquids, gases, sewage or other finely divided solids from one point to another.
20. Pleasure Craft - A canoe, boat or yacht used primarily for recreational activity.
21. Public stables - A stable where horses are kept for hire or sale.
22. Public uses - Municipal., County, School District, State, Federal, and other public uses.

23. 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.
24. Retaining Wall - A structure utilized to hold a slope in a position in which it would not naturally remain.
25. Setback - The minimum horizontal distance between a building and a designated line.
26. Sign - A name, identification description, display, illustration, structure, or device which is affixed, 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. This definition will not be held to include a real estate sign advertising for sale or rent the property on which it stands.
27. Family Dwelling - A building intended for human habitation by one family or not more than six unrelated people.
28. Slope - The inclination of the natural surface of the land from the horizontal.
29. Structure - Anything manufactured, constructed, or erected which is normally attached to, or positioned on land, including buildings and portable structures.
30. Terrace - A relatively level area bordered on one or more sides by a retaining wall.
31. Utility Facility - Physical facilities of electric, telephone, telegraph, cable television, water, sewer, solid waste, gas, and similar service operations.
32. Warehousing - The storage of materials or equipment within an enclosed building.
33. Water Body - Any lake, stream, or river.
34. Water Dependent Use - Uses which in order to exist or function require a location on or use of the waterfront, including, but not limited to, barge loading and barge fleeting areas, marinas, industries which receive or ship

goods or materials by water as an essential part of their operation, boat and barge construction, dismantling and repair, and water recreation

35. Wetland - Any land which is-seasonally wet or flooded, including all marshes, bogs, swamps, and floodplains.
  36. Wholesaling - The selling of goods, equipment and materials by bulk to another business that in turn sells to the final customer.
- C. Lots, Structures, and Buildings.
1. No structure, building, or other improvement shall be constructed, altered, moved, or erected in violation of the regulations specified in this ordinance.
  2. No new building shall be constructed on any previously unimproved site that does not abut on a public street as required by the zoning district in which it is to be located.
  3. An accessory building shall be considered as an integral part of the principal building if it is located six (6) feet or less from the principal building. The exterior design and color shall be the same as that of the principal building or be of an earthen tone; the height shall not exceed the height of the principal structure unless more restrictive portions of this ordinance prevail.
  4. Line of sight - Development of new and the expansion of existing industrial and commercial permitted uses shall be allowed provided they are reasonably screened from view from the normal high water mark on the opposite side of the river. Water related uses such as barge loading facilities and marinas shall not be subject to this requirement.

D. Permitted Encroachments

The following shall be considered as permitted encroachments on setback and height requirements.

1. In any yards;
  - (a) Post, off-street open parking space's, open terraces, awnings open canopies, steps, chimneys, flag poles, and windmills.



- (b) The construction of above-ground pumping stations which shall be screened from view of the river.
  - (c) The reconstruction or restoration of historical structures or sites on the inventory of the State Historical Society or the National Register of Historic Places.
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-harbors 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, windmills, belfries, cupolas and domes; monuments; chimneys and smokestacks; flag poles, public and public utility facilities; transmission towers of commercial radio broadcasting Station; television antennae; parapet walls extending not more than four feet above the limiting height of the building; essential service distribution systems; bridges, bridge approach roadways and transmission services; restoration and construction of historical sites and structures; structures associated with mineral extraction if essential to the mining operation as approved in mining permits.

### SECTION THREE. DISTRICT PROVISIONS.

#### A. Districts.

For the purposes of this Ordinance, the following districts are hereby established.

R-1 The purposes of this Residential district is to protect. agricultural and related-uses, and to permit residential development at a density consistent with the Critical Area and Comprehensive plan, to stage growth at a rate commensurate with available public facilities, to protect environmentally sensitive areas, and to prevent groundwater pollution in accordance with regional water quality guidelines.

C E The purpose of this Commercial Excavation district is to permit mineral

resource extraction in accordance with the Comprehensive/Critical Area Plan, to protect adjacent residential agricultural, and environmentally sensitive lands, and to provide for reclamation of lands disrupted by mining operations.

A/I The purpose of this Agricultural/Industrial district is to permit agriculture and industrial development in areas adjacent to major streets, and to ensure compatibility with adjacent land uses, in accordance with the Comprehensive/Critical Area Plan.

C The purpose of the Conservancy district is to preserve protect and manage environmentally sensitive areas having unstable natural and biological characteristics in accordance with compatible uses.

PUD Planned Unit Development district will be considered upon application.

B. Uses in Residential, Commercial Excavations, Agricultural/Industrial, and Conservancy Districts.

R-1 District

Permitted Uses: Agriculture, Domestic Pets, Tree and Shrub Nurseries, Single Family Detached Dwellings, Wildlife Preserve.

Conditional Uses: Domestic Farm Animals, Commercial Animal Boarding, Commercial Antennae, Campgrounds for Tents and Tent Trailers, Cemetery, Church, Club or Lodge, Commercial Recreation, Government Building, Transmission Facility, Commercial Feed Lot, Greenhouse, Gust House, Home Occupation, Marina, Mobile Home Temporary, Day Nursery, Park, Roadside Sales Stand, Swimming Pool, Recreational Vehicle Storage, Utility Substation.

Permitted Non-Commercial Boat Dock, Fences, Private Garage, Off-Street

Accessory Uses: Parking, Private Recreation Equipment Storage, Storage Shed.

CE Overlay District

Permitted Uses: Agriculture; Antenna or Towers; Barge Fleeting, Loading, or Unloading; Commercial Animal Boarding; Domestic Farm Animals; Excavation, Removal, Processing, or Storage of Sand, Gravel, Rock, Soil, Clay and Other Natural Deposits; Explosives Storage; Office Structure; Signs; Tree and Shrub Nurseries; utility Substation or Transmission Facility.

Permitted Accessory Uses: Fences; Off-Street Loading or Unloading or Parking of Vehicles; Temporary Equipment Storage; Uses Permitted in R-1 District for Existing Residential Structures.

A/I District

Permitted Uses: Agriculture; Antennae or Towers; Armories, Convention Halls, and Similar Uses; Archery Range - Commercial Outdoors; Auto/Car wash; Automobile Repair; Automobile Service Station; Business Seasonal; Clubs or Commercial Feed Lot; Commercial Recreation and Recreation Equipment Storage; Domestic Farm Animals; Farm Equipment Sales and Storage; General and limited Manufacturing; Golf Courses and Country Clubs; Governmental uses, Building, and Storage, Grain Elevators; Greenhouses, Nurseries and Garden Supply Centers; manufacturing Equipment Storage; Marinas; Offices; Open Lot Sales; Parks; Railroad Operations; Rental and sales of Automobiles, Campers, Trailers and Similar Vehicles; Repair and storage Garage; Research Facility; Residential Structures; Signs; Temporary office Structures; Transmission Services, Buildings, and Storage; Transportation Terminals; utility Substation; used Automobile parts; Veterinary Clinic; Warehouse; Wildlife Preserve.

Conditional Uses: Blacktop or Crushing Equipment for Equipment for Highways; Bulk Fuel Sales; Explosives Storage; Flammable Gases and Liquids Storage or Processing; Roadside Sales Stand.

C. Minimum Dimensional Requirements for Zoning Districts.

R-1

A-I

(1) Lot area per dwelling unit	2-1/2 acres.	N/A
(2) Minimum non-residential lot area	N/A	5 acres
(3) Minimum floor area per dwelling unit	850 sq. ft.	N/A
(4) Minimum lot width at front lot line	160 ft.	150 ft.
(5) Minimum lot depth	130 ft.	250 ft.
(6) Minimum front yard setback	40 ft.	40 ft.
(7) Minimum side yard setback:		
From street corner lot	40 ft.	40 ft.
From interior lot line	20 ft.	20 ft.
(8) Minimum rear yard setback	50 ft.	30 ft.
(9) Maximum height	35 ft.	45 ft.

D. Additions and Exceptions to Dimensional Requirements.

1. The existing lots of record as of the date of the final adoption of this ordinance which are less than five acres may remain and shall not be subdivided. For the remainder of the township the overall density will not be more than one dwelling per ten acres averaged over each Section. Excluding the existing lots of less than five acres, no quarter quarter Section shall have more than eight dwellings.

Sections and quarter quarter Sections are defined according to US government surveys of record for township and range.

2. Lot Size Exceptions - The minimum lot size for a single family structure shall be at least two and one-half acres in an R-1 district, unless the lot was approved by the Township and said lot was recorded in the office of the Washington County Recorder prior to April 25, 1975, and meets the-following criteria:
  - (a) The lot was in separate ownership from all abutting land on April 25, 1975.

