

CHAPTER 20. ZONING ORDINANCE REGULATIONS. ¹**Article I. In General.**

The Town Board of Bridgewater Township hereby ordains an ordinance regulating the use, subdivision and development of land and the location, size, use and arrangement of buildings on those parcels of land located in the Town, this ordinance being adopted pursuant to Chapter 462 of Minnesota Statutes and codified in this Chapter of the Town Code.

Section 20-1. Short Title.

This Chapter shall be known, cited and referred to as the Bridgewater Township Zoning Ordinance.

Section 20-2. Intent and Purpose.

The purpose of this Chapter is to protect the public interest; to ensure a safe, pleasant and economically viable environment; to preserve agricultural and open lands; and to promote the health, safety and general welfare through the establishment of minimum standards governing the subdivision, development and use of land and structures contained and erected upon same.

This Chapter divides the Town into use districts and regulates the subdivision, development and use of land and the location, size, use and arrangement of buildings.

The regulations and standards herein have been adopted to promote orderly use and development of residential, commercial, agricultural, industrial, recreational, and public areas and to promote open spaces; to prevent the overcrowding of land and undue congestion upon public roads; to minimize the compatibility of different land uses and encourage the most appropriate use of land within the Town; to prohibit uses, buildings or structures which are incompatible with the character of or development of the permitted uses within specified zoning districts; to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder; to provide for the gradual elimination of those uses of land, buildings and structures that do not conform to the standards of the district in which they are located; to avoid the creation of substandard lots within which uniform setback requirements cannot be complied; to protect and/or guide the development of rural areas; to discourage the premature and unnecessary conversion of prime agricultural land to more urban uses; to protect and enhance existing agricultural uses; to conserve natural resources; to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures; to prevent the wasteful scattering of population; to

¹ Ordinance originally adopted June 12, 2007; Definitions and other provisions related to flood plain amended March 9, 2011. Amendments made from time to time incorporated to December 2018.

discourage noncontiguous urban development patterns which unnecessarily increase the costs of community service; to control and obtain the most economic distribution of and demand for public utilities and services; to conserve and enhance natural and scenic areas along roads and otherwise; to provide for the administration of this Ordinance and amendments thereto; to prescribe penalties for violations of the minimum standards and regulations herein; and to define the powers and duties of the town, its staff and appointed personnel.

Section 20-3. **Interpretation and Definitions.**

a. **Interpretation of Certain Terms.** For the purpose of this Ordinance, certain terms or words are used and shall be interpreted as follows. If not defined in this Ordinance, words and terms shall be given their common meaning.

1. The word “shall” is mandatory and not discretionary.
2. The word “may” is permissive.
3. The word “person” shall include individuals, businesses, firms, associations, organizations, partnerships, trusts, companies and corporations.
4. Words used in the present tense shall include the future; words used in the singular shall include the plural, and the plural the singular.
5. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
6. The word “Board” includes the “Township Supervisors,” the Town Board,” or any other word or words meaning the “Bridgewater Township Board of Supervisors.”

b. **Definitions.**

Abut. Physically touching or bordering upon; or to share a common property line but not overlap. See ADJOINING LAND

Accessory structure or facility. Any building or improvement clearly subordinate to a principal use such as garages, sheds, or storage buildings located on the same parcel as the principal structure.

Accessory Use. A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same parcel as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants or caretakers.

2. Swimming pools and private recreational facilities for the use of the occupants of a residence or their guests.
3. Residential – or agricultural – related storage in a barn, shed, tool room, or similar accessory building.
4. Interior storage of merchandise normally carried in-stock in connection with a business or industrial use unless such storage is excluded in the applicable district's regulations.
5. Accessory off-street parking spaces, open or enclosed.
6. Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

For purposes of Article VII (Flood Plain District), Accessory Use or Structure shall be defined as a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. *

Addition. (1) A structure added to the original structure at some time after the completion of the original structure; or (2) an extension or increase in floor area or height of a building or structure.

Adjoining Land. A lot or parcel that shares all or part of a common lot line with another lot or parcel of land. SEE ABUT.

Adult Entertainment. Adult entertainment uses include adult bookstores, adult motion picture theatres, adult motion picture sales/rental, adult massage parlors, adult health/sports clubs, adult cabarets, adult novelty businesses, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

Agricultural Sales and Service. An establishment primarily engaged in the sale or rental of farm tools and small implements, feed, seed, and grain, tack, animal care products, farm supplies and the like, excluding large implements, and including accessory food sales and machinery repair services.

Agricultural Use. Real or personal property used for the production of crops, tillage, husbandry or farming, including fruit and vegetable production, tree farming, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products.

Airstrip, Private. An area of land designed for and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the move of a building or structure from one location to another. This excludes normal repairs and maintenance, such as painting or roof replacements. (See STRUCTURAL ALTERATIONS.)

Amenity. A natural or created feature that enhances the aesthetic quality, visual appeal, comfort, convenience or general attractiveness of a particular property, place or area.

Animal Kennel. Any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain other than horses, cattle, poultry, swine, sheep, or goats. (See KENNEL.)

Animal, Farm. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses, and other animals commonly accepted as farm animals in the State of Minnesota.

Animals, Food. Fish, fowl, cattle, swine, llamas, sheep and other non-human members of the earth's ecological system raised for the purposes of food consumption.

Animals, Fur. Mammals that are raised for their pelts.

Animal Unit. A unit of measure used to compare differences in the production of animal waste that, as a standard, uses the amount of waste produced on a regular basis by a slaughter steer or heifer. For animals not listed in the following chart, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds. This chart shall be amended from time to time to be consistent with Minnesota Rules Chapter 7020.

<u>Animals</u>	<u>Equivalent</u>
Calves (150-500 lbs.)	0.5 animal units
Feeder Cattle (500-1200 lbs)	1.0 animal units
Beef Cows	1.0 animal units
Young Dairy Stock (500 – 1000 lbs)	0.75 animal units
Replacement Heifers	1.0 animal units
Dairy Cows	1.4 animal units
Nursery Pigs (up to 50 lbs)	0.05 animal units
Grower/Feeder Pigs (50 – 100 lbs)	0.4 animal units
Finishing Hogs (100 lbs – market wt.)	0.4 animal units

Sows	0.4	animal units
Boars	0.4	animal units
Sheep	0.1	animal units
Turkeys	0.018	animal units
Layer Chickens	0.01	animal units
Broiler Chickens	0.01	animal units
Horses	1.0	animal units
Ostriches	0.4	animal units

Annexation. The incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

Applicant. A person submitting an application for land use, zoning or development approvals. (See PERSON.)

Aquifer. A geologic formation that is capable of supplying sufficient quantities of water to a well. Aquifers are broadly categorized into two categories: unconfined and confined. Other terms are applied to further describe characteristics of aquifers including artesian and water table aquifers. Aquifers must have the following two properties:

1. The aquifer formation must be porous, such as sand and gravel or cracks and fractures in more solid rock.
2. Water must be able to flow through and out of the formation in quantities large enough to be significant.

Basement. A space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and a half feet. For purposes of Article VII (Flood Plain District), basement shall be defined as any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.*

Bed and Breakfast. An owner-occupied single-family dwelling used in part as short-term lodging, providing one or more meals per day as part of the compensation.

Berm. A landscaped and contoured formation of land that is raised from natural grade.

Block. The enclosed area within the perimeter of roads, property lines or boundaries of a subdivision.

Bluff. A hill, cliff or embankment typically overlooking a plain or body of water, especially on the outside of a stream or river meander, that has the following characteristics:

1. Part or all of the feature is located within 1,000 feet of a lake or 300 feet of a river or stream; and
2. The slope drains toward the water body; and
3. The slope averages at least eighteen percent (18%) over fifty (50) feet, and rises at least twenty-five (25) feet above the ordinary high water level of the water body; or the grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater.

Bluff, Toe. The point of a bluff where there is, as visually observed, a clearly identifiable break in the slope, from steeper to gentler slope above. If not break in the slope is apparent, the toe of the bluff shall be determined to be the lower end of the lowest ten (10) foot segment that exceeds eighteen percent (18%) slope.

Bluff, Top. The point of a bluff where there is, as visually observed, a clearly identifiable break in the slope, from the steeper to the gentler slope above. If no break in the slope is apparent, the top of the bluff shall be determined to be the upper end of the highest ten (10) foot segment that exceeds eighteen percent (18%) slope.

Bluff Impact Zone. A bluff and land located within thirty (30) feet from the top of the bluff.

Bluffline. A line along the top of a slope connecting the points at which the slope becomes less than twelve percent (12%). This applies to those slopes within the Wild and Scenic River District which are beyond the setback provisions from the ordinary high water level.

Board of Adjustment. Shall be the Board of Supervisors as established in this Ordinance.

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Building-integrated solar energy system. A solar energy system that is directly incorporated into a the building by replacing typical building materials.

Campground. An area accessible by vehicle and containing camp sites or camping spurs for tents and trailer camping.

Centralized Water and Sewer Systems; Centralized Utilities. Utility systems serving a group of buildings, lots, or an area of the Township, with the design and construction of such utility systems as approved by the Township and/or the State of Minnesota.

Certificate of Occupancy. A document issued by the Township allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable Township codes and ordinance at the time of occupancy.

Certificate of Survey. A certificate of survey shall show the boundary lines of a parcel or parcels and indicate monuments set at corners (or road right-of-way when abutting roads), angle points of said parcel or parcels and also at appropriate locations along boundary lines or lines where lines cannot be seen from corner to corner and there is a need to clarify building setback requirements. The survey shall be tied into required and identified land corners. The drawing shall be prepared by or under the direct supervision of a Minnesota Registered Land Surveyor.

Church (Place of Worship, Religious Institution). (1) A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs. (2) A special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

Clear-cutting. The removal of a major portion (more than ninety percent (90%)) of a stand of trees and woody vegetation (see LOGGING, INTENSIVE VEGETATION and Shoreland Regulations).

Cluster Development. A subdivision development planned and constructed so as to group housing units into relatively compact patterns while providing a unified network of open space.

Common Open Space. Land use for agriculture, natural habitat, pedestrian corridors, and/or recreation purposes, that is permanently protected from future development.

Community Solar Farm or Garden. Is a commercial solar energy system that accepts capital from and provides output credit and tax benefits to individual and other investors. For some, individual solar panel systems are purchased and installed after purchase.

Commercial Solar Energy System. (CSES) are designed to generate energy to off-set utility costs or as an additional revenue stream but are accessory to a firm or business use of the land. A community solar garden is a commercial solar energy system.

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

Commissioner, Department of Natural Resources. The Commissioner of the Department of Natural Resources, or his or her designee within the Department.

Commission. See Planning Commission.

Comprehensive Plan. The general plan for land use, transportation, and community facilities of the Town.

Composting. The aerobic decomposition of organic wastes to a relatively stable humus subject to further, slower decay but sufficiently stable not to reheat or cause odor or insect infestation.

Conditional Use. A land use or development as defined by ordinance that would not be allowed without stipulated conditions, but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the zoning ordinance exist, (2) the use or development conforms to the Comprehensive Plan; and (3) the use is compatible with the existing neighborhood.

Conditional Use Permit. A permit specially and individually granted for a conditional use permitted in any use district.

Condominium. A form of individual ownership with a multi-family building with joint responsibilities for maintenance and repairs. In a condominium, each unit is owned outright by its occupant, and each occupant owns a share of the land and other common property of the building.

Conservation Easement. A legal agreement restricting development of farmland or natural areas. Lands subject to a conservation easement are generally restricted to farming and open space uses. A conservation easement does not imply any right of public access, except for periodic monitoring by the agency or entity holding the easement.

Construction Debris. Concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural steel, and wood from demolished structures. It shall also include waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads, and any material as defined by the Minnesota Pollution Control Agency (MPCA) or permitted for deposit in construction debris disposal facilities by said agency, such as, but not limited to, foundry, sand, waste, shingles, tree waste, waste or water treatment plant lime sludge, and street sweepings.

Contiguous. Next to, abutting, or touching and having a common shared boundary, or portion thereof, that is coterminous. (See ABUT; ADJOINING LAND.)

Contour Map. A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Contractor's Yard. Outdoor storage of materials and vehicles associated with a contractor's office that shares the site.

Cooperative. A multi-unit project of one-family dwelling units, offices or commercial shops which may include one or more buildings on the same lot or property. These dwelling units, offices, shops or spaces, and common areas and facilities which are owned by an organization, independent corporation, partnership or other enterprise are in turn owned and operated for the benefit of those using or occupying the property.

Copy. A print or reproduction made from a drawing.

Coterminous. Having the same border or covering the same area.

County. Rice County, Minnesota.

Covenants. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Covenants are enforced by the private parties and are not enforceable by the Township.

Crop Equivalency Rating. The weighted average per quarter-quarter section of land that represents the relative net economic return per acre of soil as reflected by the difference in productivity between soils, as determined by the University of Minnesota and adopted by the Rice County Board of Commissioners.

Daycare Facility. Any facility, public or private, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or development guidance on a regular basis for periods of less than 24 hours a day, in a place other than the person's own home. Daycare facilities include, but are not limited to, family daycare homes, group family daycare homes, daycare centers, day nurseries, developmental achievement centers, day treatment programs, adult daycare centers, and day services.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features attached or functionally related to a principal use or site.

Decommissioning (as it relates to solar energy facilities). The removal of any solar energy system that has reached the end of its useful life or has been abandoned. Decommissioning shall consist of the physical removal of all solar energy systems,

structures, equipment, security barriers, and transmission lines from the site, disposal of all solid and hazardous waste related to such removal, and stabilization or re-vegetation of the site as necessary to minimize erosion.

Density. The number of families, individuals, dwelling units, households or housing structures per unit of land.

Domestic Pets. For purposes of this Section, a domestic animal shall be defined as house pets such as dogs, cats, and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to the structure requiring a building permit. In addition, this definition includes birds and rabbits normally sheltered outside the home.

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person having enforceable proprietary interests in such land.

Development. The act of building structures and installing site improvements; a group of buildings constructed as a unified project.

Disposal Facility. A waste facility that is designed or operated for the purpose of disposing of waste on or in the land, together with any appurtenant facilities needed to process waste for disposal.

District. A part, zone, or geographic area within the Township within which certain zoning or development regulations apply.

Drainageway. Any natural or artificial water course, including but not limited to streams, rivers, brooks, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines, or washes, in which water flows in a definite direction or course, either continually or intermittently; and including any area adjacent thereto which is subject to inundation by reason of interflow or floodwater.

Dredging. The process by which soils, mostly in the form of silt, or other surface materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening the body of water.

Driveway. The area used for vehicular access to an off-street parking area from a street, road or alley. Driveway shall also include the area used for vehicular access to areas of the lot other than an off-street parking area.

Dust-Free. A minimum treatment of the native soil with a covering of asphalt, concrete, wood, masonry, gravel, oil penetration or soil-cement.

Dwelling – Detached. A dwelling unit that is entirely surrounded by open space on the same lot.

Dwelling – Energy Efficient. A dwelling meeting the specifications of the Minnesota Energy Code.

Dwelling, Multifamily. A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

Dwelling, Two Family (Duplex). A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Dwelling, Single-Family. A free-standing (detached) residence designed for or occupied on one (1) family only, including manufactured homes that meet current federal U. S. Department of Housing and Urban Development (HUD) standards.

Dwelling, Single-Family Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls. (See Dwelling, Townhouse.)

Dwelling – Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. (See DWELLING, SINGLE-FAMILY ATTACHED.)

Dwelling Unit. Two (2) or more rooms within a structure that are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each dwelling. A mobile or manufactured home, with the above accommodations, located in areas approved for mobile or manufactured homes shall be considered a dwelling unit. A house trailer, camper-trailer, camper-bus or tents are not considered dwelling units.

Easement. A grant by an owner of land for the specific use of said land by the public, or to a person or persons.

Easement, Utility. A grant by a property owner for the use of a strip of land for the purpose of constructing and maintaining utilities, including but not limited to sanitary sewers, water mains, electric lines, cable television lines, telephone poles, storm sewer or storm drainage and gas lines.

Encroachment, Flood Plains. Limits of obstruction flows. A method of determining the location of encroachment so that hydraulic capacity of flood plain lands on each side of a stream are decreased by an equal amount when calculating the increases in flood stages.

Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Erosion. The process by which the ground surface is worn away by action of wind, water, ice and gravity or other outside natural forces acting on it.

Essential and Transmission Services. Overhead or underground electrical, gas, steam, chilled water or water transmission or distribution systems and structures, or collection, communication supply or disposal systems and structures used by public utilities or governmental departments or commissions or as required for protection of the public health, safety and welfare, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, and accessories in connection therewith, but not including buildings.

Excavation or Extraction. Any artificial movement of the earth within the Township, dug, excavated, or made by the removal from the natural surface of the earth of soil, sand, gravel, stone, industrial minerals or other nonmetallic minerals or other matter or made by tunneling or breaking or undermining the surface of the earth.

Exotic Animals. Any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to, any of the following orders and families, whether bred in the wild or captivity, and also any of the hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified.

1. Non-human primates and prosimians (monkeys, chimpanzees, baboons)
2. Felidae (lions, tigers, bobcats, cougars, leopards, jaguars, not domesticated cats)
3. Canidae (wolves, coyotes, foxes, jackals, not domesticated dogs)
4. Ursidae (all bears)
5. Reptilia (all venomous snakes, iguanas, turtles, lizards)
6. Crocodilia (alligators, crocodiles)
7. Proboscidae (elephants)
8. Artiodactyla (hippotamuses, giraffes, camels, not cattle or swine or sheep or goats)
9. Procyonidae (raccoons, coatis)
10. Hyaenidae (hyenas)
11. Marsupialia (kangaroos, opossums)
12. Perissodactylea (rhinoceroses, tapirs, not horses or donkeys or mules)
13. Edentata (anteaters, sloths, armadillos)
14. Viverridae (mongooses, civets, and genets)

Exterior Storage (includes Open Storage). The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.

Family. An individual, or two (2) or more persons related by blood, marriage or adoption, or up to six (6) unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Farm. A tract of land which is principally used for agricultural activities such as the production of cash crops, livestock, or poultry farming.

Feedlot. A fenced land area or building or combination thereof of fenced land area and buildings intended for the confined feeding, breeding, raising, or holding of animals exceeding ten (10) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

FEMA. Federal Emergency Management Agency.

Field Windbreak. A strip or belt of trees or shrubs more than one hundred (100) feet in length, fifty (50) feet or less in width, adjacent to or within a field.

Fill. (1) A built-up piece of land, an embankment, or the material, such as earth or gravel, used for this; (2) To build up the level of an area with earth, stones, etc.

Final Approval. The last official action of the Township taken on a development plan that has been given preliminary approval, after all conditions and requirements of the preliminary approval have been met and the required improvements have either been installed or guarantees properly posted for their installation, or approved conditioned upon the posting of such guarantees.

Final Plat. A drawing in final form, showing a proposed subdivision containing all information and detail required by state statutes and this Ordinance to be presented to the Town Board for approval, and which, if approved, shall be duly filed with the County Recorder.

Flood. A temporary rise in stream flow or flood stages that results in inundation of the normally dry areas adjacent to the channel of a watercourse or bed of a lake or wetland.

Flood Frequency. The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. That portion of the flood plain outside of the delineated floodway and which has been or hereafter may be covered by a regional flood. Land within a flood fringe is subject to inundation by relatively low velocity flows and shallow water depth.

Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Rice County.*

Flood Insurance Rate Map. The Flood Insurance Rate Map (FIRM) is produced by the Federal Emergency Management Agency (FEMA). The FIRM is the most common map and most communities have this type of map. At a minimum, flood maps show flood risk zones and their boundaries, and may also show floodways and Base Flood Elevations (BFEs).

Flood Plain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or thereafter may be covered by the regional flood.*

Flood Proofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of damage caused by flooding.

Floodway. The channel of the watercourse, the bed of a wetland or lake, and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

Floor Area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory structures.

Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.

Forest Land. Land not currently developed for non-forest use and having at least twenty percent (20%) stocking of deciduous trees. Contiguous areas of trees must have a minimum crown width of 120 feet and trees with a minimum diameter, measured at 4.5 feet above grade, of twelve (12) inches to qualify as forest land. Land within ravines, on steep slopes, below the ordinary high water level, or a flood plain, shall not constitute forest land. Unimproved roads and trails, streams or other bodies of water or clearings in forest areas will not be classified as forest land. The minimum contiguous area for classification of forest land is one (1) acre, minimum width is 120 feet and minimum canopy density is sixty percent (60%).

Forestry. The use and management, including logging, of a forest, woodland, or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings and fences.

Frontage. The boundary of a lot that abuts an existing or dedicated public street.

Garage. An accessory building or accessory portion of the principal building that is intended for and used exclusively to shelter private passenger vehicles of a family or those families residing on the premises.

Garage, Repair. A building or space for the maintenance of vehicles, but not including auto wrecking or junk yards.

Garage Sale. Garage sale shall include rummage sales, basement sales, yard sales, porch sales, and all other periodic sales at a residential location intended for the limited purpose of isolated or occasional sales as defined by Minn. Stat. §297A.25 for the selling of used goods or home-crafted items by the residents thereof.

Governing Body. The Bridgewater Township Board of Supervisors.

Group Family Daycare Facility. A state licensed daycare for no more than fourteen (14) children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

Grade. (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface; (3) the elevation of the surface of land at any particular point.

Grading. Any excavating or filling of earthen materials or combination thereof, but not including normal agricultural operations.

Hardship. As used in connection in the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls and the plight of the landowner is due to circumstances unique to the property, not created by the landowner. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of this Ordinance.

Hazardous Waste. Disposal of substances or material that, by reason of its toxic, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling in the proximity of, or otherwise coming into contact with such material or substance. As categorized by the U.S. Environmental Pollution Agency (EPA), hazardous waste includes, but is not limited to, inorganic mineral acids of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorus, selenium, arsenic, and their common salts; lead, nickel and mercury and their inorganic salts, or metallo-organic derivatives; coals, tar acids, such as phenol and cresols and their salts; and all radioactive materials.

(Significant) Historic Site. Any archeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed

in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minn. Stat. § 307.08. A historic site meets these criteria if it is presently listed on either register or it is determined to meet all the qualifications for listing after review by the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Home Occupation – Permitted. Any activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident’s dwelling unit.

Home Occupation – Permitted with Interim Use Permit. Any activity carried out for gain by a resident within an accessory building.

Homeowner’s Association. A formally constituted nonprofit association or corporation made up of the property owners and/or residents of the development for the purpose of owning, operating and maintaining the common open space and facilities

Homestead, Abandoned Farm. A site previously occupied by a farm dwelling and evidenced by a foundation, uninhabitable farm dwelling, windbreak, outbuildings or other observable physical features.

Hunting Club. A private noncommercial site maintained by a membership organization for the purpose of hunting and related outdoor recreation.

Impermeable. Not permitting the passage of water.

Impervious Surface. Any material that prevents absorption of stormwater into the ground.

Incidental. Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products commodities, or other wholesale items.

Industrial Waste. Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

Infectious Waste. Laboratory waste, blood, regulated body fluids, sharps, and research animal waste that has not been decontaminated.

Intensive Vegetation Clearing. More than ninety percent (90%) removal of trees or shrubs in a contiguous patch, strip, row, or block (See CLEAR CUTTING, LOGGING).

Interim Use. Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use.

Interim Use Permit. A temporary permit issued by the Town Board granting approval of an interim use under conditions listed on said permit.

Irrigation System. Any structure or equipment, mechanical or otherwise, used to supply water supplement normal rainfall including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.

Junk Yard. Land or buildings where waste, discarded or salvaged materials are brought, purchased, sold, exchanged, stored, cleaned, packed, disassembled, or handled, including, but not limited to, scrap metal, rags, paper, rubber products, glass products, lumber products, and products resulting from the wrecking of automobiles or other vehicles, provided further that the storage of three (3) or more inoperative and/or unlicensed motor vehicles for a period in excess of three (3) months shall also be considered a junk yard.

Kennel, Commercial. Any structure or premises on which four (4) or more animals over four (4) months of age are kept for sale, breeding or profit.

Land Alteration. The extraction, grading or filling of land involving movement of earth and materials in excess of fifty (50) cubic yards in the Shoreland Districts and in excess of five hundred (500) cubic yards in all other areas.

Land Reclamation. The recovery or restoration of wasteland, wetlands, marshes, etc. by ditching, grading, filling, or similar means. Any lot or parcel of land upon which four hundred (400) cubic yards or more of fill is to be deposited shall be land reclamation.

Landscaping. Plantings such as trees, shrubs, and or seeding.

Land Use Permit. Any permit required under this ordinance, except building or structure permits.

License. A permit, granted by an appropriate governmental body, generally for a consideration, to a person, firm, or corporation to pursue some occupation or to carry on some business subject to regulation under police power.

Licensed Architect. A person licensed as a professional architect by the State of Minnesota.

Licensed Daycare Facility. Any public or private facility required to be licensed by a governmental agency that provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of

less than 24 hours per day, in a place other than the person's own home. Licensed day care facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, developmental achievement centers, day treatment programs, adult daycare centers, and day services.

Licensed Engineer. A person licensed as a professional engineer by the State of Minnesota.

Licensed Land Surveyor. A person licensed as a professional engineer by the State of Minnesota.

Licensed Residential Care Facility. Any public or private facility required to be licensed by a governmental agency, that provides one or more persons with a 24-hour-per-day substitute for care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the care of the Commissioner of Human Services, foster homes, residential treatment centers, group homes, residential programs, supportive living residences for functionally-impaired adults, or schools for handicapped persons.

Livable Space. The total area, measured in square feet, of a story or stories of a residential dwelling that is used for living space.

Livestock Waste Storage Facility. A diked enclosure, pit or structure for temporary disposal or storage of livestock wastes.

Loading Berth. An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles and for the purpose of loading and unloading goods, wares, materials and merchandise.

Lodging Room. A room rented as sleeping and living quarters, but without cooking facilities. In a suite of rooms, without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

Logging. The cutting of timber on any public or private land of one (1) acre or more for the major purpose of selling the timber for a profit. This shall not include the selective cutting of trees by the property owner for the purpose of removing dead or diseased trees (also see CLEAR-CUTTING).

Lot. A parcel of land legally described and recorded with the County Recorder.

Lot Area. The gross lot area is the area of a horizontal plane bounded by the front, side and rear lot lines, but not including any area occupied by the waters of a duly recorded lake, river, flood plain zone or floodway.

Lot, Buildable. A separately described parcel of land, with or without buildings, used for or intended for occupancy or any use permitted under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for each use, excluding buildings to accommodate same, in the zoning district in which such lot is located and which abuts a public road, street or highway.

Lot, Corner. A lot situated on the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot, Interior. A lot other than a corner lot, including through lots.

Lots, Through. Any lot other than a corner lot that abuts more than one street.

Lot Depth. The average horizontal distance between the front lot line and the rear lot line or ordinary high water mark or to the most distant point on any other lot line where there is no rear lot line. The greater frontage of a corner lot is its depth, and its lesser frontage is its width.

Lot, Double Frontage. Lots which have a front line abutting on one street and a back or rear line abutting on another street.

Lot, Substandard. Any lot of record that does not meet the minimum lot area, frontage, setbacks, or other dimensional standards of this Ordinance.

Lot Line. A property boundary line of any lot held in separate ownership except that where any portion of the lot extends into the abutting alley or street, the lot line shall be deemed to be the street or alley right-of-way line.

Lot Line, Front. That boundary of a lot which abuts an existing or dedicated public street. A corner lot shall be deemed to have frontage on both streets. Where a lot does not abut a public dedicated road, the front line shall be designated by the Township.

Lot Line, Rear. The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line.

Lot Line, Side. Those lines of a lot that begin at the point of intersection with a public right-of-way and then run away from said right-of-way. Any boundary of a lot that is not a front lot line or rear lot line.

Lot Width. The lot width is the horizontal distance between the side lot lines of a lot, parallel to the front lot line and measured at the minimum required front yard setback.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest elevation.

Maintenance and Minor Repairs. Includes repair of doors, floors and eave troughs, repainting and stuccoing of exteriors, interior redecorating, foundation or basement repair, new heating, air-conditioning and plumbing equipment or repair of present equipment; each of which may be done in total, or in part, except the structure shall not be expanded in any way.

Manufactured (Mobile) Home/Prefabricated Building. A residential unit constructed at a factory or assembly point, designed for year round occupancy and moved to the site in one (1) or more sections. Trailers, campers, bus(es) are not included.

Manufactured (Mobile) Home Park. Any site, lot, field, or tract of land under single ownership, designed, maintained or intended for the placement of two (2) or more occupied manufactured homes. "Manufactured home park" shall include any buildings, structure, vehicle, or enclosure intended for use as part of the equipment of such manufactured home park.

Manufactured Home (Floodplain). For purposes of the floodplain ordinance, **manufactured home is defined as** a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

Manufactured (Mobile) Home Subdivision. A subdivision intended for placement of manufactured homes or conventional homes, having a minimum of ten (10) lots and at least thirty percent (30%) of the lots must be occupied by or reserved for manufactured homes.

Manufacturing – Light Industry. Any enterprise that includes the compounding, processing, packaging, treatment or assembly of products and materials, provided such use will not violate the performance standards found in this Ordinance.

Mean Flow Level. The average flow elevation of a stream or river computed as a mid-point between extreme low and extreme high water.

Metes and Bounds Description. A description of real property which is not described by reference to a lot or block shown on a map or a recorded plot, but is described by starting at a known point and describing the bearing and distances of the line forming the boundaries of the property.

Miniature Golf. A theme-oriented recreational facility, typically composed of nine or 18 putting greens, each with a “cup” or “hole,” where patrons pay a fee to move in consecutive order from the first hole to the last. The facility is not a true golf course, and is typically less than 10,000 square feet.

Mining. The extraction of sand, gravel, rock, soil, peat or other material from the land in the amount of one thousand (1000) cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building or structure provided such removal is an approved item in the building permit.

Mining Operation. The removal of stone, sand and gravel, peat, black dirt, topsoil, or other material from the land for commercial, industrial, residential or governmental purposes.

Mixed-Use Building. A building that combines two or more uses, typically with nonresidential (commercial or office) uses on the ground floor and residential uses, offices or studios above.

Motor Vehicle. The meaning given to this term in Minn. Stat. §168.011, subd. 4, as amended, and also includes a park trailer as defined in Minn. Stat. §168.011, subd. 11, as amended, and a horse trailer as defined in Minn. Stat. §168.27, subd. 1, as amended.

Natural Waterway. A natural passageway on the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area.

Nonconforming Structure or Nonconforming Use. A structure or use lawfully in existence on the effective date of adoption of this Ordinance and not conforming to the new regulations for the district in which it is situated.

Noxious Matter or Materials. Material capable of causing injury to living organisms by chemical reaction, or capable of causing detrimental effects on physical or economic well-being of individuals.

Nursery, Day. A facility where care is provided for pay for three (3) or more children for periods of four (4) hours or more per day.

Nursery, Landscape. A business that grows, or sells trees, flowering and decorative plants and shrubs.

Nursing Home. A facility for the aged, chronically ill, or incurable persons licensed by the Minnesota Department of Health providing nursing care and related medical services.

Obstruction (Waterway). Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood plain which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Office. A room or group of rooms used for the management of affairs of an establishment or for the non-retail, non-production conduct of affairs of a service, professional, institutional, or business nature.

Official Control. Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the township and are the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes and official maps.

Official Map. A map established by the Town Board, in accordance with State Statutes, showing streets, highways, parks and drainage, both existing and proposed. (This map should not be confused with the Zoning Map.)

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, or reserved for public or private use or enjoyment of the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Space Recreational Use. Recreation use particularly oriented to and utilizing the outdoor character of an area; including hiking and riding trails, primitive campsites, campgrounds, waysides parks and recreation areas.

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

Outlot. A parcel of land on a plat that is unbuildable with the exception of public buildings, essential services, and parks. This designation may be due to insufficient size or frontage, peculiar site characteristics, a lack of public improvements, or necessary replatting to utilize any remaining building rights. It may also delineate the area from

which development rights have been taken to allow clustering on contiguous parcels to preserve open space.

Overhang. (1) The part of a roof or wall that extends beyond the façade of a lower wall; (2) the portion of a vehicle extending beyond the wheel stops or curb.

Owner. An individual, firm, association, syndicate, partnership, limited liability company, corporation, trust, or any other legal entity having a legal or equitable interest in land.

Parcel. See Lot.

Parking Space. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building and of sufficient size to store one standard automobile.

Party Wall (Common Wall). A common shared wall between two separate structures, buildings, or dwelling units.

Permit. The granting of authority by a governmental body to conduct certain activities and which may include a certificate of compliance.

Permitted Use. A use that is expressly permitted within a district established by this Ordinance, provided that such use conforms with all requirements, regulations, and performance standards (if any) applicable thereto.

Person. An individual, to include both male and female. And shall also extend and be applied to bodies political and corporate and to partnerships and other unincorporated associations.

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

Planned Unit Development. A type of development characterized by a unified site design for a number of dwelling units, dwelling sites, or other building sites on a parcel, whether for sale, rent or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and/or mix of structure types and land uses.

Plat. A map or drawing which geographically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to all Minnesota State laws.

Platted Areas. A parcel of land described by block and lot.

Portable Building. A structure that can be easily moved when empty and which is not on a permanent foundation i.e. sheds, fish houses, etc.

Prefabricated Home. A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site.

Preliminary Plat. A map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Town Board for their consideration.

Principal Building or Structure. A building in which is conducted the principal use of the lot on which it is located.

Principal use. The primary or main use of land and/or buildings upon same. Principal uses shall be generally categorized as agricultural, residential, commercial or industrial. If a use is mixed or might qualify under more than one of the general categories, the Planning Commission shall determine which category is applicable.

Prohibited Use. A use that is not permitted in a zoning district.

Property. A lot, parcel, or tract of land together with the building and structures located thereon.

Property Line. The legal boundaries of a parcel. For setback purposes, a road right-of-way will be considered a property line.

Public Land. Land owned or operated by municipal, school district, county, state, or other governmental units.

Public Road. Those roads under the direct authority of the Town, the County, the State or the Federal government.

Public Waters. Those waters of the state identified as public waters or wetlands under Minn. Stat. §103G.005, Subd. 15 and Subd. 18, as amended.

Publication. Notice placed in the official Township newspaper stating the time, location, date of meeting and description of topic(s).

Quarter-Quarter Section. A square measure of approximately forty (40) acres having one quarter of a quarter section and lying wholly within a single section. Correction lines required by the Rectangular Survey System which result in a quarter-quarter section of less than forty (40) acres shall constitute a quarter-quarter section for purposes of this Ordinance.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Receiving Area. An area or district to which development rights may be transferred. Sending and receiving areas may be located in the same zoning district or in different districts as specified in this Ordinance.