- (b) It can be demonstrated that a proper and adequate sewage disposal system can be installed.
3. **Minimum Percentage** - Any such lot or parcel of land less than two and one-half (2 1/2) acres in a residential district may be used for single family detached dwelling purposes provided the area and width thereof are within sixty percent (60) of the minimum requirements of this section; provided all setback requirements of this Ordinance can be maintained; and provided it can be demonstrated that a safe and adequate sewage treatment system can be installed to serve such permanent dwelling.
  4. **Contiguous Lots** - If in a group or two or more contiguous lots or parcels of land owned or controlled by the same person, any individual lot or parcel does not meet the full width or area requirements of this ordinance, such individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land each meeting the full lot width and area requirements of this Ordinance.
  5. **Reduction of Required yard of Lot Size Prohibited** - No yard shall be reduced in area or dimension so as to make it less than the minimum required by this ordinance, and if the existing yard is less than the minimum required, it shall not be further reduced. No required yard currently used for a building or dwelling group shall be used to satisfy minimum lot area requirements for any other building.
  6. **Setbacks for Corner Lot** - Where a structure fronts on two streets, one of the front setbacks 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 Planning Commission on the basis of 'prevailing setbacks in the immediate vicinity.
  7. **Residential Garages** - The required side-yard setback may be reduced five feet in the case of a residential garage.
  8. **Front setbacks** - Where a vacant buildable lot is adjacent to structures existing at the time of adoption of this Ordinance having a substandard setback from that required by this section, the Planning Commission shall determine a reasonable, average, calculated front yard setback to implement the requirements of this section, and to fulfill its purpose and intent.

Where existing buildings have established a predominant setback in a Residential district, new structures shall conform to an approximate average of

the setback of 90% of such existing buildings as determined by the Planning Commission unless the Planning Commission determines that another setback is More appropriate.

9. Setbacks from Private Roads - All setback requirements of this section shall be applicable to private roads and easement access rights-of-way.
10. Structure Setback - All new structures shall meet the following minimum setbacks.
  - (a) Setback from bluff-line - No structure shall be constructed less than forty (40) feet landward from the bluff-line of the river. Bluffline is defined as a line delineating the top of a slope connecting the points at which the average slope becomes less than twenty-five (25) percent.
  - (b). Setback from normal high water mark - No structure or road shall be constructed less than seventy-five (75) feet from the normal high water mark of any water body.

#### E. Planned Unit Development

1. Planned Unit Development may be permitted following the completion and approval of a site plan. The specific regulations for such district are in addition to rather than in lieu of regulations imposed by any other zoning classification for the same land. The Planning Commission and Town Board shall first find that the proposed development plan is in substantial compliance with the applicable standards of this Ordinance and the Comprehensive/Critical Area Plan.
2. Planned Unit Development shall be defined in this Ordinance as a development in which a number of structures are grouped on smaller than usual lots, leaving some land undivided for common use by all members of the association.
3. Common land may be preserved as agricultural land, open recreational facilities or for preservation of natural or scenic resources.
4. Altered dimensional standards may be allowed as exceptions to this Ordinance for Planned Unit Development, provided that:
  - (a) Open space shall be preserved. An appropriate percentage of the site shall be kept in its natural state or utilized for recreation or agricultural purposes.

In areas where public sewer and water are not available, adequate soil area shall be shown on the preliminary plat for two (2) individual septic drain fields for each dwelling unit or plans and tests which provide adequate space for one (1) central septic drain field and one (1) reserve or back-up area.

5. Complete plans, documents of the articles of the association, are submitted which explain:
  - (a) Ownership and membership requirements.
  - (b) Organization of the association.,
  - (c) Time at which the developer turns the common, property over to the association.
  - (d) Maintenance agreements, service contracts, and assessment provisions for on-site sewage disposal systems.
  - (e) Approximate monthly or yearly association fee for association members.
  - (f) Specific listing of items owned in common, including such items as roads, recreation facilities, parking, common area, open space, grounds and utilities.
6. No PUD site plan shall be for an area less than ten acres.
7. Private Streets - Whenever it does not contradict the provisions of this Ordinance as it relates to an adopted transportation \*Plan or the protection opportunities for reasonable development of surrounding land adjacent to a development proposed in the application, streets which are intended to be kept continuously closed to public travel or are at all times posted as private streets may be retained as private streets and so reflected upon the final plat made a part of the permit; provided an agreement is entered into between the owner of said streets and the Township assuring that the construction, operation and maintenance of said streets will be accomplished in accordance with approved county standards, and that no public improvements will be approved.
8. Final plat - All applicants for Planned Unit Developments shall be required to file with the County Recorder a plat of said PUD complying with all the requirements of the Township Subdivision Ordinance, except to the extent that the Planning Commission may have given specific permission to the effect that specific portions of the Subdivision Ordinance may be waived. Such required plats shall be filed

within one hundred twenty (120) days after the date of the action giving final approval.

#### SECTION FOUR - DEVELOPMENT STANDARDS.

##### A. Site Planning Requirements.

1. Site Plan Required No building permit, zoning or subdivision approval or permit shall be issued for any action located in an area covered by this ordinance until a site plan has been prepared and approved in accordance with the provisions of this Ordinance, except that in a Commercial Excavation District an application shall be submitted as specified in Section Five of this Ordinance.

2. Site Plan Application - The applicant shall be given the following form and map from the Town Clerk when filing fees are paid. Three copies of the completed form and map shall be submitted to the Township through the Town Clerk, a Town Supervisor, or the chairman of the Planning Commission. Additional information may be supplied to or requested by the Planning Commission or Town Board if necessary during the review process (see Section Six).

#### GREY CLOUD TOWNSHIP SITE PLAN

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Property description: \_\_\_\_\_

The information requested below is required by the Grey Cloud Township Zoning Ordinance.

If any items are not relevant to your application, you may make a written request for a waiver.

- A. Mark the site on the 10-foot contour topographic map.
- B. Prepare a drawing, to scale, which shows the following:
  - 1. Location of property, lot dimensions and boundaries, adjacent roads or subdivisions or other landmarks.
  - 2. Size and location of existing and proposed structures.
  - 3. Location of existing and/or proposed septic system.
  - 4. Driveway and/or pedestrian access.
  - 5. General areas of vegetation (lawn, shade trees, woods, etc.) and any proposed changes in vegetation or landscaping.
  - 6. Significant surface water drainage direction and collection areas.



- 7. Blufflines, if any (slope 18% or greater).
- 8. Waterbodies, wetlands, and streams, if any.
- 9. Floodway and flood fringe lines, if any.
- 10. Scale of drawing and date prepared.

C. Please answer the following questions:

- 1. What is the intended use of the land or of the structure to be located on the site?

\_\_\_\_\_

\_\_\_\_\_

- 2. What is the height of the proposed structure (s)?

\_\_\_\_\_ Not relevant to this permit.

\_\_\_\_\_ Feet.

- 3. What types of soil are on the site? (Washington County Soil Survey maps can be consulted during Planning Commission review.)

- 4. Is alteration of any drainageway proposed?

\_\_\_\_\_ No

\_\_\_\_\_ Yes.

Explain: \_\_\_\_\_

- 5. What areas will be excavated and how will erosion and sedimentation be controlled during construction ?

\_\_\_\_\_ No excavation, no cause for erosion or sedimentation.

\_\_\_\_\_ Excavation minimal, no alteration of drainageways.

\_\_\_\_\_ Excavation areas shown on map.

Proposed controls:

- 6. Are any areas on the site of historic significance?

\_\_\_\_\_ No.

\_\_\_\_\_ Yes.