Recreational Vehicles. Travel trailers including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, and converted buses that provide temporary living quarters. For purposes of this ordinance, the term recreational vehicle shall be synonymous with the term travel trailer/travel vehicle. A vehicle is considered recreational if it:

1. Is not used as the residence of the owner or occupant;
2. Is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
3. Is self-propelled or towed on the public streets or highways by a light duty truck incidental to the recreational or vacation activities; and
4. Is licensed as a motor vehicle and is maintained in road-ready condition.
5. For purposes of Article VII (Flood Plain District), is built on a single chassis and is 400 square feet or less when measured at the largest horizontal projection.*

Regional Flood. A flood that is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the one-hundred (100) year recurrence interval. Regional Flood is synonymous with the one-hundred (100) year flood plain and with the term “base-flood” used in the Flood Insurance Study.

Registered Land Survey. A survey map or registered land designating the same into a tract or tracts of a Registered Land Survey Number, prepared by a licensed land surveyor in the State of Minnesota. See Minn. Stat. §508.47.

Regulatory Flood Protection Elevation. A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain that result from designation of a floodway. It is the elevation to which uses regulated by this Ordinance are required to be elevated or flood proofed.

Religious Facility (church). An institution primarily used for the gathering of people for the practice of religious faith.

Repairable Motor Vehicle. A motor vehicle that can be repaired, rebuilt, or reconditioned for further use consistent with its usual functions. Must be currently licensed and insured. This term does not include a motor vehicle that has value only for its component parts.

Residential Solar Energy System (RSES) – An accessory use that is designed to supply energy for on-site residential purposes.

Residential Use. A permanent place of residence for a family.

Resort. A development consisting of buildings, camping spaces, parking areas, and recreation areas, for lease or rent for short-term residence, on one tract of land, under one ownership for the purpose of vacationing, relaxation or recreation.

Retail Sales. Stores and shops selling personal service or goods to consumers.

Right-of-Way. The land covered by a public road or other land dedicated for public use or for certain private use, such as land over which a power line passes. (1) A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipelines, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however designated.

Rural Event Center: A privately-owned commercial facility that provides multipurpose meeting and/or recreational facilities for any type of for-profit or non-profit event or social gathering attended by no more than 350 guests. Such events include meetings, retreats, parties, weddings, receptions, dances and other similar events.

Salvage Yard. Any use that involves or includes the storing, keeping, salvaging, and/or holding for sale of all or parts of the following: unlicensed and/or inoperable motor vehicles; farm machinery and equipment unless used as part of a farm operation or unless held for sale under a permit authorized by this Ordinance; scrap iron and scrap metals; and any other item or items which no longer customarily serve the purpose for which they were designed.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Selective Cutting. The removal of single scattered trees while maintaining a continuous tree cover.

Self-Service Storage Facility. An establishment designed and used for the purpose of renting or leasing storage spaces to tenants who have sole access to such space for the storage of personal property.

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

Sending Area. An area or district from which development rights may be transferred.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other feature and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other feature.

Sewage. Any water-oriented domestic waste, exclusive of subsurface and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling or other structure. Domestic waste includes liquid waste produced by toilets, bathing, laundry, culinary operations, and the floor drains associated with these sources, and specifically excludes animal waste and commercial or industrial wastewater.

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

Sewage Treatment System. Septic tank and soil absorption system or other individual or cluster-type sewage treatment system as described and regulated in this Ordinance.

Shore Impact Zone. Land located between the ordinary high water level of public water and a line parallel to it as a setback of fifty (50) percent of the normal structure setback.

Shoreland. Land defined on the official zoning map, and generally extending: (1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and (2) three hundred (300) feet from a river or stream or the landward extent of a floodplain. Shorelands may also be defined as a physical feature such as a ridgeline, change in topography, or roadway that generally parallels the shoreline, or by the boundary of an existing developed area.

Shoreland Setback. The minimum horizontal distance between a structure and the ordinary high water level.

Sight Distance Triangle. A triangular shaped portion of land established at street or driveway intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection. Such triangle shall be defined beginning at the intersection of the projected curb (or road edge) lines of two (2) intersecting streets or at the intersection of projected curb lines (or road edge) where a driveway intersects a street, measured twenty-five (25) feet along each curb line (road edge) and connected by a diagonal line.

Sign. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Electronic. A sign containing a display that can be changed, by electrical, electronic or computerized process.

Sign, Off-Premise. (Billboard). A sign that directs attention to a business commodity, service, activity or entertainment not conducted, sold or offered upon the premises where the sign is located.

Sign, Surface Area of. The entire area within a single, continuous perimeter enclosing the extreme limits of the actual sign surfaces. It does not include any structural elements outside the limits of such sign and not forming an integral part of the display.

Sign, Temporary. A banner, pennant, poster, or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board or similar material and intended to be displayed for a limited period of time but does not include candidate advertisements.

Site. Any lot or parcel or combination of lots or parcels assembled for the purpose of development.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, indication of the north direction, vegetation, drainage, flood plains wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers and screening devices; surrounding development and any other information that reasonably may be required in order that an informed decision can be made by the Township.

Sketch Plan. A concept drawing indicating a proposed subdivision of property. This plan is not necessarily drawn to scale and exact accuracy is not a requirement.

Soil Survey. A soil map or inventory of the soils of an area and a report of text describing the kinds of soils shown on the map and summarizing what is known about these soils including their classification and capabilities.

Solar Energy System. A device or structural design feature, a substantial purpose of which is to provide energy for interior lighting or provide for the collection, storage and distribution of solar energy.

Solar Thermal System. A system that includes a solar collector and a heat exchanger that heats or preheats a conductive material for building heating systems or other hot water needs of a building.

Solid Waste. Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities. Solid waste does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Solid Waste Management Facility. Any tract or parcel of land, including any constructed facility used for the treatment of, or preliminary, intermediate or final

disposal of solid waste, including, but not limited to, transfer station, incineration, composting, waste reduction and landfill disposal.

Steep Slope. Lands having average slopes over twelve (12) percent, as measured over horizontal distances of fifty (50) feet or more.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for principal use.

Story, Half. That part of a building under the gable, hip, or gambrel roof, the wall plates of which are not more than four (4) feet above the floor.

Street. A public way for vehicular traffic, whether designated as a street, highway, arterial, collector, road, avenue, land, place or otherwise designated. Street classifications include the following:

1. **Arterial Street or Highway.** A street or highway designed primarily to serve as a link between various sectors of the Township and beyond.
2. **Collector Street.** A street designed to serve the internal traffic circulation of a recognized land use area which distributes and collects traffic from local streets and connects with highways and/or arterial streets.
3. **Cul-de-sac.** A comparatively short street having but one end open to traffic and the other end being permanently terminated by a vehicular turn-around.
4. **Local Street.** A street designed for access to abutting property not intended to facilitate through traffic.
5. **Private Street.** A street serving as vehicular access to a parcel of land which is not dedicated to the public but is owned by one or more private parties.
6. **Service Road.** A minor street which is parallel and adjacent to an arterial street or highway and which provides access to abutting properties.

Street Width. The width of the right-of-way, measured at right angles to the center line of the street.

Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders. (SEE ALTERATION.)

Structure. Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground. See also BUILDING.

Structure, Nonconforming. See NONCONFORMING STRUCTURE.

Structure, Temporary. See BUILDING, TEMPORARY.

Subdivider. Any person commencing proceedings under this Ordinance to effect a subdivision of land whether for that person or for another.

Subdivision. The division of any parcel of land into two (2) or more lots, blocks, and/or sites, including the resubdivision of land.

Substandard Lot. See LOT, SUBSTANDARD.

Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.*

Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For purposes of Article VII (Flood Plain District, “historic structure” shall be defined in 44 Code of Federal Regulations, Part 59.1.*

Subsurface Septic Treatment System (SSTS). A system for the treatment and disposal of sanitary sewage in the ground on the lot upon which the primary use is located. A septic tank and soil absorption system or other individual cluster type sewage treatment systems as described and regulated under Minnesota Rules Chapter 7080, as amended.

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

Temporary. The use of land, or a structure, that occurs or exists for a short, limited period of time, as distinguished from uses and structures that are permanent.

Toxic Substance. Any single pollutant or combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death, mutations, deformities, or malfunctions in such organisms or their offspring and that adversely affect the environment.

Transfer of Development Rights. The conveyance of development rights by deed, easement or other legal instrument authorized by the County Recorder to another parcel of land, and the recordation of that conveyance in the land records of Rice County.

Transferable Development Right (TDR). The right to develop one (1) dwelling unit on a parcel or tract of land, under the requirements of this Ordinance.

Tower. Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the use of mounting an antenna, meteorological device, or similar apparatus above grade.

Townhouse, See DWELLING, TOWNHOME; SINGLE-FAMILY ATTACHED.

Travel Trailer. A vehicle without motor power used for or adaptable for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, which does not meet building code requirements and has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place and includes camp car, camp bus, camper and house car. A permanent foundation shall not change its character unless the entire structure is erected in accordance with the approved State of Minnesota Building Code.

Tributary River or Stream. Protected watercourse in Bridgewater Township classified and defined in the Shoreland District regulations of this Ordinance.

Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or 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.

Use, Accessory. See ACCESSORY USE.

Use, Conditional. See CONDITIONAL USE.

Use, Interim. See INTERIM USE.

Use, Permitted. See PERMITTED USE.

Use, Principal. See PRINCIPAL USE.

Used Motor Vehicle. A motor vehicle for which title has been transferred from the person who first acquired it from the manufacturer, distributor, or dealer. A new motor vehicle will not be considered a used motor vehicle until it has been placed in actual operation and not held for resale by an owner who has been granted a certificate of title on the motor vehicle and has registered the motor vehicle in accordance with Minn. Stat. Chapter 168, 168A, and 297B, or the laws of the residence of the owner.

Utility Scale Solar System. (USSS) – Are considered a primary use of the land and are designed to provide energy primarily for off-site uses or export to the wholesale market, as permitted by the Minnesota Public Utilities Commission.

Variance. Written approval waiving the literal provisions of this Ordinance in instances where the strict enforcement would cause undue hardship because of physical characteristics unique to the parcel of property under consideration and that are not created by the owner and the variance, if granted, will not alter the essential character of

the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this Ordinance.

Waste. Infectious waste, nuclear waste, pathological waste, sewage sludge, solid waste, waste water, process water, and hazardous waste.

Water-Oriented Accessory Structure of Facility. A small, above-ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks. No bathroom, kitchen facilities or bedrooms are permitted.

Water-Oriented Commercial Recreation. The principal use of land or buildings in a Shoreland District for the sale, lease, rental or trade of products, goods and services that relate to a nearby body of water and could not be effective if operated away from a body of water. Examples include: fishing and bait shops, and boat and canoe rentals.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have hydric soils, predominantly hydric vegetation, and display wetland hydrology. Wetlands are further defined in the Wetland Conservation Act, Minn. Stat. §103G.222-2373, as amended.

Yard. A required open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for such accessory buildings or such projections as are expressly permitted in this Ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and any building.

Yard, Front. An unoccupied and unobstructed space on the same lot with a building extending along the full width of a front lot line and situated between the front line of the building and the front lot line.

Yard, Rear. A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

Yard, Side. A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either front or rear yards, to the front or rear lot lines.

Zoning Amendment. A change authorized by the Town Board either in the allowed use within a district or in the boundaries of a district.

Zoning Administrator. The person, regardless of job title, designated to supervise the application of this Chapter and to enforce the provisions thereof.

Zoning District. An area or areas within the limits of the Township for which the regulations and requirements governing use are uniform. District boundaries are shown on the official zoning map.

Zoning Map. That map or those maps incorporated into and being a part of this Chapter designating zoning districts, and as amended from time to time.

Zoning Ordinance. Zoning regulations controlling the use of land as adopted by Bridgewater Township under this Chapter.

Sections 20-4 through 20-5. **Reserved.**

Article II: General Regulations.**Section 20-4. Minimum Requirements.**

- a. **Purpose.** The purpose of this Chapter is to provide regulations of general applicability for property in all areas of Bridgewater Township, to promote the orderly development of use of land, to protect the natural environment, and to minimize conflicts among land uses. General regulations must be met before a land use permit is issued.
- b. **Minimum Requirement.** The provisions of this Chapter shall be applied and constructed to constitute minimum standards for the promotion of public health, safety and welfare.
- c. **Applicability.** The regulations set forth in this Chapter apply to all structures and all land uses in Bridgewater Township, except as otherwise provided in this Chapter. The provisions of this Chapter shall be applied to all zoning districts, and shall be in addition to the requirements in any specific zoning district. A permit shall not be used unless provisions are made for meeting the applicable general regulations in this Chapter and other Bridgewater Township ordinances.
- d. **Relation to Other Standards.** Where a condition imposed by any provision of this Chapter is either more or less restrictive than the comparable condition imposed by any other ordinance, rule or regulation of the Town, County, State or Federal government, the more restrictive condition will prevail. For purpose of this section, “more restrictive” shall mean the least congestion, the least intrusion and the least intensity of any use or development permitted between those provisions that are in conflict.

The Town acknowledges and encourages the use of restrictive covenants, privately imposed, where appropriate. However, no restrictive covenant shall permit any use or development of land that does not meet the minimum requirements of this Chapter. Further, it is not the duty of the Town to enforce compliance of restrictive covenants.

- e. **Concurrent Review.** In order to provide for the efficient administration of this Chapter, whenever a project or proposal requires more than one land use review, including but not limited to conditional use permit, interim use permit, rezoning, zoning ordinance amendment, variances, site plan review, or platting, all applications shall be processed concurrently.
- f. **Pending Applications.** No new application for zoning approvals for land use approvals shall be submitted or accepted until all previous applications for such project or proposal have been finally acted upon.
- g. **Compliance with this Ordinance.** No building or structure shall be erected, converted, enlarged, reconstructed, or altered and no building, structure or land shall be used in any manner that is not in conformity with the provisions of this Chapter.
 1. **General Regulations.**

- A. Applications for conditional use permits, interim use permits, site plans, rezonings, platting, amendments, appeals and any other request that requires Town Board approval shall be submitted to the Zoning Administrator.
 - B. Applications for conditional use permits, interim use permits, variances and rezonings will not be accepted from anyone who is not the owner of the land for which the application is being made. However, nothing in this Ordinance shall be construed to abrogate or otherwise deny the right of the property owner to apply for a conditional use permit, interim use permit, variance, amendment or appeal. No application or appeal shall be attended by any presumption of approval. Applications must contain all information required by this Chapter.
 - C. No landowner shall erect, construct, structurally alter, extend, convert, move or use nor allow or permit another person, including a lessee, tenant, agent, employee or contractor, to erect, construct, structurally alter, extend, convert, move or use on the landowner's land any building or structure in any zoning district within the town without first obtaining a permit as required by this Chapter.
 - D. All land use approvals made pursuant to this Chapter shall remain in effect as long as the conditions and guarantees of such approval(s) are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Chapter and may result in termination of the land use approval.
2. Permits and Certificates. The following permits and certificates are required by Bridgewater Township for land use and construction activities and may be issued by the Zoning Administrator or Building Official.
- A. Building Permits. The following provisions shall apply to the issuance of building permits in all zoning districts in Bridgewater Township:
 - i. A building permit shall be obtained prior to erecting, installing, altering, converting, removing or demolishing any building or structure or part thereof.
 - ii. The following structures shall be exempt from the requirement of a building permit, but must meet the minimum zoning requirements of this Chapter:
 - 1. Storage buildings 200 square feet or less in size if located outside the Shoreland and Floodplain Districts.
 - 2. Agricultural structures that obtain an agricultural structures permits as provided below.
 - B. Must meet sewage requirements. Before a building permit for construction of a new residence, addition, or remodeling that results in increase water usage (including, but not limited to, adding a bathroom or a bedroom) is issued, the provision of the Sewage and Wastewater

- Chapter shall be met. Before a building permit for any other activity is issued within a Shoreland area, Shoreland District, or Floodplain District, the applicant must provide evidence of a conforming sewage treatment system or evidence that one will be provided if the building permit is issued.
- C. Setbacks from Proposed Roads. A permit shall not be issued where a proposed setback does not comply with the official map for future road construction. Structure setbacks in officially mapped roadway corridors shall be equal to setback requirements for existing roads unless otherwise specified through the official mapping process.
 - D. Building Code Compliance. Activities undertaken subject to a building permit shall conform to the most current state building code as adopted by Bridgewater Township.
 - E. Site Plan. A site plan conforming to the provisions of this Chapter shall be submitted with all building permit applications.
3. Agricultural Structure Permits. In all zoning districts, an Agricultural structure permit shall be obtained for the construction of new agricultural buildings and structures or for additions to such structures and buildings. Agricultural buildings and structures must meet the following criteria to be defined as an agricultural building or structure for the purposes of this provision:
 - A. The building or structure must be on a parcel of land at least ten (10) acres in size and used exclusively for storage of agricultural goods or equipment; or
 - B. The building or structure must be used exclusively to house animals.
 4. Flood Plain District Permit. In the Flood Plain District, a permit shall be obtained prior to the use or change of use of a building, structure or land; prior to the change or extension of a nonconforming use; and prior to excavation or the placement of an obstruction within the flood plain.
 5. Certificate of Zoning Compliance. A Certificate of Zoning Compliance issued by the Zoning Administrator shall be required prior to issuance of a building permit. This certificate will specify that the parcel is a buildable lot, and that the use of the land conforms to the requirements of this Chapter. Failure to obtain a Certificate of Zoning Compliance for any use, arrangement, or construction shall be deemed a violation of this Chapter.
 6. Certificate of Occupancy. A certificate of occupancy shall be issued by the Building Official in accordance with the state building code.
 7. Application Procedure for Permits. The following provisions shall be met when applying for a building permit structure permit or certificate:
 - A. Owner's signature required. The application shall be signed by the owner of the land that is subject to the permit.

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- B. Forms. Applications shall be made on forms furnished by the Township.
- C. Information Required. Each application shall be accompanied by:
1. A plan drawn to scale showing the dimension of the lot to be built upon and the size and location of the building or use and accessory buildings to be constructed or erected.
 2. Other information as may be deemed necessary by the Zoning Administrator or Building Official to process the application and determine compliance with this Chapter.
- D. Standard of Review. The Zoning Administrator may issue the certificate of zoning compliance or an agricultural structure permit after determining that the building, site plans and proposed use, together with the application, comply with this Chapter. The Building Official may issue a building permit or certificate of occupancy after determining that the building plans and application therefore comply with this Chapter and the state building code.
- E. Time Limited. A building or structure permit issued under the terms of this Chapter shall be valid for one hundred and eighty (180) days from the date of issuance.
1. Extension. If construction has not been completed within one hundred eighty (180) days after a permit has been issued, the permit may be extended by the Bridgewater Township Building Official for an additional one hundred eighty (180) days where reasonably diligent construction could not complete the proposed building or structure within the first time period.
 2. Expiration. A building or structure permit shall expire and be considered null and void one (1) year after the date of original issuance of the permit if no construction has begun. For the purposes of this section, construction shall include the installation of footings, slab, foundation, posts, walls, or other portions of a building or structure. Land clearing or the installation of utilities shall not be considered construction.
8. Protection for Farming Practices. All agricultural uses in the Township occurring on parcels of a minimum of then (10) acres and being conducted in compliance with the terms of this Chapter and other local, state, and federal regulations, shall have the right to continue regardless of the fact that there may have been changes in the surrounding character of the area.
9. Significant historic sites. No structures may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
10. Airport Overlay Requirements. Uses and structures or buildings in Bridgewater Township may be within an airport overlay area and shall comply with the

provision of the Rice County Airport Overlay Ordinance, including, but not limited to, height and use restrictions.

11. Uses Not Provided for within Zoning Districts. Whenever in any zoning district a use of land and/or buildings is neither specifically permitted nor specifically prohibited, the use shall be considered prohibited. If such a use is considered prohibited, the Planning Commission, on its own initiative or upon request, may conduct a study to determine if the use is acceptable and, if so, the appropriate zoning district and the condition(s) under which said use will be permitted.
12. Dwelling Units Prohibited.
 - A. Structures or portions of structures in which dwelling units are prohibited. No cellar, garage, or basement with unfinished structure above (excluding energy efficient subterranean dwellings) or accessory buildings shall at any time be used as a dwelling unit or residences, except hereinafter provided.
 - B. Camper or travel trailer on vacant property. A camper or travel trailer of the type generally used temporarily as living quarters during the hunting, fishing, or vacation season and duly licensed and registered under the laws of the State of Minnesota, may be parked on residential property in the Township, provided, however, that such camper or travel trailer shall not, while so parked, be used as a permanent human dwelling place, living abode or living quarters. Said camper or travel trailer must be placed in a location that meets the setback standards of the underlying zoning district.
 - C. Camper or trailer for non-resident, guest or visitor. No more than one (1) camper or travel trailer of the type described in subpart 12B directly above and owned by a non-resident, guest, or visitor, may be parked or occupied by said guest or visitor on property on which a permanent dwelling is located for a period not to exceed one hundred twenty (120) days in the same calendar year while visiting said property. Said camper or travel trailer must be placed in a location that meets the setback standards of the underlying zoning district.
 - D. Temporary dwellings during home construction. The Zoning Administrator may, upon application, grant a temporary permit for the use of a manufactured home or similar portable unit for temporary residential purposes within the Town in conjunction with a home construction project that is underway provided, however, that a duly authorized and valid land use permit (and/or building permit) has been approved prior to the application for said temporary permit and subject to the following:
 1. The applicant for said temporary permit shall file an application with the Zoning Administrator setting forth the legal description of the land on which said temporary dwelling is to be located, together with a copy of the land use permit and/or building permit for the permanent home to be constructed on the property.

2. The term of said temporary dwelling permit shall not exceed six (6) months or upon substantial completion of construction of the permanent dwelling, whichever comes first.
 3. Said temporary dwelling must be placed in a location that meets the setback standards of the underlying zoning district.
13. Sewer and water systems.
 - A. All on-site sewage disposal facilities shall be required to comply with the requirements for regulating sewage disposal systems established in Minn. Rules Chapters 7080-7083.
 - B. Private wells shall be so located and constructed that they will not be contaminated by an existing or future sewage disposal systems. They shall also be constructed to minimize the possible contamination from all possible external sources within the geological strata surrounding the well. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood proofed.
14. Preservation of Survey Monuments. All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise location. It shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development.
15. Pre-Inspections Required. A pre-inspection by the Zoning Administrator is required for any building, structures or dwellings that are moved into the Township. Photographs will be required. Any cost incurred for the inspection shall be borne by the applicant.
16. Survey Required. Applications for a building permit on parcels of land of five (5) acres or less must be accompanied by a survey.
17. Compliance with State Wetland Act. Applications made under this Chapter shall be in compliance with the State Wetland Conservation Act.
18. Restrictions on Filing and Recording Conveyances. No conveyance of land that results in the division of such land within Bridgewater Township shall be filed or recorded without first obtaining a lot split certification from the Township.
19. Separability. The various provisions of this Chapter shall be deemed and construed to be separable. In the event any court of competent jurisdiction:
 - A. Shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment.

- B. Shall adjudge invalid the application of any provision of this Chapter to a particular use, property, building or structure, said judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Section 20-5. **Site Suitability Required.**

Land in all districts shall be suited to the purpose for which it is to be used. Development shall not be allowed on a parcel or lot if it is not suitable for the proposed use unless remediation has been approved. Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis shall consider the following factors:

- a. Susceptibility to flooding and/or poor drainage
- b. Existence of wetlands
- c. Soil and rock formations with severe limitations for development
- d. Severe erosion potential
- e. Slopes greater than eighteen percent (18%)
- f. Near-shore aquatic conditions unsuitable for water-based recreation
- g. Inadequate water supply or sewage treatment capabilities
- h. Existence of endangered or threatened species
- I. Existence of important fish and wildlife habitat
- j/ Presence of significant historic sites
- k. Presence of woodlands and grasslands
- l. Any other feature of the natural land likely to be harmful to the health, safety or welfare of future residents or the Township of the proposed use, development or division of land.

Section 20-6. **Essential Services.**

Essential services as defined by this Chapter may have an effect upon Township, County and regional land uses, highway location, park and recreation areas, and preservation of natural environmental areas, lakes, streams and rivers. The proposed location of all such essential services in any zoning district shall be filed with the Township prior to commencement of any condemnation action or construction by the owner.

- a. Procedures for local distribution service. Any application for a building permit or conditional use permit for essential services, i.e. services such as power, gas, or fuel for immediate local distribution to the general public within the Township, shall follow the following procedure:

1. The applicant shall file an application with the Town Engineer for such permit accompanied by maps indicating the location, alignment and type of service proposed.
 2. Following review of the application and accompanying data, the Town Engineer may issue the permit after determining that the application is acceptable and in the best interests of the Township.
 3. The Town Engineer may require, in conjunction with the issuance of such permit, that:
 - A. The applicant submits as-built drawings of the essential service after construction.
 - B. The applicant constructing the essential services takes into consideration the widening, regrading or relocation of a town or county highway or county state aid highway.
 - C. The cost of moving the utilities for any public roadway expansion shall be borne by the utility company.
- b. Procedure for large facilities. Transmission services, i.e. utility services such as high voltage (75 KV or greater), electrical power or bulk gas or fuel being transferred from station to station and not intended for enroute consumption shall follow the following procedure:
1. The owner shall file an application for a building permit or conditional use permit for essential services with the Zoning Administrator and the Town Engineer, including maps indicating the location, alignment and type of service proposed as well as an Environmental Assessment Worksheet indicating areas of conflict and solutions to such environmental conflicts as shall be required.
 2. The Zoning Administrator and Town Engineer shall forward the maps and data to the Planning Commission along with their recommendations relating to the relationship to urban growth, highways, environment, recreation and park areas.
 3. Following such review, the Planning Commission shall make a report of its findings and recommendations on the proposed transmission services to the Town Board.
 4. The Town Board shall consider maps and accompanying data and recommendations and shall approve, deny or request modifications to the proposal.
 5. The Town Board shall act upon all applications in a manner consistent with the M. S. 15.99, as amended.
- c. Fees. A filing fee shall be charged for each application for essential services with the amount of such application fee to be determined by the Town Board.

Section 20-7. **Lot and Yard Controls.**

- a. Area Regulations. No lot or parcel shall be reduced in size below the minimum required for the proposed use in the zoning district where the lot is located.
- b. Measurement of Lot Width. Lot width for the purpose of complying with minimum requirements shall be measure at the front building setback line.
- c. Minimum Front Yard Setbacks from Roads. As measured from the edge of the right-of-way, or planned right-of-way, structures shall be set back from the roadways according to the following:
 1. State Highway 150 feet to centerline of roadway or 100 feet from the front property line, whichever is greater.
 2. County Highway 133 feet to the centerline of roadway or 100 feet from the front property line, whichever is greater.
 3. Township Road 133 feet to the centerline of roadway or 100 feet from front property line, whichever is greater.
- d. Encroachment into Yard. The following encroachments into required yards are permitted. Measurements must be taken from the nearest point of the wall of a building to a lot line in question.
 1. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 2. In structures existing as of the date of adoption of this Chapter, the following encroachments are permitted:
 - A. Cornices, canopies or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 - B. In structures existing as of the date of adoption of this Chapter, the following encroachments are permitted:
 - i. Fire escapes may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 - ii. A landing place or uncovered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance of a building. An open railing no higher than three (3) feet, six (6) inches may be placed around such landing or porch.
 - iii. A ramp for access to the dwelling by handicapped individuals.
 - iv. The above-mentioned architectural features may also extend into any side or rear yard to the same extent except that no porch,

terrace or outside stairway shall project into the required side yard distance.

- C. A wall, fence or hedge may occupy part of the required front, side or rear yard.
- D. The required front yard of a corner lot shall not contain any retaining wall or similar structure, fence, or other structure, tree, shrub, or other growth that may cause danger to traffic on a private or public road by obscuring the view.

Section 20-8. Accessory Buildings and Structures.

- a. No residential accessory buildings or use shall be constructed or developed on a residential lot prior to the time of obtaining a permit for the proposed building to which it is necessary unless approved by the Town Board.
- b. An accessory building shall be considered as an integral part of the principal building if it is located less than ten (10) feet from the principal building .
- c. If an accessory building is attached to the main building, or within ten (10) feet of the main building, it shall be made structurally a part of the building and shall comply in all respects with the requirements of this Chapter applicable to the main building.
- d. No detached structure accessory building in a residential platted subdivision shall be located nearer the front lot line than the principal building on the lot.
- e. Detached accessory buildings related to a residential use shall be limited in size as follows:
 - 1. For parcels of land less than two (2) acres, the maximum size of all detached accessory structures shall be 1200 square feet and shall have a maximum side wall of fourteen (14) feet.
 - 2. For parcels of land of two (2) acres or more but less than five (5) acres, the maximum size of all detached accessory structures shall be 2400 square feet and shall have a maximum sidewall of fourteen (14) feet. For each foot over ten (10) feet of height for a side wall, the structure must be set back one additional foot from the property line.
 - 3. A maximum size for detached accessory structures is not applicable to parcels of five (5) acres or more.
 - 4. All detached accessory structures greater than 200 square feet must comply with the following regulations:

Parcel Size	Maximum Square Feet	Maximum Number of Detached Accessory Structures
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Less than 2 acres	1,200 square feet	1
2 acres or more but less than 5 acres	2,400 square feet	2
5.00 or more acres	Not applicable	Not applicable

- 5. In no case shall the height of the detached accessory structure exceed the height of the principal structures.
- f. Detached accessory structures in a platted subdivision related to a residential use shall be constructed of materials that are similar in color to those used for the principal building and shall be constructed to include three (3) architectural features, such as overhangs, windows, and facade materials that are similar to the principal building

Section 20-9. **Height Regulations.**

- a. There shall be a height restriction of thirty-five feet on all structures within the Township unless otherwise provided herein.
- b. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established road elevation at the property line, an allowance of one (1) story may be added to the number of stories permitted in the district in which the lot is situated provided the additional story is situated on the downhill side of the building.
- c. Height exceptions. In all districts except in the Wild and Scenic River District, height limitations set for elsewhere in this Chapter may be increased with no limitation when applied to the following structures:
 - 1. Public monuments
 - 2. Flag poles
 - 3. Cooling towers
 - 4. Grain elevators, farm drying and grain storage facilities
 - 5. Church spires, belfries, or domes which do not contain usable space
 - 6. Water towers
 - 7. Chimneys or smokestacks
 - 8. Forest fire watch towers
 - 9. Silos
 - 10. Power poles or other poles or towers upon which transmission lines are strung
 - 11. Radio or television transmitting towers

Section 20-10. **Rural Business Licensing.**

All existing and new businesses operating in any zoning district shall be licensed for the purpose of maintaining health, safety and general welfare in Bridgewater Township. The following provisions apply to rural business licensing:

- a. Permitted Home Occupations. Licensing requirements do not apply to activities that meet the definition of permitted home occupations.

- b. **Filing Requirement.** All business operations shall be required to file. Business operations are broadly defined and include any commercial, industrial, manufacturing, processing, mining, agriculturally-oriented business, educational, charitable service, or hospitality activities regardless of business organization type. Agricultural uses as defined in this Chapter are not subject to rural business licensing.
- c. **When Required.** The owner of the land on which an existing business operates shall be required to file a Rural Business Licensing Form with the Township Zoning Administrator within twelve (12) months from the date of adoption of this Chapter.
- d. **New Businesses.** Business operations that begin after the adoption of this Chapter shall be required to file a Rural Business Form and obtain all other permits required under this Chapter.
- e. **Business of Record Status.** Businesses that file a complete Rural Business Licensing Form shall qualify as a Business of Record and receive the exemptions specified in the section under nonconforming that references businesses of record exemptions.
- f. **Information Required.** The Rural Business Licensing Form shall be provided by the Bridgewater Township Zoning Administrator and shall require the following information:
 - 1. Name, address and phone number of the landowner
 - 2. Name, address and phone number of the business operator
 - 3. Date of application
 - 4. Type of business use and date the business began operations on the property
 - 5. Date the business operations initially began
 - 6. Structure the business occupies, including any outside storage
 - 7. A site plan of the business uses and parking on the property in relation to roads and other non-business structures
 - 8. Location and information about the sewage and wastewater practices on the site
 - 9. Type, amounts and location of storage of hazardous materials
 - 10. Number of employees
 - 11. Location and amount of off-street parking
 - 12. Approximate vehicle trips generated per day, including employees, shipping and deliveries
 - 13. Information about on-site signage
- g. **Purpose.** Licensing requirements are for health, safety, and general welfare informational purposes. Bridgewater Township will work to educate business owners on current zoning, traffic control, materials handling and other health and safety requirements and best management practices.
- h. **Update.** Information on the Rural Business License Form shall be updated annually by the business owner.
- i. **Conformance to Chapter.** Newly proposed businesses or licensed businesses that propose a change in use or propose an addition or expansion shall be required to conform to the provisions of this Chapter.

- j. Failure to File. If an owner of land on which a business operates fails to file a Rural Business License Form with the Township, the business shall be subject to all requirements of this Chapter for rural businesses as if it were a newly proposed business.
- k. Environmental Standards. Registered businesses shall comply with the environmental standards of this Chapter within five (5) years from the date of enactment of this Chapter.

Section 20-11. **Driveway and Road Access and Standards.**

- a. Permit Required. A permit shall be required for all new driveways or changes in driveway use.
- b. Approval of Access on County Road. The location of direct access for a driveway to a County road shall be approved by the Rice County Highway Engineer and Planning Director prior to any development of the property in question. The following standards apply to driveways on County roads:
 - 1. Primary access shall be to the road of lesser classification.
 - 2. Primary access shall be kept to a minimum and shared when possible.
 - 3. Closure of field accesses and existing driveways may be required with a change to a more intensive use of property.
 - 4. The decision of the Rice County Highway Engineer and Planning Director shall be final subject to appeal to the Rice County Board of Adjustment.
- c. Approval of Access on Township Road. Access to township roads shall be regulated by the Town Board and shall be consistent with the Bridgewater Township Road Policy.
- d. Approval of Access on State Highways. No new driveway shall have direct access to any state highway without the prior approval of the State of Minnesota Highway Engineer of the District where the highway is located. The decision of the district engineer may be appealed to the Commissioner of the Department of Transportation.
- e. Residential Driveway Standards. All dwellings, in any zoning district, shall provide an access driveway with all-weather surface, constructed as follows:
 - 1. Driveways less than 200 feet in length. All access driveways that are less than two hundred (200) feet in length shall be constructed to provide the following:
 - a. An unobstructed driving surface at least twelve (12) feet wide; and
 - b. A driving surface of Class V material of one inch or less and may be comprised of crushed lime, or approved aggregate substitute, that is at least three (3) to four (4) inches thick.
 - 2. Driveways that are 200 feet or more in length. All access driveways that are two hundred (200) feet in length or longer shall be constructed to provide the following:
 - a. An unobstructed driving surface at least twelve (12) feet wide;

- b. A driving surface of Class V material of one inch or less and may be comprised of crushed lime, or approved aggregate substitute, that is at least three (3) to four (4) inches thick; and
 - c. An unobstructed minimum forty-five (45) foot turning radius at the end of the driveway near the dwelling, or a turnaround that can accommodate a vehicle with a forty-five (45) foot turning radius, said radius to be constructed with the same driving surfaces as provided in subpart (b) above.
 - 3. Construction and Maintenance. The driveway access shall be improved to the established standard to insure access for emergency vehicles and shall otherwise be continuously maintained. The driveway shall be constructed prior to the issuance of a certificate of occupancy.
- f. Nonresidential Driveways and Frontage Roads. Driveways serving nonresidential properties shall be constructed in compliance with the Access Guidelines in the Rice County Transportation Plan and the following:
 - 1. Development of a frontage road may be required by the Town Board to provide access to commercial or industrial properties. The frontage road shall be designed and constructed to accommodate future development along the roadway.
- g.. Driveway Separation Distances. Separation distances between driveways County roads shall be consistent with the Access Guidelines adopted by Rice County. Separation distances between driveways on township roads shall be consistent with the Township Road Policy. Driveway accesses shall be combined or shared whenever feasible in order to reduce the number of accesses to State, County or Township roads. No more than three (3) accesses shall be permitted from any residential plat. Additional accesses will require the creation of an internal access street meeting County and Township requirements.
- h. New Roads. New roads serving residential plats or other development sites shall only be created under the following conditions:
 - 1. Any new Township road shall be constructed to Township standards at the sole cost of the subdivider.
 - 2. Access points for new roads shall meet the standards in the Town Road Policy.

Section 20-12. **Environmental Review Program.**

- a. Purpose. The purpose of the Environmental Review Program section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minn. Stat. §116D.01 (1994) as amended, to implement the Environmental Review Program in accordance with Minnesota Rules 4410, one copy of which is on file in the office of the Zoning Administrator.
- b. Actions Requiring Environmental Assessment Worksheets,

1. General. The purpose of the Environmental Assessment Worksheet (EAW) is to assess rapidly, in a worksheet format, whether a proposed action is a major action with the potential for significant environmental effects and in the case of a private action, is of more than local significance.
2. EAW Required. An EAW shall be prepared for projects that meet or exceed threshold limits specified in Minnesota Rules 4410.4300, subparts 2 to 34 (1993), or as amended.
3. Optional EAW. The Town Board may, upon recommendation of the Zoning Administrator, require than an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

The following guidelines shall also be considered in determining whether an optional EAW shall be required:

- A. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
 - B. Is the action likely to have disruptive effects such as generating traffic and noise?
 - C. Will the action have significant impacts on any school district located within the Township?
 - D. Are there public questions of or controversy concerning the environmental effects of a proposed action?
 - E. Is the action in or near a wetland or on soils unsuitable or sensitive toward the proposed action?
 - F. Is the action more than a local impact?
- c. Action Requiring Environmental Impact Statements (EIS). General. An Environmental Impact Statement (EIS) shall be required whenever it is determined that an action is major and has the potential for significant environmental effect. In making this determination, projects that meet or exceed threshold limits specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24, or as amended, indicate that an EIS should be prepared.
 - d. Action Not Requiring Environmental Documents. Projects exempt from preparation of an EAW or EIS are specified in Minnesota Rules, Chapter 4410.4600, subparts 2 to 26 (1993), or as amended.
 - e. Review Procedures and Administration.
 1. The Zoning Administrator shall be the person responsible for the administration of the Environmental Review Program.
 2. The applicant for a permit for any action for which environmental documents are required by Minnesota Laws or regulations shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably

- requested by the Township that the applicant has in his/her possession or to which he/she has reasonable access.
3. The Zoning Administrator shall be responsible for determining whether an action for an EAW or EIS is required under this section. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under this section and shall notify the Planning Commission and the Town Board of these proposed actions.
 4. All EAW's and EIS's shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission, and approved by the Town Board.
 5. When reviewing an EAW or EIS, the Zoning Administrator and Planning Commission may suggest design alterations or other alternatives, including no action, that would lessen the environmental impact of the project. The Town Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the project.
 6. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the Town Board whether or not it should require the preparation of an EIS. The Town Board shall require an EIS when it finds that project thresholds are met or exceeded as specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24 (1993), or as amended.
- f. Enforcement.
1. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Ordinance are completed.
 2. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established in this Ordinance are fully complied with.
 3. Cost of Preparation and review. No permit for a project for which an EAW or EIS is required shall be issued until all costs of preparation and review of the EAW or EIS are paid by the applicant; all information required is supplied; the environmental review process has been completed as provided in this Ordinance; and pursuant to any written agreement entered into between the applicant and the Town Board

Sections 20-13 through 20-18. **Reserved.**

Article III. Zoning Districts.

Section 20-19. **Districts Established.** The unincorporated areas of Bridgewater Township are hereby divided into the following zoning districts:

- A Agricultural District
- UR Urban Reserve District
- RR Rural Residential District
- F Flood Plain Overlay District
- WS Wild and Scenic River District
- S Shorelands District

Section 20-20. **Consistency with Comprehensive Plan.** The zoning districts and uses in this Ordinance and the delineation of the zoning boundaries on the zoning map shall be consistent with the goals, policies and objectives of the Bridgewater Township Comprehensive Plan.

Section 20-21. **Zoning Map.** The location and boundaries of the districts established by this Ordinance are set forth on the Zoning Map, which is hereby incorporated as part of this Ordinance.

- a. Corrections and updates shall be recorded on such maps by the Zoning Administrator within thirty (30) days after the official adoption of the zoning amendment by the Bridgewater Township Board.
- b. The Flood Plain Districts are based on the data contained within the Flood Insurance Study for Rice County, Minnesota, prepared by the Federal Emergency Management Agency (FEMA) and the Flood Insurance Rate Maps (FIRM) as adopted by reference in Article VII, Section 20-60, Part (b) and on file in the office of the Township Zoning Administrator.
- c. The Wild and Scenic River Districts are from the Cannon River Management Maps dated January 11, 1980 and produced as part of the Cannon River Management Study and final rule (Minn. Rules, Part 6105.1680) and these maps are hereby incorporated by reference as part of this Ordinance.
- d. The official map shall be signed by the Chairman of the Township Board of Supervisors and a certified copy filed with the County Recorder.
- e. Any unauthorized change of a zoning boundary or designation by any person or persons shall be considered a violation of this Ordinance.

Section 20-22. **District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of streets, rivers, highways or alleys, shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot line.

- c. Boundaries indicated as approximately following established municipal limits and County borders shall be construed as following such lines.
- d. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- e. Boundaries indicated as approximately following sections, half sections, quarter sections, eighth sections and government lots shall be construed to follow such lines.
- f. Where physical features, such as flood plains, are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subparts A-E above, the Zoning Administrator shall interpret the district boundary.

Section 20-23. **Permitted, Conditional, Interim and Prohibited Uses.** The following table establishes the uses in the zoning districts within Bridgewater Township. For the purposes of this table:

- a. **Permitted Uses.** Uses permitted with a “P” are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this Ordinance.
- b. **Conditional Uses.** Uses specified with a “C” are allowed as a conditional use in the district or districts where designated, provided the property owner has obtained a conditional use permit.
- c. **Interim Uses.** Uses specified with an “I” are allowed as an interim use in the district or districts where designated, provided the property owner has obtained an interim use permit.
- d. **Prohibited Use.** Uses listed as “N” are prohibited in the district or districts where designated. Uses listed as “NP” are not permitted in Bridgewater Township through the County Zoning Ordinance. Any use not listed as either “P” (permitted), “C” (permitted with a conditional use permit) or “I” (permitted with an interim use permit) in a particular district or districts shall be prohibited in that district or districts.
- e. **Specific Development Standards.** Any use where there an “X” is indicated in the column headed by “Stds” must conform to specific development standards contained in Article X. Specific development standards apply in addition to the general criteria for conditional and interim uses found in Article XVIII and all other applicable regulations.

Section 20-24. **Use Chart.** The following chart shows the following uses” permitted, conditionally permitted, permitted with interim use, and those not permitted in the Township Zoning Districts A – Agricultural, UR – Urban Reserve and RR – Rural Residential.

P = Permitted C = Conditionally permitted I = Permitted with Interim Use N = Not permitted NP = Not permitted by Rice County	A	UR	RR	STANDARDS*
	Land Uses			
A. Residential and Related Uses	A	UR	RR	STDS
Single-family detached dwelling	P	P	P	X
Single-family attached dwelling	NP	NP	NP	
Rural residential cluster	N	NP	NP	
Multifamily dwelling	N	NP	NP	
Mixed-use building (commercial, residential, office)	NP	NP	NP	
Facility for supervised residential program (up to 6 residents)	P	P	P	
Roof-top and free-standing solar energy systems	P	P	P	X
B. Agricultural and Related Uses				
A	UR	RR	STDS	
Farm buildings	P	P	NP	
Farm production	P	P	P	X
Feedlot, animal manure composting site, aquaculture	P	P	P	X
Forest and game management areas	P	P	NP	
Commercial storage in existing Ag building	I	I	NP	X
Commercial storage of fuels	N	N	NP	
Commercial storage of fertilizers	N	N	NP	
General repair and machinery setup	I	I	NP	X
Custom meat processing	N	N	NP	
Ag supply, product sales, etc.	I	I	NP	X
Greenhouse and nursery sales	I	I	NP	X
Livestock sales barn	N	N	NP	

Ethanol plant	N	N	NP	
Bio-diesel	N	N	NP	
Grain terminal	N	N	NP	
Feed mill	N	N	NP	
Community solar energy systems	C	C	NP	X
C. Commercial Recreation				
	A	UR	RR	STDS
Flying field for radio-controlled aircraft	I	NP	NP	X
Go-cart track, miniature golf	NP	NP	NP	X
Golf course, country club, driving range	C	C	NP	X
Gun or archery range, outdoor	I	NP	NP	X
Gun or archery range, indoor	I	NP	NP	X
Hunting club, private	C	NP	NP	X
Organized motor sports: off-road only	I	I	NP	X
Paint ball course	I	I	NP	X
Riding and boarding stable	C	C	NP	X
Ski slope, snowboarding, tubing or sledding hills; private	C	C	NP	X
Water-orientated commercial recreation	NP	NP	NP	
D. Civic, Educational, & Institutional				
	A	UR	RR	STDS
Day care center	P	P	P	
Religious institution	C	C	C	X
Campground, public	C	C	NP	X
Cemetery	C	C	C	
School, public or private	NP	C	NP	X
Parks and recreation areas; walking and bicycle trails	P	P	P	
E. Commercial & Industrial				
	A	UR	RR	STDS
Adult entertainment	NP	NP	NP	
Ag-based therapeutic service uses	I	NP	NP	X

Art, photography, crafts galleries, studios	NP	NP	NP	
Auto & recreational equipment & vehicles; sales and repairs	NP	NP	NP	
Auto service station	NP	NP	NP	
Auto parts sales, indoor only	NP	NP	NP	
Auto repair, auto body repair	NP	C*	NP	X
Bakery	NP	NP	NP	
Barber or beauty shop	NP	NP	NP	
Bed and breakfast facility	I	I	NP	X
Cabinet, carpentry shops	I	I	NP	X
Car wash, freestanding or accessory	NP	NP	NP	
Construction material sales primarily within a building	NP	NP	NP	
Contractor's office	I	I	NP	X
Contractor's yard with outdoor storage	I	I	NP	X
Convenience fuel and goods	NP	C*	NP	X
Corporate office headquarters	NP	NP	NP	
Extraction or excavation of materials & minerals	N	N	NP	X
Flea market or auction site, permanent	N	N	NP	
Kennel, commercial	C	C	NP	X
Laundries, Laundromat, dry cleaning	NP	NP	NP	
Limited manufacturing, including light assembly and packing	NP	NP	NP	
Lumber yards	NP	NP	NP	
Medical, dental or other health care offices, clinics	NP	NP	NP	
Motels, hotels	NP	NP	NP	
Offices, professional	NP	NP	NP	
Printing & publishing	NP	NP	NP	
Federally mandated rail facilities	P	P	P	
Recycling or composting facilities, landfills, soil reclamation, County, municipal, institutional	N	N	NP	

Restaurants, cafes	NP	C*	NP	
Retail sales, general	NP	NP	NP	X
Rural Event Center	C	C		X
Salvage yard	C*	NP	NP	X
Small appliance repair	I	I	NP	X
Temporary asphalt plant or highway construction yard and equipment placement	I	I	NP	X
Temporary demolition landfill	N	NP	NP	
Truck stop	NP	NP	NP	
Truck terminal & cartage facility	NP	NP	NP	
Upholstering, furniture repair or restoration	I	I	NP	X
Veterinary clinic	I	I	NP	X
Warehousing, shipping & inside storage facilities.	NP	NP	NP	
Utility Scale Solar Energy System	C	NP	NP	X
F. Public Service & Utility Uses				
	A	UR	RR	STDS
Essential public service without towers and transmission lines	P	P	P	
Essential public service towers and transmission lines	C	C	P	X
Government buildings	P	P	P	
Communications tower	C	C	NP	X
Wind energy generation facilities and towers, 40 KW or greater	C	C	NP	X
Wind energy generation facilities and towers, less than 40 KW ²	I	I	NP	
Temporary meteorological test towers and equipment (limited to 200 feet in height and placement for up to one year.	P	P	P	
G. Uses Accessory & Temporary to Permitted Uses				
	A	UR	RR	STDS
Domestic pets up to 6 animals	P	P	P	

²Adopted September 16, 2008.

Licensed day care for up to 12 children	P	P	P	
Home occupation, permitted	P	P	P	X
Home occupation, INTERIM	I	I	P	X
Outdoor storage	N	NP	NP	X
Room & board facility, max. 2 persons	I	I	I	X
Other temporary uses - yard sales, sale of one personal vehicle	P	P	P	X
H. Structures Accessory to Permitted Uses				
	A	UR	RR	STDS
Antennas, including satellite dishes	P	P	P	
Detached garages, storage sheds, outbuildings	P	P	P	X
Farm drainage systems, flood control and watershed structures, erosion control structures	P	P	P	X
Fuel storage, containerized or bulk for use on site and under 1000 gal.	P	P	P	
Outdoor recreation accessory to lodging (including water park, golf)	NP	NP	NP	
Private airstrip	C	NP	C	
Private swimming pool, tennis court, recreational facilities accessory to a dwelling	P	P	P	
Signs meeting ordinance standards	P	P	P	
Seasonal roadside stands for sales of farm products primarily produced upon the premises	I	I	NP	X
Temporary farm dwelling (mobile home)	I	I	NP	X
Water-oriented accessory structure	NP	NP	NP	
Other structures typically incidental and clearly subordinate to	P	P	P	

permitted use

Sections 20-25 through 20-28. **Reserved.**

Article IV. “A” Agricultural District

Section 20-29. **Purpose and Intent.** The “Agricultural District” is intended to provide a district that will:

- a. Implement the policies of the Bridgewater Township Comprehensive Plan.
- b. Allow suitable areas of the Township to be retained in agricultural use;
- c. Prevent scattered, non-farm developments;
- d. Secure economy in governmental and private expenditures for public services, utilities, schools, and residents of the Town;
- e. Protect and preserve open space;
- f. Allow for the Transfer of Development Rights (TDR) within the Township;
- g. Minimize conflicts between agricultural and non-agricultural uses; and
- h. Enhance, encourage and protect agricultural uses in the Town.

Anyone building in the agricultural district must accept the rural environment as it is found, including generally accepted farming practices.

Section 20-30. **Permitted, Conditional, Interim and Accessory Uses in the Agricultural District.**

- a. Permitted, conditional, interim and accessory uses of land are as specified in the table in Article III, Section 20-24. Uses not specifically listed as permitted, conditionally permitted or permitted with an interim use shall be considered prohibited.
- b. Permitted and conditional or interim uses may be combined on a single parcel, provided that each use meets the general, density, specific, and performance standards of this Ordinance and any other applicable provisions of this Ordinance.

Section 20-31. **Density Standards.**

- a. The base density permitted in the Agricultural District is one (1) dwelling unit per quarter-quarter section of land. All existing dwellings, including those on parcels of record, are counted toward calculation of the overall base density per quarter-quarter section. Rights that have been transferred from a quarter-quarter section shall be counted against the base density in the quarter-quarter section they have been transferred from.
- b. A second dwelling unit per quarter-quarter section may be permitted on lands that meet one of the requirements of Subparts 1 through 3 below:
 1. The quarter-quarter section must have a weighted average Crop Equivalent Rating (CER) of 65 or less as originally established by 2002 Productivity Factors

- and Crop Equivalent Ratings for Soils in Minnesota as published by the Minnesota Extension Service of the University of Minnesota; or
2. The parcel to be developed must include at least 1.25 acres of forest land, as defined in this Ordinance. The dwelling need not be located in the forest land to qualify for this provision; or
 3. An additional dwelling shall not be permitted in the following areas:
 - A. Areas classified as wetlands, flood plain and peat acreages or other areas of poor drainage;
 - B. Slopes of twelve percent (12%) or greater, unless accompanied by an engineer's report showing adequate footing, drainage and grading plans; and
 - C. Locations that would require a new public dedicated street.
 4. All lots permitted under this Section shall meet the dimensional standards of this Ordinance and the applicable standards for sewage and wastewater treatment.
 5. Dwellings shall be sited to minimize intrusions into agricultural land and potential interference with agricultural operations.
- c. Once a given quarter-quarter section has been developed with a single dwelling unit and, where permitted, a second dwelling unit, no further residential development is permitted within that quarter-quarter section, with the exception of undeveloped parcels of record, or utilizing transferable development rights from another quarter-quarter section.

Section 20-32. Density Transfers.

Within the agricultural district, density units may be transferred across quarter-quarter sections and between parcels as specified in Article XV (Transfer of Development Rights Regulations) and Article XIV (Cluster Development Standards). Density units may be transferred from the Agricultural District as specified in the Transfer of Development Rights Regulations.

Section 20-33. Dimensional Standards.

- a. Minimum lot area, residential lot. The minimum lot size for a residential lot in the Agricultural District is 35 acres. If the site qualifies for a second dwelling unit, the minimum lot size for the second residential lot is two and one-half (2.5) acres if there is a Minimum lot area, dwelling of record. A parcel containing a dwelling of record may be reduced in size to two and one-half (2.5) acres if there is enough appropriate land area available for a future septic system site. The remainder of the parcel may only be used or developed in accordance with the applicable density standards. enough appropriate land available for a future alternate septic system site.

- b. Minimum lot area, dwelling of record. A parcel containing a dwelling of record may be reduced in size to two and one-half (2.5) acres if there is enough appropriate land area available for a future septic system site. The remainder of the parcel may only be used or developed in accordance with the applicable density standards.
- c. Minimum lot area, all other uses. The minimum lot size for all other uses shall be 2.5 acres unless otherwise permitted under an approved conditional use permit.
- d. Minimum lot width. The minimum lot width shall be two hundred fifty (250) feet.
- e. Minimum front yard setbacks. The minimum front yard setbacks shall be measured from the center line of the road or from the property line (whichever is greater), as follows:

State Highway	150 feet to centerline of roadway or 100 feet from front property line, whichever is greater
County road or Township road	133 feet to centerline of roadway or 100 feet from front property line, whichever is greater

- f. Minimum side yard setback. The minimum site yard setback is twenty (20) feet, with the exception of buildings containing livestock, which shall have a minimum setback of one hundred (100) feet.
- g. Minimum rear yard setback. The minimum rear yard setbacks shall be as follows:
 - 1. Principal buildings 70 feet
 - 2. Accessory buildings 20 feet
 - 3. Livestock buildings 100 feet
- h. Maximum height. The maximum height for buildings is 35 feet. Agricultural structures are exempt from height limitations.
- i. Feedlot Setback. The minimum setback for new residences from existing feedlots shall be the same as the requirements established in the Rice County Feedlot Ordinance for setbacks of feedlots from existing residences.
- j. Minimum Dwelling Unit Size. All single-family dwelling units, except temporary farm residences, shall be a minimum of 960 square feet in area and twenty-two (22) feet in width for two-thirds of the length of the dwelling.

Section 20-34 through 20-38 **reserved**.

Article V. “UR” Urban Reserve District

Section 20-39. **Purpose and Intent.** The Urban Reserve District is intended to provide a district that will:

- a. Implement the policies of the Bridgewater Township Comprehensive Plan.
- b. Provide a district that restricts development around municipal corporate limits.
- c. Promote denser residential development in areas that can provide municipal or municipal-type water and sewer rather than in rural, agricultural areas.
- .d. Defer urban development in areas adjacent to municipalities until it is determined that it is financially feasible to provide public utilities and services to the area.
- e. Restrict land uses that have the potential to interfere with orderly urban expansion and subdivisions at urban densities.

Section 20-40. **Permitted, Conditional, Interim and Accessory Uses in the Urban Reserve District.**

- a. Permitted, conditional, interim and accessory uses of land are as specified in the table in Article III, Section 20-24. Uses not specifically listed as permitted, conditionally permitted, or permitted with an interim use shall be considered prohibited.
- b. Permitted and conditional or interim uses may be combined on a single parcel, provided that each use meets the general, density, specific, and performance standards of this Ordinance and any other applicable provisions of this Ordinance.

Section 20-41. **Dimensional Standards.**

- a. Minimum lot area for a residential lot. The minimum lot size for a residential lot in the Urban Reserves District is 35 acres.
 1. A parcel with a dwelling existing as of the date of adoption of this Ordinance may be reduced in size to a lot of no less than two and ½ acres, provided that a conservation easement is recorded for the residual parcel prohibiting further development or subdivision. The terms of this conservation easement shall be those stated in the section of Development Agreements and Recording of Restrictions under the Transfer of Development Rights Regulations, except that the easement may be terminated by Rice County at such time as the property is annexed by the adjacent municipality.
- b. Minimum lot area, all other uses. The minimum lot size for all other uses shall be 2.5 acres unless otherwise permitted under an approved conditional use permit.
- c. Minimum lot width. The minimum lot width shall be two hundred fifty (250) feet.
- d. Minimum front yard setbacks. The minimum front yard setbacks shall be measured from the center line of the road or from the property line (whichever is greater), as follows:

State Highway	150 feet to centerline of roadway or 100 feet from front property line, whichever is greater
County road or Township road	133 feet to centerline of roadway or 100 feet from front property line, whichever is greater

- e. Minimum side yard setback. The minimum side yard setback is twenty (20) feet, with the exception of buildings containing livestock, which shall have a minimum setback of one hundred (100) feet.
- f. Minimum rear yard setback. The minimum rear yard setbacks shall be as follows:
 - 1. Principal buildings 100 feet
 - 2. Accessory buildings 20 feet
 - 3. Livestock buildings 70 feet
- g. Density Transfers. Density units may be transferred out of the Urban Reserve District as specified in this Ordinance under the Transfer of Development Rights Regulations. Development rights may not be transferred to other sites within the Urban Reserve District.
- h. Previous Agricultural Zoned Parcels. Parcels that were in the “A” Agricultural Zoning District prior to adoption of this ordinance and are zone “UR” Urban Reserve under this ordinance, having had additional rights under the previous zoning, shall be allowed to utilize those additional rights as a TDR, as specified in this Ordinance, if they so within one year of the zoning of the parcel being changed from “A” Agricultural to “U” Urban Reserve. These additional rights may not be used on the property. Any building on the property shall be only as specified in subpart A of this section.

Sections 20-42 through 20-48. **Reserved.**

Article VI. “RR” Rural Residential District

Section 20-49. **Purpose and Intent.** The purpose of the “RR” Rural Residential District is to recognize existing low-density residential development in already-developed areas. Most of these areas are located in agricultural areas or on the outskirts of unincorporated villages. Rezoning s to RR will not be permitted except to remedy inconsistencies – i.e., for existing dwellings of record adjacent to already-platted “RR” districts, or to correct discrepancies in zoning district boundaries.

Section 20-50. **Permitted, Conditional, Interim and Accessory Uses in the Rural Residential District.**

- a. Permitted, conditional, interim and accessory uses of land are as specified in the table in Article III, Section 20-24.
- b. Permitted and conditional or interim uses may be combined on a single parcel, provide that each use meets the general, density, specific and performance standards of this Ordinance and any other applicable provisions of this Ordinance.

Section 20-51. **Dimensional Standards**

- a. Minimum lot area for single-family dwelling. The minimum lot size for a single-family dwelling shall be 20,000 square feet.
 1. An increase in maximum lot area may be required to provide for a sewage treatment system as required by this Ordinance.
- b. Minimum lot width. The minimum lot width shall be one hundred (100) feet.
- c. Minimum front yard setback. The minimum front yard setback shall be the average setback of the residential buildings fronting the same side of the street on the same block, but shall be no closer than 35 feet.
- d. Minimum side yard setback. The minimum side yard setback shall be ten (10) feet.
- e. Maximum height. The maximum height for buildings is as follows:
 1. Principal buildings 35 feet
 2. Detached airplane hangers 24 feet
 3. Other accessory buildings 16 feet

Sections 20-52 through 20-58. **Reserved.**

Article VII. “F” Flood Plain District.**Section 20-59. Statutory Authorization, Findings of Fact, and Purpose.**

- \a. Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Minn. Stat. § 462.357 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Town Board of Bridgewater Township, Minnesota, does ordain as follows:
 - b. **Findings of Fact.**
 - 1. The flood hazard areas of Bridgewater Township, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - 2. Methods Used to Analyze Flood Hazards. This Article is based upon a reasonable method of analyzing flood hazards that is consistent with the standards established by the Minnesota Department of Natural Resources.
 - 3. National Flood Insurance Program Compliance. This Article is adopted to comply with the rules and regulations of the National Flood Insurance Program (NFIP), codified as 44 Code of Federal Regulations Parts 59-78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.
 - c. Statement of Purpose. It is the purpose of this Article to promote public health, safety and general welfare and to minimize those losses described in Article VII, Section 20-59, Part b, Subpart (1) by provisions contained herein.*

Section 20-60. General Provisions.

- a. Lands to which this Article applies. This Article shall apply to all lands within the jurisdiction of Bridgewater Township shown on the Official Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe, or General Flood Plain Districts. The Flood Plain District shall be considered a zoning district overlying and superseding all existing land use regulations in Bridgewater Township. Permitted, conditional and interim uses shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this Article shall apply in addition to other Township regulations.
- b. Establishment of Official Zoning Map. The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this Article. The attached material shall include the Flood Insurance Study for Rice County,

Minnesota, prepared by the Federal Emergency Management Agency and dated August 4, 1988 and the Flood Insurance Rate Map Panels 75B and 100B, dated February 4, 1981 and updated by Letter of Map Revision (Case No. 05-05-1343P) dated February 22, 2006 therein. The Official Zoning Map shall be on file in the office of the Zoning Administrator and a copy on file in the office of the Town Clerk.*

- c. Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- d. Interpretation.
 1. In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements and shall be liberally construed in favor of the Town Board and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
 2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the Community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Adjustment and to submit technical evidence.
- e. Abrogation and Greater Restrictions. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only.
- f. Warning and Disclaimer of Liability. This Article does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of Bridgewater Township or any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made there under.

- g. Severability. If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected thereby.
- h. Annexations: The Flood Insurance Rate Map panels adopted by reference into Part B above may include floodplain areas that lie outside of the corporate boundaries of Bridgewater Township at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into Bridgewater Township after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the Bridgewater Township.
- i. Definitions. Definitions for this Article shall be as found in Article I, Section 20-3 of this Ordinance.

Section 20-61. **Establishment of Flood Plain Overlay District.**

- a. Districts.
 - 1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 20-60 of this Article, or according to the procedures specified in Section 20-64 of this Article.*
 - 2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Flood Insurance Rate Map as adopted in Section 20-60 of this Article, being within Zone AE, but being outside the floodway, or according to the methodology specified in Section 20-64 of this Article.
 - 3. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map adopted in Section 20-60 of this Article.*
- b. Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Article and other applicable regulations that apply to uses within the jurisdiction of this Article. Within all Floodway and Flood Fringe Districts, and General Flood Plain Districts, all uses not listed as permitted, conditional or interim under this Article shall be prohibited. In addition, a caution is provided that:
 - 1. New manufactured homes, replacement manufactured homes, and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Section 20-67 of this Article*;
 - 2. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 20-69 of this Article; and

3. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions (Section 20-60) of this Ordinance and specifically Sections 20-68 of this Article.

Section 20-62. **Floodway District (FW).**

- a. Permitted Uses. The following are permitted uses in the Floodway District:
 1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 2. Industrial-commercial loading areas, parking areas, and airport landing strips.
 3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
 4. Residential lawns, gardens, parking areas, and play areas.
- b. Standards for Floodway Permitted Uses.
 1. The use shall have a low flood damage potential.
 2. The use shall be permissible in the underlying zoning district.
 3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.
- c. Conditional Uses. The following uses of land or accessory structures are considered conditional uses in the Floodway District:
 1. Structures accessory to the uses listed in Part (a) above and the uses listed in Part (c), Subparts 2-8 below.*
 2. Extraction and storage of sand, gravel and other materials.
 3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
 4. Marinas, boat rentals, docks, piers, wharves, and water control structures.
 5. Storage yards for equipment, machinery, or materials.
 6. Placement of fill or construction of fences.

7. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 20-67, Subpart (c).
 8. Structural works for flood control such as levees, dikes, and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.
- d. Standards for Floodway Conditional Uses.
1. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a Conditional Use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
 2. All floodway conditional uses shall be subject to the procedures and standards in Section 20-62, Subpart (c) and Section 20-68, Subpart (d) of this Article.
 3. The conditional use shall be permissible in the underlying zoning district.
 4. Fill.
 - A. Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.*
 - B. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted and approved. Such plan shall include an erosion/sedimentation prevention element. *
 - C. As an alternative, and consistent with subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase in the stage of the 100-year or regional flood but only after the Town Board has received an appropriate plan that assures the removal of the materials from the floodway based upon the flood warning time available. A conditional use permit granted under this Article must be title registered with the property in the Office of the Rice County Recorder. It is the responsibility of the property owner to record a conditional use permit.*
 5. Accessory Structures:
 - A. Accessory structures shall not be designed or used for human habitation.

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- B. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
- i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow; and
 - ii. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- C. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with FP-1 or FP-2 flood proofing classifications in the Minnesota State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the Minnesota State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, at its largest projection, and for a detached garages, the detached garage must be used solely for the parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:*
- i. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - ii. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed; and
 - iii. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic opening
6. Storage of Materials and Equipment.
- A. The storage or processing of materials, that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.

- B. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Town Board.
- 7. Structural works for flood control that will change the course, current, or cross section of protected wetlands or public waters shall be subject to the provisions of Minn. Stat., Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory flood plan shall not be allowed in the floodway.*
- 8. A levee, dike, or floodwall constructed in the floodway shall not cause an increase in the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

Section 20-63. **Flood Fringe District.**

- a. **Permitted Uses.** Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning district(s). All permitted uses shall comply with the Standards for All Flood Fringe Permitted Uses and the Standards for All Flood Fringe Uses listed within this section.*
- b. **Standards for Flood Fringe Permitted Uses.**
 - 1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, including the basement floor, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot above the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
 - 2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest horizontal projection may be internally flood proofed in accordance with this Section 20-62, Subpart (d), (5) (c) of this Article. *
 - 3. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a Conditional Use, unless said fill is specifically intended to elevate a structure in accordance with this subpart.
 - 4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation,
 - 5. The provisions of subpart E of this section shall apply.
- c. **Conditional Uses.** Any structure that is not elevated on fill or flood proofed in accordance with Subparts (b) (1) and (b) (2), of this Section and/or any uses that do not comply with the standards of Subparts (b) (3) and (b) (4) of this Section shall only be allowable as a

conditional use permit. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in Parts (d) and (e) of this section and Section 20-68, Subpart (d) of this Article.*

- d. Standards for Flood Fringe Conditional Uses.
 - 1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure’s lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc, or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure’s basement or lowest floor if: (1) the enclosed area is above-grade on at least one side of the structure; (2) it is designed to internally flood and is constructed with flood resistant materials; and (3) it is used solely for the parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - A. Design and Certification. The structure’s design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Plain Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - B. Specific Standards for Above-Grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - i. A minimum area of “automatic” openings in the wall where internal flooding is to be used as flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and*
 - ii. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 and FP-4 classifications in

the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.

2. Basements, as defined in Article 1, Section 20-3, of this Ordinance, shall be subject to the following:
 - A. Residential basement construction shall not be allowed below the Regulatory Flood Plain Elevation.
 - b. Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Subpart 3 below.
3. All areas of non-residential structures, including basements to be placed below the Regulatory Flood Protection Elevation, shall be flood proofed in accordance with the structurally dry flood proofing classifications in the Minnesota State Building Code. Structurally dry flood proofing must meet the FP-1 and FP-2 flood proofing classifications in the Minnesota State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 and FP-4 classification shall not be permitted.*
4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Town Board. The plan may incorporate alternative procedures for the removal of the material from the flood plain if adequate flood warning time exists.
5. Storage of Materials and Equipment.
 - A. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
 - B. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a

flood warning and in accordance with a plan approved by the Town Board.

6. The provisions of Section 20-63, Subpart (E) of this Article shall also apply.*
- e. Standards for All Flood Fringe Uses.
1. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Plain Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
 2. Commercial accessory land uses, such as yards, railroad tracks, and parking lots, may be at elevations lower than the Regulatory Flood Plain Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.
 3. For manufacturing and industrial uses, measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses, such as yards and parking lots, may be at a lower elevation subject to the requirements set out in subpart (2) immediately above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
 4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
 5. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
 6. Standards for recreational vehicles are contained in Section 20-67 of this Article.

7. All manufactured homes must be securely anchored in to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind fences.

Section 20-64. **General Flood Plain District.**

- a. Permissible Uses.
 1. The permitted uses listed in the Floodway District—Section 20-62, Subpart A shall be permitted uses in the General Flood Plain District.*
 2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Part B immediately below. Section 20-62 of this Article shall apply if the proposed use is in the Floodway District and Section 20-63 shall apply if the proposed use is in the Flood Fringe District.
- b. Procedures for Floodway and Flood Fringe Determination within the General Flood Plain District.
 1. Upon receipt of an application for a permit or other approval within the General Flood Plain District, the applicant shall be required to furnish such of the following information that is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District:
 - A. Typical valley cross-sections showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - B. Plan (surface view) showing elevations or contours of the ground, pertinent structures, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevation of streets.
 - C. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - D. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.
 2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the Regulatory Flood Protection Elevation. Procedures

consistent with Minnesota Regulations 1983, Parts 6120.5000 – 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

- A. Estimate the peak discharge of the regional flood.
 - B. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - C. Compute the floodway necessary to convey or store the regional flood without increasing flood states more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
3. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Town Board. The Town Board must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Town Board, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources and/or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District boundaries have been determined, the Town Board shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of this Article.

Section 20-65. Subdivisions.

- a. **Review Criteria.** No land shall be subdivided that is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall be able to contain a building site outside the Floodway District at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this Article and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all subdivisions in the flood plain, including the Floodway and the Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.
- b. **Floodway/Flood Fringe Determination in the Flood Plain Districts.** In the flood plain districts, applicants shall provide the information required in Section 20-64, Subpart b of

this Article to determine the 100-year flood elevation, the Floodway and the Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the subdivision site.

- c. **Removal of Special Flood Hazard Area Designation.** The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested..