Explain: \_\_\_\_\_

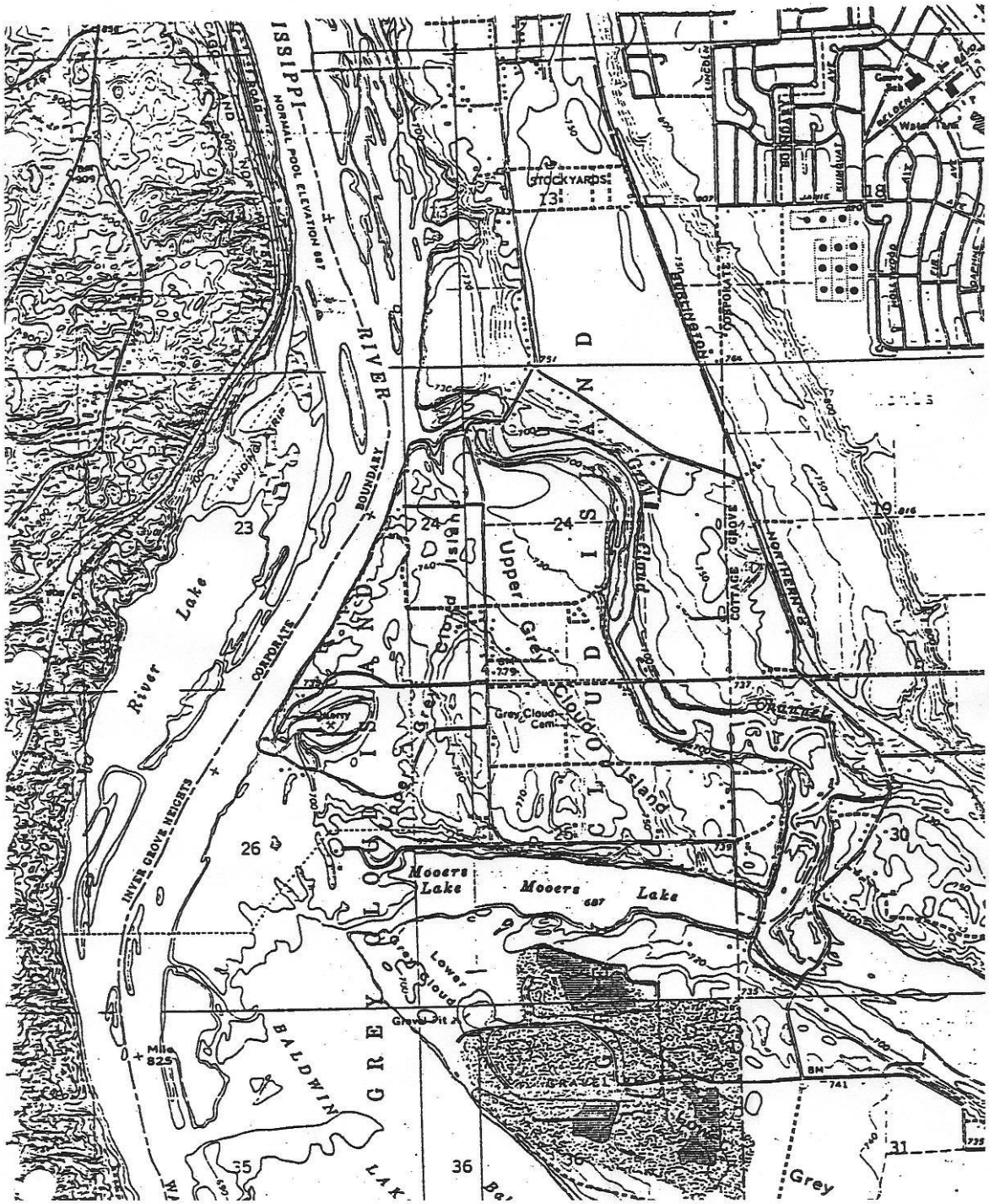
- 7. Are any areas to be dedicated for public use?

\_\_\_\_\_ No.

\_\_\_\_\_ Yes.

Explain: \_\_\_\_\_

PLEASE SUBMIT THREE COPIES OF THE ENTIRE SITE PLAN, INCLUDING DRAWINGS AND MAPS. THANKS.



B. Natural Resource Management.

The following standards have been developed to promote, preserve, and enhance the natural resources within the Mississippi River Corridor Critical Area.

1. Standards for Soil Erosion Control - Since certain areas within the Township have steep slopes or unstable soils which may cause ecological problems due to siltation and pollution of water bodies and streams, the following standards shall be applied to all development within the Township except in certain areas designated for mining or excavation which shall comply with soil erosion standards in the mining ordinance:
  - (a) No development shall be permitted on slopes of eighteen (18) percent or more unless it is deemed that such development will not cause erosion, will protect public safety, and will preserve the natural aesthetic qualities of the Mississippi River corridor.
  - (b) Development activities shall be conducted and staged to minimize soil erosion: the smallest practical area of land shall be developed at any one time and that area shall be subjected to erosion for the shortest practical period of time, not to exceed a single construction season.
  - (c) Methods to prevent erosion and trap sediment during construction are to be employed, including the use of temporary ground cover such as mulch on disturbed soils. Permanent ground cover such as sod is to be established once construction is completed. Wetlands and other water bodies shall not be used as sediment traps during construction.
  - (d) Conditions on the site shall be stabilized within thirty (30) days following completion of the work.
  - (e) Proposed developments may be referred to the Washington County Soil and Water Conservation District for review and further recommendations regarding the need for additional controls to limit runoff and erosion.
2. Standards for Development on Restrictive Soils - Certain soils in the Township, without proper management, may be unsuitable for development due to specific conditions which increase the probability of pollution of ground water, erosion or other problems detrimental to the public health,

safety, and welfare. Therefore, the following standards shall be applied to any development designated or identified as an area of restrictive or unsuitable soil:

- (a) All on-site waste disposal systems shall conform to MPCA "WPC-40" regulations (Minnesota Rules 7080.0010 et seq) and the Washington county Sanitary Sewer Disposal ordinance, Chapter 4 of the County Development Code.
  - (b) No residential, commercial, or industrial development shall be permitted on soils where the water table is permanently or seasonally three (3) feet or less from the ground surface.
  - (c) No development on slopes greater than 25% will be allowed which would destroy or significantly alter their natural character. Development of slopes between 12 and 25% may be permitted when it can be demonstrated that the development can be accomplished without increasing erosion and rate of runoff, that soil types and geology are suitable for slope development, and there is proper management of vegetation to control runoff.
  - (d) No residential development shall be permitted on soils which are susceptible to severe changes in physical volume during periods of frost unless the applicant proves that construction techniques capable of overcoming the restrictive condition will be utilized.
  - (e) Industrial uses requiring bulk storage of chemicals will not be allowed in wet soils, shallow soils or soils with high permeability rates.
  - (f) No hazardous waste disposal shall be permitted.
3. Standards for Wetland Protection - No area defined and designated as a wetland shall be developed without first obtaining the appropriate permit. No permit shall be issued unless the proposed development complies with the following standards:
- (a) Filling - A minimum amount of filling may be allowed when necessary but in no case shall the following restrictions be exceeded.
    - (1) Only fill free of chemical pollutants and organic wastes may be used.

- (2) Wetlands shall not be used for solid waste disposal.,
- (b) Dredging may be allowed only when a boat channel is required for access to a navigable lake or for a marina or when it will not have a substantial or significantly adverse effect upon the ecological and hydrologic characteristics of the wetland. Dredging when allowed shall be limited as follows:
- (1) It shall be located so as to maximize the activity in the areas of lowest vegetation density.
  - (2) It shall not significantly change the water flow characteristics.
  - (3) The size of the dredged area shall be limited to the absolute minimum.
  - (4) Disposal for the dredged material shall not result in a significant change in the current flow, or in substantial destruction of vegetation, fish spawning areas or in water pollution.
  - (5) Work in the wetlands will not be performed during the breeding season of water fowl or in fish spawning season.
  - (6) Only one approved boat channel or marina shall be allowed per residential lot or per commercial development.
  - (7) The width of the boat channel to be dredged shall not be more than the minimum required for the safe operation of boats at minimum operating speed.
- (c) Building Constraints:
- (1) The lowest floor elevation of buildings if used for living quarters or work area shall be at least three (3) feet above the seasonal high water level of the wetland.
  - (2) Development which will result in unusual road maintenance costs or utility line breakages due to soil limitations, including high frost action shall not be permitted.

- (d) Vegetation - No wetland vegetation may be removed or altered except that reasonably required for the placement of structure and use of property.
4. Standards for Vegetation Management - The following standards shall apply for management of vegetation except for approved mineral extraction operations.
- (a) On undeveloped islands, public recreation lands, the slope or face of bluffs within 200 feet of the normal high water mark of the river, and within the area forty (40) feet landward from bluff-lines, clear cutting shall not be permitted.
  - (b) On all other lands, clear cutting shall require a permit from the Town Board and shall be guided by the following provisions:
    - (1) Clear cutting shall not be used where soil, slope, or other watershed conditions are fragile and subject to injury.
    - (2) Clear cutting shall be conducted only where clear cut blocks, patches or strips are, in all cases, shaped and blended with the natural terrain.
    - (3) The size of clear cut blocks, patches or strips shall be kept at the minimum necessary.
    - (4) Where feasible all clear cuts shall be conducted between September 15 and May 15, If natural regeneration will not result in adequate vegetative cover, areas in which clear cutting is conducted shall be replanted to prevent erosion and to maintain the aesthetic quality of the area where feasible. Replanting shall be performed in the same spring, or the following spring.
  - (c) These vegetative management standards shall not prevent the pruning and cutting of vegetation to the minimum amount necessary for the construction of residential structures, bridges and roadways, and for the safe installation, maintenance and operation of essential services and utility transmission services which are permitted uses.

5. Standards for Surface Water Run-Off Management.

- (a) Raw-sewage, seepage from on-site sewage disposal systems, pollutants and industrial wastes shall not be deposited into public waters.
- (b) Withdrawal of groundwater shall not result in reducing surface water levels.
- (c) Water released into the natural drainage system shall be directed so as not to travel over contaminated surfaces.
- (d) Storm water runoff may be directed to public water bodies provided that storm water run-off is substantially free of silt, debris and chemical pollutants and only at rates which will not disturb vegetation or increase turbidity.
- (e) The proposed development shall not increase the rate of overland runoff to adjoining property, public rights-of-way, and water courses.