Section 20-66. **Public Utilities, Railroads, Roads and Bridges.**

- a. **Public Utilities.** All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the Minnesota State Building Code or elevated above the Regulatory Flood Protection Elevation.
- b. **Public Transportation Facilities.** Railroad tracks, roads, and bridges to be located within the flood plain shall comply with Sections 20-62 and 20-63 of this Article. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- c. **On-Site Sewage Treatment and Water Supply Systems.** Where public utilities are not provided: (1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and (2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.*

Section 20-67. **Manufactured Homes and Manufactured Home Parks and Placement of Recreational Vehicles.**

- a. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions in Section 20-65 of this Article.
- b. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in the flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 20-63 of this Article. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 20-63, Subpart (e) of this Article,

then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Town Board.*

- \1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- c. Recreational vehicles that do not meet the exemption criteria specified in subpart 1 below shall be subject to the provisions of this Article and as specifically spelled out in subparts 3 and 4 below.
 1. Exemption. Recreational vehicles are exempt from the provisions of this Article if they are placed in any of the areas listed in Subpart 2 below and further they meet the following criteria:
 - A. Have current licenses required for highway use.*
 - B. Are highway ready, meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - C. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
 2. Areas Exempted for Placement of Recreational Vehicles.
 - A. Individual lots or parcels of record.
 - B. Existing commercial recreational vehicle parks or campgrounds.
 - C. Existing condominium type associations.
 3. Recreational vehicles exempted in Section 20-67, Part (c), Subpart 1 lose this exemption when development occurs on the parcel exceeding five hundred (\$ 500) dollars for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 20-62 and 20-63 of this Article. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood-free location should flooding occur.*
 4. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any

existing similar use exceeding five (5) dwelling sites shall be subject to the following:

- A. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Section 20-63, Part (e) Subpart (1) of this Article. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.*
- B. Any new or replacement recreational vehicles not meeting the criteria of subpart (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of Section 20-68, Subpart d of this Article. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Subpart (C)1 of this Section will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as not to be impaired or contaminated during times of flooding in accordance with Section 20-66, Subpart C of this Article.*

Section 20-68. **Administration.**

- a. **Zoning Administrator.** The Zoning Administrator or other official designated by the Town Board shall administer and enforce this Article. If the Zoning Administrator finds a violation of the provisions of this Article, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 20-70 of this Article.
- b. **Permit Requirements.**
 1. **Application for Permit.** Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
 2. **State and Federal Permits.** Prior to granting a permit or processing an application or a conditional or interim use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.
 3. **Certificate of Zoning Compliance for a New, Altered or Nonconforming Use.** It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Article.

4. Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, variances, conditional use permits, interim use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Article and punishable as provided by Section 20-70 of this Article.
 5. Construction and Use to be as provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, variances, conditional use permits, interim use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Article and punishable as provided by Section 20-70 of this Article.
 6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Article. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
 7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.*
 8. Notifications for Watercourse Alterations. The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the township authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minn. Statute, Chapter 103G, this shall suffice as adequate public notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
 9. Notification to FEMA when Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.*
- c. Board of Adjustment.
1. Rules. The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by state law.
 2. Administrative Review. The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or

determination made by the Zoning Administrator in the enforcement and/or administration of this Article.*

3. Variances. The Board of Adjustment may authorize upon appeal in specific cases such relief or variances from the terms of this Article as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties, or circumstances unique to the property under consideration, as provided for in the municipal planning enabling legislation. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this Article, any other Bridgewater Township zoning regulations, and in the municipal planning legislation that justified granting the variance. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area, or permit standards lower than those required by law. The following additional variance criteria of the Federal Emergency Management Agency (FEMA) must be satisfied:
 - A. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - B. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.
 - C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Hearings. Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board of Adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
5. Decisions. The Board of Adjustment shall arrive at a decision on such appeal or variance within the time required by law. In passing upon an appeal, the Board of Adjustment may, so long as such action is in conformity with the provisions of this Article, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. The Board shall make its decision in writing setting forth the findings of fact and reasons for its decisions. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards such as those specified in Subpart d (6) of this Section, which are in conformity with the purposes of this Article. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a

- violation of this Article punishable under Section 20-70. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.*
6. Appeals. Appeals from any decision of the Board of Adjustment may be made as specified in this Ordinance.
 7. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and (2) Such construction below the 100-year or regional flood level increases risk to life and property.. Such notification shall be maintained with a record of all variance actions. The Township shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report, as required, to the Administrator of the National Flood Insurance Program.*
- d. Conditional Uses. The Planning Commission shall hear and decide applications for conditional uses permissible under this Article. Applications shall be submitted to the Zoning Administrator who shall forward the application to the Planning Commission for consideration.
1. Hearings. Upon filing of an application for a conditional use permit with the Zoning Administrator, the Zoning Administrator shall submit a copy of the proposed conditional use permit application by mail to the Commissioner of Natural Resources sufficiently in advance so that the Commissioner will receive at least ten (10) days notice of the hearing.
 2. Decisions. The Planning Commission shall hear the request and make a recommendation for action to the Town Board. The Town Board shall take final action on the proposed conditional use permit in the time period required by law. In granting a conditional use permit, the Planning Commission and the Town Board shall prescribe appropriate conditions and safeguards, in addition to those specified in Subpart 6 below, that are in conformity with the provisions of this Article. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Article punishable under Section 20-70. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.
 3. Procedures to be followed by the Town Board in Passing on Conditional Use Permit Applications within All Flood Plain Districts.
 - A. The applicant shall furnish such of the following information and additional information as deemed necessary by the Town Board for determining the suitability of the particular site for the proposed use:

- i. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevations of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the stream channel; and
 - ii. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - B. The Town shall transmit one copy of the information described above to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating a proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters. The cost of such review shall be borne by the applicant.
 - C. Based upon the technical evaluation of the designated engineer or expert, the Town Board shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
4. Factors upon Which the Decision of the Town Board shall be based. In passing upon conditional use permit applications, the Town Board shall consider all relevant factors specified in other sections of this Article, and the following:
 - A. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - E. The importance of the services provided by the proposed facility to the community.
 - F. The requirements of the facility for a waterfront location.
 - G. The availability of alternative locations not subject to flooding for the proposed use.

- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - J. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - L. Such other factors that are relevant to the purposes of this Article.
5. Timing for Acting on Application. The Town board shall act on an application in the manner described above within 60 days from receiving a complete application, except that where additional information is required pursuant to Section 20-68, Subpart (d) (3) of this Article. The Town Board shall render a written decision with 120 days of the date of application when additional information is required pursuant to Section 20-68, Subpart (d) (3) of this Article.*
6. Conditions Attached to Conditional Use Permits. Upon consideration of the factors listed above and the purpose of this Article, the Town Board shall attach conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Article. Such conditions may include, but are not limited to, the following:
- A. Modification of waste treatment and water supply facilities.
 - B. Limitation on period of use, occupancy, and operation.
 - C. Imposition of operational controls, sureties, and deed restrictions.
 - D. Requirements for construction of channel modifications, compensatory storage, dikes, levees or other protective measures.
 - E. Flood proofing measures, in accordance with the Minnesota State Building code and this Article. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area.
- e. Interim Use Permits. The process and procedures for interim use permits shall be the same as that for conditional use permits.

Section 20-69. **Nonconforming Uses.** A structure, or the use of a structure or premises, that was lawful before the passage or amendment of this Article, but which is not in conformity with the

provisions of this Article, may be continued subject to the following conditions. Historic structures, as defined in the Ordinance, shall be subject to the provisions of this Section.

- a. No such use shall be expanded, enlarged or altered in a way that increases the nonconformity.
- b. Any structural alteration or addition to a nonconforming structure or nonconforming use that would result in increasing the flood damage potential of that structure or use shall be protected to the Regulatory Flood Protection Elevation in accordance with any of the elevation on fill or flood proofing techniques (i.e. FP-1 thru FP-4 flood proofing classifications) allowable in the Minnesota State Building Code, except as further restricted in Parts (c) and (f) below.*
- c. The cost of all structural alteration or additions to any nonconforming structure over the life of this structure shall not exceed fifty percent (50%) of the market value of the structure unless the conditions of this Article are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Township's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceeds fifty percent (50%) of the current market value of the structure, then the structure must meet the standards of Sections 20-62 and 63 20-of this Article for new structures, depending upon whether the structure is in the Floodway or Flood Fringe, respectively.*
- \d. If any nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Article. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of twelve (12) months, if such information is available.
- e. If any nonconforming use or structure is destroyed by any means, or is substantially damaged as defined in Section 20-3 of this Article, it shall not be reconstructed except in conformity with the provisions of this Article. The applicable provisions for establishing new uses or new structures in Sections 20-62, 20-63, or 20-64 of this Article will apply depending upon whether the use or structure is in the Floodway, Flood Fringe, or General Flood Plain Districts, respectively.*
- f. If a substantial improvement, as defined in this Ordinance, occurs, from any combination of a building addition to the outside dimensions of an existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirement of Section 20-62 and 20-63 of this Article for new structures, depending upon whether the structure is in the Floodway or Flood Fringe Districts, respectively.*

Section 20-70. **Penalties for Violation.**

- a. Violation of the provisions of this Article or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances, conditional use or interim use permits) shall constitute a misdemeanor and shall be punishable as defined by law.
- b. Nothing herein contained shall prevent the Town Board from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:
 1. In responding to a suspected ordinance violation, the Zoning Administrator, under the direction of the Town Board, may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community will act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to j
When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of this Article. As soon as it is reasonably possible, this information shall be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office, along with the Town's plan of action to correct the violation to the degree possible.to not jeopardize its eligibility in the National Flood Insurance Program.
 3. The Zoning Administrator shall notify the suspected party of the requirements of this Article and all other official controls and the nature and extent of the suspected violations of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Town. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit and/or development approval within a specified period of time not to exceed thirty (30) days.
 4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Article and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the land to the condition that existed prior to the violation of this Article.*

Section 20-71. **Amendments.**

The flood plain designation on the official zoning map shall not be removed from the flood plain unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the Regulatory Flood Protection Elevation and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

All amendments to this Article, including amendments to the official zoning map that relate to the flood plain districts, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the official zoning map that relate to the flood plain districts must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten (10) days written notice of all hearings to consider an amendment to this Article and said notice shall include a draft of the amendment or technical study under consideration.

Section 20-72. **Effective Date.** This Article shall be in full force and effect from and after passage and publication.*

Sections 20-73 through 20-78. **Reserved.**

Article VIII “WS” Wild and Scenic River District

Section 20-79. **Purpose and Intent.** The purpose of the Cannon River Wild and Scenic River District is:

- a. Conserve and protect the natural scenic values and resources of the Cannon River and to maintain a high standard of environmental quality;
- b. Regulate the area of a lot and the length of bluff land and water frontage suitable for building sites to reduce the effects of overcrowding and provide ample space on lots for sanitary facilities;
- c. Regulate the setbacks of structures and sewage treatment systems from bluff lines and shorelines;
- d. Regulate alterations of then natural vegetation and topography;
- e. Maintain property values and prevent poorly planned development;
- f. Preserve natural beauty and quietude;
- g. Prevent pollution;
- h. Designate land use districts along the bluff land and shoreline of the Cannon River; and
- i. Protect and preserve the Cannon River, its tributaries and its adjacent land that possesses scenic values of the Cannon River in Bridgewater Township by ensuring development within this river corridor is consistent with the Wild, Scenic and Recreational Statewide Standards (Minn. Rules, Parts 6105.0010 - .0250. ; Minn. Rules parts 6105.1550 -- .1700) and the Scenic Rivers Act (Minn. Stat., 103F.301 – 345.)

Section 20-80. **General Provisions.**

- a. **Jurisdiction.** The jurisdiction of this Article shall include all lands designated within the Cannon River land use district in Bridgewater Township based on upon the Cannon River Management Plan, Minnesota Rules, Part 6105.1680 and are delineated on the official zoning map of Bridgewater Township.
- b. **Compliance.** The use of any land within the Cannon River Wild and Scenic River District overlay district; the size and shape of lots; the use and location of structures on lots; the installation and maintenance of water supply and sewage treatment systems; the filling, grading, dredging of any river area; the cutting of vegetation or alteration of the natural topography within the district; and the subdivision of land shall be in full compliance with the terms of this Article and other applicable regulations. Permits from the Zoning Administrator are required by this section and this Article for the construction of structures, public or private water supply and sewage treatment systems, the upgrading and filing of the natural topography and erection of signs within the Cannon River Wild and Scenic River Overlay land use district.

Section 20-81. **Rules.**

- a. It is not intended by this Article to repeal, abrogate or impair any existing easement, covenants, deed restrictions, or land use controls. Where this Article imposes greater restrictions, the provisions of this Article shall prevail. In case of conflict between a provision of the Minnesota Wild, Scenic and Recreational River Statutes and statewide standards and criteria and some other law of this state or provisions of existing ordinances, the more protective provision shall apply.
- b. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, and shall not be deemed a limitation or repeal of any powers or rights granted by Minnesota statutes.
- c. The provisions of this Article shall be severable, and the invalidity of any paragraph, subparagraph, or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any other part. If any court of competent jurisdiction shall adjudge invalid any provision of this Article or the application of this Article to a particular property, building, or other structure, such judgment shall not affect any other provision of this Article or any other property, building or structure not specifically included in said judgment.
- d. The word “shall” is mandatory, not permissive. All distance, unless otherwise specified, shall be measured horizontally.
- e. Definitions. For the purposes of this Article, words and terms are as defined in Article I, Section 20-3 of this Ordinance.

Section 20-82. **Overlay Land Use District Provisions.**

- a. Districts.
 1. In order to preserve and protect the Cannon River and its adjacent lands that possess outstanding scenic, recreational, natural, historical, scientific and similar values, the Cannon River in Bridgewater Township has been given a Wild and Scenic Rivers Classification and the uses and classification the river and its adjacent lands are hereby designated by overland land uses zoning districts, the boundaries of which are based on the Cannon River Management Plan and Minnesota Rules, Part 6105.1680.
 2. The boundaries of the Cannon River Wild and Scenic Overlay District are shown on the official zoning map of Bridgewater Township, which is made a part of this Article and is on file with the Zoning Administrator. In case of conflict between the map and the property descriptions in the Cannon River rule, the more restrictive shall prevail.
 3. If land is annexed, incorporated, or in any other way transferred to another jurisdiction, a moratorium shall exist on all construction, grading and filling, and vegetative cutting until this Article is amended. The amended Article shall meet the provisions of the plan that applied to the land before the transfer.

- b. Purpose. The purpose of establishing standards and criteria for the management of the Cannon River Wild and Scenic River overlay district shall be to preserve and protect existing and natural, scenic, historical, scientific, and recreational values, to reduce the effect of overcrowding and poorly planned development of adjacent lands, to prevent pollution, to preserve natural beauty and quietude, to maintain proper relationships between various land use types, and to prohibit new uses that are inconsistent with the statewide standards and criteria for Wild and Scenic Rivers, Minnesota Rules, parts 6105.0010 -- .0250.
- c. Permitted, Conditional and Interim Uses.
 - 1. Permitted, conditional and interim uses are as specified in the table in Article III, Section 20-6 of this Ordinance. All other uses shall be considered prohibited except for the following governmental and public activities.
 - A. Governmental campgrounds subject to management plan specifications.
 - B. Other governmental open space recreational uses subject to management plan specifications.
 - C. Government resource management for improving fish and wildlife habitat; wildlife management areas; nature areas; and accessory roads.
 - D. Public access and trail access subject to management plan specifications.
 - E. Public access, road access with boat launching facilities subject to management plan specifications.
 - 2. Permitted and conditional or interim uses may be combined on a single parcel, provided that each use meets the general, density, specific and performance standards of this Ordinance and any other applicable provisions of this Ordinance.
- d/ Nonconforming Uses. Uses that are prohibited but which are in existence prior to adoption of this Article shall be nonconforming uses. Such uses shall not be intensified, enlarged, or expanded beyond the permitted or delineated boundaries of the use or activity as stipulated in the most current permit prior to the adoption of this Article.

Section 20-83. **Zoning Dimensions.**

- a. Minimum District Dimensional Requirements. The following chart sets forth the minimum lot size and width, setbacks, and other requirements in the Cannon River Wild and Scenic River Overlay District:

Standard	Minimum Requirements
Lot size and density * There shall be no more than one	Same as the "A" District, the minimum lot size is 2.5 acres

(1) dwelling unit per lot.	and the use of TDR is not allowed.
Lot width at building line	250 feet
Lot width at ordinary high water level	250 feet
Building setback from ordinary high water level	100 feet
Building setback from top of bluff	30 feet
On-site sewage treatment system setback from ordinary high water level	75 feet
Maximum structure height	35 feet
Controlled vegetative cutting area:	
Setback from ordinary high water level	100 feet
Setback from top of bluff	30 feet

- b. Structures shall not be located on slopes greater than twelve percent (12%) unless such structures are screened from the river view with natural vegetation where practicable, the sanitary provisions of this Ordinance are complied with, and the building permit application can prove to the Township that any potential erosion or sedimentation problems related to locating a structure either do not exist or that adequate measures will be taken to prevent any of these problems through special construction methods.
- c. No structures shall be placed in any floodway. Structures proposed within a flood plain shall be consistent with statewide standards and criteria for the Management of Flood Plain Areas of Minnesota (Minnesota Rules, Parts 6105.500 -- .6200) and Article VII of this Ordinance.

Section 20-84. **Substandard Lots.**

- a. Lots of record in the office of the Rice County Recorder on the effective day of enactment of this Article that do not meet the dimensional requirements of this Article shall be allowed as building sites, provided: the proposed use is permitted in the land use district; the lot was in separate ownership on the date of enactment of this Article; all sanitary requirements are complied with; and dimensional provisions are complied with to the greatest extent possible.
- b. If, in a group of two or more contiguous lots under a single ownership and any individual lot does not meet the minimum lot width requirements of this Article, such individual lot cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots under the same ownership so that the combination of lots will equal one or more parcels of land, each meeting the lot width requirements of this Article.

Section 20-85. **Substandard Uses.** All uses in existence prior to the effective date of enactment or amendment of this Article that are permitted uses within the Cannon River land uses district, but do not meet the minimum lot area, setbacks, or other dimensional requirements of this Article are substandard uses. All substandard uses, except for

substandard signs, shall be allowed to continue subject to the following conditions and exceptions:

- a. Any structural alteration or addition to a substandard use that will increase the substandard dimension shall not be allowed.

Section 20-86. **Sanitary Provisions.**

- a. **Water Supply.** Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency and local administrative procedures. Private wells must be located, constructed, maintained, and sealed in accordance with or in a more thorough manner than the Water Well Construction Code of the Minnesota Department of Health.

Section 30-87. **Nonconforming Sewage Treatment Systems.** A nonconforming sewage treatment system not meeting the requirements of this Article must be upgraded, at a minimum, whenever a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

All nonconforming sewage treatment systems shall be brought into conformity or discontinued within five years of the date of enactment of this Article.

Section 20-88. **Landscape Alterations.**

- a. **Vegetative Cutting.**
 1. The vegetative cutting provisions in this Section shall apply to those areas specified in Section 20-62 (a) of Article VII.
 2. The following general provisions apply within designated setback areas:
 - a. Clear cutting, except for any authorized public services such as roads and utilities, shall not be permitted.
 - b. Selective cutting of trees in excess of four (4) inches in diameter at four (4) feet in height is permitted provided cutting is spaced in several cutting operations, a continuous tree cover is maintained, and is uninterrupted by large openings.
- b. **Clear Cutting.** Clear cutting anywhere in the designated Cannon River Wild and Scenic overlay district is subject to the following standards and criteria:
 1. Clear cutting shall not be used as a cutting method where soil, slope, or other watershed conditions are determined by the Zoning Administrator to be fragile and subject to severe erosion and/or sedimentation.
 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 1 and May 1. 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.

Section 20-89. Grading, Filling, Alterations of the Beds of Public Waters.

- a. Grading and filling of the natural topography that is not accessory to a permitted, conditional or interim use shall not be permitted in the land use districts.
- b. Grading and filling of the natural topography that is accessory to a permitted, conditional or interim use shall not be conducted without a grading and filling permit from the Zoning Administrator. A grading and filling permit may be issued only if the following conditions are properly satisfied:
 1. Grading and filing shall be performed in a manner that minimizes earthmoving, erosion, tree clearing, and the destruction of natural amenities
 2. The smallest amount of bare ground is exposed for as short a time as possible.
 3. Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 4. Methods to prevent erosion and trap sediment are employed.
 5. Fill is stabilized to accepted engineering standards.
- c. Excavation of material from, or filling in a Wild and Scenic River, or construction of any permanent structures or navigational obstructions therein is prohibited unless authorized by a permit from the Commissioner pursuant to Minn. Stat. 103G.245 which requires a permit from the Commissioner before any change is made in the course, current, or cross-section of public waters.
- d. Drainage or filling of wetlands is not allowed within the land use districts designated by this Article.

Section 20-90. Utility Transmission Crossings.

- a. All utility crossings of the Cannon River or state lands within the Cannon River land use district require a license from the Commissioner pursuant to Minn. Stat. § 84.415.
- b. All utility transmission crossings constructed within the Cannon River land use district shall require a conditional use permit. The construction of such transmission services shall be subject to Minnesota Rules, Parts 6105.0170 and 6105.0180. No conditional use permit shall be required for high voltage lines under control of the Environmental Quality Board (EQB) pursuant to Minn. Stat. §116C.61.

Section 20-91. Public Roads.

- a. In addition to such permits as may be required by Minn. Stat. § 103G.245, a conditional use permit shall be required for any construction or reconstruction of public roads within the Cannon River land use district. Such construction or reconstruction shall be subject to Minnesota Rules, Part 6105.0190 and 6105.0200.
- b. Public roads include township, county, and municipal roads, streets and highways that serve or are designated to serve flows of traffic between communities or other traffic generating areas. A conditional use permit is not required for minor public streets that are intended to serve primarily as an access to abutting properties.

Section 20-92. Bridges.

The development of bridges cited in Minnesota Rules, Part 6105.1450, Subp. 5, shall comply with the construction and permit requirements of Minnesota Rules, Parts 6105.0190 and 6105.0200. The reconstruction, replacement, or upgrading of existing bridge crossings shall comply with Minnesota Rules, Parts 6105.0190 and 6105.0200.

Section 20-93. Subdivisions.

- a. Land Suitability.
 1. No land shall be subdivided that is determined by the Township or the Commissioner, to be unsuitable because of flooding, inadequate drainage, unique natural features, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage treatment 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.
 2. No plat or subdivision within the Cannon River district shall be approved by Bridgewater Township until the applicant has proven, through percolation rate tests, soil boring tests, and other requirements of Minnesota Rules, Chapter 7080, that every newly platted lot found within the land use district has adequate area and a suitable location for the installation of a conforming septic tank and soil absorption system.
 3. The provisions otherwise set forth in this Article and in Article XVI of this Ordinance shall apply to all plats.

Section 20-94. Administration.

- a. Certification Procedure.
 1. A copy of all notices of any public hearings, or where a public hearing is not required, a copy of the application to consider ordinances, zoning amendments, variances, or inconsistent plats under this Article shall be sent so as to be received by the Commissioner at least thirty (30) days prior to such hearings or meetings to consider such requests. The notice or application shall include a copy

- of the proposed amendment, or a copy of the proposed inconsistent plat, or a description of the requested variances.
2. The Bridgewater Town Board shall notify the Commissioner of its final decision on the proposed action within ten (10) days of the decision.
 3. The Commissioner shall, no later than thirty (30) days from the time he receives notice of the final decision, communicate either certification of approval, with or without conditions, or notice of denial.
 4. The action becomes effective when and only when either:
 - A. The final decision taken by the Bridgewater Town Board has previously received certification of approval from the Commissioner; or
 - B. The Bridgewater Town Board receives certification of approval after its final decision; or
 - C. Thirty (30) days have elapsed from the day the Commissioner received notice of the final decision, and the Bridgewater Town Board has received from the Commissioner neither certification of approval nor notice of denial; or
 - D. The Commissioner certifies his approval after conducting a public hearing.
 5. In case the Commissioner gives notice of denial of an ordinance, amendment, variance or inconsistent plat, either the applicant or the Chairman of the Bridgewater Board of Supervisors may, within thirty (30) days of said notice, file with the Commissioner a demand for hearing. If the demand for hearing is not made within thirty (30) days, the notice of denial becomes final.
 - A. The hearing will be held in an appropriate local community within sixty (60) days of the demand and at least two (2) weeks published notice.
 - B. The hearing will be conducted in accordance with Minn. Stat. § 103G.311, Subdivisions 2, 6 and 7.
 - C. The Commissioner shall either certify his approval or deny the proposed action within thirty (30) days of the hearing.

Section 20-95. **Amendments.**

- a. Requests for amendments of this Article may be initiated by a petition of affected property owners, the Planning Commission, or by action of the Town Board. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report for action to the Bridgewater Town Board.
- b. An application for an amendment shall be filed with the Zoning Administrator.

- c. Upon receipt in proper form of the application and other requested materials, a public hearing shall be conducted in the manner prescribed by Minnesota Statutes. Following the public hearing and recommendation by the Planning Commission, the Bridgewater Town Board may adopt the amendment in the manner prescribed by Minnesota Statutes.
- d. Certification from the Commissioner must be obtained as specified in subpart C above before the proposed amendment becomes effective.

Section 20-96. **Variances.**

- a. The grant of a variance in the Cannon River Wild and Scenic overlay district requires the presence of the following condition:
 - 1. The strict enforcement of the land use controls will result in unnecessary hardship.
 - 2. Granting of the variance is not contrary to the purpose and intent of this Article and is consistent with this Ordinance.
 - 3. There are exceptional circumstances unique to the subject property that were not created by the landowner.
 - 4. Granting of the variance will not allow any use which is neither permitted or permitted with a conditional or interim use permit in the land use district in which the subject property is located.
 - 5. Granting of the variance will not alter the essential character of the locality.
 - 6. Exceptions for lots that do not meeting the minimum lot width requirements of this Article. Where a setback pattern from the ordinary high water level has already been established on both sides of a proposed building site, the setback of the proposed structure may be allowed to conform to that pattern. This provision shall apply only to lots that do not meet the minimum lot width requirements of this Article.
- b. All granted variances to the requirement of this Article must be certified in accordance with this Article before they become effective.

Section 20-97. **Plats.**

- a/ Copies of all plats within the Cannon River land use district shall be forwarded to the Commissioner within ten (10) days of approval by the Town Board.
- b. Approval of a plat that is inconsistent with this Article is permissible only if the detrimental impact of the inconsistency is more than overcome by other protective characteristics of the proposal.
- c. All inconsistent plats approved by the Bridgewater Town Board must be certified in accordance with this Article.

Section 20-98. **Procedures Summary.**

- a. The following table summarizes permit, review, and certification procedures within the Cannon River land use district designated by this Article:

Types of Activities	Procedures
Building Permits	LP
Sign Construction Permits	LP
Water Supply Permits	LP
Sewage System Permits	LP
Grading, Filing Permits	LP
Conditional Use Permits	PH – FD
Amendments to Ordinance	PH – FD – CC
Variances	PH – FD – CC
Inconsistent Plats	PH – FD – CC
Planned Cluster Developments	PH – PA – FD – CC
Plats	FD

LP – Permit issued by Bridgewater Township in accordance with this Article and all other Town ordinances.

PH – Copy of public hearing notice or application sent so as to be received by the Commissioner at least thirty (30) days prior to the hearing or meeting.

CC – Action becomes effective only when the Commissioner certifies its compliance with the Act, statewide standards and criteria, and the Cannon River rules.

FD – A copy of the final determination is forwarded to the Commissioner.

PA – Preliminary plans approved by the Commissioner prior to their enactment by Bridgewater Township.

Section 20-99. **Enforcement.**

- a. It is declared unlawful for any person to violate any of the terms and provisions of this Article. Violation thereof shall be a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- b. In the event of a violation or a threatened violation of this Article, the Bridgewater Town Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, or abate such violations or threatened violations.

Section 20-100 through 20-110. **Reserved.**

Article IX. “S” Shoreland District**Section 20-111. Statutory Authorization and Policy.**

- a. **Statutory Authorization.** The State of Minnesota in Minn. Stat., Chapter 103F, has defined shoreland areas and described the limitations on uses and locations of structures in those areas. This Article implements the requirements of Minn. Stat., Chapter 103F and Minnesota Rules, parts 6120.2500 – 6120.3900, by establishing special land use provisions for lake and river Shoreland Districts within Bridgewater Township. In addition, Minn. Stat. § 462.357 authorizes development of shoreland regulations by local units of government.
- b. **Policy.** The uncontrolled use of shorelands in Bridgewater Township affects the public health, safety and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision, use and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by Bridgewater Township.

Section 20-112. General Provisions and Definitions.

- a. **Jurisdiction.** The jurisdiction of this Article shall apply to all public water bodies and land located within the Shoreland District as classified in Section 20-114 of this Article. Public waters are defined in Minnesota Statutes § 103G.005, Subd. 15. A private user, where no previous shoreland existed, may be exempt from this Article at the discretion of the Bridgewater Town Board.
- b. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land with Bridgewater Township shall be in full compliance with the terms of this Article and other applicable regulations.
- c. **Enforcement.** The Zoning Administrator is responsible for the administration and enforcement of this Article. Any violation of the provisions of this Article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances, conditional or interim uses) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Article can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 20-3 (a) of this Article.
- d. **Interpretation.** In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements and shall be liberally construed in favor of Bridgewater Township and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

- e. Severability. If any section, clause, provision, or portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected thereby.
- f/. Abrogation and Greater Restrictions. It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only.
- g. Definitions. Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give the same meaning as they have in common usage and so as to give this Article its most reasonable application. For the purpose of this Article, the words “must,” “will,” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Accessory structure or facility means any building or improvement subordinate to a principal use that, because of the nature of its use, can reasonably be located at or greater than normal setbacks.

Bluff means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance for 50 feet or more shall not be considered part of a bluff):

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

Bluff impact zone means a bluff and land located within thirty feet (30') feet from the top of a bluff.

Boathouse means a structure designed and used solely for the storage of boats or boating equipment.

Board of Adjustment. The Town Board of Supervisors

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

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

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

Commissioner means the Commissioner of the Department of Natural Resources.

Conditional Use means a land use or development as defined by Ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the Town's comprehensive land use plan, and the use is compatible with the existing neighborhood.

Deck means a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet (3') above ground.

Duplex, triplex and quad means a dwelling unit on a single lot, having two, three, and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.

Dwelling site means a designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

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

Forest land conversion means the clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Guest cottage means a structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Hardship means the same as defined in Minnesota Statutes Chapter 462.

Height of building means the vertical distance between the highest adjoining ground level at the building or ten feet (10') above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Industrial use means the use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive vegetation clearing means the complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Interim Use. Temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit the use, as authorized by Minnesota Statutes, Chapter 462.3597.

Lot means a parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation.

Lot width means the shortest distance between lot lines measured at the midpoint of the building line.

Nonconformity means any legal use, structure or parcel of land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

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

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

Public waters means any waters as defined in Minnesota Statutes, Section 103G.005, Subd. 15, 15a, as amended from time to time.

Residential planned unit developments means a use where the nature of residency is nontransient and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Semipublic use means the use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.

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

Setback means the minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system means a septic tank and soil absorption system or other individual or cluster type sewage treatment system as described and regulated in Section 20-5 (h) of this Ordinance.

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

Shore impact zone means land located between the ordinary high water level of a public water and a line parallel to it at a setback of fifty percent (50%) of the structure setback.

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

Significant historic site means any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, Section 307.08. A historic site meets these criteria if it is presently listed on either register or it is determined to meet the qualifications for listing after review by the Minnesota state archeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

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

Structure means any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

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

Surface water-oriented commercial use means the use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Toe of the bluff means the lower point of a fifty-foot (50') segment with an average slope exceeding eighteen percent (18%).

Top of the bluff means the higher point of a fifty-foot (50') segment with an average slope exceeding eighteen percent (18%).

Variance means the same as defined or described in Minnesota Statutes, Chapter 462.

Water-oriented accessory structure or facility means a small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to a surface water features, reasonably needs to be located closer to public waters than the normal structure setback, Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland means a surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 edition).

Section 20-113. **Administration.**

- a. **Permits Required.**
 1. A permit is required for the construction of buildings or building additions (and including such related activities of decks and signs), the installation and/or alteration of sewage treatment systems, and those grading and filling activities not exempted by Section 20-115 (d) of this Article. Application for a permit shall be made to the Zoning Administrator on the forms provided. The application shall include all necessary information so that the Zoning Administrator can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
 2. A permit authorizing an addition to an existing structure shall stipulate that an identified nonconforming sewage treatment system, as defined by Section 20-116, shall be reconstructed or replaced in accordance with the provisions of this Ordinance.
- b. **Certificate of Zoning Compliance.** The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 20-112 (a) of this Article. This certificate will specify that the use of land conforms to the requirements of this Article. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this Article and shall be punishable as provided in Section 20-112 (c) of this Article.
- c. **Variances.**
 1. Variances may only be granted in accordance with Minnesota Statutes, Chapter 462. A variance may not circumvent the general purposes and intent of this Article. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Conditions may be imposed in the granting of a variance to ensure compliance and to protect adjacent properties and the public interest. In considering a variance request, the

Board of Adjustment must also consider whether the property owner has reasonable use of the land without the variance, whether the property is used seasonally or year-round, whether the variance is being requested solely on the basis of economic considerations, and the characteristics of development on adjacent properties.

2. The Board of Adjustment shall hear and decide requests for variances in accordance with the rules it has adopted for the conduct of business. (See Article XVIII of this ordinance for the process for variances.) When a variance is approved in the Shoreland District after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance required in Section 20-110 (d) 2 of this Article below shall also include the Board of Adjustment's minutes of the public hearing and findings of fact and conclusions that supported the issuance of the variance.
 3. For existing developments, the application of a variance must clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, must require reconstruction of a nonconforming sewage treatment system.
- d. Notification to the Department of Natural Resources.
- a. Copies of all notices of any public hearings to consider variances, amendments, and conditional or interim uses under this Article must be sent to the Commissioner or the Commissioner's designated representative and postmarked at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.
 - b. A copy of approved amendments and subdivision/plats, and final decisions granting variances, conditional uses, or interim uses under this Article must be sent to the Commissioner or Commissioner's designated representative and postmarked within ten (10) days of final action.

Section 20-114. **Shoreland Classification System and Land Use Districts.**

- a. **Shoreland Classification System.** The public waters of Bridgewater Township have been classified below consistent with the criteria found in Minnesota Rules, Part 6120.3300, and the Protected Waters Inventory Map for Rice County, Minnesota.

The shoreland area for the waterbodies listed in Section 20-114 (a), 2, 3 and 4 shall be as defined in Section 20-115(a) and as shown on the Township Official Zoning Map.

The public waters of Bridgewater Township have been classified, as listed below, consistent with the criteria in Minnesota Rules Parts 6120.3200, 6105.1680, and Minn. Stat. 103F.301 et seq, the Protected Waters Inventory Map for Rice County, Minnesota, dated 1984, and Department of Natural Resource's Commissioner's Order dated January 15, 1985.

1. **Wild and Scenic (WS) rivers.** The following river sections are classified as wild and scenic rivers in a Wild and Scenic River (WS) District, and development within the WS District shall conform to the Wild and Scenic Rivers Act (Minn.

Stat. § 103F.301 - .345), the Wild, Scenic and Recreational Rivers Statewide Standards (Minn. Rules, Parts 6105.0010 - .0250 and 6105.1550 - .1700) and the provisions of Article XIII of this Ordinance.

Name of River: Cannon River and its tributaries.

2. **Public Water Wetland Basins.**

The public water wetland basins as identified in the Rice County inventory shall be classified as public water wetland basins for the purpose of this ordinance.

3. **Tributary System.** All protected watercourses in the Bridgewater Township shown on the Protected Waters Inventory map for Rice County, a copy of which is hereby adopted by reference, not given a classification above, shall be considered “Tributary” and treated the same as agricultural rivers.

4. **Public Drainage Ditches.** All ditches shown as public drainage ditches on the public drainage maps kept by the Rice County Auditor shall be classified public drainage ditches.

- b. Purpose. The purpose of the Shoreland (S) District is to guide the wise development of shorelands of public waters for the preservation of water quality, natural characteristics, economic values, and the general health, safety, and welfare of all public waters in Bridgewater Township. For purposes of this Article, the following sub district is established and shall apply to all areas listed in Section 20-114 (a) of this Article:

SP – Special Protection

1. The delineation of the Special Protection District is consistent with the goals, policies and objectives of the Town’s Comprehensive Land Use Plan and the following criteria, considerations and objectives:
 - A. Preservation of natural resources;
 - B. Present ownership and development of shoreland areas.
 - C. Shoreland soil types and their engineering capabilities.
 - D. Topographic characteristics.
 - E. Vegetative cover.
 - F. In-water physical characteristics, values, and constraints;
 - G. Recreational use of the surface water;
 - H. Road and service center availability.
 - I. Socioeconomic development needs and plans as they involve water and related land resources;

- J. The land requirements of industry, which by its nature, requires location in shoreland areas; and
 - L. The necessity to preserve and restore certain areas having significant historical or ecological value.
- c. Use and Upgrading of Inconsistent Land Use Districts.
- 1. Inconsistent land use districts may continue until revisions are proposed to change either the land use district designation within an existing land use district boundary shown on the Official Zoning Map or to modify the boundary of an existing land use district shown on the official Zoning Map.
 - 2. When a revision is proposed to an inconsistent land use district provision, the following additional criteria and procedures shall apply:
 - A. For Rivers and Streams. When a revision to a land use district designation on a river or stream is proposed, the land use district boundaries and the use provisions therein for all shoreland on both sides of the river or stream within the same classification within the jurisdiction of this Article must be revised to make them substantially compatible with this section. If the same river classification is contiguous for more than a five-mile segment, only the shoreland for a distance of 2.5 miles upstream and downstream, or the class boundary if closer, need be evaluated and revised.
 - B. When an interpretation questions arises about whether a specific land use fits within the shoreland SP districts, the interpretation shall be made by the Board of Adjustment. When a question arises as to whether a land use district's boundaries are properly delineated on the Official Zoning Map, this decision shall be made by the Town Board after recommendation of the Planning Commission.
 - C. When a revision is proposed to an inconsistent land use district provision by an individual party or landowner, this individual party or landowner will only be responsible to provide supporting and/or substantiating information for the specific parcel in question. The Town Board may direct the Zoning Administrator to provide such additional information for this waterbody as is necessary to determine compliance with this section.
 - D. The Town Board must make a detailed finding of facts and conclusion when taking final action that this revision, and the upgrading of any inconsistent land use designation on said waterbody, are consistent with the enumerated criteria and land use provisions of this section.

Section 20-115. **Zoning and Water Supply/Sanitary Provisions.**

- a. Performance Standards for Shoreland Areas of Agricultural Rivers, Tributary Streams, Protected Public Water Wetland Basins and Public Drainage Ditches.
 1. Agricultural river, tributary streams, public wetland basins, and public drainage ditches. The boundaries of an agricultural river, tributary stream, public water wetland basin and public drainage ditch shoreland areas are all land along such water bodies bounded generally by the greater distance of the following:
 - A. 300 feet from the ordinary high water level of an agricultural river or tributary stream; or
 - B. 300 feet from the ordinary high water level of an agricultural river or tributary stream; or
 - C. 100 feet from the ordinary high water mark of a public water wetland basin; or
 - D. The landward extent of a flood plain designated by the Floodplain District.
 2. Zoning District Regulations Apply. The regulations established in this Ordinance for the underlying zoning district shall apply to structures and uses within agricultural river, tributary stream, public water wetland basin, and public ditch shoreland areas, except that:
 - A. Permitted uses shall only be those listed as permitted in the underlying zoning district as designated with a “P” in the Table in Article III, Section 20-24 of this Ordinance. All other uses shall be prohibited.
 - B. Structures shall be set back a minimum of one hundred feet (100’) from the ordinary high water level (OHWL) and from the top of a public drainage ditch.
 - i. Setbacks shall be measured at right angles from the ordinary high water level or the top of the bank to the building line.
 - ii. Structures include roads, driveways and parking areas,
 - C. The maximum height of an accessory building shall be sixteen feet (16’).
 - D. The regulations for agricultural use standards, shore impact zone/bluff impact zone, and placement of roads, driveways and parking areas in this Article shall apply to agricultural rivers, tributary stream, public water wetland basin, and public drainage ditch shoreland areas.
 - E. On-site sewage treatment must meet the setbacks for structures from the ordinary high water level in B (1) above.

- F. Where available, publicly-owned sewer systems must be used within one (1) year of the date of issuance of a permit under this Ordinance.
- G. Minimum lot area shall be as required in the underlying zoning district.
- H. Density shall be as allowed in the underlying zoning district.

3. Placement and Height of Structures.

A. Placement of structures on lots. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the ordinary high water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows:

- i. Structure and on-site sewage treatment system setbacks (in feet) from the ordinary high water level:

Agricultural Rivers:

Unsewered lots – 100 feet from OHWL

Sewered lots -- 50 feet from OHWL

Sewage treatment system – 75 feet from OHWL

One water-oriented accessory structure designed in accordance with this section may be set back a minimum distance of ten (10) feet from the ordinary high water level.

- ii. Additional structure setbacks. The following structure setbacks apply, regardless of the classification of the waterbody:

Setback from	Setback in feet
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of Federal, state or county Highway	50
Right-of-way line of town road, public street, or other roads or streets not classified	40

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- iii. Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.
 - iv. Uses without water-oriented needs. Uses without water-oriented needs must be located on lots or parcels without public water frontage, or, if located on lots or parcels with public water frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
4. Additional Special Provisions.
- A. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.
- b. Design Criteria for Structures.
- 1. High Water Elevations. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:
 - A. For rivers and streams, by placing the lowest floor at least three feet above the flood of record, if data is available. If data is not available, by placing the lowest floor at least three feet (3') above the ordinary high water level, or by conducting a technical evaluation to determine effects of a proposed construction upon flood stages and flood flows and to establish a flood protection elevation. Under all three approaches, technical evaluations must be done by a qualified engineer or hydrologist consistent with parts 6120.5000 to 6120.6200 governing the management of flood plain areas. If more than one approach is used, the highest flood protection elevation determined must be used for placing structures and other facilities.
 - B. Water-oriented accessory structures must have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
 - 2. Water-oriented accessory structures. Each lot may have one water-oriented accessory structure not meeting the normal structure setbacks of Section 20-

115(a) 3 of this Article if this water-oriented accessory structure complies with the following provisions:

- A. The structure or facility must not exceed ten feet (10') in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. Detached decks must not exceed eight feet (8') above grade at any point;
 - B. The setback of the structure or facility from the ordinary high water level must be at least ten feet (10');
 - C. The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
 - D. The roof may be used as a deck with safety rails, but must not be enclosed or used as a storage area; and
 - E. The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
3. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
- A. Stairways and lifts must not exceed four feet (4') in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public open-space recreational properties, and planned unit developments;
 - C. Canopies or roofs are not allowed on stairways, lifts or landings;
 - D. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;
 - E. Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
 - F. Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore

areas, provided that the dimensional and performance standards of sub items (a) to (e) are complied with in addition to the requirements of Minnesota Rules, Chapter 1340.

4. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and document in a public repository.
 5. Steep slopes. The Zoning Administrator or designee must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation, and screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on conditions.
- c. Vegetation Alterations.
1. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by Section 20-115 (e) of this Article are exempt from the vegetation alteration standards that follow.
 2. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in Section 20-115 (f) 2 and 3, respectfully, is allowed subject to the following standards:
 - A. Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - B. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairway and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - i. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - ii. Along rivers, existing shading of water surfaces is preserved.

- iii. Along rivers, existing shading of water surfaces is preserved.
- d. Topographic Alterations/Grading and Filling.
- 1. Grading and filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this Section must be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways.
 - 2. Public roads and parking areas are regulated by Section 20-115 (e) of this Article.
 - 3. Notwithstanding items 1 and 2 above, a grading and filling permit will be required for:
 - A. The movement of more than ten (10) cubic yards of material on steep slopes or within a shore or bluff impact zones; and
 - B. The movement of more than fifty (50) cubic yards of material outside of steep slopes and shore and bluff impact zones.
 - 4. The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, interim use permits, variances and subdivision approvals
 - A. Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - i. Sediment and pollutant trapping and retention;
 - ii. Storage of surface runoff to prevent or reduce flood damage;
 - iii. Fish and wildlife habitat;
 - iv. Recreational use;
 - v. Shoreline or bank stabilization; and
 - vi. Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.
 - B. Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;

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- C. Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
 - D. Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used;
 - E. Altered areas must be stabilized to acceptable erosion control standards consistent with the field office technical guides of the local soil and water conservation districts and the United States Soil Conservation Service;
 - F. Fill or excavated material must not be placed in bluff impact zones;
 - G. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - H. Fill or excavated material must not be placed in a manner that creates an unstable slope;
 - I. Any alterations below the ordinary high water level of public waters must first be authorized by the Commissioner under Minnesota Statutes, Section 103G;
 - J. Alterations of topography must only be allowed if they are accessory to permitted, conditional or interim uses and do not adversely affect adjacent or nearby properties; and
 - K. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet (3') horizontal to one foot (1') vertical, the landward extent of the riprap is within ten feet (10') of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet (3').
5. Connections to public waters. Excavations where the intended purpose is connection to a public water, such as boat slips, canals, lagoons, and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner has approved the proposed connection to public waters.
- e. Placement and Design of Roads, Driveways and Parking Areas.
- 1. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and

- control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
2. Road, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, the road, driveway or parking area may be placed within these areas and must be designed to minimize adverse impacts.
 3. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of Section 20-5 (d) 4 of this Article must be met.
- f. Stormwater Management. The following general and specific standards shall apply:
1. General Standards.
 - A. When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
 - B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
 - C. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.
 2. Specific Standards.
 - A. Impervious surface coverage of lots must not exceed 25 percent of the lot area.
 - B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district.

- C. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
- g. Special Provisions for Commercial, Industrial, Public/Semipublic, Agricultural, Forestry and Extractive Uses and Mining of Metallic Minerals and Peat.
- 1. Standards for Commercial, Industrial, Public and Semipublic Uses. Surface water-oriented commercial uses and industrial, public, or semipublic uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:
 - A. In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this Ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - B. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
 - C. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff;
 - ii. Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information. Such signs must only convey the location and the name of the establishment and the general types of goods or services available. The signs must not contain other detailed information such as product brands and prices, must not be located higher than ten feet (10'0) above the ground, and must not exceed 32 square feet in size. If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination out across public waters; and
 - iii. Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

2. Uses without water-oriented needs. Uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.
3. Agriculture Use Standards.
 - A. General cultivation, farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under and approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States Soil Conservation Service, as provided by a qualified individual or agency. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.
 - B. Animal feedlots must meet the following standards:
 - i. New feedlots must not be located in the shoreland of watercourses or in bluff impact zones and must meet a minimum setback of 300 feet from the ordinary high water level of all public water basins; and
 - ii. Modifications or expansions to existing feedlots that are located within 300 feet of the ordinary high water level or within a bluff impact zone are allowed if they do not further encroach into the existing ordinary high water level setback or encroach on bluff impact zones.
4. Forest Management Standards. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the “Minnesota Nonpoint Source Pollution Assessment -- Forestry” and the provisions of “Water Quality in Forest Management: Best Practices in Minnesota.”
5. Extractive Use Standards.
 - A. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

- B. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.
 - C. Mining of Metallic Minerals and Peat. Mining of metallic minerals and peat, as defined in Minnesota Statutes, Section 93.44 to 93.51, shall be a permitted use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51 are satisfied.
- h. Conditional Uses. Conditional uses allowable within shoreland areas shall be subject to the review and approval procedures and criteria and conditions for review of conditional uses established community-wide. The following additional evaluation criteria and conditions apply within shoreland areas:
- 1. Evaluation Criteria. A thorough evaluation of the waterbody and the topographic, vegetation, and soils conditions on the site must be conducted to ensure:
 - A. The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - B. The visibility of structures and other facilities as viewed from public waters is limited;
 - C. The site is adequate for water supply and on-site sewage treatment; and
 - D. The types, uses, and numbers of watercraft that the project will generate in relation to the suitability of public waters to safely accommodate these watercraft.
 - 2. Conditions attached to Conditional Use Permits. The Town Board, upon consideration of the criteria listed above and the purposes of this Article, shall attach such conditions to the issuance of a conditional use permit as it deems necessary to fulfill the purposes of this Article. Such conditions may include, but are not limited to, the following:
 - A. Increased setbacks from the ordinary high water level;
 - B. Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
 - C. Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.
- i. Water Supply and Sewage Treatment.

1. Water Supply. Any public or private supply or water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
2. Sewage Treatment. Any premises used for human occupancy must be provided with an adequate method of sewage treatment, as follows:
 - A. Publicly-owned sewer systems must be used where available.
 - B. All private sewage treatment systems must meet or exceed the Minnesota Pollution Control Agency's standards for individual sewage treatment systems contained in the document titled "Individual Sewage Treatment Systems Standards, Chapter 7080, a copy of which is hereby adopted by reference and declared to be a part of this Article.
 - C. On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in Section 115 (A) 3 of this Article.
 - D. All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in subparts (a) through (d) of this section. If the determination of a site's suitability cannot be made with publicly available, existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.

The evaluation criteria shall include the following:

- i. Depth to the highest known or calculated ground water table or bedrock;
 - ii. Soil conditions, properties, and permeability;
 - iii. Slope; and
 - iv. The existence of lowlands, local surface depressions, and rock outcrops.
- E. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 20-6 of this Article.

Section 20-116. **Nonconformities.** All legally established nonconformities as of the date of this Ordinance may continue, but they will be managed according to applicable state statutes and other Town regulations for the subjects of alteration and additions, repair after damage, discontinuance of use, and intensification of use, except that the following standards will also apply in shoreland areas:

- a. Construction on nonconforming lots of record.

1. Lots of record in the office of the county recorder on the date of enactment of local shoreland controls that do not meet the requirements of Section 20-115 (a) of this Article may be allowed as building sits without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Article are met.
 2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
 3. If, in a group of two or more contiguous lots under the same ownership, any individual lot does not meet the requirements of Section 20-115 (a) of this Article, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of Section 20-115 (a) of this Article as much as possible.
- b. Additions/expansions to Nonconforming Structures.
1. All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Section 20-115 of this Article. Any deviation from these requirements must be authorized by a variance pursuant to Section 20-113(c) of this Article.
 2. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - A. The structure existed on the date the structure setbacks were established;
 - B. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
 - C. The deck encroachment toward the ordinary high water level does not exceed fifteen percent (15%) of the existing setback of the existing structure from the ordinary high water level or does not encroach closer than thirty feet (30'), whichever is more restrictive; and
 - D. The deck is constructed primarily of wood, and is not roofed or screened.
- c. Nonconforming sewage treatment systems.
1. A sewage treatment system not meeting the requirements of Section 20-115 of this Article must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on, or use of, the property. For the purposes of this provision, a sewage treatment system shall not be considered

nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.

2. The Town Board has, by formal resolution, notified the Commissioner of its program to identify nonconforming sewage treatment systems. Bridgewater Township will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time which will not exceed two years. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes, Section 103F, in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the Minnesota Pollution Control Agency's Chapter 7080 for design of on-site sewage treatments systems, shall be considered nonconforming.

Section 20-117. Subdivision/Platting Provisions.

- a. **Land Suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 20-8 of this Article, must be suitable in its natural state for the proposed use with minimal alteration. Suitability analysis by the Town shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to health, safety, or welfare of future residents of the proposed subdivision or of the community.
- b. **Consistency with other controls.** Subdivisions must conform to all official controls of Bridgewater Township. A subdivision will not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. In areas not currently served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with Section 20-115 of this Article can be provided for every lot. Each lot shall meet the minimum lot size and dimensional requirements of Section 115 (a) of this Article, including at least a minimum contiguous lawn area, that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.
- c. **Information Requirements.** Sufficient information must be submitted by the applicant for the Town to make a determination of land suitability. The information shall include at least the following:
 1. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limited site characteristics;
 2. The surface water features required in Minnesota Statutes, § 505.02, Subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources;

3. Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
 4. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities.
 5. Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and
 6. A line or contour representing the ordinary high water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.
- d. Dedications. When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.
 - e. Platting. All subdivisions that create five or more lots that are 2 ½ acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, § 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after these official controls were enacted unless the lot was approved as part of a formal subdivision.
 - f. Controlled Access or Recreational Lots. Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision must meet or exceed the sizing criteria in Section 20-115 of this Article.

Section 20-118. **Planned Unit Developments (PUD’S)**

- a. Types of PUD’s Permissible. Planned unit developments (PUD’s) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. The land use districts in which they are an allowable use are identified in the land use district descriptions in Sections 20-114 and 20-115 of this Article.
- b. Processing of PUD’s. Planned unit developments must be processed as a conditional use, except that an expansion to an existing commercial PUD involving six (6) or less new dwelling units or sites since the date this Ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedure in Section 20-8 (e) of this Article. Approval cannot occur until the environmental review process (EAW/EIS) is complete.
- c. Application for a PUD. The applicant for a PUD must submit the following documents prior to final action being taken on the application request:

1. A site plan and/or plat for the project showing locations of property boundaries, surface water features, existing and proposed structures and other facilities, land alterations, sewage treatment and water supply systems (where public systems will not be provided), and topographic contours at ten-foot intervals or less. When a PUD is combined commercial and residential development, the site plan and/or plat must indicate and distinguish which buildings and portions of the project are residential, commercial, or a combination of the two.
 2. A property owners association agreement (for residential PUD’s) with mandatory membership, and all in accordance with the requirements of Section 20-118 (f) of this Article.
 3. Deed restrictions, covenants, permanent easements or other instruments that (a) properly address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUD’s; and (b) ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 20-118 (f) of this Article.
 4. When necessary, a master plan/drawing describing the project and the floor plan for all commercial structures to be occupied.
 5. Those additional documents as requested by the Zoning Administrator that are necessary to explain how the PUD will be designed and how the PUD will function
- d. Site “Suitable Area” Evaluation. Proposed or new expansions to existing planned unit developments must be evaluated using the following procedures and standards to determine the suitable area for the dwelling unit/dwelling site density evaluation in Section 20-118 (e) of this Article.
1. The project parcel must be divided into tiers by locating one or more lines approximately parallel to a line that identifies the ordinary high water level at the following intervals, proceeding landward:

	Unsewered	Sewered
All river classes	300 feet	300 feet
 2. The suitable area within each tier is next calculated by excluding from the tier area all wetlands, bluffs, or land below the ordinary high water level of public waters. This suitable area and the proposed project are then subjected to either the residential or commercial planned unit development density evaluation steps to arrive to an allowable number of dwelling units or sites.\
- e. Residential and Commercial PUD Density Evaluation. The procedures for determining the “base” density of a PUD and density increase multipliers are as follows. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any other tier closer.

1. Residential PUD “Base” Density Evaluation. For rivers, the suitable area within each tier is divided by the single residential lot width standard times the tier depth. Proposed locations and numbers of dwelling units or sites for the residential planned unit developments are then compared with the tier, density, and suitability analyses herein and the design criteria in Section 20-118 (f) of this Article.
2. Commercial PUD “Base” Density Evaluation.
 - A. Determine the average inside living area size of dwelling units or sites within each tier, including both existing and proposed units and sites. Computation of inside living area sizes need not include decks, patios, stoops, steps, garages, or porches and basements, unless they are habitable space.

- B. Select the appropriate floor area ratio from the following table:
 Commercial Planned Unit Development
 Floor Area Ratios
 Public Waters Classes

Average unit floor area (square feet)*	Sewered general development lakes, first tier on unsewered general development lakes; urban, agricultural, tributary river segments
200	.040
300	.048
400	.056
500	.065
600	.072
700	.082
800	.091
900	.099
1,000	.108
1,100	.116
1,200	.125
1,300	.133
1,400	.142
1,500	.150

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

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

- D. Divide the total floor area by tier as computed in Item C above by the average inside living area size determined in Item A above. This yields a base number of dwelling units and sites for each tier.
- E. Proposed locations and numbers of dwelling units or sites for the commercial planned unit development are then compared with the tier, density and suitability analyses herein and the design criteria in Section 20-118 (f).

3. Density Increase Multipliers.

- A. Increases to the dwelling unit or dwelling site base densities previously determined are allowable if the dimensional standards in Section 20-115 of this Article are met or exceeded and the design criteria in Section 20-118 (f) of this Article are satisfied. The allowable density increases in Item B below will only be allowed if structure setbacks from the ordinary high water level are increased to at least fifty percent (50%) greater than the minimum setback, or the impact on the waterbody is reduced to an equivalent amount through vegetative management, topography, or additional means acceptable to Bridgewater Township and the setback is at least 25 percent greater than the minimum setback.
- B. Allowable Dwelling Unit or Dwelling Site Density Increases for Residential or Commercial Planned Unit Developments

Density Evaluation Tiers	Maximum Density Increase within each tier (percent)
First	50
Second	100
Third	200
Fourth	200
Fifth	200

f. Maintenance and Design Criteria.

1. Maintenance and Administration Requirements.

- A. Before final approval of a planned unit development, adequate provisions must be developed for preservation and maintenance in perpetuity of open spaces and for the continued existence and functioning of the development.
- B. Open space preservation. Deed restrictions, covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means must be provided to ensure long-term preservation and maintenance of open space. The instruments must include all of the following protections.

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- i. Commercial uses prohibited (for residential PUD's);
 - ii. Vegetation and topographic alterations other than routine maintenance prohibited;
 - iii. Construction of additional buildings or storage of vehicles and other materials prohibited; and
 - iv. Uncontrolled beaching of watercraft prohibited.
- C. Development organization and functioning. Unless an equally effective alternative community framework is established, when applicable, all residential planned unit developments must use an owners association with the following features:
- i. Membership must be mandatory for each dwelling unit or site purchaser and any successive purchasers;
 - ii. Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or sites;
 - iii. Assessments must be adjustable to accommodate changing conditions; and
 - iv. The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.
- D. Open space requirements. Planned unit developments must contain open space meeting all of the following criteria:
- i. At least fifty percent (50%) of the total project area must be preserved as open space;
 - ii. Dwelling units or sites, road rights-of-way, or land covered by road surfaces, parking areas, or structures, except water-oriented accessory structures or facilities, are developed areas and shall not be included in the computation of minimum open space;
 - iii. Open space must include areas with physical characteristics unsuitable for development in their natural state, and areas containing significant historic sites or unplatted cemeteries;
 - iv. Open space may include outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

- v. Open space may include subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems;
 - vi. Open space must not include commercial facilities or uses, but may contain water-oriented accessory structures or facilities.
 - vii. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved by use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means; and
 - viii. The shore impact zone, based on normal structure setbacks, must be included as open space. For residential PUD's, at least fifty percent (50%) of the shore impact zone area of existing developments or at least seventy percent (70%) of the shore impact zone area of new developments must be preserved in its natural or existing state. For commercial PUD's, at least fifth percent (50%) of the shore impact zone must be preserved in its natural state.
2. Erosion Control and Stormwater Management. Erosion control and stormwater management plans must be developed and the PUD must:
- A. Be designed, and the construction managed, to minimize the likelihood of serious erosion occurring either during or after construction. This must be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, vegetated buffer strips, or other appropriate techniques must be used to minimize erosion impacts on surface water features. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant; and
 - B. Be designed and constructed to effectively manage reasonable expected quantities and qualities of stormwater runoff. Impervious surface coverage within any tier must not exceed 25 percent of the tier area, except that for commercial PUD's, 35 percent impervious surface may be allowed in the first tier of general developments lakes with an approved stormwater management plan and if consistent with Section 20-113 of this Article.
3. Centralization and Design of Facilities. Centralization and design of facilities and structures must be done according to the following standards:
- A. Planned unit developments must be connected to publicly owned water supply and sewer systems, if available. On-site water supply and sewage treatment systems must be centralized and designed and installed to meet or exceed applicable standards or rules of the Minnesota Department of Health and Sections 20-115 (b) and 20-115 (g) of this Article. On-site sewage treatment systems must be located on the most suitable areas of

- the development, and sufficient lawn area free of limiting factors must be provided for a replacement soil treatment system for each sewage system;
- B. Dwelling units or sites must be clustered into one or more groups and located on suitable areas of the development. They must be designed and located to meet or exceed the following dimensional standards for the relevant shoreland classification for setback from the ordinary high water level, elevation above the surface water features, and maximum height. Setbacks from the ordinary high water level must be increased in accordance with Section 20-118 of this Article for developments with density increases;
 - C. Shore recreation facilities, including but limited to, swimming areas, docks, and watercraft mooring areas and launching ramps, must be centralized and located in areas suitable for them. Evaluation of suitability must include consideration of land slope, water depth, vegetation, soils, depth to groundwater and bedrock, or other relevant factors. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding mooring sites in an existing commercially used harbor). Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites in other tiers;
 - D. Accessory structures and facilities, except water-oriented accessory structures, must meet the required principal structure setback and must be centralized; and
 - E. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contain in Section 20-115 of this Article and are centralized.
- g. Conversions. Existing resorts or other land uses and facilities may be converted to residential planned unit developments if the following standards are met:
- 1. Proposed conversions must be initially evaluated using the same procedures for residential planned unit developments involving all new construction. Inconsistencies between existing features of the development and these standards must be identified.
 - 2. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit.
 - 3. Shore and bluff impact zones deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

- A. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;
 - B. Remedial measures to correct erosion sites and improve vegetative cover and screening of buildings and other facilities as viewed from the water; and
 - C. If existing dwelling units are located in shore and bluff impact zones, conditions are attached to approvals of conversions that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.
4. Existing dwelling unit or dwelling site densities that exceed standards in Section 20-118 of this Article may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Sections 20-119 through 20-124.

Reserved.

Article X Specific Development Standards.

Section 20-125. **Purpose.** The standards of this Article are to establish supplemental regulations to address the unique characteristics of certain land uses.

Section 20-126. **Applicability.** The standards in this Article apply to the uses listed within the zoning districts in which they are allowed, whether the uses are permitted, conditional or permitted with an interim use permit. The standards in this Article shall apply in addition to the general criteria for conditional and interim uses in Article XVIII of this Ordinance, and all other applicable regulations.

Section 20-127. Standards for Residential and Related Uses.

- a. Accessory temporary farm dwelling. See Section 20-134 of this Article on Structures Accessory and Temporary to Permitted Uses.
- b. Single-family detached dwelling. The following standards apply to construction of single-family dwellings:
 1. No dwelling shall be located upon soil that is poorly drained, structurally inadequate, or construction upon which would create erosion control problems.
 2. The parcel shall have frontage of 250 feet on a publicly maintained road unless constructed as part of a cluster development. No access to public roads shall be placed in any hazardous locations relative to curves, hills, or vegetation that offer potential safety hazards.
 3. All individual sewage treatment systems (ISTS) must meet Minnesota Pollution Control Agency Rules, Chapter 7080, as amended, and as regulated by this Ordinance. A minimum of two suitable locations for an on-site shall be identified on a residential lot before a building permit or sewer permit is issued. One site shall be designated as a primary site and the other a secondary site. The secondary site shall be preserved and no construction shall be permitted on the secondary site nor shall the site be used for an activity that would make it unsuitable for future use as a drainfield. An increase in the minimum lot size may be required to provide for the on-site sewage treatment system requirements.
 4. All dwellings shall meet the minimum standards of the Minnesota Building Code, as adopted.
 5. A dwelling shall not be located on land with an existing slope greater than twelve percent (12%) except where engineering or architectural documentation is provided that satisfies the Township Building Official that the site can be adapted to allow construction of the dwelling unit.
 6. Each dwelling except temporary farm dwellings shall contain a minimum of 960 square feet of livable area. Carports, overhangs, garages and such structures shall not qualify in meeting these requirements. All dwellings must be a minimum of 22 feet in width for two-thirds of the length of the dwelling.

7. Subdivision of any lot to facilitate residential development must comply with the requirements of this Ordinance.
 8. If the garage doors face the road, the doors shall occupy no more than fifty percent (50%) of the front façade.
- c. Residential facilities and permitted single family use. The following, by state statute, are considered permitted single family residential use of property for the purposes of zoning (Minn. Stat. § 46.357 Subd. 7):
1. A state licensed residential facility serving six (6) or fewer persons.
 2. A housing with services establishment registered under Chapter 144D of Minn. Statutes serving six or fewer persons.
 3. A state licensed day care facility serving twelve (12) or fewer persons.
 4. A licensed day care facility under Minn. Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children.
 5. A residential facility whose primary purpose is to treat juveniles who have been adjudicated delinquent on the basis on conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use of single family residential property.
- d. Residential Solar Energy Systems (RSES).
1. Standards for all RSES:
 - A. Excess energy may be sold back to the grid through net metering.
 - B. Are permitted in all districts.
 2. Roof-mounted RSES.
 - A. Roof-mounted solar energy systems shall not cover more than 80 percent of the total area of the roof. Solar energy systems must have 1-3 feet of clearance around all edges to facilitate emergency responder services.
 - B. Roof-mounted solar energy systems shall not be more than 1-5 feet above the roof surface or project beyond the peak of the roof.
 - C. Roof-mounted solar energy systems must be designed to blend into the architecture of the building or be flush-mounted with the roof when facing a public right-of-way.
 3. Free-standing RSES.
 - A. Must meet the district setback standards.
 - B. Cannot exceed 20 feet in height when oriented a maximum tilt.

- C. Are not allowed in the front yard.
- D. May cover no more than 35% of the rear yard and no more than 3 (three) freestanding accessory structures are allowed on lots with a single family dwelling.

Section 20-128. **Standards for Agricultural and Related Uses.**

- a. Farm production. In the RR District, farm production involving livestock is limited to one (1) animal unit per acre, up to a maximum of ten (10) animal units and shall comply with the provisions of the Rice County Feedlot Ordinance in effect on the date of adoption of this ordinance, hereby adopted by reference, and, if required, the regulations of the Minnesota Pollution Control Agency.
- b. Feedlot. All feedlots shall comply with the provisions of the Rice County Feedlot Ordinance, and if required, the regulations of the Minnesota Pollution Control Agency.
- c. Agricultural Businesses.
 - 1. Licensing and site plan approval required. The following businesses are required to obtain a rural business license, submit a request for site plan approval and meet the general standards in Section 20-128 (c) 2:
 - A. Commercial storage in existing agricultural buildings provided the following standards are met:
 - i. No retail sales are allowed.
 - ii. No storage of household goods, textiles or food stuff is permitted.
 - B. General repair and machinery setup as a home occupation with an interim use permit.
 - C. Agricultural product sales and supply as a home occupation with an interim use permit.
 - D. Greenhouse and nursery sales with an interim use permit subject to the following criteria:
 - i. In the agricultural district, the operator must reside at the site.
 - ii. The retail sales shall be accessory to the principal nursery, greenhouse or tree farm;
 - iii. No sale of product shall take place in the public right-of-way of any federal, state, county or township road.
 - iv. All structures, including temporary structures, shall meet the minimum setbacks requirements of the district in which it is located.

- E. The following uses are defined as a feedlot for the purpose of this Ordinance and shall meet the provisions of the Rice County Feedlot Ordinance, as adopted by reference on the date of this ordinance, and if required, the regulations of the Minnesota Pollution Control Agency:
 - i. Animal manure composting site that accepts manure transported from off site. This use also requires a rural business license and site plan approval.
 - ii. Aquaculture, fish farm, subject to the following standards:
 - aa. All aquaculture operations shall comply with the standards set forth in Minn. Stat. § 17.46 to 17.4999 or successor statutes;
 - bb. All aquaculture operations shall be licensed by the State according to Minnesota Rules, part 7050.0216 or successor rules.
 - cc. In order to protect surface and ground water resources, aquaculture operations may be required to include wastewater treatment of to be closed loops with no discharge.
- 2. General Standards for agricultural businesses.
 - A. Outdoor storage. All outdoor storage related to agricultural businesses shall be screened from adjacent residences and public roads.
 - B. Parking. Adequate parking for employees and customers shall be provided on site and shall meet the parking standards of this Ordinance.
 - C. Grounds. The grounds and all structures shall be maintained in a clean and safe manner.
 - D. Signs. All signs shall meet the requirements of this Ordinance.
 - E. Access. The site shall be served by a minor collector or higher functional classification of roadway.
 - F. The use shall comply with all applicable federal, state and local regulations.
 - G. The business is of a scale that the demand for support services such as sewer, water, police, fire protection, roads or streets, can be accommodated within the context of the service levels available in the zoning district.
- d. Standards for Community Solar Energy Systems (CSES).

1. Requires a conditional use permit and, along with the following, must meet the general standards for conditional use permits found in this chapter.
2. Freestanding systems cannot exceed 20 feet in height when oriented at maximum tilt.
3. Freestanding systems must have natural ground cover and must have the ability to be kept in a neat and orderly manner.
4. Freestanding systems must have natural ground cover and must have the ability to be kept in a neat and orderly manner.
5. Are only allowed in the agricultural and urban reserve districts.
6. Systems are limited to no more than 1 MW in size with a special provision for collocation of up to 5 CDED as rule by the Minnesota Public Utility Commission.
7. Must manage stormwater in a manner consistent with this chapter.
8. Decommissioning of a system must occur within 90 days of the end of the system's serviceable life or if the system becomes a discontinued use (one year without energy production). A cash escrow or letter of credit equal to 125% of the cost of decommissioning will be required to ensure decommissioning of a community or utility solar energy system.
9. Security. All community and utility solar systems shall be secured as approved through the conditional use permit process.

Section 20-129. Standards for Commercial Recreation Uses.