C. 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.

D. Signs.

- 1. Type - Identification signs are permitted in all districts. Business signs are permitted in the C E and I Districts. Outdoor advertising signs are not permitted in any district, except that For Rent and For Sale signs 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. ft. in Residential Districts and 32 sq. ft. in other Districts.
- 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 or Commercial Excavation Districts, no sign shall be over 35 feet above grade.
4. Setback - Any sign over 5 sq. ft. may project only two feet into the required front or side setback area.
5. Size - The following are maximum permitted (total area per use):
  - One and two-family dwellings - 2 sq. ft.
  - Other uses in Residential Districts - 24 sq. ft.
  - Industrial and Commercial Excavation Districts - One sq. ft. for each 100 sq. ft. 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 setback 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. ft.
7. Wall Signs - Signs shall not be painted on the outside wall of a building or on a fence in any District.
8. Advertising sign' s are prohibited between the flood fringe borderline and all county, state, or federal highways located within 1,000 feet of the line, except where the river cannot be viewed from the highway due to natural topography or existing buildings.
9. Views of the water from vistas and public roads and views from the water shall not be impaired by the placement of business or advertising signs.
10. All advertising signs, the location of which is not in conformance with this section and the Washington County Zoning Code, are deemed non-conforming uses and shall be removed within seven years of the effective date of this Ordinance.



E. Off-Street Parking and Loading.

1. Off-Street Parking - All uses shall provide off-street parking facilities. Any parking lot containing six parking spaces or more, which is used more than 10% of the time, 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 off driveways and not directly off the public street. The following uses must provide off-street parking spaces as specified (each space equaling 300 sq. ft. of standing and maneuvering area):

- (a) Residential Uses - Two spaces per dwelling unit.
- (b) Places of Assembly - One space for each three seats or each five feet of pew length.
- (c) Industry - One space for each employee (based upon maximum planned employment during any work period) or one space for each 800 sq. ft. of floor area whichever requirement is the greater.
- (d) Parking requirement for uses not listed shall be determined by the building inspector upon basis of probable parking need.

2. Off-Street Loading - All industrial uses shall provide off-street loading space on the basis of the following minimum requirements:

(a)	Sq. Ft. 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

- (b) The size of the berths will depend upon the size of the trucks to be used.
- (c) 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.

- (d) 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 am.

F. Exterior Storage and Refuse.

1. 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:
  - (a) Laundry drying and recreational equipment.
  - (b) Agricultural equipment and materials on farms.
  - (c) Off-street parking and loading.
  - (d) Materials being used for construction or landscaping on the premises.
2. 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.

G. Roads, Utility and Pipeline Construction and Routing Regulations.

1. Utility Facilities - Utility crossings or routing shall meet the following standards:
  - (a) Underground placing of the utility facility shall be required unless economic, technological and land characteristic factor make underground placement unfeasible. Economic considerations alone shall not be made the major determinates regarding feasibility.
  - (b) Overhead crossings, if required, shall meet the following criteria:
    - (1) The crossing shall be adjacent to or part of an existing utility corridor, including bridge or overhead utility lines.

- (2) All structures utilized shall be as compatible as practicable with land use scenic views, and existing transmission structure in height, material, color and design.
  - (3) Right-of-way clearance shall be kept to a minimum.
  - (4) Vegetative screening shall be utilized to the maximum extent consistent with safety requirements.
  - (5) Routing shall avoid unstable soils, bluff-lines, or high ridges; the alteration of the natural environment, including grading, shall be minimized.
- (c) Utility substations shall be subject to the following standards:
- (1) New substations or refurbishment of existing substations shall be compatible in height, scale, building materials, landscaping, and signing with the surrounding natural environment or land uses. Screening by natural means is encouraged and should be compatible with the surrounding environment.
- (d) Pipelines and underground utility facilities shall be subject to the following standards:
- (1) The facilities shall be located to avoid wetlands, woodlands, and areas of unstable soils.
  - (2) All underground placing of utility facilities and pipelines shall be followed by revegetation and rehabilitation to the conditions which existed on site prior to development.
- (e) Public and Private roads And Railways - New roads and railways shall meet the following standards:
- (1) Roads and railways shall be constructed to minimize impacts on the natural terrain and natural landscape.
  - (2) Cuts and fills are to be avoided.
  - (3) New roads and railways shall not utilize the river corridor as a convenient right-of-way for new arterials or main lines.

- (4) New roads and railways shall be restricted to those facilities needed to access existing and planned residential, commercial, and industrial uses.
- (5) All new roads and railways shall provide safe pedestrian crossing points to allow access to the riverfront. Rest areas, vistas and waysides shall be provided as needed.

H. Marinas, Barge Fleeting and Loading Facilities.

1. Public Marinas - Public marinas shall be permitted subject to the following conditions:

- (a) The marina must have lavatory facilities adequate to serve the marina clientele.
- (b) Off-street parking areas should be provided in accordance with the requirements set forth for boat launching ramps.
- (c) Areas for the winter storing of boats should be naturally screened from view from the river and from up-land lots.
- (d) The marina shall be designed for and used only by pleasure craft.
- (e) Accessory uses customarily incidental to public marinas including fueling stations may be permitted providing they are consistent in scale and intensity with the marina and surrounding uses.

2. Barge Fleeting, Loading and Storage - Barge fleeting, loading and storage shall be permitted only in compliance with the following provisions:

- (a) Any barge cleaning facilities must be serviced by public sewer.
- (b) Barge fleeting areas shall be located more than two hundred (200) feet from marina access and boat access points in order to provide a clear line of sight for boaters using these facilities.
- (c) Barge fleeting areas shall not be located immediately adjacent to park areas, unless it is shown that there is no conflict with the park usage.

- (d) Existing trees shall not be utilized for tie-up facilities.
  - (e) First priority for new barge fleeting site shall be given to those sites adjoining industrial and commercial areas and where the topography serves as a buffer from noise and visual obstructions.
3. Pilings, Dredging, and Filling - No pilings shall be driven into the riverbed except as is necessarily incident to water dependent uses. Landfill and dredging shall not be permitted except as incident to a water dependent use when no feasible alternative exists. Dry land disposal of dredge spoils may be authorized only on shore sites which contain no unique or valuable resources.
- I. Riverfront Use and Access.
- 1. Public Pedestrian access shall be provided to the riverfront of public property when and where practical.
  - 2. Public pedestrian access shall be provided to the riverfront of developments on publicly owned and publicly controlled riverfront property whether leased or private leases or not, except where:
    - (a) Unavoidable hazards exist to the public.
    - (b) Public Pedestrian access at a particular location cannot be designed or developed to provide a pleasant view or recreational experience.
    - (c) Access to the riverfront may be denied to any person who creates a nuisance or who engages in illegal conduct on the property, public access may be temporarily or permanently closed upon a finding that such offensive conduct cannot otherwise be reasonably controlled.
- J. Standards for On-Site Sewage Disposal Systems.

Any premises intended for human occupancy must be provided with an adequate method of sewage disposal. Public or municipal collection and treatment facilities must be used where available and where feasible. Where public or municipal facilities are not available, all on-site individual sewer disposal systems shall conform to the minimum standards as set forth in MPCA WPC-40 and the Washington County Sanitary Sewer Disposal Ordinance, Chapter 4 of the County Development Code. On-site system

regulations will be administered through Washington County, which has an on-going program meeting Metropolitan Council standards as specified in Policy 43(d) of the Water Resource Management Guide.

K. Standards for Uses Within Designated Floodplains.

All land in the Mississippi River Corridor Critical Area that is within the designated floodplain shall comply with applicable standards..

L. Standard for Subdivision of Property for Residential, Commercial and Industrial Development.

No land shall be subdivided which is found to be unsuitable for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewer disposal capabilities or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or the community. The Town Board in applying the provisions of this section shall in writing cite the particular features upon which it bases its conclusions that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability. All subdivisions shall comply with the applicable provisions of the Subdivision Ordinance.

M. Dedication of Riverfront and Public Lands.

1. The subdivider shall consult with the Planning Commission, at the time his sketch plan is under consideration, to secure their recommendation as to the location of any property that should be dedicated to the public, such as parks, riverfront, scenic overlooks, or other public property. The plan shall show the location and dimensions of all areas to be dedicated in this manner.
2. In all new residential subdivisions, a portion of the area to be developed shall be dedicated for public open space, riverfront access, or other public use with such dedication being in addition to property dedicated for streets, alleys, school sites, easements, or other or public ways. In those instances where the Town Board deems it in the public interest to require open space dedication from commercial or industrial subdivisions or developments, it may require dedication of ten (10) percent of the undeveloped land proposed to be subdivided or developed. Said dedicated lands may be reserved for public use as parks, playgrounds, public open space, or any combination thereof.