- a. General Standards. All commercial recreational uses shown as permitted, conditionally permitted or permitted with an interim use permit in the chart shown in Article 3, Section 20-24, shall meet the following requirements:
 1. Liability insurance required. Operators of commercial recreation uses shall carry liability insurance, and shall provide proof of such insurance to Bridgewater Township upon request of the Zoning Administrator.
 2. Days and hours of operation. The application for a conditional use permit or an interim use permit shall specify the days and hours of operation. The Township may limit the days and hours of operation as a condition of the permit, and may attach additional reasonable requirements to the use.
 3. Licensing and site plan required. Rural business licensing and site plan approval shall be required to establish a commercial recreation use. Site plans shall indicate all proposed recreation areas, sanitary facilities, storage areas, parking, signs, landscaping, and other information need to assess the impacts of the operation.
 4. Vehicles. No unlicensed or inoperable vehicles or vehicle parts shall be stored on-site.

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- b. Flying field for radio-controlled flying aircraft. An interim use permit is required for this use and the following standards shall apply:
1. An interim use permit is required for a flying field for radio-controlled flying aircraft.
 2. The site plan that is submitted as part of the interim use permit application shall indicate take-off area and the area designated for flying, showing that this area meets the minimum setback and buffer requirements.
 3. There shall be a 1,000 foot buffer behind the take-off area for the flying aircraft from the nearest adjacent residence.
 4. There shall be a one-half (1/2) mile buffer extending from either side and in front of the take-off area for the flying aircraft to the nearest adjacent residence.
 5. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use.
 6. It shall be the responsibility of the operator to supervise all flying activities.
 7. The operator must reside at the site.
- c. Golf course, country club, driving range. A conditional use permit is required for this use and the following standards shall apply:
1. The facility shall be located in an area the majority of which consists of forest land or land with a Crop Equivalency Rating of 65 **or less**.
 2. The site shall have access to a paved road.
 3. Storage of pesticides and fertilizers shall follow the standards of the Minnesota Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.
 4. Golf courses shall be designed with environmental resources in mind. Performance standards to this effect include:
 - A. Water recycling and conservation through on-site storage and use facilities.
 - B. Use of landscaped buffers and other Best Management Practices to minimize fertilizer runoff and other chemicals from entering surface water bodies.
 - C. Use of landscaping and careful layout of the golf course to preserve and enhance wildlife habitat through preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.

5. Planted buffers may be required to screen adjacent residential land other uses with potential conflicts with golf course activities.
 6. Parking shall meet the requirements of this Ordinance.
 7. A transportation management plan shall be submitted to address off-street parking, traffic circulation, and the impact of the facility on surrounding roadways.
 8. Signs shall meet the requirements of this Ordinance.
 9. Such facilities that serve food and beverages shall be licensed by Rice County.
 10. If the course is located in the flood plain, the criteria in the Flood Plan District regulations of this Ordinance must be met.
 11. The course must be located on either a minor collector, a major collector or a minor or major arterial road,
 12. There must be adequate fencing to deter trespassing on adjacent property.
 13. On-site sewer must be provided that is in compliance with this Ordinance.
 14. The course must be a minimum of nine holes.
 15. To apply, the applicant must submit information identifying wetlands, watercourse, water bodies and wooded areas. The applicant will also state how the proposal would affect the natural features. The proposal will be reviewed to determine adverse impact on the above natural features and on areas or sites of historical or archeological significance. Conditions may be imposed to limit or prevent adverse impact on the above stated or other natural features.
 16. Appropriate uses accessory to a golf course include but are not limited to a pro shop, a club house, locker room, restaurant and bar, private parties, tennis courts, racquetball, swimming pool, indoor track, exercise room, sauna or steam room, snowmobiling, snowshoeing, and cross country skiing.
 - A. These are uses sometimes found in conjunction with golf courses. Those permitted under a particular conditional use permit will be dependent upon additional parking capacity, the capacity of the on-site sewer system, and the water supply system.
 - B. If these uses are to be permitted, they must be addressed in the operational plan submitted as part of the application. Any change in use requires an amendment to the conditional use permit.
- d. Gun (rifle, shotgun or pistol) or archery range, outdoor. An interim use permit is required for this use and the following standards shall apply:
1. The site shall comply with the National Rifle Association standards.

2. No outdoor shooting range shall be allowed within 500 feet of an existing residence, measured from the property line of the range site, without the permission of the existing residents.
3. A backstop having a minimum height of twenty feet (20') with a top width of at least four feet (4') and side berms having a minimum height of eight feet (8') shall be required unless significant terrain features exist that would take their place. Berms shall meet all of the following criteria:
 - A. The berm shall be provided with a horizontal bullet catcher and ricochet catcher.
 - B. A minimum depth of one foot (1') of clean fill shall be placed on the front side of the berm.
 - C. The berm shall have a minimum compaction of 90% laboratory dry density and the base a compaction of 95% laboratory dry density.
4. A horizontal bullet catcher and a ricochet catcher may be required where natural terrain is utilized for a range instead of a backstop berm or side berm.
5. For skeet, trap shooting and sporting clays, a 300 yard shortfall zone to the front and sides of the range as measured from the center of the firing stations, shall be provided. This area shall be contained wholly within the property on which the range is located, or on property leased by the facility or covered by signed agreement of adjacent property owners.
6. Use of the facility shall be restricted to club members, guests and participants in club events.
7. Gates shall be placed at all road entrances to the property and shall be locked when the facility is not in use by the club.
8. Landscaping, including the planting of trees, shall be provided to screen the range from roads and adjacent residences.
9. It shall be the responsibility of the club to supervise all shooting activities.
10. The operator must reside at the site.
- e. Gun or archery range, indoor. An interim use permit is required for this use and the following standards apply:
 1. All shooting shall be done within an enclosed building, subject to all federal, state and local standards.
 2. The operator must reside at the site.
- f. Hunting club and shooting preserve. A conditional use permit is required for this use and the following standards apply:

1. The perimeter of the property shall be fenced.
 2. Hunting clubs and shooting preserves shall be subject to the standards set forth in Minnesota Statutes, § 97A.115; or successor statutes, and Minnesota Rules, Chapter 6242, or successor rules.
 3. A detailed site plan showing the following features shall be submitted with any application for a hunting club or shooting preserve:
 - A. Property lines
 - B. Wetland boundaries for wetlands within the property
 - C. Adjacent residences and structures within 500 feet of the property line
 - D. Topographic map of the property at a scale to be determined by the Zoning Administrator
 - E. Proposed parking areas, locations of proposed signs and the location of existing and proposed structures
 - F. Layout of proposed hunting area.
 4. Entry to the site shall be by controlled access.
 5. Firearms shall be limited to shotguns and shall not be discharged within 500 feet of a residence.
 6. There shall be no discharge of lead shot into any wetland.
 7. Use of firearms shall be limited and controlled so that no danger of damage shall occur outside the perimeter of the property,
 8. The Planning Commission and Town Board may establish such other conditions deemed necessary to protect the public health, safety and welfare, including, but not limited to, hours and days of operation, sanitation requirements, screening, landscaping, and fencing.
- g. Organized motor sports. This use category is limited to off-road vehicles only. An interim use permit is required for this use and the following standards apply:
1. The majority of the land occupied by the use shall be land with a Crop Equivalency Rating (CER) of 65 or less.
 2. Erosion control plans for trails will be required.
 3. Tracks or trails shall be located at least 500 feet from existing residences.
 4. Noise shall be limited to a maximum level of 50 dB(A) at the nearest property line.

5. The operator must reside at the site.
 6. The facility shall be located on a minimum of twenty (20) acres.
 7. The facility must be located a minimum of 1,000 feet from any residence except that of the landowner and a minimum of ½ miles from ten or more homes existing prior to the application for a permit under this provision.
 8. The facility must be located a minimum of 1,000 feet from a livestock facility.
 9. Sufficient on-site parking shall be provided.
 10. The Town may limit the days and hours of operation as a condition of approval.
 11. A caretaker or attendant must be on the site during hours of operation.
- h. Paint ball course. An interim use permit is required for this use and the following standards apply:
1. The operator must reside at the site.
 2. Related equipment and structures shall be in compliance with all applicable local, state and federal regulatory standards.
 3. The shooting areas shall be set back as follows:
 - A. From the property line: 100 feet.
 - B. From road right-of-way: 100 feet.
 4. Noise shall be limited to a maximum level of 50 d(B)A at the nearest property line.
 5. Paint and balls used shall be non-toxic and of a type non-harmful to the environment.
 6. Screening of the facility from neighboring homes shall be required.
 7. No manufactured homes or travel trailers shall be allowed on the course.
- i. Riding and boarding stable. A conditional use permit is required for this use and the following standards apply:
1. The facility shall be at least five (5) acres in size.
 2. The majority of the land used for trails shall be forest land, or land with Crop Equivalency Ratings of 65 or less.
 3. The facility must be operated in conformance with an approved plan of operation which shall be submitted as part of the application for the conditional use permit.

4. The operator must reside at the site.
- j. Ski slope, snowboarding, tubing or sledding hills, private. An interim use permit is required for this use. (See general standards in Section 20-129 (a) of this Article.)

Section 20-130. **Civic, Educational and Institutional Uses.**

- a. Day care center. A conditional use permit is required for this use and the following standards apply:
 1. All agency permits and/or licenses shall be obtained from all applicable agencies.
 2. When a day care facility is proposed in a church or school building originally constructed for use as a church or school, the use shall be treated as a permitted accessory use.
 3. The building and any exterior fenced areas shall meet the setbacks standards for a single family residence in the district in which it is located.
 4. For child day care facilities, at least 50 square feet of outside play area shall be provided for each child under care. The play area location and fencing shall be included in the site plan application.
 5. For adult day care facilities, at least 150 square feet of outdoor area for seating or exercise shall be provided for each adult under care.
 6. Any signs shall meet the requirements of this Ordinance.
- b. Religious Organizations. A conditional use permit is required for this use which includes churches, chapels, temples, mosques, etc., including cemeteries and normal accessory buildings. Any living quarters, commercial, and outdoor recreational uses shall meet the residential requirements of this ordinance. The following standards shall apply:
 1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the site will generate.
 2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design and construction of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the Township..
 3. The parcel shall have a lot area no less than four times the area of the building foot print.
- c. Campground, public. A conditional use permit is required for this use and the following standards apply:
 1. The campground shall be located in an area, the majority of which consists of forest land or land with a Crop Equivalency Rating of 65 or less.

2. A responsible attendant or caretaker shall be in charge of every recreational camping area at all times and the duties of said attendant or caretaker shall be to maintain records of the campground and keep the facilities and the equipment in a clean, orderly and sanitary condition. The caretaker or attendant shall be the owner or operator of the camping area, or an appointed representative of the same.
3. No mobile home shall be allowed in the campground.
4. Year-round residential use is prohibited. Residential use of camping vehicles, except as permitted for a campground owner or caretaker, shall be prohibited from November 1 to April 1.
5. Recreational area standards are:
 - A. Picnic areas. Picnic areas shall include suitable toilets or privies, and refuse containers consistent with usage demands. Such facilities shall be constructed in accordance with all applicable state standards.
 - B. Swimming areas. Natural swimming areas, where provided, shall be located on lakes and streams suitable for human contact recreation as defined by the Minnesota Department of Natural Resources, and where swimming will not endanger the quality of a domestic water supply. Swimming areas shall be located away from boat docks or boat landing slips and shall be roped off by floats and cables to designate the safe limits of the swimming areas. Artificial and wading pools shall be constructed in accordance with all applicable standards.
6. Setbacks. The following setbacks shall be met in private campgrounds:
 - A. Recreational camping and accessory structures.
 - i. Recreational camping vehicles shall be separated from each other and from other structures by at least ten feet (10’).
 - ii. Accessory structures shall be separated from each other and from other structures by at least ten feet (10’).
 - B. Setbacks from property boundaries. Recreational camping vehicles and structures, including accessory structures, shall be set back at least twenty-five feet (25’) from any road right-of-way and at least ten feet (10’) from any other camping area boundary lines.
 - C. Shoreland district setbacks. Recreational camping vehicles, structures and accessory structures shall meet all setback requirements for structures as specified in Article IX of this chapter.

- d. Public and private schools and related facilities. A conditional use permit is required for this use in the UR District and the following standards apply:
1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
 2. The site shall be in an area planned for municipal or centralized facilities, including water supply and sewage treatment. The design and construction of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the Township.
 3. The use shall comply with all federal, state, county and town regulations.
 4. A transportation plan shall be submitted to address off-street parking, bus loading and unloading, traffic control and the impact of the facility on surrounding roadways.
 5. An environmental management plan, including a water and sewer management plan to address the use of water and the treatment of on-site and a stormwater and drainage plan shall be submitted to address the impact of the facility on the environment.
 6. Parking shall meet the requirements of this Ordinance.
 7. All parking areas, bus loading and unloading areas, delivery areas and access roads shall be hard surfaced (bituminous or concrete).
 8. All accessory residential or day care uses are subject to the provisions of this Ordinance.
 9. Signs must meet the requirements of this Ordinance.

Section 20-131. Commercial and Industrial Uses.

- a. Adult Entertainment. According to the Rice County Zoning Ordinance, there are no zoning districts within Bridgewater Township that allow adult uses. According to Minn. Stat. §394.32, Town zoning must be consistent or more restrictive than County zoning regulations. As such, to be consistent, Bridgewater Township cannot allow adult entertainment within the Town.
- b. Agricultural based therapeutic service uses. This use requires an interim use permit and is subject to the following standards:
1. The use must be on a parcel of at least forty (40) acres.
 2. A majority of the land must have a Crop Equivalency Rating of 65 or less.
 3. The permanent residence shall not exceed the density allowed in the quarter-quarter.

4. The use shall be limited to therapeutic use for health challenged individuals and their families.
 5. Transit services must be provided.
 6. Centralized dining facilities are required.
 7. The site must remain in at least fifty percent (50%) agricultural crops or livestock.
 8. Screening to neighboring residences shall be provided.
- c. Bed and breakfast facility. This use requires an interim use permit and is subject to the following:
1. The facility shall be located in a single-family owner-occupied detached dwelling.
 2. An application submitted for the interim use permit shall identify the family members residing therein and provide at least one (1) bedroom for every two (2) family members. Bedrooms in excess of those needed by the resident family may be rented on a daily basis to guests.
 3. No more than two (2) adult guests shall be allowed per bedroom.
 4. All dwellings shall comply with the sewage and wastewater requirements of this Ordinance.
 5. The facility shall maintain a guest register open to inspection from time to time by the Township.
 6. Guest stay shall be limited to seven (7) days.
 7. The applicant shall meet all applicable county, state and federal regulations.
 8. The operator/applicant shall carry liability insurance, and shall provide proof of such insurance to Bridgewater Township upon request.
- d. Cabinet, carpentry shops. This use shall require an interim use permit and is subject to the following standards:
1. The operator must reside at the site.
 2. The use must meet all state, county and local regulations.
- e. Contractor's office. This use shall require an interim use permit and is subject to the following standards
1. The operator must reside at the site.

2. The use must meet all applicable state, county and local regulations.
- f. Contractor's yard. This use requires an interim use permit and is subject to the following:
1. The site is no smaller than two and a half acres and limited to ten (10) acres in size, 25% of the lot, and is located on a hard-surface public **road**.
 2. The operational is not located within 500 feet of ten (10) or more homes or a platted area existing prior to location of the business. A maximum of 25 percent of the total land area of the contractor's yard may be used for screened outdoor storage. Any outside storage area must be screened from view from the road and any neighboring residences. All business related trucks and vans must be stored or parked inside a building or behind screening.
 3. Supplies stored on the site shall be those used during the ordinary course of the construction business.
 4. The site shall not be located within the Shoreland, Flood Plain or Wild and Scenic overlay districts.
 5. Employees, except office personnel, shall report to the site only for the purpose of picking up equipment and supplies and general maintenance.
 6. The operation shall be in accordance with the approved plan which shall become part of the permit.
 7. Any permit under this section is issued to the applicant for the parcel named in the permit only and is not transferable to another parcel of property.
 8. An application for an interim use permit for a contractor's yard shall include the following information:
 - A. A plot plan showing
 - i. Size of parcel
 - ii. Location and size of all buildings on the parcel
 - iii. Location and size of any area of outdoor storage and any type of screening used
 - iv. Location and distance of neighboring residences
 - B. A narrative with an in-depth description of the contracting business. At a minimum the narrative shall contain:
 - i. The number of employees reporting to the site
 - ii. The type of equipment to be stored at the site

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- iii. The type and amount of materials and supplies to be store at the site
 - iv. Provisions for maintenance of equipment
 - v. Provisions for sanitary facilities for workers
 - vi. Types of activities conducted on the site
 - vii. Location of office
9. The interim use permit shall be subject to an annual administrative review as set by the permit.
 10. The operator must reside at the site.
 11. Security, fencing, and gate must be provided.
 12. Security lighting shall be fully shielded.
- g. Extraction or excavation of materials and minerals. Only existing facilities operating under a previously-issued conditional use permit are allowed. New extraction or excavation facilities are not permitted.
- h. Kennel, Commercial, where dogs or other domestic pets are raised for sale, boarded or trained. This use requires a conditional use permit and is subject to the following:
1. All animal kennels shall provide indoor facilities having adequate heating, ventilation, and lighting.
 2. All animal kennels shall provide outdoor facilities having shelter form the elements, sunlight, rain, snow and cold weather.
 3. All animal kennels shall provide proper drainage for indoor and outdoor facilities.
 4. Each large adult animal shall be provided with a separate fenced run at least thirty-six (36) square feet that shall be located at least one hundred feet (100') from any property line.
 5. Facilities shall be inspected at least once a year at the owner's expense by a doctor of veterinary medicine who shall provide a report to the Township describing the condition of the animals and facility, medical treatment required by the animals, and remedial actions necessary to improve the condition of the facility.
 6. Facilities must obtain all required State and Federal licenses or operational permits.

- i. Recycling or composting facilities and landfills – County, municipal, institutional or privately owned facilities that are open to the public. Only existing facilities operating under a previously-issued conditional use permit are allowed. No new recycling or composting facilities or landfills are permitted.
- j. Small appliance repair. This use requires an interim use permit and is subject to the following standards:
 1. The operator shall reside at the site.
- k. Temporary asphalt plant, highway construction yard and equipment placement. This use includes temporary operations such as a bituminous plant, sand and gravel washing plant, ready mix plant, gravel crusher or contractor’s yard for highway construction. This use requires an interim use permit and is subject to the following standards:
 1. Equipment placement shall be good for a period not to exceed eight (8) months.
 2. A performance bond shall be required for site restoration and road repair.
 3. The application shall include the following information:
 - A. A plot plan showing the location of the temporary use and any temporary structures, parking areas, etc.
 - B. A cross-section sketch of the proposed work, if applicable.
 - C. A construction erosion control plan..
 - D. A drainage and restoration plan.
 - E. A narrative with an in-depth description of the proposed operation, including at a minimum, the number of employees reporting to the site, plans for traffic control, the impact on the environment and impact to neighboring property owners and plans to mitigate any adverse impacts, and plans for provision of sanitary facilities for workers.
 4. The initial interim use permit will be granted for a period of one year. After the subject property has held a TEPP interim use permit for 3 (three) years, the TEPP interim use permit will be issued for up to 5 (five) years, based on the following:
 - A. There are no unresolved issues at the site and there have been on more than 5 (five) complaints during the initial three-year period.
 - B. The site has been used continuously under the TEPP during the initial three-year period.
 - C. All bonds have been kept current.
 - D. All fees have been paid in a timely manner.

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- E. Failure to meet any of the items in a-c above will require that the subject obtain a TEPP on an annual basis until the property is in compliance with items a-c above for a period of three years.
- l. Upholstering, furniture repair or restoration. This use requires an interim use permit and is subject to the following:
1. The operator shall reside at the site.
 2. The facility shall comply with all applicable local, state and federal regulations.
- m. Veterinary clinic. This use requires an interim use permit and is subject to the following standards:
1. The operator shall reside at the site.
 2. All activities shall take place within a completely enclosed building with soundproofing and odor control.
- n. Rural events center. This use requires a conditional use permit and is subject to the following standards.
1. The property must be owner-occupied,
 2. All buildings on the site must be in compliance with all state, county and local regulations.
 3. There shall be no outside activity after 11 p.m.
 4. Outdoor music concerts are not permitted.
 5. Sound levels shall be maintained according to state standards.
 6. Adequate parking and traffic control shall be provided,
 7. Adequate emergency services shall be provided.
 8. Adequate sanitary services and potable water shall be provided.
 9. \Adequate fire protection and security services shall be provided.
 10. Outdoor lighting must be shielded and directed on site.
 11. No flashing lights on signs shall be permitted.
 12. One identification sign no larger than 12 square feet is permitted.
 13. On-site directional signage shall not exceed 2 square feet.
 14. The site shall be subject to periodic inspections by the Township Zoning Administrator or other township official.

Section 20-132. Public Service and Utility Uses.

- a. Communication Towers, primary or accessory. This use requires a conditional use permit and is subject to the following standards:
 1. The tower shall be a monopole structure.
 2. The maximum height allowed, including all antennas and other attachments, shall not exceed two hundred feet (200'), except publicly-owned towers may exceed the maximum height.
 3. Towers will be set back no less than twenty-five percent (25%) of the tower height or the tower fall zone, whichever is greater, with a minimum setback of twenty feet (20'). No guyed wires shall be allowed.
 4. Lights and/or flashing equipment shall not be permitted unless required by State or Federal agencies.
 5. Signage shall not be allowed on the tower other than what is required for safety.
 6. The applicant must provide proof from a professional licensed engineer that the equipment will not interfere with existing communications for public safety services.
 7. Bridgewater Township shall hire, and be reimbursed for actual costs by the applicant, a professional licensed engineer to verify that the equipment is not able to be located on any existing towers or building/utility structures within a one (1) mile radius of the proposed location for any of the following reasons:
 - A. The necessary equipment would exceed the structural capacity of the existing tower or building.
 - B. The necessary equipment would cause interference as to significantly impact the usability of the existing tower or building.
 - C. The existing towers or building/utility structures within a one (1) mile search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably.
 - D. The applicant, after a good faith effort, is unable to lease space on an existing or approved tower or building.
 8. The tower must be constructed to accommodate co-location antennas being placed at varying heights on the tower.
 9. The tower shall have an exterior finish that minimizes off site visibility and is corrosive resistant.

10. The site shall be surrounded by a security fence six feet (6') in height with a lockable gate.
11. Equipment and structures shall be designed or screened from view by suitable landscaping as to reflect and complement the architectural character of the surrounding neighborhood.
12. All obsolete or unused towers and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted by the Town Board. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or accompanying accessory facilities and the landowner shall be responsible for the removal of the facilities and restoration of the site.
13. The applicant shall submit a plan illustrating all anticipated future location sites for communication towers and/or communication devices/apparatus.
14. The applicant must verify through testing by a professional licensed engineer that the emissions from the tower meet FCC (Federal Commerce Commission) regulations. This will be certified to the Township within one (1) year of commencement of the operation of the tower.

b, Wind energy generation facilities and towers.

1. Wind generation facilities with a rated capacity of 40 KW or more. Wind generation facilities of 40 KW or more, where permitted, require a conditional use permit and are subject to the following:
 - A. Towers and all related equipment shall be in compliance with all applicable local, state and federal regulatory standards.
 - B. Towers shall be of a monopole type (self-supporting, tubular) and shall be no more than 300 feet in height.
 - C. Rotor blades shall not exceed a height of 500 feet above from the ground.
 - D. The tower shall be set back as follows:

From:	Setback
Non-owned residence	1.25 times the total height of the unit ³
Property line	The lesser of the total height of the unit or the engineered fall zone
Road right-of-way	1.25 times the total height of the unit

³ "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

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- E. Lighting and/or flashing equipment shall not be permitted unless required by State or Federal regulations.
 - F. All connecting power lines shall be buried underground.
 - G. The tower and facilities shall be designed to minimize their visual impact.
 - H. Appropriate warning signage shall be placed on wind generation towers, electrical equipment and wind generation facility entrances. No other signage shall be permitted on the facility site.
 - I. The tower must have an exterior finish that minimizes off site visibility and is corrosive resistant.
 - J. Wind generation towers shall not be climbable up to fifteen feet (15') above ground level.
 - K. Any wind generation facility found to be unsafe by the zoning administrator shall be repaired by the owner to meet federal, state and local safety standards or shall be removed within six (6) months.
 - L. All obsolete or unused wind generation facilities, including any accessory facilities, shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted by the Town Board. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or accompanying accessory facilities and the landowner shall be responsible for the removal of the facilities and restoration of the site.
 - M. The wind generation facility shall be subject to annual inspection by the zoning administrator. The applicant/property owner shall provide proof of compliance with permit approval and the standards of this ordinance.
 - N. A building permit is required for installation of a wind generation facility.
 - O. The noise emitted from a wind generation facility shall not exceed MPCA standards.
2. Wind generation facilities with a rated capacity of less than 40 KW. Wind generation facilities of less than 40 KW, where permitted, require an interim use permit and are subject to the following:
- A. Towers and all related equipment shall be in compliance with all applicable local, state and federal regulatory standards.

- B. Towers shall be of a monopole (self-supporting, tubular) or lattice style and shall be less than two hundred (200) feet in height and shall be a minimum of thirty feet (30') above any built structures within five hundred feet (500').
- C. The minimum distance of the rotor blade to the ground shall be thirty feet (30').
- D. The tower shall be set back as follows:

From:	Setback:
Non-owned residence	1.25 times the total height of the unit
Property line	The lesser of 1.25 times the total height of the unit or the engineered fall zone plus twenty feet (20')
Road right-of-way	1.25 times the total height of the unit

- E. Lighting and/or flashing lights shall not be permitted unless required by State or Federal regulations.
- F. All connecting power lines shall be buried underground.
- G. The tower and facilities shall be designed to minimize their visual impact.
- H. Appropriate warning signage shall be placed on wind generation towers and electrical equipment. No other signage shall be permitted on the facility site.
- I. The tower must have an exterior finish that minimizes off site visibility and is corrosive resistant.
- J. Wind generation facilities shall not be climbable up to fifteen feet (15') above ground level or shall be secured to prevent unauthorized access to the tower.
- K. Any wind generation facility found to be unsafe by the zoning administrator shall be repaired by the owner to meet federal, state and local safety standards or shall be removed within six (6) months.
- L. All obsolete or unused wind generation facilities, including any accessory facilities, shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is granted by the Town Board. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or

accompanying accessory facilities and the landowner shall be responsible for the removal of the facilities and restoration of the site.

- M. The wind generation facility shall be subject to annual inspection by the zoning administrator. The applicant/property owner shall provide proof of compliance with permit approval and the standards of this ordinance.
- N. A building permit is required for installation of a wind generation facility.
- O. The noise emitted from a wind generation facility shall not exceed MPCA standards.

Section 20-133. Uses accessory and temporary to permitted uses.

- a. Home occupations, permitted. A home occupation may be permitted in any district where residential uses are permitted, if the use meets the following requirements:
 - 1. The occupation shall be conducted only by person(s) residing in the dwelling.
 - 2. The home occupation shall be incidental and subordinate to the use of the property for residential purposes.
 - 3. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 - 4. One non-illuminated sign no more than four (4) square feet in size and attached to the principal building may be provided.
 - 5. Entrance to the home occupation is from within the structure, and no exterior evidence of the business is evident.
 - 6. The home occupation shall not result in increased usage of the septic system.
 - 7. One (1) additional parking space shall be provided for the use of clients, deliveries, etc.
- b. Home occupation, with interim use permit. A home occupation that exceeds any of the standards for permitted home occupations may be allowed as an interim use in any district where residential uses are permitted, if the home occupation meets the following:
 - 1. No more than one (1) person other than person(s) residing in the dwelling shall be employed in conjunction with the home occupation.
 - 2. The home occupation may be conducted in an accessory building or attached garage not exceeding a 2,000 square feet of gross floor area.
 - 3. An outside entrance may be provided.

4. No traffic shall be generated by the home occupation beyond that which is reasonable and normal for the area in which it is located.
 5. One non-illuminated sign no more than sixteen (16) square feet in size may be provided.
 6. No equipment or processes used in the home occupation shall create noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises.
 7. Rural business licensing shall be required for home occupations that require an interim use permit.
- c. Room and board facilities. Facilities shall be located within a principal residence and shall serve a maximum of two (2) individuals; a separate kitchen for this purpose is prohibited.
- d. Utility Scale Solar Systems (USSS).
1. Require a conditional use permit unless regulated through state agencies. Under a conditional use permit, the USSS must also meet the general standards for conditional use permits found in this chapter.
 2. Are not permitted in residential or overlay districts.
 3. USSS are limited to no more than 5 MW in size.
 4. USSS are only allowed in the agricultural district.
 5. USSS must manage stormwater in a manner consistent with this chapter.
 6. Decommissioning of a system must occur within 90 days of the end of the system's serviceable life or if the system becomes a discontinued use (one year without energy production). A cash escrow or letter of credit equal to 125% of the cost of decommissioning will be required to ensure decommissioning of a community or utility solar energy system.
 7. Security. All community and utility solar energy systems shall be secure as approved through the conditional use permit process.

Section 20-134. Structures Accessory and Temporary to Permitted Uses.

- a. Antennas. Satellite dish antennas and other antenna devices are permitted subject to the following requirements
1. Antennas shall be in compliance with all state and local building and electrical code requirements.

2. Verification that the structural design and installation has been approved by a professional engineer shall be provided to the Township.
 3. Antennas shall be limited to one per building or, if more than one antenna is proposed, the antenna shall be clustered in a single, screened location.
 4. No advertising message shall be on the antenna structure.
 5. Antennas shall comply with the setback requirements for principal structures and shall be located between the principal structure and a public street.
 6. No antenna shall be located within a shore impact zone or a bluff impact zone.
 7. Antennas shall be screened to the greatest extent practicable to minimize visual impacts on surrounding properties. Screening shall include landscape materials for ground-mounted antennas and materials compatible with those utilized on the exterior of the building for roof-mounted antennas.
 8. Antennas located closer to a property line than the height of the antenna shall be designed and engineered to collapse progressively within the distance between the antenna and the property line.
 9. Antenna height shall be no more than sixty (60) feet as measured from the ground at the base of the structure.
- b. Detached garages. Detached garages shall conform to the requirements for the district in which they are located.
- c. Seasonal roadside stands for sale of farm products are allowed with an interim use permit, subject to the following:
1. No more than one stand per farm shall be permitted.
 2. Adequate off-street parking shall be provided.
 3. Merchandise shall be limited to agricultural products or manufactured goods produced by individuals having a residence or farm within Bridgewater Township
 4. No electronic signs shall be permitted.
- d. Temporary farm dwelling. The purpose of a temporary farm dwelling is to provide living accommodations for farm workers, health care workers assisting farm residents, or ailing parents or children. Temporary farm dwellings are allowed with an interim use permit, subject to the following standards:
1. The applicant shall provide either a signed statement identifying that the farming activity requires additional farm workers or a signed doctor's certificate that

- verifies that the persons needing care suffer from health problems that would necessitate constant supervised care and attention.
2. The interim use permit shall be issued for a three (3) year term subject to renewal if a verified statement or doctor's certificate has been filed with the Zoning Administrator and approved by the Town Board.
 3. The dwelling shall be limited to a manufactured home, which shall be maintained as highway ready, and shall be removed when no longer needed as a residence. Highway ready shall mean having the manufactured home on wheels of having the internal jacking system attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks. The manufactured home shall have no permanent structural additions attached.
 4. The dwelling shall be accessory to the primary residence on the farm.
 5. The dwelling shall be deemed the second dwelling unit for the quarter-quarter section.
 6. The dwelling shall be a minimum of fourteen feet (14') wide and a minimum of 672 square feet in area and shall meet current Department of Housing and Urban Development Code for manufactured homes, or bear a seal and a compliance certificate and data plate evidencing the manufacturer's certification of code compliance.
 7. The dwelling shall meet all minimum building setbacks, shall be properly anchored, and shall be setback a minimum of fifty feet (50') from the primary residence on the parcel.
 8. The interim use permit shall automatically terminate and the unit shall be removed when title transfers or a Contract for Deed is recorded unless the transfer occurred between family members.
 9. The dwelling shall comply with the sewage and wastewater treatment regulations of this Ordinance.
- e. Other structures – storage shed. Storage sheds shall conform to the requirements set forth in the district in which they are located.

Section 20-135. General Standards for Solar Energy Systems.

- a. Tree removal. Tree removal shall be minimized and mitigated.
- b. Safety.
 1. Compliance with building codes. All solar energy systems shall comply with the Minnesota State Building Code and any local building code requirements.

2. Compliance with electric code. All solar energy systems shall comply with the National Electrical Code.
 3. Compliance with plumbing code. All solar thermal systems shall comply with the Minnesota State Plumbing Code.
 4. Installation All solar energy systems shall be installed only by licensed contractors.
 5. Certifications. Solar energy system components shall be certified by Underwriters Laboratories Inc. and the Solar Rating and Certification Corporation. The Town reserves the right to deny a building permit for proposed energy systems deemed to have inadequate certification.
- c. Nonfunctional or inoperative solar energy systems. A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive month, and which is not brought into operation within the time specified by the Township, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator and/or landowner.

Sections 20-136-through 20-139.

Reserved.

Article XI. Performance Standards.

The guiding of land development into a compatible relationship of uses depends upon the maintenance of certain standards. In the various zoning use districts, the permitted, accessory, conditional and interim uses shall conform to the following standards.

Section 20-140. Nuisance Standards.

- a. Noise. Any use established shall be so operated that no undue noise resulting from said use is perceptible beyond the boundaries of the property on which such use is located. This standard shall not apply to incidental traffic, parking, loading, construction, farming or maintenance operations.
- b. Vibration. Any use creating periodic earth-shaking vibration shall be prohibited if undue vibrations are perceptible beyond the boundaries of the property on which the use is located. This standard shall not apply to vibrations created during periods of construction.
- c. Glare and Heat. Any use producing intense heat or light transmission shall be performed with the necessary shielding to prevent such heat or light from being detectable at the lot line of the site on which the use is located.
- d. Smoke and Particulate Matter. Any use established, enlarged, or remodeled after the effective date of this Ordinance shall be so operated as to meet the minimum requirements of the Minnesota Pollution Control Agency for the emission of smoke and particulate matter.
- e. Toxic or Noxious Matter. No use shall discharge into the atmosphere, water or subsoil, any toxic or noxious matter. All discharges shall be in conformity to the regulations and standards adopted by the Minnesota Pollution Control Agency
- f. Light. Lighting shall be shielded and directed away from the public right-of-way and adjacent properties, and shall not exceed one (1) foot candle of illumination at the property line unless specifically approved.
- g. Compliance. In order to insure compliance with the performance standards set forth above, the Township may require the owner or operator of any permitted, conditional or interim use to conduct investigations and tests needed to demonstrate compliance with the performance standards. Such investigations and tests shall be performed by an independent testing organization selected by the Town. All costs shall be borne by the owner or operator.
- h. Use of fertilizer, pesticides or animal wastes. Use must be done in a way as to minimize impact on the shore impact zone or a public water by proper application or use of earth or vegetation.

Section 20-141. Storage Standards.

- a. All materials and equipment shall be stored within a building or screened from adjoining properties, except for the following:
 1. Laundry drying and recreational equipment;
 2. Construction and landscaping materials and equipment being currently used for construction of the premises; and
 3. Off-street parking, except as otherwise regulated herein.
- b. Boats and travel trailers and motor homes, less than thirty-five feet (35') in length, are permissible, if stored in the side or rear yard not less than ten feet (10') distant from any property line. Existing uses shall comply with this provision within twelve (12) months of the effective date of this Ordinance.
- c. In a residential platted subdivision, wood piles must be neatly stacked, a maximum of eight feet (8') in height, and must not take up more than ten percent (10 %) of the total open space of a yard.
- d. Bulk Storage (liquid). All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall comply with the requirements of any applicable federal or state law, rules or regulations and must have documents from those offices stating that the use is in compliance. Fuel tanks may be permitted as accessory use only and shall be subject to setback requirements. All existing, above-ground liquid storage tanks shall comply with the requirements of the Minnesota State Fire Marshal's office.

Section 20-142. **Visual Standards**

- a. Screening. When any commercial, business or industrial use is adjacent to property zoned or developed for residential use, that business or industry shall provide screening along the boundary of the residential property. The screening required shall consist of fence, trees, or shrubs or other methods as approved by the Town. Plans for such screening shall be approved by the Planning Commission and Town Board before the plan is implemented.
- b. Fences. The following general standards apply to all fences constructed within the Township:
 1. Any fence in excess of six feet (6') in height shall require an interim use permit, except open fences constructed for agricultural purposes.
 2. Fences shall be located entirely upon the private property of the persons constructing the fence. Such fence must be placed one foot (1') from the property line. The Town may require the owner of the property with an existing fence to establish the boundary line of the property by a survey.

3. Posts and framework shall be placed within the property lines of the owner. The actual fencing material, such as chain link, lumber, pickets, etc., shall be placed on the side of the fence which faces the street or adjacent property.
4. Building permits are not required for fences under six feet (6') **or less** in height.
5. No fence shall be constructed on road rights-of-way and shall not be placed in a manner that obstructs the view within the intersection and sight distance triangle or that interferes with use of the right-of-way for right-of-way purposes.
6. The following additional standards apply to residential fences:
 - A. The maximum height for a residential fence shall be six feet (6'),
 - B. The maximum height for a residential fence shall be six feet (6'),
7. The following additional standards shall apply to business and industrial fences:
 - A. Fences may be located on a lot line to a height of six feet (6'). Fences over six feet (6') in height shall require an interim use permit.
 - B. A security arm for barbed wire shall be permitted when needed for security reasons as approved by the Planning Commission and Town Board.

Section 20-143. **Hazardous Elements Standards.**

- a. Explosives. Any use requiring the storage, utilization or manufacturing of products that could decompose by detonation shall be located not less than four hundred feet (400') from any residence. This section shall not apply to the storage or usage of liquid petroleum or natural gas for normal residential or business purpose.
- b. Radiation Emission. All activities that emit radioactivity shall comply with the minimum requirements of the Minnesota Pollution Control Agency.
- c. Incinerators. The installation of incinerators and their use and design shall be in conformity with the regulations and standards adopted by the Minnesota Pollution Control Agency.

Section 20-144. **Parking Standards.** All parking, driveway and loading areas hereafter constructed or maintained shall conform to the provisions of this Section and any other ordinances of the Town.

- a. Computing requirements. In computing the number of parking spaces required, the following rules shall apply:
 1. "Square feet" shall refer to the gross floor area of the specific use.

- 2. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of a similar nature, as determined by the Zoning Administrator.
- b. Minimum size regulations. Each automobile space shall contain a minimum area of not less than three hundred (300) square feet, including access drives, a width of not less than nine feet (9') and a depth of not less than eighteen feet (18'). Each space shall be adequately served by access drives. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles they are designed to serve.
- c. Construction and maintenance.
 - 1. On site parking areas and driveways shall be improved with a durable surface.
 - 2. Parking areas and driveways shall have curbs where needed to protect required years, direct traffic or to control surface water runoff.
 - 3. Adequate areas for snow removal and storage shall be provided outside of required parking spaces.
 - 4. The operator of the principal building or use shall maintain parking and loading areas, access drives and yard areas in a neat and adequate manner.
 - 5. Directional signs indicated entrances and exits to on-site parking areas are encouraged. Directional signs shall not bear any business name or be used for advertising.
- d. Required number of on-site parking spaces. On-site parking areas of sufficient size to provide parking for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The minimum number of required on-site parking spaces for the following uses shall be as specified in the following table:

LAND USE	REQUIRED SPACES
Residential dwelling unit	2 per dwelling unit
Religious institution, place of assembly	1 per 3 seats in main seating area
Schools, grades K – 12	2 per classroom plus 1 per 3 students of legal driving age, based on capacity
Automobile service station	4 plus 2 per service bay
Commercial outdoor recreational use	As determined by the conditional or interim use permit
Commercial indoor recreational use	1 per 250 square feet of public area
Limited production and processing	1 per employee on the

	largest shift, or 1 per 800 square feet, whichever is greater *
Lodging	1 per guest room plus 1 per employee on largest shift
Office or service business	1 per 400 square feet *
Outdoor sales lot	1 per 2,000 square feet of outdoor sales area *
Retail business	1 per 250 square feet *
Restaurant, café	1 per 100 square feet of customer seating area *
Storage, wholesale or warehouse use	1 per employee on largest shift, or 1 per 2,000 square feet, whichever is greater *

* The parking area will be increased by twenty percent (20 %) if parking stalls are not paved and striped.

1. Loading areas. Off-street loading space shall be provided for any nonresidential use that requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, and that have a gross floor area of five thousand (5,000) square feet or more.
 - A. Loading areas shall be provided according to the following minimum standards:
 - i. The off-street loading requirement for buildings with less than 20,000 square feet of gross floor area may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area, and access to it shall not conflict with automobile or pedestrian circulation within the site.
 - ii. Buildings with 20,001 to 50,000 square feet of gross floor area shall provide a minimum of one (1) loading space.
 - iii. Buildings with 50,001 to 100,000 square feet of gross floor area shall provide a minimum of two (2) loading spaces.
 - iv. Buildings with 101,000 or more square feet of gross floor area shall provide one (1) additional loading space per each additional 30,000 square feet gross floor area.
 - B. All loading spaces and driveways shall be surfaced with asphalt or concrete.
2. Screening of parking and loading areas.
 - A. All commercial or industrial parking and loading areas shall be screened from adjoining residential or agricultural uses by a wall, solid fence, or

densely planted compact vegetation at least six feet (6') in height within two (2) years of planting.

- B. All parking areas adjacent to a public right-of-way shall be screened with a masonry wall, fence, berm or hedge or combination that forms a screen at least three feet (3') in height and not less than ninety percent (90 %) opaque on a year-round basis. Overstory trees shall be planted within the required setback areas at intervals of one (1) tree per forty feet (40').

Section 20-145. **Sign Regulations.** All signs hereinafter erected, altered, substantially repaired, relocated and maintained, except official traffic and road or street signs, shall conform to the following standards:

- a. Permit required. No sign shall be erected unless the owner of the land on which the sign will be placed obtains a sign permit.
- b. Billboards prohibited. Off-premise signs, more commonly known as billboards, shall be prohibited.
- c. Sign types – where allowed. Wall signs and monument signs are allowed in any zoning district.
- d. Number per lot. A maximum of one (1) large sign, or two (2) small signs that combined do not exceed the maximum specified in E below, per lot, shall be permitted in all districts in Bridgewater Township.
- e. Maximum size. The maximum size of a permitted sign is as follows:
 - 1. For residential uses and permitted home occupations, four (4) square feet for each of two allowed sign faces.
 - 2. For home occupations allowed with an interim use permit, sixteen (16) square feet for each of two allowed sign faces.
 - 3. For all other uses, thirty-two (32) square feet for each of two allowed sign faces.
 - 4. If two sign faces are proposed, they shall be immediately behind the other appearing to be two sides of a single sign and the faces shall not be at an angle to the other.
- f. Maximum height.
 - 1. Monument signs shall not exceed twelve feet (12') in height above the average grade at the base of the sign.
 - 2. No part of a pylon sign shall exceed thirty feet (30') in height above the average grade at the base of the sign.
 - 3. No building-mounted sign shall extend above the roof of the building.

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4. Ground mounted signs are encouraged instead of building-mounted or pylon signs.
 - g. Illumination. If a sign is externally illuminated, the illumination shall be directed only on to the sign and the light source shall not be visible from surrounding properties. Electronic signs shall not be permitted.
 - h. Safe condition. No sign shall be permitted that shall in any way endanger the health or safety of the general public.
 - i. Clean area. All areas surrounding a permitted sign shall be kept free from unreasonable growth, debris or rubbish. Failure to correct such conditions after being so directed in writing by the Zoning Administrator shall be cause for revocation of the existing sign permit and removal of the sign.
 - j. Temporary signs. Signs of a temporary nature that do not exceed twelve (12) square feet in area shall be exempt from the permitting requirement. Temporary signs may be displayed for a period not to exceed thirty (30) days, on a maximum of four (4) occasions per year.
 - k. Removal for roadway construction. Signs shall be removed by the sign owner at no expense or claim of damage to any governmental unit, if necessary for construction, reconstruction or relocation of any public roadway.
 - l. Limits on location. The following limits on location apply to all signs, permitted and temporary:
 1. No sign except as erected by an official unit of government for the direction of traffic or necessary public information shall be permitted within the right-of-way of any public road.
 2. All permitted signs shall be located outside of the required sight triangle and shall maintain a twenty-foot (20') setback from all property lines.

Sections 20-146 through 20-150.

Reserved.

Article XII. Environmental Performance Standards.

Section 20-151. **Purpose.** The purpose of this Article is to provide regulations of general applicability for property throughout the Township, to protect the natural environment, to minimize conflicts among land uses, and to implement the natural resource goals of the Town Comprehensive Plan.\

Section 20-152. **Applicability.** The regulations set forth in this Article apply to all structures and all land uses, except as otherwise provided in this Ordinance. No permit shall be issued unless provisions are made for meeting applicable environmental performance standards in this Article.

Section 20-153. **Impervious Surface Limitation.** Impervious coverage of lots must not exceed twenty-five percent (25 %) of the lot area including structures, roads, driveways and parking areas.

Section 20-154, Water Supply and Sewage Treatment.

- a. Water supply standards. Any public or private water supply for domestic purposes must meet or exceed the water quality standards of the Minnesota Department of Health and the Minnesota Pollution Control Agency.
- b. Sewage treatment standards. Private or community sewer standards in all districts shall meet the standards for individual sewage treatment systems found in Minnesota Rules 7080.
- c. Alternative septic site required. Each proposed use shall identify two sites approved for septic systems, and these sites shall be protected during construction and preserved in their natural state until their use as a septic system location.
- d. Compliance inspection required. A sewage treatment compliance inspection shall be required prior to issuance of any permit or certificate relating to water usage. The compliance inspection shall determine if the sewage treatment system is in conformance with the Town and state regulations.
- e. Use of public systems required. Where available, publicly-owned systems must be used within one (1) year of the date of issuance of a permit under this Ordinance. Existing nonconforming individual septic systems may be exempted at the discretion of the publicly owned system governing body if the governing body agrees to manage and regularly inspect the individual system. A new individual system shall not be allowed where a publicly owned system is available.

Section 20-155. **Drainage and Stormwater Management.** No land shall be developed and no use shall be permitted that results in water run-off causing flooding or erosion on adjacent property. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facility designed to intercept and store run-off in an amount caused by a 100-year, 24 hour storm event (six inches of rain in 24 hours).

- a. Drainage plan required. A drainage plan shall be submitted and approved for all new commercial, industrial, institutional, residential and planned unit developments.

- b. Effect on adjacent land. A proposed development shall not increase the runoff rate of stormwater so as to cause an adverse effect upon adjacent lands.
- c. Use of natural vegetation and natural features. Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on-site as erosion control facilities. When possible, existing natural drainageways, natural or created wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff.
- d. Disturbed area wetlands. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities and erosion potential, and that will reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- e. Constructed features standards. When development density, topographic features and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds shall be required. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities. Settling basins to intercept urban runoff shall be sized to a minimum of a 100 – year, 24 hour (six inches of rain in 24 hours) storm design.
- f. Certification by a professional. When constructed facilities are used for stormwater management, documentation must be provided by a professional engineer licensed with the State of Minnesota that they are designed and installed consistent with federal, state and local standards.
- g. Filtering and settling required. New constructed stormwater outfalls to public waters must provide for filtering or settling of suspended soils and skimming of surface debris before discharge.
- h. Easement dedications required. When a land or easement dedication is a condition of approval for a permit or subdivision, the applicant must provide easements over natural drainage or ponding areas for management of ponding areas, stormwater and significant wetlands.
- i. Management and maintenance plan required. A management and maintenance plan shall be submitted and approved for all new commercial, industrial, institutional, residential and planned unit developments. The management and maintenance plan shall include plans for ownership, management and maintenance of drainage and stormwater control features.

Section 20-156. Erosion and Sedimentation Control Standards.

- a. Wetlands and water bodies. Wetlands and other water bodies shall not be used as primary sediment traps during or after construction.
- b. Placement of structures. All new structures shall be located in such a manner as to minimize the removal of vegetation and alteration of natural topography.

- c. **Maintenance.** Any and all erosion control, stormwater runoff, utility access and similar structures shall be designed to be maintained, cleaned out and otherwise operated without requiring the crossing of private lands with or by the operation of motorized heavy maintenance vehicles and equipment, such as bulldozers, trucks and backhoes on slopes in excess of eight percent (8 %). As used in this section, private lands includes any outlots.
- d. **Site suitability.** The applicant shall demonstrate that the types and densities of land use proposed shall be suited to the site and soil conditions and shall not present a threat to the maintenance of water quality, a potential increase in maintenance cost of utilities, parking areas or roads, and shall not be subject to problems due to soil limitations including, but not limited to, soil bearing strength, shrink/swell potential and excessive frost movement.
- e. **Construction fencing.** The applicant shall be required to furnish and to install fences wherever the Zoning Administrator determines a hazardous condition may exist or an environmentally sensitive area needs to be protected during construction. The applicant, of his/her own volitions, shall provide fencing wherever a hazardous condition may exist during construction prior to any determination made by the Township.
- f. **Construction waste handling.** No cut trees, timber, debris, earth, rock, stones, rubbish, or waste materials of any kind shall be buried in any land or left or deposited on any lot or future street without the approval of the Zoning Administrator.
- g. **Topsoil preservation.** If topsoil is removed from sites or lots during construction, it shall be stored and stockpiled for re-spreading over lots and shall not be sold or otherwise removed from the subdivision or site area unless the removal of excess topsoil is approved by the Town.
- h. **Topsoil replacement.** Topsoil shall be re-spread so as to provide at least six (6) inches of cover originally existing on the site or a minimum of four (4) inches of cover if the original cover was less. The site shall also be stabilized by seeding and/or sodding.

Section 20-157. **Landscaping requirements.** All required yards for any structure shall either be landscaped or be left in a natural state. If any yards are to be landscaped, they shall be landscaped attractively with natural vegetation, lawn, trees and shrubs.

Any areas left in a natural state shall be properly maintained in a slightly and well-kept condition. Yards adjoining any residential district shall be landscaped with buffer planting screens. Plans of such screens shall be submitted to the Zoning Administrator for approval as part of the site plan and installed prior to issuance of a Certificate of Occupancy.

Section 20-158. **Steep slopes.** Slopes in excess of eighteen percent (18 %) and over fifty feet (50') in length shall not be graded, excavated, or developed. Slopes from twelve to eighteen percent (12 -18 %) natural grade shall only be grades, excavated, or developed according to an approved grading plan providing for stabilization and vegetation after grading as approved by the Town. Additional steep slope provisions apply in the Shoreland, Wild and Scenic and Flood Plain Overlay Districts.

Section 20-159. **Trees, Forest Land and Natural Vegetation Preservation.**

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- a. General Standards. Natural vegetation, including ground cover and trees, shall be preserved and maintained to the greatest extent possible in order to control erosion and runoff, preserve habitat, and maintain a buffer between land uses. The following restrictions shall apply to all development:
1. Structures should be located in such a manner that the maximum number of trees shall be preserved.
 2. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site.
 3. Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.
 4. The root zone of existing trees shall be preserved and protected during development including grading and contouring, so that the trees are not adversely affected by the construction work.
 5. Notwithstanding the above, the removal of trees seriously damaged by storms or other natural causes, or diseased trees is permitted.
 6. Residential development shall not disturb or remove trees more than one-half (1/2) acre, commercial or industrial development no more than one (1) acre of healthy trees for the building pad, out buildings, driveways, septic system, firebreak, well or for any other purpose without first providing a tree replanting plan for the site to the Town.
 7. A tree inventory shall be carried out by the developer and no more than forty percent (40 %) of trees with a caliper of six (6) inches or greater in dbh shall be cleared or in any way removed from the site unless replaced with an equal number and variety of trees of at least six (6) inches at dbh (measured four and one-half feet (4.5') above ground level), or an equivalent as determined by the Zoning Administrator.
 8. As a mitigating measure, where trees are to be removed, the developer shall prepare a tree planting plan to be approved by the Zoning Administrator. The plan shall be implemented as practical for the season prior to a final occupancy permit is issued.
 9. Timing of tree removal shall be such as to minimize tree loss.
- b. Forest land management standards. The harvesting of timber and associated reforestations or conversion of forested use to a non-forested use must be conducted consistent with the following standards:
1. Timber harvesting and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment – Forestry and the provisions of the Water Quality in Forest Management “Best Management Practices in Minnesota.”

2. Forest land conversion to another use requires issuance of a conditional use permit and adherence to the following standards:
 - A. Shore and bluff impact zones must not be intensively cleared of vegetation; and
 - B. An erosion and sediment control plan is developed and approved by the local soil and water conservation district before issuance of a conditional use permit for the conversion.

Section 20-160. **Wetlands preservation.** To the extent possible, all wetlands, including marshlands and swamps, shall be retained in their natural state. Alterations to wetlands shall require review from the Rice County Soil and Water Conservation District. The following provisions apply to wetlands in Bridgewater Township:

- a. Discharges.
 1. No part of any sewage treatment system requiring on-land or in-ground disposal of waste shall be located closer than seventy-five feet (75') from the wetland boundary, as delineated by a certified wetland specialist, or ordinary high water level unless it is proven by the applicant that no effluent will immediately or gradually reach the wetland because of existing physical characteristics of the site or the system.
 2. Organic waste that would normally be disposed of at a solid waste treatment site or that would normally be discharged into a sewage treatment system or sewer shall not be directly or indirectly discharged to a wetland.
 3. Untreated stormwater runoff from construction sites may not be directed to a wetland.
- b. Building Constraints.
 1. The lowest floor elevation of buildings used for living quarters or work area shall be at least three feet (3') above the ordinary high water level.
 2. Structures shall be setback twenty feet (20') from the wetland boundary, as delineated by a certified wetland specialist.

Section 20-161. **Additional Requirements for Designated Trout Streams.** Any development or activity within the shoreland area of an Agricultural River tributary stream that is a designated trout stream as designated by the Department of Natural Resources shall include efforts to mitigate the impact of development on the trout stream. The mitigation shall offset the effects of the development on water quality, water quantity and water temperature. Mitigation may include, but is not limited to, planting of streambank vegetation, additional structure setbacks, or additional stormwater management controls.

Sections 20-162 through 20-165. **Reserved.**

Article XIII. Nonconforming Parcels, Structures and Uses.

Section 20-166. **Purpose.** This Article is established in recognition of the existence of uses, structures, site improvements and parcels that were lawfully established but which do not currently comply with the provisions of this Ordinance or subsequent amendments of this Ordinance. It is the intent of this Article to specify the requirements, circumstances and conditions under which nonconforming uses, structures, site improvements and parcels will be maintained and to encourage actions that bring such nonconformities into conformance with this Ordinance.

Section 20-167. **Continuance of nonconforming situations.** Legal nonconforming situations will be allowed to continue as long as they remain otherwise lawful, subject to the provisions of this Article. Nonconforming situations that were not lawfully in existence of the effective date of this Ordinance shall be prohibited. A change in tenancy, ownership or management of any nonconforming situation shall be allowed, provided there is no change in the nature or character of such nonconforming situation, except as otherwise provided by this Article.

Section 20-168. **Nonconforming uses.** Nonconforming uses are uses of land or structures lawfully in existence prior to the adoption of this Ordinance that are not allowed or permitted, conditional or interim uses under this Ordinance in the zoning district in which the use is located. (See chart in Article III, Section 20-24.) Nonconforming uses shall be allowed to continue only if they comply with all of the following provisions:

- a. Illegal nonconforming uses shall cease. Nonconforming uses that were not lawfully in existence prior to the adoption of this Ordinance shall cease, except for businesses of record that meet the provisions of (B) below. In no case shall this provision be interpreted to give legal status to the unlawful use for any period, past or future.
- b. Business of record exemption. A business that meets all the requirements for Rural Business Licensing shall be considered a business of record and shall be considered conforming to the requirements of this Ordinance, except that:
 1. If the business of record is located in a nonconforming structure, it shall meet the requirements of Section 20-169.
 2. A business of record where the licensed use is not an allowed, permitted, conditional or interim use for the zoning district where the business is located, may continue as it existed on the effective date of this Ordinance; however, the use shall not be expanded, enlarged or changed.
- c. Nonconforming uses restrictions.
 1. Expansions of the land area or building area occupied by a nonconforming use are prohibited.

2. A nonconforming use may be changed to lessen the nonconformity of the use. In such cases, the previous non-conforming use shall not be re-established.
3. Repairs and maintenance of a structure containing or related to a nonconforming use may be permitted subject to Section 20-169.
4. The nature of a lawfully existing nonconforming use shall not be expanded, enlarged or altered, including any increase in the volume, intensity, duration or frequency of use.
5. A change from one nonconforming use to another nonconforming use is prohibited.
6. A nonconforming use that has been discontinued for a period of twelve (12) months shall not be re-established, and any further use shall be in conformity with this Ordinance.
7. If a structure used for a lawfully existing nonconforming use is destroyed by any cause or means to an extent of fifty percent (50%) or more of its market value, as determined by the Zoning Administrator and Building Official, using the records of the Rice County Assessor, any subsequent use of the land or structure shall be a use conforming to the provisions of this Ordinance.

Section 20-169, **Nonconforming Structures**. Nonconforming structures are structures that do not meet the requirements of this Ordinance for permitted uses in the zoning district in which the structure lies.

- a. Dwelling of record. For purposes of this Ordinance, a nonconforming single family structure must meet the following provisions to be defined as a dwelling of record:
 1. In all zoning districts. To be considered a dwelling of record, a nonconforming single family dwelling just meet all of the following requirements:
 - A. Homestead, non-homestead, or seasonal non-homestead taxes were paid on the dwelling in the last year; and
 - B. No portion of the dwelling is located within a shore impact zone, bluff impact zone, or flood plain; and
 - C. The dwelling was constructed under a residential building permit issued by Rice County prior to the effective date of this Ordinance, or was constructed before January 1, 1962; and
 - D. The dwelling is located on a separately described parcel meeting the minimum parcel size for the district in which it is located.

2. More than one dwelling on a single parcel. Each dwelling, having a permanent foundation, on a single parcel in the Agricultural District, may be defined as a dwelling of record if it meets the requirements of a (1) A, B, and C above.
- b. General Requirements for Nonconforming Structures.
1. Maintenance and repair. A nonconforming structure may be maintained and repaired up to fifty percent (50%) of the current market value of the structure.
 2. Additions or expansions. Additions or expansions up to twenty-five percent (25 %) of the bulk area of the structure may be made to a nonconforming structure only if the addition meets the following:
 - A. Increasing nonconformity prohibited. An addition or expansion shall not increase the degree of nonconformity of the structure, or further infringe upon established setbacks or building restrictions, except that:
 - i. Existing structures meeting at least fifty percent (50%) of the required front yard setback may be allowed to expand provided the addition does not encroach further upon existing setbacks and the structure is not located within the shore impact zone, bluff impact zone or flood plain.
 - ii. Existing structures not meeting the required side or rear yard setbacks may be allowed to expand provided they do not encroach further upon the existing setbacks and are not located within the shore impact zone, bluff impact zone or flood plain.
 - iii. New accessory structures may be built in line with the residential structure at the same existing side yard setback, but no closer than one-half (1/2) the required side yard setback.
 - B. Cannot result in replacement. The process of adding on to an existing nonconforming structure shall not be used to effectuate replacement of the structure where replacement would not otherwise be allowed under the provisions of this Ordinance.
 - C. Existing structure in sound condition. An addition may be made to a nonconforming structure only if the existing structure is in sound condition, as determined by the Bridgewater Township Building Official.
 - D. Existing structure must remain. No structural part of the existing structure shall be removed once the new construction is completed.
 - E. Encasement prohibited. The addition, or multiple additions, shall not surround or encase the existing structure.

3. Replacement. A nonconforming structure may be replaced only if the replacement structure meets the setback requirements and all other provisions of this Ordinance.
 4. Sewage treatment. Expansion of, addition to, or replacement of a nonconforming structure requiring a building permit shall be subject to the requirements of this Ordinance for sewage treatment.
 5. Interior alteration. An interior alteration of a nonconforming structure is permissible provided it will not result in increasing the flood damage potential of that structure.
- c. Destruction of nonconforming structures. In the event of the destruction of a nonconforming structure, the following standards shall apply for rebuilding:
1. 50% of market value. A nonconforming structure may not be rebuilt if it is destroyed by any cause to the extent of fifty percent (50%) or more of its estimated market value, excluding land value, as determined by the Zoning Administrator and Building Official, using records from the Rice County Assessor, except that:
 - A. A Dwelling of Record located outside of the flood plain may be replaced if it is destroyed to any extent by fire or natural disaster.
 - B. A Dwelling of Record in the flood plain may be issued a conditional use permit for reconstruction if it is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with Article VII of this Ordinance.
 2. Sewage system must be conforming. Rebuilding, under any circumstance, shall only be permitted where the sewage disposal system is found to be in conformance with the standards of this Ordinance.
 3. Must meet setback requirements. Rebuilding shall be in conformance with the setback requirements of this Ordinance.
- d. Current Construction. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Section 20-170. **Nonconforming Parcels.** Nonconforming parcels of land are parcels that do not meet the minimum lot width, length or area requirements of this Ordinance for permitted uses in the zoning district in which the parcel lies. Nonconforming parcels shall not be built on, except for nonconforming parcels of record meeting the following:

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- a. Parcels of record defined. For purposes of this Ordinance, an area of land must meet all of the following provisions to be defined as a nonconforming parcel of record:
1. The area of land:
 - A. Is described on a single deed and was legally recorded with the Rice County Recorder on or before August 8, 1975, and has not changed since; or
 - B. Is described on a single contract for deed that was executed on or before August 8, 1975, and has not changed since; or
 - C. Is a residual parcel reduced from an area of land described on a single deed that was legally recorded with the Rice County Recorder on or before August 8, 1975, because of a taking or dedication for public right-of-way or public purpose; or was a correction of a legal description or survey error; or
 - D. Was a lot created by platting prior to adoption of this Ordinance.
 2. One parcel of record per deed. The entire area of land described in a single deed shall be considered one parcel of record regardless of whether the area is described in several parcels, several lots, sub areas or sub parcels in the deed, and regardless of whether the parcels, lots, sub areas or sub parcels are contiguous or not contiguous.
 3. Contiguous parcels shall be combined. If contiguous parcels are parcels of record separately meeting the definition requirements of Section 20-179 (a), but are not the same ownership on the date of the adoption of this Ordinance, they shall comply with all of the following requirements before a permit may be issued:
 - A. The contiguous parcels shall be considered as a parcel of record only if combined to meet, to the maximum extent possible, the minimum lot width, length and area requirements for the proposed permitted use in the zoning district within which the parcels lie; and legally platted lots in the Shoreland District shall only be required to combine to meet the minimum lot area required in that district; and
 - B. The separate nonconforming parcels shall not be considered separate parcels of record meeting the definition requirements of this section for the purpose of Section 20-170 (c); and
 - C. No permit shall be issued unless the contiguous parcels are legally described as a single parcel, and legally recorded as a single parcel with the Rice County Recorder; and

- D. If one or more of the contiguous parcels is transferred into separate ownership after the date of adoption of this Ordinance, the parcels shall not separately be considered a parcel of record.
- b. Proof of parcel of record. All applicants for a permit, dimensional variance, and conditional or interim use involving a parcel of record must provide the Zoning Administrator with sufficient documentation to establish that the parcel meets the definitional requirements for a parcel of record contained in Section 170 (a). If proof is not established, the applicant must meet all requirements of this Ordinance. No application for a land use permit, dimensional variance, or conditional or interim use permit involving an undeveloped parcel of record shall be accepted or considered without such documentation.
- c. Parcels of record are buildable lots. Parcels of land that meet the definition of a parcel of record in Section 170 (a) shall be defined as buildable lots even though the parcel may not conform to the minimum lot size or density requirements of this Ordinance, provided however, that all setback requirements and all provisions of this Ordinance for sewage treatment are met.
- d. Parcels that are not parcels of record. Parcels of land that do not meet the definition of a parcel of record in Section 20-170 (a) must be enlarged and/or replatted to conform to all the requirements of this Ordinance before being considered a buildable lot. If a parcel of land is created by platting after the date of adoption of this Ordinance, it shall conform to all the requirements of this Ordinance before being considered a buildable lot.

Sections 20-171 through 20-175.

Reserved.

Article XIV. Cluster Development Standards.

Section 20-176. **Purpose.** The purpose of the Cluster Development Standards is to allow limited residential development in rural areas that do not contain high-quality agricultural land while permanently preserving open space, natural features and scenic views. Cluster development encourages agriculture by preserving large tracts of land while discouraging scattered site residential development.

At this point, however, the Town does not believe that application of the current County standards create cluster development that achieve the intended purpose. As such, cluster development will not be permitted. The Town intends to develop new standards to achieve the intended purpose.

Sections 20-177 through 20-190. **Reserved.**

Article XV. Transfer of Development Rights Regulations.

Section 20-191. **Statutory Authorization.** Minn. Stat. § 462.357 specifically authorizes Town zoning ordinances that establish land use districts allowing the transfer of development rights from areas where preservation is desirable to areas more desirable for development.

Section 20-192. **Purpose.** The purpose of the Transfer of Development Rights Regulations is to provide a voluntary, incentive-based process for protecting agricultural and open space resources while promoting development in areas considered more appropriate for development, such as less productive agricultural areas, and areas that are served with road and utility infrastructure. The Transfer of Development Rights regulations are intended to implement the following goals:

- a. To lessen the impact of service delivery costs by encouraging development to be located where public utilities and services are available.
- b. To protect and promote agriculture by preserving large tracts of land by encouraging cluster development.
- c. To protect agricultural land and environmentally sensitive land and facilitate emergency service provision by encouraging cluster development.
- d. To minimize conflicts between agricultural and non-agricultural areas by controlling density and development on agricultural and environmentally sensitive land.

Section 20-193. **TDR Sending Areas.** Development rights may be transferred from the following districts in Bridgewater Township to areas in Bridgewater Township identified in Section 20-192:

- a. Locations within the A Agricultural District that will be developed as minor cluster developments (See Article XIV).
- b. Locations within the A Agricultural District that will be developed as golf course cluster developments (See Article XIV).
- c. Shoreland Districts. Development rights from the Shoreland Districts may be transferred only to lots or parcels within the same shoreland district or to a golf course cluster development within the A Agricultural District.

Section 20-194. **Calculation of Transferable Development Rights within the A Agricultural District.**

The number of rights that may be transferred from a parcel shall be equal to the unused development rights of the parcel under Article IV, Section 20-31 of this Ordinance; however:

- a. Undeveloped parcels of record shall receive one (1) development right.
- b. Undeveloped lots or parcels existing on the date of adoption of this Ordinance of at least ten (10) acres in size qualify for ½ (0.5) development right, which may be sold or

combined for transfer, provide that there remains some eligibility for development within the quarter-quarter where the parcel is located.

- c. Where two undeveloped parcels, over one (1) acre in size, exist in a quarter-quarter section which qualifies for two (2) development rights, each parcel shall receive one (1) right.
- d. A parcel with a dwelling shall not be given a development right if in the quarter-quarter section there is a parcel that can qualify for the remaining right.

Section 20-195. Calculation of Transferable Development Rights within the UR Urban Reserves

District. The number of rights that may be transferred shall be equal to the unused base density of the parcel, based on the minimum lot area of 35 acres for one residential unit (See Article V of this Ordinance). A minimum of 35 acres is required to obtain one development right and TDR's shall not be divided.

Section 20-196. Use of Development Rights in Receiving Areas. A development right may be applied to any dwelling type permitted in the zoning district or type of planned unit development to which it will be transferred (the receiving area).

Section 20-197. Limitations on Future Development of Sending Areas. After the transfer of development rights, further development of the sending area is restricted based on the number of rights transferred. If all development rights have been transferred, the parcel is restricted to agricultural and open space uses. Should the zoning of the sending parcel be changed in the future to allow additional density, the number of development rights already used shall be subtracted from the total number of units permitted. This restriction shall be removed if the property is annexed to a city.

Section 20-198. Development Agreements and Recording of Restrictions. The following information shall be recorded as part of the transfer of development rights:

- a. Development Agreements and Recording of Restrictions. The following information shall be recorded as part of the transfer of development rights:
 - 1. Common ownership. Development rights transferred between parcels that are under common ownership shall occur only if the transfer is recorded on the deeds of all sending parcels. The property owners shall be responsible for recording all required documents with the Rice County Recorder.
 - 2. Separate Ownership. Development rights transferred between parcels under separate ownership shall be the subject of a development agreement restricting future development between the property owners that shall be executed and recorded on the deeds of all affected parcels. The transfer shall also be recorded on the deeds of all sending parcels. The property owners shall be responsible for recording all required documents with the Rice County Recorder.

3. Zoning Map. All density transfers shall be recorded on the Official Zoning Map by the Zoning Administrator.
4. Terms of Restriction. The development agreement required under subpart 2 above shall, at a minimum, contain the following:
 - A. A legal description of the sending and receiving parcels.
 - B. The number of development rights transferred.
 - C. The restriction on future development or subdivision of the sending parcel.
 - D. The restriction of the sending parcel to agricultural and open space use.
 - E. Any provisions for reacquiring development rights to be used in the future on the sending parcel.
 - F. Bridgewater Township shall have the right to enforce the terms of the agreement.
 - G. The agreement shall be signed and executed by the landowners of both the sending and the receiving parcels.

Sections 20-199 through 20-203.

Reserved.

Article XVI. Subdivision Regulations.