- (a) No areas may be dedicated for public use until they have been approved by the governing body as being suitable and needed for the public health, safety, convenience and/or general welfare.
- (b) It shall be deemed to be in the public interest to require open space dedication from a particular commercial or industrial subdivision or development when the governing body, after review and recommendation by the Planning Commission, makes one or more of the following affirmative findings of fact:
  - (1) All or part of the land proposed to be subdivided or developed has been previously designated as open space on the pertinent officially adopted plans of the governing body.
  - (2) The land proposed to be subdivided or developed adjoins existing park or open space property.
  - (3) All or part of the property proposed to be subdivided or developed is adjacent to a residentially zoned district and that an open space area is or will be in the near future, necessary to protect the adjacent residents from safety or health hazards which are reasonably foreseeable from any of the permitted or conditional uses which would exist on the land to be subdivided.
  - (4) The land proposed to be subdivided or developed contains or borders upon existing unique topographical features including but not limited to ponds, lakes, streams, timber stands, water holding areas, hills, or bluffs, which should be preserved and reserved to all the public to prevent foreseeable safety hazards or to provide to the people or to maintain the public usefulness of the naturally created water holding areas.
- (c) In the event of practical difficulties or physical impossibility, the developer may be required to contribute an equivalent amount of cash in lieu of the land dedication. The governing body may use this cash contribution for the acquisition of land for parks, open space, scenic overlooks, river access or other public services within the Township.

## SECTION FIVE. MINERAL EXCAVATION REGULATIONS.

### A. Purpose.

This section is adopted for the purpose of:

1. Ensuring conformity of mining operations with Township ordinances and the Comprehensive/Critical Area Plan.
2. Controlling the effects of noise, dust, erosion, traffic, drainage, ground water pollution, and other factors related to mining upon adjacent property, and the Township in general.
3. Ensuring the restoration of the mining area to make the site compatible with township land use patterns, and to promote the reuse of mining area for recreational, residential, commercial, industrial, or other purposes.

### B. Permit Required.

1. It shall be unlawful for any person, partnership, corporation, or other entity to engage in mining within the Township or for a property owner to permit a person to mine on his property, without having obtained a mining permit from the Town Board.
2. Persons, partnerships, corporations or other entities now conducting mining operations in the township in accordance with a mining permit approved by the Town Board may continue such operations, but upon expiration of the mining permit, shall make application for a permit in accordance with the requirements of this ordinance.
3. The permit shall be issued only after a public hearing following ten days posted and published notice and notification of adjoining landowners. The permit shall be available for review at the mining site office.
4. A permit, when issued, shall be valid for five years from March 2nd through March 1st of the fifth year following issuance unless terminated pursuant to this section. Each year the Town Board may hold inspections to assure compliance with the terms of the permit. On or before January 1 of each year during the permit term, except for the final year, when a new permit application is required, the permit holder will submit a yearly report including mining and reclamation plans for the coming year as required under Section E-3. This report shall be reviewed by the Planning Commission and forwarded to the Town Board within 60 days. Permit applications shall be



submitted to the Town Clerk on or before December 1 of the appropriate year. The Town Board may ask for additional information or further information to assure compliance with both the five year permit and the overall mining and reclamation plan.

C. Termination of Permit.,

1. The Town Board may terminate a mining permit for violation of this Ordinance or any condition of the permit.
2. To terminate a permit the Town Board shall give written notice by certified mail of the reasons for the termination, along with an order that the condition be remedied. If the condition has not been remedied or repaired within a reasonable time, and in no event less than two weeks, the Town Board shall hold a hearing to determine whether the permit should be terminated. Notice of the time and place of the hearing and the reason for the proposed termination shall be sent by certified mail to the permit holder not less than ten (10) days prior to the hearing.
3. No mining shall take place after the permit is terminated pursuant to this Section or until a permit is obtained or reinstated.

D. Nuisance Defined.

1. Where unsafe conditions or conditions in violation of this Ordinance or the permit exist, said conditions are hereby declared to be a nuisance, and the Town Board may give notice to the operator or owner to abate the same.
2. If after a reasonable time for repair of the condition, it still exists, the Town Board may abate the nuisance and the costs of such work may be reimbursed by application of the bond or other security, as provided in this Section.

E. Application.

1. The application and five copies of the mining permit required in this Section shall be filed with the township clerk for approval by the Town Board. Application for renewal of the permit shall be made on or before December 1 of the year prior to the termination of the previous permit. The application shall be made in the name(s) of the operator of the mine and the owner of the land to be mined.

## 2. Information Required.

- a) Name and address of applicant and the owner of the land to be mined.
- (b) Legal description of land to be mined and total acreage to be mined; legal description of all other land zoned to allow mining owned by the applicant in the Township.
- (c) If applicable, a copy of any portions of agreements indicating the duration of any easement or lease of land to be mined, which is not owned by the applicant.
- (d) An air photo with a scale of 1" = 200' showing the area proposed for mining and all adjacent property in the township within one-quarter mile of the proposed mining boundary.
- (e) A plat map of the township indicating the names of all property owners.
- (f) A base survey at a scale of 1" = 200' showing:
  - (i) The boundaries of the area zoned for mining.
  - (ii) The location of all public roads, railroad right-of-ways, powerlines, pipelines, easements or other public facilities.
- (g) Four transparent overlay maps suitable for use with the base survey at a scale of 1" = 200' showing:
  - (i) Setbacks within the mining area where no mining will be permitted, all structures, the barge fleeting and loading areas.
  - (ii) Topography at five (5) foot contours.
  - (iii) Present mining conditions depicting clearing of land, stripping of overburden, stockpiles and earthen berms, including location and height of overburden and topsoil stockpiles and berms, and extraction operations, including location and elevation (MSL) of all benches.

- (iv) Future mining conditions for the five year period depicting the same information as overlay (iii).
- (h) A detailed narrative giving amounts of material to be cleared, stripped, stockpiled and excavated as well as information on processing and best estimates of the amount of material to be removed, and maximum depth of excavation contemplated for the period covered by the permit.
- (i) A reclamation map showing:
  - (i) Final grading plan showing 5' contours area and acreage proposed for reclamation for next five-year period, as well as showing areas to be reclaimed on a yearly basis.
  - (ii) Specific slope of banks.
  - (iii) Depth of topsoil and overburden of reclaimed landforms.
  - (iv) New water impoundment areas, including surface acreage and elevations.
  - (v) Topsoil and replanting plan showing location of species to be replanted.
- (j) A reclamation vegetative replanting plan which includes the soil bed and soil mix, species, size, quantity and location of trees, shrubs and grasses, planting season, and required topsoil fertility.

### 3. Annual Report

On or before January 1 of each year, except the final year of the permit, when a new permit application is submitted, the applicant shall submit the following:

- (a) An air photo not more than 120 days old depicting the current mining operations at 1" = 200'.
- (b) Mining and reclamation plans for the next calendar year and work accomplished during the prior year, including maximum depth of excavation.

- (c) An overlay for use with the base survey showing operations completed and planned for the next calendar year.
4. Reclamation Standards - The applicant shall abide by the following operating and land rehabilitation practices:
- (a) Excavations resulting in the accumulation of substantial water areas after rehabilitation must meet the following requirements:
    - (1) The water depth must average at least 3' to avoid stagnant water bodies. Stable slopes shall be created in all excavations. For crushed rock quarries where vertical slopes are geologically stable, suitable safe access and egress from the water shall be provided every 1300 feet.
    - (2) Where appropriate, surfaces shall be sodded or covered with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least three inches.
    - (3) Such topsoil as required by subsection 2 above shall be planted with trees, shrubs, legumes or grasses upon the parts of such area where revegetation is possible.
  - (b) Excavations not resulting in water areas after rehabilitation but which must be graded or back filled, shall meet the following requirements:
    - (1) Such grading or back-filling shall be made with non-noxious, non-flammable, noncombustible fill material.
    - (2) The graded or back-filled area shall not collect or permit stagnant water to remain therein.
    - (3) The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
    - (4) Such graded or back-filled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth of at least-three (3) inches.

- (5) Such topsoil shall be platted with trees, shrubs, legumes or grasses upon the parts of such area where revegetation is possible.

F. Operation Conditions.

- 1. As a condition of the permit issuing, the applicant and owner shall comply with the following:

- (a) Fencing - The entire perimeter of any mining operation shall be surrounded by fencing maintained in good condition.
- (b) Setbacks - No pit or bank excavation shall be made within five hundred (500) feet of any adjacent boundary of a zoning district where mining is not permitted, any right of way of any existing public road, the Mississippi River, or any property not owned by the applicant, except that excavation shall be permitted to within two hundred (200) feet of the right-of-way of County Road 75 North of Grey Cloud Town Hall, subject at all times to the requirement to be five hundred (500) feet from any property not owned by the applicant or not zoned CE.

An owner of property within the CE District, other than the applicant, may enter into a written agreement with the applicant in recordable form to authorize mining within 500 feet of such owners property. Such authorization shall not be valid unless the written agreement is in fact recorded.

Provided further, to recognize differences in mineralization, overburden, or for other good reasons as permitted under the reclamation plan, the five hundred (500) foot setback may be varied up to fifty (50) feet in either direction in the area west of the Town Hall and south to within five hundred (500) feet of adjacent property owners. Irrespective of the fifty foot variance in this area, the average five hundred foot setback shall be maintained.

- (c) The maximum depth of excavation may be regulated by the Town Board: changes from current depth of 624 feet MSL may be made if adverse hydrologic conditions are shown.
- (d) Hours of Operation.

- (1) Excavation, crushing, screening, washing, and stockpiling may be conducted only on weekdays between the hours of 7:00 A.M. and 7:00 P.M. Blasting will only be conducted weekdays between the hours of 8:00 A.M. and 4:00 P.M. "Weekdays" for the purposes of this ordinance shall mean Monday through Friday.
  - (2) Loading of and hauling to barges, maintenance and repair of plant and equipment and drilling of blast holes may be conducted between the hours of 12:01 A.M. and 12:00. midnight.
  - (3) Loading of trucks for delivery may be conducted only between the hours of 7:30 A.M. and 4:00 P.M., weekdays. No truck loading is permitted on Saturdays, Sundays, and on the following holidays: New Year's Day, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
  - (4) Hauling by truck of excavation materials on public roads within the Township may be conducted only between the hours of 8:00 A.M. and 4:30. P.M., weekdays. No truck hauling is permitted on Saturdays, Sundays, or on the following holidays: New Years Day, Memorial Day (observed), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
  - (5) The foregoing hours of operation and hauling may be modified by the Town Board in case of public emergency or upon the request of the operator when the seasonal nature of the work or unusual circumstance require longer working hours. An occasional modification may be granted by the Town Board Chair.
- (e) Land Transportation Routes - Township roads shall be used only for delivery of sand, gravel, and rock to a Township resident and for delivery of supplies between mining sites within the Township. Except for deliveries within the Township, only County road 75 shall be used for hauling from mining sites located on Upper Grey Cloud Island, hauling from mining sites located on the Lower Island shall occur only on that portion of Grey Cloud Trail leading to 103rd Street to Hadley Avenue.

(f) Water Quality Monitoring.

- (1) The operator shall replace any well which goes dry as a result of quarry dewatering under this permit. In the event of a dispute, the Town Board and Operator shall mutually employ an independent professional engineer to determine the cause and shall be bound by the engineer's conclusions.
- (2) The operator shall monitor water quality and quantity as required in the approved monitoring program and by the Department of Natural Resources. The operator shall employ a professional engineer to conduct the monitoring who will report back to the township on a yearly basis.

(g). Seismic Standards and Monitoring.

- (1) Detonation fuse lines must be covered with earth to prevent air blast problems. No blasting operation shall cause the calculated particle velocity of the ground motion to exceed 0.4 inches per second in the vicinity of the Grey Cloud Town Hall or any residence other than one owned by the operator.

An owner of property within the CE District, other than the applicant, may enter into a written agreement with the applicant in recordable form to authorize blasting operations which would cause the calculated particle velocity of the ground motion to exceed 0.4 inches per second upon the property of such owner. Such authorization shall not be valid unless the written agreement is in fact recorded.

- (2) The operator shall monitor blasting operations on an annual basis, pursuant to a monitoring program approved by the Town Board. The operator, with the prior approval of the Town Board, shall annually employ an independent consulting engineer to monitor and evaluate blasting operations, including monthly shot records. The consultant shall make an independent report to the operator and the Town Board by the end of the permit year.

- (h) Noise - The operator shall maintain and operate all equipment to mitigate, as far as practicable, noise and-vibrations in accordance-with state and county standards.

- (i) Dust - The operator shall construct, maintain, and operate all equipment in such a manner as to minimize dust conditions, in accordance with state and county standards.
- (j) Insurance - The operator shall carry bodily injury and property damage, public liability insurance in the amount of \$100,000 for any person and \$300,000 for any occurrence, including blasting insurance, and naming the township as an additional insured.
- (k) Bond - Before the issuance of a mining permit, the applicant shall execute and file with the town Attorney a bond in the amount of one thousand dollars (\$1,000.00) per acre proposed for excavation with a surety company licensed to do business in the State of Minnesota and conditioned upon the faithful performance of the conditions contained in this Ordinance, the observance of all other applicable township ordinances, and to indemnify the township for any damage to town property in the event of a default, the bond shall be forfeited to the Town of Grey Cloud. In lieu of such a bond, a cash deposit, deposit of negotiable securities, or letter of credit may be made with the Town Clerk. This requirement may be waived or limited in amount by the Town Board in conjunction with the approval of the mining application.
- (l) Removal of Structures - Within period of six months after the expiration of the mining permit, unless the permit is renewed by Town Board approval for another term, the operator shall dismantle and remove buildings, structures, equipment, and materials incidental to the mining operation.
- (m) Site inspection - Site inspections may be held by the Town Board or its representatives at any reasonable time to assure compliance with the approved permit terms.
- (n) Fees - All reasonable inspection and review fees approved by the Town Board shall be paid by the operator.
- (o) Variance - The standards of this chapter may be varied by the Town Board upon a finding that such a variance will be consistent with the purpose and intent of the Comprehensive Plan, Reclamation Plan and Critical Area Plan and will not cause adverse impact to the public health and safety and general welfare.



SECTION SIX. ADMINISTRATION

A. Fees

1. Establishment of Fee Schedule - There shall be a schedule of fees charged to an applicant or its agent to reimburse the Town Board and the Planning Commission for costs incurred in the review, investigation and administration of any application, appeal, or other submission required by this Ordinance. Reimbursable costs shall include charges incurred for printing, mailing, reproduction, and graphic illustration, as well as professional charges for engineering, land surveying, planning, architectural, legal, and other services, necessarily and reasonably attributable to the application, appeal, or other submission. In the case of a zoning amendment initiated by the Town Board or Planning Commission, no fee shall be charged.
2. Residential Districts Fee Schedule - The following schedule of fees shall apply to submissions relating to single family residential development in any district.

<u>Document Submitted</u>	<u>Filing Fees and Costs</u>
Site plan	a. \$5 paid to Town Clerk at time of filing.
Zoning amendment	b. Actual cost of professional services.
Conditional use permit	c. Other reimbursable costs described in this Ordinance.
Variance	d. Total fee charged to an applicant shall not exceed \$500 per dwelling unit/lot.
Appeal.	
Other application	

3. Agricultural/Industrial, Commercial Excavation Overlay, and Conservancy Districts Fee Schedule - The following schedule of fees shall apply to submissions relating to the Agricultural/Industrial, Commercial Excavation Overlay, and Conservancy zoning districts, except submissions for single family residential purposes.

<u>Document Submitted</u>	<u>Filing Fees and Costs.</u>
Site Plan	a. \$250 paid to Town Clerk at time of filing..
Zoning amendment	
Conditional use permit	b. Actual cost of professional services.
Variance	
Appeal	c. Other reimbursable costs, described in this Ordinance.
Other application	d. Total fee charged to an Applicant shall not exceed \$7,500.00.

4. Procedure - Upon submission for review, the Planning Commission shall make a written estimate of projected review costs. Within thirty (30) days of receipt or at some other later date as determined by the Planning Commission, the applicant shall pay to the Town Clerk one-half of the projected review costs, which initial payment shall not exceed \$3,000. Within thirty (30) days of the date of final action by the Town Board, or at some other date as it may determine, the Town Board shall provide the applicant with a final itemized statement of costs incurred by the Planning Commission and the Town Board, and shall certify that the costs were reasonably and necessarily related to the submission. The balance of the costs owed by the applicant to the Town Board shall be paid within thirty (30) days of date of mailing of the itemized statement to the applicant, or at some other later date as determined by the Town Board.

B. Review Procedure.

1. Requirements - Where an application or other submission is proposed by a party other than the Planning Commission or Town Board, the application shall be filed with the Town Clerk, and shall be accompanied by such information as required by this Ordinance and by payment of the required fees, except that in the case of an application for a permit in a Commercial Excavation Overlay (CE) zoning district, application and review shall be in accordance with the procedures and requirements specified in Section Five of this Ordinance. If an applicant seeks waiver of certain informational requirements of this ordinance, a written request for each waiver, and a brief explanation therefore shall be attached to the application.

2. Planning Commission Hearing - The Town Clerk shall refer the application to the Planning Commission for consideration at its next regular meeting; provided, however, if the next regular meeting of the Planning Commission is within ten (10) days of the date of filing, then such consideration may be at the second regular meeting after the date of filing of the application. In the event that a public hearing is required, the Planning Commission shall set a date for such public hearing which shall be held within sixty (60) days after the date of filing the application.
3. Notice - Notice of the purpose, time, and place of the public hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the date of the hearing. When an application is for a zoning amendment, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of record of affected property and property situated wholly or partly within the Township within five hundred (500) feet of the property to which the amendment relates. For the purposes of giving mailed notice, the Town Clerk may use appropriate records to determine the names and addresses of owners. A copy of the notice and list of the owners to whom the notice is mailed, and their addresses, shall be attested to by the Town Clerk and shall be made a part of the records of the proceeding. The failure to give notice to individual property owners, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with this section has been made. The applicant or his representative may appear at the public hearing to answer questions concerning the proposed application.
4. Planning Commission Report - The Planning Commission shall make its report on the application to the Town Board, in writing, within sixty (60) days of the public hearing, unless the applicant agrees to an extension of time. The Planning Commission shall recommend approval, denial, conditions to be imposed, or other action to be taken in regard to the application, and the reasons therefore. At the request of the applicant, a copy of the report shall be provided to the applicant.
5. Town Board Action - The Town Board shall make its decision on the application within sixty (60) days of the filing of the Planning Commission report with the Town clerk, or after the last meeting date of the Planning Commission if no report is filed. The Town Board shall make written findings and shall state therein its reasons for its

decision. Upon request, a copy of the written findings and reasons shall be mailed to the applicant. The Town Board may impose such conditions and restrictions including time limits, as it deems appropriate to protect adjacent property, comply with the intent and purposes of this Ordinance, and implement the Critical Area and Comprehensive plan and policies.

6. Emergency Actions - A development permit may be issued when certified in writing by the Town Board that the development is essential to protect the public health, safety or welfare in the existing emergency and that a local ordinance or state regulation was in effect immediately prior to April 25, 1975, and a development permit would have been granted thereunder.

C., Conditional Use Permits.

1. Application for Conditional Use Permit - An application for a conditional use permit may be made to the Town Board by any affected person, in accordance with the application procedures specified in this Section, and upon payment of the required fees. The application shall contain sufficient information for the Town Board to determine whether the proposed development or use will meet all applicable standards.
2. The Town Board, after review by the Planning Commission may grant a conditional use permit in any district provided the proposed use is designated in Section Two of this ordinance as a conditional use for the district, upon a finding that:
  - (a) It is consistent with the adopted Grey Cloud Comprehensive Plan; and
  - (b) It is consistent with the intent of the Critical Area Order and the Grey Cloud Critical Area Plan; and
  - (c) It is consistent with the adopted policies of the Metropolitan Council and the Environmental Policy Act; and
  - (d) It is compatible with uses in the immediate vicinity; and
  - (e) It is permitted by the standards and conditions of this ordinance; and

(f) It is permitted by the ordinances of the township.

3. Conditions and Restrictions - The Town Board may impose such conditions and restrictions, including time limits on the conditional use or periodic review a appears to be necessary and proper to protect adjacent property and other township residents, to ensure conformity with the township Critical Area and Comprehensive Plan, and to comply with the intent and purpose of this Ordinance.

D. Zoning Amendment.

1. Application for Amendment - An application for an amendment to the zoning ordinance may be initiated by the Town Board, the Planning Commission, or by petition of affected property owners, and upon payment of the required fees if initiated by property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and recommendation, and may not be acted upon by the Town Board until it has received the recommendations of the Planning Commission or until 60 days have elapsed from the date of reference of the amendment without a report by the Planning Commission.
2. All applications for a zoning amendment shall be accompanied by an accurate list showing the names and mailing addresses of the record owners of all the property within the township within five hundred (500) feet of the property for which the amendment is sought, verified as to accuracy by the applicant and a proposed site plan.
3. All applications for a zoning amendment shall be reviewed for consistency with the goals and policies of the adopted Critical Area and comprehensive Plan, other ordinances of the township, compatibility with adjacent land uses and conformity with the Metropolitan Development Guide policies and plans of the Metropolitan Council.

E. Variances.

1. Application for Variances - An application to the Town Board may be made by an affected person for a variance from the setback, lot size, height restrictions, line of sight or other provisions of this

Ordinance, in accordance with the application procedures specified in this Section, and upon payment of the required fees.

2. Factors to Be Considered - Variances shall only be granted where there are particular hardships which make strict enforcement impractical because of circumstances unique to the individual property and characteristics of the land under consideration, and not of the property owner; the plight of the landowner after April 25, 1975; and the variance, if granted, will not alter the essential character of the locality nor be contrary to the spirit and intent of this Ordinance. Economic considerations alone shall not constitute a hardship for the reasonable use of the property and associated structures. In addition, no variance shall be granted that would permit any use that is prohibited in the zoning district where the affected person's land is located.

The Town Board shall consider the following items in making its decision:

- (a) Preserving the scenic and recreational resources of the River Corridor, especially in regard to the view from and use of the river.
- (b) The maintenance of safe and healthful conditions,
- (c) The prevention and control of water pollution, including sedimentation.
- (d) The location of the site with respect to floodways, floodplains, slopes and blufflines.
- (e) The erosion potential of the site based on degree and direction of slope, soil type, and vegetative cover.
- (f) Potential impact on game and fish habitat.
- (g) Location of the site with respect to existing or future access roads.
- (h) The amount of wastes to be generated and the adequacy of the proposed disposal systems.

- (i) The anticipated demand for police, fire, medical, and school services and facilities.
- (j) The compatibility of the proposed development with uses on adjacent land, and with the comprehensive plan.

F. Board of Adjustments and Appeals.

1. Function - The Town Board shall serve as a Board of Adjustments and Appeals. The Board shall have the following powers and functions:

- (a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.
- (b) To hear request for variances from the literal provisions of this Ordinance.

2. Procedure - An appeal to the Board may be taken by any affected person upon filing a written application with the Town Clerk, payment of any required fees, and mailing of notice of appeal to adjacent property owners and the Planning Commission.

3. Hearing - A public hearing shall be held by the Board within sixty (60) days of the date of filing of the appeal with the Town Clerk, and after ten (10) days published notice in the official newspaper. Any party may appear at the hearing and provide testimony. The Board shall provide minutes of its meetings, its findings, and the action taken on each matter before it, including the final order. An applicant may make a record of the hearing by a certified court reporter.

4. Order - The Board shall make its final order within a reasonable time and, upon request of the applicant, shall serve a copy of its order upon the applicant by mail.

SECTION SEVEN. NON-CONFORMING USES.

A. General Provisions.

1. Application Generally - Except as hereinafter provided, no building or structure shall be erected, moved, altered or extended, and no land, building, or structure, or part thereof, shall be occupied or used unless in conformity with regulations specified in this ordinance for the district in which it is located.
  
2. Application to Existing Structures - This ordinance shall not apply to existing buildings and structures, nor to the exiting use of any building, structure or land to the extent of such use on the effective date of this Ordinance. However, this Ordinance shall apply to any change in use, alteration, extension or movement of a building or structure, and to any change in the use of land subsequent to the effective date of this Ordinance.
  
3. "Use" Defined - For the purpose of this Section, the word "Use" shall mean:
  - (a) Any purpose of which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or
  - (b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.
  
- B. Non-Conforming Uses, Buildings and Structures.
  1. Definitions of Non-Conforming Uses, Buildings and Structures - "Non-Conforming Use", "Substandard Building" or "Substandard Structure" means any lawful use, building, or structure existing on the effective date of this Ordinance, or any amendment thereto, which does not conform with the regulations or standards for the zoning district in which it is located after the effective date of this ordinance or such amendment.
  
  2. Preservation of Non-Conforming Uses - Except as hereinafter provided in this Section, the lawful use of land or the lawful use of a building or structure existing on the effective date of this ordinance or on the effective date of any amendment thereto may be continued although such use does not conform to the provisions of this Ordinance, except as otherwise provided in this Section.



3. Preservation of Dimensionally Substandard Buildings or Structures - Except as hereinafter provided in this Section, buildings or structures lawfully existing on the effective date of this ordinance or on the effective date of any amendment thereto may be maintained although such building or structure does not conform to the dimensional standards of this Ordinance but any such building or structure shall not be altered or improved beyond normal maintenance, except that any lawful dimensional standard residential building, accessory building or structure may be altered or improved if the existing substandard dimension relates only to setback requirements and does not exceed ten percent (10%) of the minimum setback requirements, but such alteration or improvement shall conform to all of the provisions of this ordinance and shall not increase the existing substandard square footage.
4. Unlawful Uses, Buildings and Structures - No unlawful use of property existing on the effective date of this Ordinance or any amendment thereto nor any building or structure which is unlawfully existing on such date shall be deemed a non-conforming use or a nonconforming building or structure.
5. Permit Holders and Permit Applicants - Any non-conforming structure that is ready for or under construction on the effective date of this Ordinance or any amendment thereto may be completed and occupied in accordance with the requirements of any valid building permit issued therefore prior to such effective date.
6. Change From One Non-Conforming Use to Another - A non-conforming use may be changed only to a use permitted in the district in which it is located; except that if no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, and provided such change is approved by the Town Board as provided by this Ordinance. Once changed to a conforming use, no building or land shall be permitted to revert to a non-conforming use.
7. Change of Use With Approval of the Board of Adjustments and Appeals - A non-conforming use, all or partially conducted in a building or structure, may be changed to another non-conforming use only upon determination by the Board, after a public hearing, that the proposed new use will be no more detrimental to its neighborhood and surroundings than is the use it is to replace, and will not be

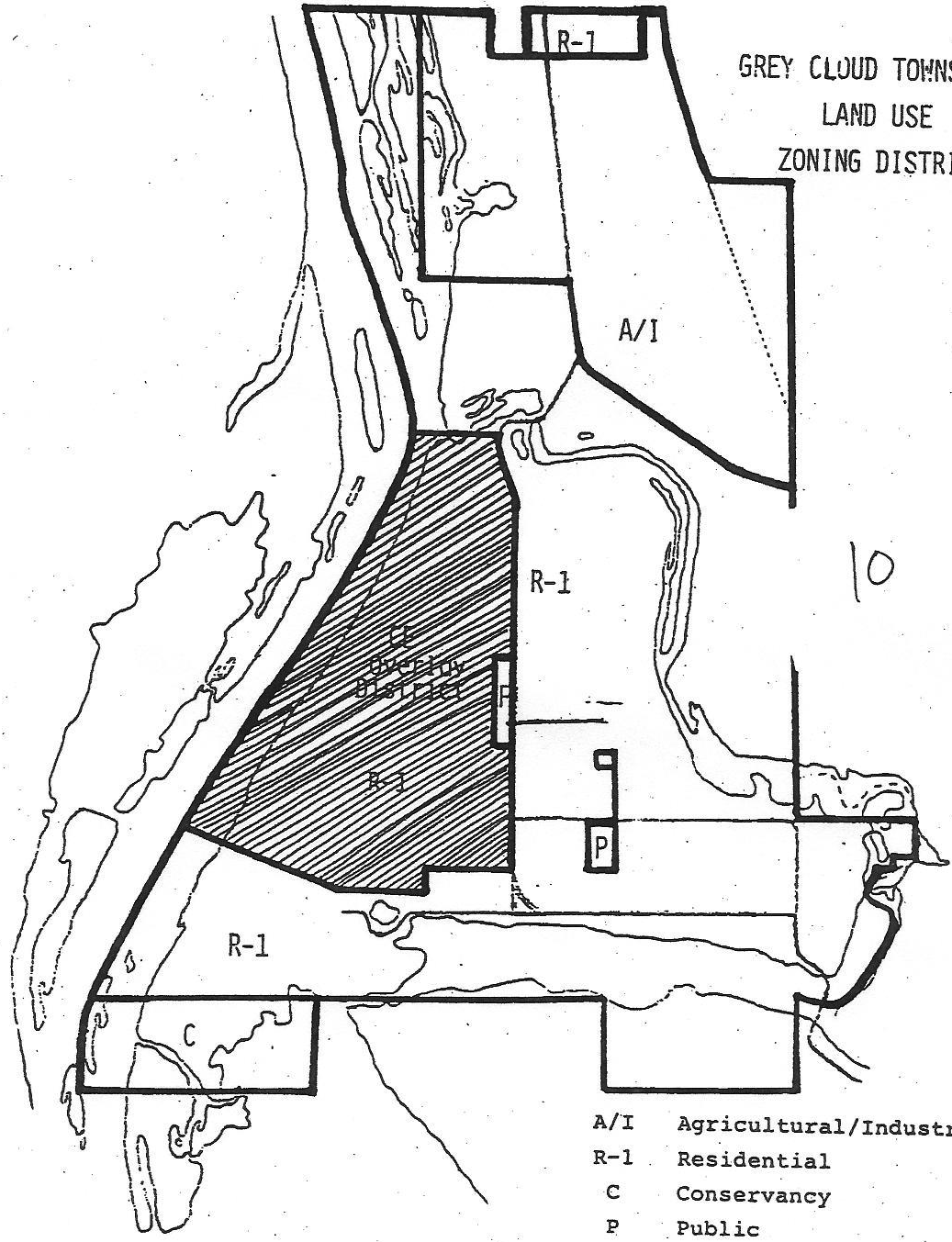
inconsistent with the goals and policies of the Critical Area and Comprehensive plan.

8. Restoration of Non-Conforming Buildings or Structures - A non-conforming building or structure which is damaged or destroyed may be restored and the occupancy or use of such building, structure, or part thereof, which was existing at the time of such partial destruction may be continued or resumed, provided that the restoration is started within a period of one (1) year and is diligently prosecuted to completion.
9. Abandonment of Use - When any non-conforming use of land or of a building or structure is abandoned for a period in excess of ten (10) years, such land, building, or structure shall thereafter be used only as provided in this ordinance.

The next page contains a map of Grey Cloud Township land use Zoning Districts.

- A/I Agricultural/Industrial
- R-1 Residential
- C Conservancy
- P Public
- CE Commercial Excavation Overlay District

GREY CLOUD TOWNSHIP  
 LAND USE  
 ZONING DISTRICTS



- A/I Agricultural/Industrial
- R-1 Residential
- C Conservancy
- P Public
- CE Commercial Excavation  
 Overlay District

## SECTION EIGHT. ZONING DISTRICT MAP.

The boundaries of the zoning Districts as established by this Ordinance are as shown on the map published herewith and made part of this Ordinance and designated as the Official Zoning Map of the Township. The district boundary lines on the map are intended to follow road right-of-way lines road center lines, or lot lines, unless such boundary line is described otherwise.

- A. The Agricultural/Industrial District, A/I, is described as follows:

All of Section Thirteen (13) lying and being within Grey Cloud Township, Township 27, Range 22, except that part of the South Half of the Southwest Quarter (SI/2 of (SW1/4) of said section lying west of Grey Cloud Island Drive, and except Blocks 115, 116, 117, and 118 of the First Addition, St. Paul Park Division 4.

All of Section Twenty-four (24) lying and being North and East of Grey Cloud Trail, in Grey Cloud Township, Township 27, Range 22.

- B. The Conservancy District, C, is described as follows:

The Southwest Quarter of the Southeast Quarter (SW1/4 of SE 1/4) of Section 26, Township 27, Range 22, and Government Lot 4 of Section 26, Township 27, Range 22.

- C. The Commercial Excavation Overlay District, CE, is described as follows:

All that part of Upper Grey Cloud Island lying west of County Road 75 and North of the South five hundred (500) feet of the Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4) of Section 25, township 27, Range 22, and North of a line described as follows: 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 (23), Twenty-four (24), Twenty-five (25), and Twenty-six (26); and running thence North 88° 00' West a distance of 1315.70 feet to an iron pipe; thence North 64° 01' West to the Western boundary of Government Lot Two (2).

- D. The Residential District, R-1, contains all of the rest and remainder of Grey Cloud Township, Township 27, Range 22, not included in the Districts described above.

SECTION NINE. ENFORCEMENT AND EFFECTUATION.

A. Enforcement.

- 1. It is declared unlawful for any person to violate any of the terms and provisions of this Ordinance. Violation thereof 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 \$300 and costs for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.
- 2. In the event of a violation or a threatened violation of this Ordinance, the governing body, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

B. Effectuation.

- 1. It is hereby declared to be the intention that the several provisions of this ordinance are separable in accordance with the following:
  - (a) If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
  - (b) In any court of competent jurisdiction shall adjudge invalid the application of any portion of this Ordinance to a particular property, building or other structure, such judgment shall not affect that application or said provision to any other property, building or structure not specifically included in said judgment.
- 2. Validity and Date Effective - Ordinance Nos. 10, 17, 21, 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.

RESOLUTION OF AMENDMENTS  
TO GREY CLOUD TOWNSHIP  
ZONING ORDINANCE

At its regularly scheduled meeting on December 10, 1985, the Grey Cloud Township Board of Supervisors adopted amendments to the Township Zoning Ordinance.

A summary of the amendments are:

1. Expands the Commercial Excavation District on Upper Grey Cloud Island west of County Road 75, and provides for increased setbacks.
2. Provides that the Commercial Excavation District is now an "Overlay District" with an underlying Residential District.
3. Re-establishes previously existing Industrial Districts, now called Agricultural/Industrial Districts.
4. Eliminates R-2 District Regulations, as there were no R-2 Districts in the Township.
5. Modification of mining application permit process, to streamline process and provide more useful information to the Township.
6. Change minimum lot size to two and one-half (2 1/2) acres, and provide residential density restrictions..
7. Modified building permit application process to eliminate the requirement to provide nonapplicable, or unnecessary information.
8. Other miscellaneous modifications to clarify intent and purpose.

A copy of the full ordinance is available for inspection at the Town Hall.

The above summary shall be published in the official newspaper of the Township and proof of such publication shall be kept with the Township's official copy of said ordinance.

Approved this 10th day of December, 1985 by the Grey Cloud Township Board of Supervisors.

Signed  
R. Gordon Nesvig  
Joseph M. Daddario  
Ruth Lacina  
Town Board of Supervisors

Attest:  
Loretta Stone  
Town Clerk