Section 20-204. **Purpose and Intent.** All subdivisions of land hereafter submitted for approval shall fully comply, in all respects, with the regulations set forth in this Article. It is the purpose of these regulations to:

- a. Protect and provide for the public health, safety and general welfare of the Town.
- b. Preserve land in tracts large enough for viable agricultural operations.
- c. Protect and conserve the value of the land throughout the Town, the value of buildings and improvements, and to minimize the conflicts of the uses of lands and buildings.
- d. To promote the development of an economically sound and stable community by preventing the subdivision or development of land that results in scattered subdivision of land as would involve danger of injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- e. Encourage well-planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction.
- f. Place the cost of improvements against those benefiting from their construction.
- g. Secure the rights of the public with respect to public lands and waters.
- h. Prevent the pollution of air, streams, and lakes; to ensure the adequacy of drainage facilities; to protect underground water resources and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the Town.
- i. Preserve the natural beauty and topography of the Town and to ensure appropriate development with regard to these natural features.
- j. Provide for open spaces through the most efficient design and layout of the land while preserving the density of land as established in this Ordinance.
- k. Require new subdivisions to provide financial support for infrastructure improvements that are necessary to support new growth.

It is the intent of this Article to regulate the platting of land in Bridgewater Township pursuant to Minn. Stat. Chapters 429, 462, 471 and 505.

Section 20-205. **Jurisdiction.** The regulations herein governing plats and the subdivision of land shall apply to all the area of Bridgewater Township.

- a. Application of this Article. All subdivisions of land resulting in lots of less than forty (40) acres within the jurisdiction of Bridgewater Township shall be regulated by this Article

and shall be platted in accordance with the provisions contained herein. All subdivisions that create two (2) or more lots or parcels that are two and one-half (2 ½) acres or less in size shall be processed as a plat in accordance with Minn. Stat. Chapter 505.

- b. **Compliance.** No plat or any subdivision shall be recorded in the Rice County Recorder's Office or have any validity until the plat thereof has been prepared, approved, and acknowledged in the manner prescribed by this Article.
- c. **Permits.** No permits shall be issued to allow construction of any building, structure, or improvement to the land or to any lot in a subdivision, as defined herein, until all requirements of this Article have been complied with.
- d. **Design Standards.** All provisions in this Article shall be considered minimum requirements. Design features, such as lot, block and street layout, shall conform to the accepted standards. The Planning Commission and the Town Board shall interpret standards of acceptable design.

Section 20-206. Consistency with Other Controls.

- a. Subdivisions must conform to all official controls of Bridgewater Township. A subdivision will not be approved where a later variance from one or more of the standards in official controls would be needed to use the lots for their intended purpose.
- b. In the shoreland areas not served by publicly owned sewer and water systems, a subdivision will not be approved unless domestic water supply is available and a sewage treatment system consistent with this Ordinance is available for every lot.
- c. Subdivisions that would create lots that require the use of holding tanks will not be approved.

Section 20-207. Exception to Scope. Except in the case of resubdivision, this Ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Rice County Recorder prior to July 8, 1975, nor is it intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with this Ordinance, or with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control.

Section 20-208. Separability. If any part of provision of these regulations or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined to the part, provision, or application directly involved, and shall not affect or impair the validity of the remainder of these regulations or their application.

Section 20-209. **Definitions.** For purposes of this Article, certain words and terms shall have the following meanings. Other words shall be as otherwise defined in this Ordinance or, if not defined, shall have their common understanding.

Alley. A public right-of-way that affords a secondary means of access to abutting property and is not intended for general traffic circulation.

Buildable Land. Non-hydric land having a size and configuration capable of supporting principal and accessory buildings, with an approved waste water treatment system and potable water system.

Certificate of Survey. A land survey prepared by a land surveyor registered in the State of Minnesota with a certification that the information on the land survey is accurate.

Design Standards. A set of standards defining the parameters to be followed in site and/or building design and development.

Escrow. The deposition of funds in an account maintained by the Town specifically for the purpose of ensuring fulfillment of certain obligations pursuant to this Ordinance.

Financial Guarantee. A financial security consistent with this Article, posted with the Township with the approval of a final plat, guaranteeing compliance with the approved final plat, construction plans, and conditions of approval set forth by the Town.

Lot Split. The division of one (1) parcel of land into two (2) parcels, both of which meet all applicable standards of this Ordinance

Parks and Playgrounds. Public lands and open spaces in Bridgewater Township dedicated or reserved for recreation purposes.

Pedestrian Way. A public right-of-way across or within a block intended to be used by pedestrians.

Preliminary Approval. Official action taken by the Town on an application to create a subdivision that establishes the rights and obligations set forth in Minn. Stat. § 462.358 and the applicable subdivision regulations contained in this Article. In accordance with Minn. Stat. § 462.358, and unless otherwise specified in the applicable subdivision regulations, preliminary approval may be granted only following the review and approval of a preliminary plat or other map or drawing establishing without limitation the number, layout, and location of lots, tracts, blocks, and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated to public use. **Protective (Restrictive) Covenants.** Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values. Enforcement of protection covenants shall be by the parties involved, not the Town Board.

Resubdivision. A change in an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved for public use, or any lot line, or if it affects any map, or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Road, private. A roadway or strip of land reserved for the use of a limited number of persons or purposes, as distinguished from a publicly dedicated road.

Same Ownership. For the purposes of this Article as it relates to the subdivision of large tracts, contiguous parcels shall be considered in the same ownership when owned by: (1) the same individual, natural or legal persons or entities, including corporations, LLC's, partnerships or other legal entities; (2) an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns the other lot in question individually with another individual, and other lots are owned by one's spouse, parent, grandparents, sister or spouse of the brother or sister of such person; and (3) when any of said lots, tracks or parcels are owned by an individual and other lots, tracts or parcels are owned by the corporation in which said individual is an officer or director of controlling stockholder.

Section 20-210. **Procedure for Pre-Application Meeting.** Before subdividing any tract of land within Bridgewater Township, the following may be followed:

- a. Pre-application Meeting. Prior to the preparation of a preliminary plat, the subdivider or owner may meet with the Bridgewater Township Planning Commission, the Zoning Administrator, and other appropriate officials in order to be made fully aware of all applicable ordinances, regulations and plans in the area to be subdivided. The developer should obtain a copy of this Article. At this time or at subsequent informal meetings, the subdivider may submit a general sketch plan of the proposed subdivision and preliminary proposals for the provision of water supply, waste disposal and roads. The sketch plan can be presented in simple form but should show that consideration has been given to the relationship of the proposed subdivision to existing community facilities that would serve it, to neighboring subdivisions and developments, and to the topography of the site. The sketch plan must include the following information:
 1. Name and address of the owner or subdivider.
 2. Date of plan preparation.
 3. Scale of plan (engineering scale).
 4. North arrow indication.
 5. Legal description.
 6. Property location map illustrating the site location relative to adjoining properties and streets.
 7. Scaled drawing (engineering scale) illustrating property boundaries.

8. Scaled drawing of the proposed subdivision sketch plan including street patterns and lot layout related to the natural resources of the site and adjoining properties.
 9. Densities.
 10. Natural features, including a generalized drawing of natural features showing wetlands, lakes, drainage ways, woodland areas and hydric soils.
 11. Any required zoning change.
 12. Proposed timing and staging of development.
 13. Proof of ownership or legal interest in the property in order to make application.
 14. Additional information as required by the Town through the Zoning Administrator or Engineer.
- b. Sketch Plan submission not adequate for preliminary plat approval. The subdivider is urged to avail himself/herself of the Planning Commission and Town staff at this point in order to save time and effort, and to facilitate the approval of the preliminary plat. The Planning Commission and/or staff shall advise the owner or subdivider as to the conformance of the proposed subdivision with this Article and other applicable official controls. If the owner or subdivider decides to proceed with the subdivision as proposed or revised, he/she may proceed with the preparation of the preliminary plat as provided in this Article. Submission of a sketch plan and associated information shall not be considered adequate for application for preliminary plat approval.

Section 20-211. Build-Out Plan (Ghost Plat).

- a. Application. A build-out plan (ghost plat) shall be required for the following subdivision applications:
 1. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots that be eventually resubdivided into smaller lots.
 2. Cluster subdivisions or open space design subdivisions that preserve open space for future development.
- b. Design Requirements. The build-out plan (ghost plat) shall illustrate the following:
 1. Lot design consistent with the long range planning for the area (Comprehensive Plan).
 2. The layout of future streets. Local streets shall be planned to provide street connections to adjoining parcels, neighborhoods, or future development open spaces as a means of discouraging reliance on County and State roads for local trips.
 3. Easement locations for utilities and storm water drainage.

4. Location of buildings or structures on the lots to accommodate future subdivisions.
- c. Right-of-way Dedications. The Town may require easements or right-of-way dedication and/or cash escrow or other financial guarantees in conjunction with plat approval to facilitate the future development of the build-out plan (ghost plat). The build-out plan (ghost plat) must follow the procedure outlined in Section 20-210.

Section 20-212. **Preliminary Plat.**

- a. Preliminary Plat Procedures.
 1. After the pre-application, the subdivider or owner shall file with the Zoning Administrator fifteen (15) copies of a preliminary plat and the fee as set by separate action of the Town Board. This fee will be used for expenses of the Township in connection with the review of said plat.
 2. After the plat application is filed, the Township Planning Commission shall hold a public hearing on the preliminary plat after notice of the time and place thereof has been published once in the official newspaper at least ten (10) days before the day of the hearing in addition to written notices as required by Minn. Stat. §462.358. This shall constitute the public hearing on the plat as required by state law. The Planning Commission shall recommend approval or denial of the preliminary plat to the Town Board and may recommend conditions related to the approval.
 3. Findings of Fact. Upon conclusion of the public hearing, the Planning Commission shall make and enter findings for the record and conclusions thereof as to whether or not:
 - A. Adequate provisions are made for the public health, safety and general welfare and for open space, drainage ways, roads, alleys, and other public ways, water supplies, sanitary wastes, parks, playgrounds and other public needs.
 - B. The proposed subdivision contributes to the orderly development and land use patterns in the area.
 - C. The public use and interest will be served by permitting the proposed subdivision.
 - D. The proposed subdivision conforms to the general comprehensive plan and zoning requirements.
 - E. The proposed subdivision conforms to the general purposes of any applicable policies or plans that have been adopted by the Town Board.

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- F. The proposed subdivision conforms to the general purposes of this Article.
4. The Town Board shall act to approve or disapprove the preliminary plat. The Town Board may include conditions related to the approval. If the Board disapproves the preliminary plat, the reasons for any such disapproval shall be set forth in the minutes of the Town Board meeting and a copy of those reasons shall be given to the owner or subdivider.
- b. Data for Preliminary Plat. The following information is required for review of a preliminary plat:
 1. Identification and Description.
 - A. Proposed name of the subdivision, which shall not duplicate or be similar in pronunciation or spelling to the name of any plat heretofore recorded in Rice County.
 - B. Location by section, township, range, and by metes and bounds description.
 - C. Names and addresses of the owner of record and any agent having control of the land, subdivider, surveyor, engineer, and designer of the plat.
 - D. Graphic scale not less than one (1) inch to one hundred (100) feet except for large subdivisions, where a smaller scale will be acceptable after consultation with the Zoning Administrator.
 - E. Indication of north.
 - F. Key map including areas within one (1) mile radius of the plat.
 - G. Date of preparation.
 - H. A current policy of title insurance running to the Town.
 2. Existing Conditions. The plat shall also include the following existing conditions:
 - A. The boundary lines of the proposed subdivision shall be indicated.
 - B. Existing zoning classifications for land within and abutting the subdivision shall be shown.
 - C. A general statement on the approximate acreage and dimensions of the lots shall be included.
 - D. Location, right-of-way, and names of existing or platted streets, or other public ways, parks, and other public lands, permanent buildings and

- structures, easements and section and corporate lines within the plat and to a distance one hundred fifty (150) feet beyond the plat shall be shown.
- E. Boundary lines of adjoining unsubdivided or subdivided land, within one hundred fifty (150) feet, identified by name and ownership, including all contiguous land controlled by the subdivider, shall be shown.
 - F. Topographic data, including contours at vertical intervals of two (2) feet, water courses, marshes, rock outcrops, power transmission poles and lines, wetlands, streams, rivers and lakes, all existing structures, if any, and other significant features, shall be shown.
 - G. A survey shall be prepared by a licensed surveyor, identifying tree coverage in the proposed subdivision in terms of type, weakness, maturity, potential hazard, infestation, vigor, density and spacing.
- c. Subdivision Design Features. The following design features shall be shown on the preliminary plat:
- 1. Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross sections and proposed names of streets (subject to the Planning Commission and Town Board approval). The name of any street heretofore used in the Township or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name will be used. Three (3) copies of profiles of each proposed street and road, showing existing and/or proposed grades and gradients on the centerline; the location of proposed culverts; and the location of bridges shall be submitted.
 - 2. Locations and widths of proposed alleys and pedestrian ways.
 - 3. Layout, numbers and preliminary dimensions of lots and blocks.
 - 4. Building setback lines with dimensions.
 - 5. Location of proposed structures, driveways, percolation test and soil borings, if applicable, and two (2) suitable sites for individual sewer treatment systems with the method for protecting the alternate individual sewage treatment system site for future use.
 - 6. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - 7. Grading plans showing how the site will be graded and showing the final contours into the existing contours. Locations for stockpiling of soils, the proposed 100-year flood elevation, and a vegetation restoration plan for all areas disturbed by grading shall be illustrated on the plan.

8. Plans for the installation of electricity, street lights, telephone, gas and drainage and storm water facilities.
9. Park dedication areas shall be shown.
10. Other information. The following information is also required:
 - A. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and type of business or industry, so as to reveal the effect of the development on traffic, fire hazards, and congestion of population.
 - B. Plans for water supply, sewage disposal, storm water drainage systems, including proposed location, size and gradient of proposed sewer lines and water mains, and such other supporting data as may be required by the Town Engineer or the Zoning Administrator.
 - C. Soil absorption (percolation tests) and any other subsoil information requested by the Town Engineer.
 - D. Soil absorption (percolation tests) and any other subsoil information requested by the Town Engineer.
 - E. A build-out plan (ghost plat), when applicable, depicting how the land within the subdivision may be further subdivided in the future. The build-out plan should show the possible relationships between the proposed subdivision and future subdivision and shall be shown to relate well with existing or potential adjacent subdivisions.
 - F. A plan for soil erosion and sediment control, both during construction and after development has been completed, shall be indicated. The plan shall include gradients of waterways, design of velocity and erosion control measures, and landscaping of the erosion and sediment control system.
 - G. A vegetation preservation and protection plan that shows the trees proposed to be removed, those to remain, and the types and locations of trees and other vegetation that are to be planted shall be shown.
 - H. A water feasibility study shall also be required to determine if water is readily available. No water well shall have a casing larger than six (6) inches.
 - I. Also included shall be such other information as may be requested by the Township Zoning Administrator. The Zoning Administrator may request the owner or subdivider to provide documentation that describes the subdivision's potential effect or impacts on public facilities, utilities and services, including, but not limited to:

- i. Streets
 - ii. Law enforcement
 - iii. Ambulance emergency services
 - iv. Fire protection
 - v. Schools
 - vi. Utilities
- d. Approval of Preliminary Plat.
1. The owner or subdivider, or his/her representative, shall appear before the Planning Commission to answer questions concerning the proposed plat.
 2. The Planning Commission and Zoning Administrator shall have the authority to request additional information from the applicant concerning a preliminary plat. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Article. Failure of the owner or subdivider to supply all necessary supportive information may be grounds for denial of the request by the Town Board.
 3. The Township Planning Commission and the Township Zoning Administrator may forward to the Town Board a favorable, conditional or unfavorable report, and said reports shall contain a statement of findings and recommendations. Prior to granting preliminary approval, the Town Board may require, as a condition of approval, such changes, additions or revisions as it deems necessary for the health, safety and general welfare and convenience of the people of the Township.
 4. The Town Board shall take action on the application with a resolution of approval or denial that shall include findings of fact, and shall be entered in the proceedings of the Town Board and shall be transmitted to the owner or subdivider in writing.
 5. The approval of a preliminary plat is an acceptance of the general layout as submitted, and indicates to the subdivider that he/she may proceed toward final plat in accordance with the terms of approval and the provisions of this Article. If the preliminary plat is approved by the Town Board, the subdivider must submit a complete application for final plat within one (1) year after said approval or approval of the preliminary plat shall be considered void, unless a request for a time extension is submitted in writing by the owner or subdivider and approved by the Town Board. Such extension shall be limited to a period of one (1) year.
 6. During the intervening time between approval of a preliminary plat and the signing of the final plat, the subdivider must submit acceptable engineering plans for all required improvements.

Section 20-213. **Final Plat.**

- a. Final Plat Procedures.

1. The final plat shall have incorporated all changes recommended by the Township Zoning Administrator, the Township Engineer regarding Township roads, the Township Planning Commission and the Town Board as conditions to approvals of the preliminary plat, but in all other respects it shall conform to the preliminary plat as approved. The final plat may constitute only that portion of the approved preliminary plat that the subdivider proposes to record and develop at that time, provided that such a portion conforms to all requirements of this Article and any applicable state law.
 2. The Township Zoning Administrator shall refer the final plat to the Planning Commission for its review and report. The report of the Planning Commission, the Township Zoning Administrator and the Township Engineer shall be submitted to the Town Board and the Town Board shall take action on the final plat.
 3. Upon approval of the final plat by the Town Board, satisfaction by the Township that all ordinance requirements are met, and following payment of all fees, the subdivider shall record such final plat with the Rice County Recorder as provided by that office, within sixty (60) days after the approval. If not recorded in sixty (60) days, the approval of the final plat shall be considered void. The subdivider shall, within thirty (30) days of recording, furnish the Township with three (3) black line prints and a reproducible print of the final plat showing evidence of recording.
- b. Data for Final Plat. The following information applies to preparation of the final plat:
1. General. The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and this Article. Surveying requirements of the final plat shall be under the regulation of the Township Engineer.
 2. Information to be submitted. The following information is required for the final plat:
 - A. Four (4) mylar copies of the final plat.
 - B. One (1) reproducible copy reduced to 11" x 17" of the final plat.
 - C. Twelve (12) blue-line copies of the final plat and supporting documents, plus any additional copies deemed necessary by the Zoning Administrator plus one (1) reproducible copy reduced to 11" by 17" along with one (1) copy of the final plat, wetland delineation, topography contours, and all related engineering plans.
 - D. One (1) up-to-date (within three (3) months) title insurance policy.

- E. Two (2) copies of the development agreement, including signatures for the subdivider/owner and the Town.
 - F. One (1) copy of any title declaration, deed restriction, restrictive covenants, or homeowner’s association documents in recordable format.
 - H. Execution by all owners of any interest in the land, including any holders of a mortgage therein of the certificate required by Minnesota Statutes. The certificate shall include an accurate legal description of any area to be dedicated for public use, and shall include dedication to the Township of sufficient easements to accommodate utility services in such form as shall be approved by the Township attorney.
 - I. Other information as may be required by the Town.
- c. Certifications. The following certifications shall be obtained by the applicant as part of the final approval of the final plat:
- 1. For approval by signature of officials concerned with the recording of that plat:
 - A. No delinquent taxes and transfer entered this ____ day of _____, 20____.
 - B. Checked and approved as in compliance with the Bridgewater Township Zoning Ordinance and Subdivision Regulations.

_____ (name)
Rice County Auditor _____
 - C. Approved by the Bridgewater Township Board of Supervisors this ____ day of _____, 20____.

Chairman
Bridgewater Township Board of Supervisors

Attest:

Bridgewater Township Clerk
 - D/ Approved by the Rice County Board of Commissioners this ____ day of _____, 20____.

Chairman of Rice County Board

Attest:

 Rice County Auditor

Subdivision 20-214.

Subdivision Design Standards.

a. General Requirements. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided. No preliminary plat will be approved if it does not comply with all of the following Town ordinances or plans, if then adopted:

1. Comprehensive Plan
2. Transportation Plan
3. Park and Recreation Plans
4. Zoning Ordinance/Zoning Map
5. Stormwater Management Plans and/or Ordinances
6. Individual Septic Treatment System Ordinance\
7. Right-of-Way Ordinance
8. Capital Improvement Plan
9. Nuisance Ordinance

No preliminary plat will be approved for a subdivision that includes an area of poor facilities that would render inadequate the streets or building site proposed by reason of such plat, unless the subdivider agrees to make improvements that will, in the opinion of the Town Engineer, make such areas completely usable and safe for occupancy and provide for adequate street and lot drainage, sewer systems, and feeder road systems.

The arrangement, character, extent, width and location of all streets shall be considered in relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations.

b. Streets.

1. Widths. Street right-of-way widths shall conform to the following minimum dimensions:

STREET	Right-of-way Minimum	Desirable Width
Major Arterial (State)	150 feet	300 feet

Minor Arterial (County)	66 feet	150 feet
Collector (Township)	66 feet	100 feet

2. Street Intersection. Insofar as practical, streets shall intersection at right angles. In no case shall the angle formed by the intersection of two streets be less than ninety (90) degrees. Intersections having more than four corners shall be prohibited. Adequate land for future intersections and interchange construction needs shall be dedicated.
3. Tangents. A tangent of at least three hundred (300) feet shall be introduced between reverse curves on arterial and collector streets.
4. Deflections. When connecting street lines deflect from each other at one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than five hundred (500) feet for arterials, three hundred (300) feet for collectors, and one hundred (100) feet for all other streets.
5. Street Jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided for local streets. The minimum angle of such jogs shall be eighty (80) degrees.
6. Local Streets. Minor streets shall be laid out so that their use by through traffic is discouraged. Each subdivision shall have a secondary access road that can also function as an emergency escape route.
7. Cul-de-sacs. The maximum length of a street terminating in a cul-de-sac shall be six hundred (600) feet measured from the centerline of the street of origin to the end of the right-of-way. A cul-de-sac shall have a minimum diameter of one hundred fifty (150) feet. Cul-de-sacs will only be allowed in cases where proper future interconnectivity of local streets will be provided or where topography or environmental constraints preclude interconnection of local streets.
8. Temporary Cul-de-sacs. In those instances where a street is terminated pending future extension in conjunction with future subdivision and there is more than two hundred (200) feet between the dead-end and the nearest intersection, a temporary turn around facility shall be provided at the closed end, in conformance with cul-de-sac requirements. This temporary cul-de-sac must be placed inside a temporary easement if it is located outside the street right-of-way and shall be constructed according to the cul-de-sac typical included in the Town Transportation Plan or as approved by the Town Engineer. A financial guarantee will be required for removal or restoration as determined by the Town Board.
9. Centerline Gradients. All centerline gradients shall be at least 0.5 percent and shall not exceed the following: arterials and collector streets – five (5) percent; minor streets and marginal access streets – seven (7) percent.

10. Access to Arterial Streets. In the case where a proposed plat is adjacent to a controlled access highway (arterial), there shall be no direct vehicular or pedestrian access from individual lots to such highways. As a general requirement, access to arterials shall be at intervals of not less than $\frac{1}{4}$ mile and through existing and established cross roads where possible.
11. Hardship to Owners of Adjoining Properties. The street arrangements shall not be such as to cause a hardship to owners of adjoining property in platting their own land and providing convenient access to it.
12. Dead-End Streets. Dead-end streets, other than cul-de-sacs, shall only be permitted if authorized by the Town Board.
13. Sight Distance Triangles. At no street intersection in any district shall an obstruction to vision exceeding two and one-half feet (2 1/2 ') in height above the street grade be placed or permitted to grow on any lot within the triangle formed by the right-of-way lines abutting the intersection and a line connecting points on these street lot lines at a distance of thirty-five feet (35') from the point of intersection of each right-of-way line.
14. Provisions for Resubdivision of Large Lots and Parcels. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
15. Street Construction Standards. The street shall be constructed in accordance with the typical sections included in the Town Transportation Plan (road policy) or as approved by the Town Engineer.
 - A. Inspections. All subdividers/owners who propose to do construction within a Town right-of-way shall consult with the Town Engineer to determine the inspections required during construction. A site inspection schedule will be determined at the pre-construction conference.
 - B. Staking. Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and sides staked at one hundred (100) foot intervals. Side stakes shall be set back off the right-of-way at right angles from the center line so as to be out of the construction area and include stationing and distances to the center line. Limits of clearing shall be marked by stakes or flagging. After clearing and grubbing is done, road construction stakes shall be placed at one hundred (100) foot stations, a minimum of fifteen feet (15') and a maximum of twenty feet (20') off the center line, and grades shall be marked on the tops of the stakes. Cut and fills shall be computed to the

finish grade of the roadway and said cuts or fills shall be marked on side stakes.

- C. Clearing and Grubbing. All trees and brush, stumps, large roots, loam, forest litter, sod, muck, silt or other unacceptable material within the right-of-way or slope lines, whichever is farthest from the center line of the street, shall be cut, excavated, and removed from the area except that trees that are to remain to secure the intent of these regulations to provide a mature stand of trees for ornamentation and aesthetic design. Under no circumstance shall any wood, brush, or other unsuitable material be placed under or allowed to remain within the limits of the subgrade area.
- D. Clean-up. Before acceptance, a street shall be cleaned up, by whatever means necessary, so that it is left in a neat and presentable condition. Construction related debris of all kinds, both natural and man-made, shall be completely removed from the right-of-way.
- E. Safety. The Town Board reserves the right to modify proposed street plans for the purpose of enhancing the safety of the traveled way. Potential modifications include, but are not limited to, removing obstructions, adding guard rails where steep slopes exist or are created, and requiring additional warning signs. The Town Engineer may act for the Town Board under this paragraph.
- F. Traffic Impact Studies. A traffic impact study may be required of any proposed subdivision at the discretion of the town Board. The Town Board reserves the right to retain the services of an outside agency for the purposes of reviewing any traffic impact analysis submitted. The cost of review of submitted traffic impact studies shall be borne by the subdivider/owner.

Section 20-215. Subdivision Characteristics.

- a. Blocks.
 - 1. Length. The length, width and acreage of a block shall be sufficient to provide for convenient access, circulation, control and safety of street design. Blocks may be longer than 1300 feet or shorter than 300 feet only if the Township Planning Commission and the Town Board agree that exceptions are warranted. Exceptions may be warranted in order to foster design originality provided that such exceptions do not violate sound planning principles.
 - 2. Width. The width of the block shall be sufficient to allow two (2) tiers of lots of appropriate depth. Blocks intended for business or individual use shall be of such width to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

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- b. Lots.
 - 1. Size. The lot dimensions shall be such as to comply with the minimum lot area specified in this Ordinance.
 - 2. Side Lot Lines. Side lines of lots shall be substantially at right angles to straight street lines or radial to curved street lines.
 - c. Drainage. Lots shall be graded so as to provide drainage away from building locations.
 - d. Natural Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic areas, or similar conditions, and plans shall be adjusted to preserve those which will add attractiveness, safety and stability to the proposed development.
 - e. Lot Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots rather than be allowed for remain as substandard parcels.
 - f. Through Lots. Through lots (lots with frontage on two parallel streets) or lots with reverse frontage shall not be permitted except where lots back on an arterial or collector street. Such lots shall have an additional depth of at least ten feet (10') in order to allow for screen planting along the back lot line.
 - g. Sewage Disposal. In areas being platted for rural development, the size and relative location of on-site soil absorption systems shall be governed by the Sewage Disposal Standards under Minnesota Rules, Chapter 7080, as amended. In addition, the following requirement shall apply:
 - 1. On each lot, there shall be an area preserved for the construction of an additional drain field system should the original system fail. The area set aside for a second drain field shall be of a size and so located that a drain field can be constructed that will meet all standards on size and setbacks recommended by the Minnesota Department of Health.
 - h. Tree Removal and Conservation of Vegetation. All subdivisions shall be planned, designed, constructed and maintained so that:
 - 1. Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
 - 2. Existing native vegetation shall not be disturbed, injured or removed prior to site development, except to the extent necessary for the preparation of a tentative map.
 - i. Erosion and Sediment Control. The following guidelines shall be applied to the subdivision and construction of land areas:

1. The development shall conform to the natural limitations presented by the topography and soil as to create the least potential for soil erosion.
 2. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
 3. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
 4. When soil is exposed, the exposure shall be for the shortest reasonable period of time.
 5. Where the topsoil is removed, a sufficient amount shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- j. Drainage. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. The following requirements shall also apply:
1. Storm water drainage shall be discharged to marshlands, swamps and retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.
 2. No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, or rerouted without written permission from the Town Board and other applicable authorities.
 3. Where artificial channels must be constructed to augment the natural drainage systems, such channels, as well as the natural drainage ways, may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational use.
 4. The drainage system shall be constructed and operational as quickly as possible during construction.
- k. Easements. All easements shall be dedicated by appropriate language on the plat as required by Chapter 505 of Minnesota Statutes and shall include the following:
1. Easements for Utilities. Easements for utilities at least sixteen feet (16') wide, centered on rear and other lot lines, shall be provided for utilities where necessary. Easements provided shall have continuity of alignment from block to block.

2. Easements for Drainage. Easements shall be provided along each side of the center line of any water course or drainage channel, whether or not shown in the comprehensive plan, to a width sufficient to provide proper maintenance and protection and to provide for storm water runoff from a ten year storm of one hour duration. Where necessary, drainage easements corresponding with lot lines shall be provided. Such easements for drainage purposes shall be not less than twenty feet (20') in width.
1. Improvements Required. Prior to the approval of a final plat, the subdivider shall have agreed in the manner set forth below to install the following site improvements in conformity with construction plans approved by the Township Engineer, and in conformity with all applicable standards and ordinances:
 1. Monuments. Monuments of a permanent character as required by Chapter 505 of Minnesota Statutes shall be placed at each corner or angle on the outside boundary of the subdivision; pipes or steel rods shall be placed at each corner of each lot and at each angle in a lot line or the plat boundary.
 2. Streets. The full width of the right-of-way of each street and alley dedicated in the plat shall be graded. All streets and alleys shall have an adequate sub-base and shall be improved with an all-weather permanent surface in accordance with the design standards specified by the Township. Except in areas where lot widths exceed one hundred feet (100') or topography or tree cover dictates otherwise, grading shall provide for each installation of sidewalks at some future date.
 3. Paving. All streets and alleys shall be improved with a bituminous or concrete surface unless otherwise granted a waiver from the Town Board. Streets shall be constructed for nine-ton axle weight capacity and shall be constructed according to the specifications of the Town Engineer. Paving may be waived by the Town Board, in its sole discretion, if it can be demonstrated to the satisfaction of the Town Board that the proposed development will not adversely impact adjoining Bridgewater Township roads. In considering a waiver, the Town Board shall consider such factors as the resulting need for additional Town road maintenance and the proximity to existing residential subdivisions or areas suitable for future residential development.
 4. Concrete Curb and Gutter. Concrete curb and gutter may be required for all paved streets.
 - m. Water Supply. In all subdivisions, the subdivider shall either:
 1. Install a system providing each lot with an adequate supply of potable water; or
 2. State on the final plat that purchasers of individual lots will be required to install their own approved wells.

Section 20-216. **Park Dedication.** Since the subdivision of land results in additional development in the community and causes additional demand upon the recreational park facilities located therein, it is declared general policy that in all new subdivisions, a percentage of the gross area of all property subdivided shall be dedicated for parks, playgrounds or other public use. Such percentage shall be in addition to the property dedicated for streets, alleys, waterways, pedestrian ways or other public ways. Areas designated for park dedication shall not be located in flood plain, shoreland, or other areas unsuitable for park development unless such action is determined to be consistent with approved park plans.

- a. Residential, Commercial and Industrial Development. In areas developed for residential, commercial or industrial development, an area of public open space shall be dedicated for public recreation space, not including dedication for streets, alleys, easements or other public use. Dedication requirements shall be established from time to time by ordinance of the Town Board.
- b. Application of Park Dedication Requirements. Park dedication requirements shall apply to all new development, redevelopment, lot combinations/redivisions to facilitate development, lot splits and expansion of residential or commercial, industrial or business use that is regulated by this Article. Park dedication requirement shall not apply to lot combinations/redivisions that do not increase the number of single family residential lots or dwelling units, conversions of apartments to condominiums, or internal household improvements.
- c. Approval of Park Dedication Areas. No areas may be dedicated as parks, playgrounds, or public lands until such areas have been approved for the purpose for which they are to be dedicated. Such dedication of public land for public use shall be made without restrictions or reservations and shall be transferred to the Town by deed or plat.

When, in the opinion of the Town Board, the subdivision is too small for practical dedication or no land within the proposed subdivision is suitable, or if not need for land dedication is perceived, the subdivider shall pay a fee as established from time to time by ordinance of the Town Board. Such fees shall be payable to the Town prior to execution of signatures by Township officials on the final plat mylars. Money given to the Town in lieu of land shall be used by the Town for acquiring or developing public parks and playgrounds.

Section 20-217. **Street Lighting.** Street lighting of a type approved by the Town Board must be installed at all intersections within the subdivision unless waived by action of the Town Board.

Section 20-218. **Sewage Disposal.** As specified in this Article, individual on-site sewage disposal facilities shall be provided for each lot and so located as to permit easy and the least expensive connection to the sewer should a public sanitary sewer system becomes available. There shall be no overflow outlets from septic tanks or seepage pits allowing effluent to flow to any waterway, drainage way or roadside ditch. The subdivider or owner shall be required to provide appropriate soil borings and percolation tests in order to determine proper sewage system design.

Section 20-219. **Drainage.** A system that will adequately take care of the surface water runoff within the subdivision shall be provided. Storm sewers and culverts may be required where necessary in conjunction with the grading of streets. Cross drains may be required to accommodate all natural water flow and shall be of sufficient length to permit full-width roadways and required side slopes. Drainage ditches shall be sodded to prevent erosion.

Section 20-220. **Street Signs.** Street signs of standard design approved by the Township shall be installed at each street intersection. The posting of all street signs or markings shall be the responsibility of the subdivider/owner and such signs shall be installed prior to the release of the escrow or bank letter of credit.

Section 20-221. **Driveways.**

- a. A driveway permit must be approved by the Zoning Administrator prior to construction.
- b. In essence, a driveway cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and maintained by the homeowner or subdivider. Stabilization of the driveway in-slope must be provided as part of the final grade.
- c. Final driveway acceptance shall rest with the Zoning Administrator. Any decision of the Zoning Administrator regarding driveway permits may be appealed to the Town board following transmission of a written notice of appeal, which specifies the subject and grounds therefore. Such notice must be received by the Zoning Administrator within ten (10) days following the issuance of an order, requirement, decision or determination that is the subject of the appeal. The Zoning Administrator will forward the appeal to the Town Board.
- d. Upon appeal, the Town Board will take action to approve or deny driveway permit appeal requests. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
- e. In no case shall the culvert pipe under a driveway be less than eighteen inches (18") in diameter, with aprons.
- f. The cost of culverts shall be borne by the homeowner or subdivider.
- g. Driveways shall intersect the roadway at a preferred angle of ninety (90) degrees but in no case shall the intersection angle be less than sixty (60) degrees.
- h. An all season safe distance of two hundred feet (200') in each direction must be present for a building permit to be issued.
- i. No driveway shall be constructed within fifty feet (50') of an intersecting street. One hundred feet (100') is preferable.

- j. The maximum allowable driveway width shall be twenty feet (20'), not counting the flares. The desirable width shall be twelve to fifteen feet (12' – 15') and the minimum width shall be ten feet (10').

Section 20-222. **Landscaping of Right-of-way and Shoulders.** Topsoil shall be distributed to provide at least four (4) inches of cover to all areas disturbed between the right-of-way limits and the shoulders and shall be established by seeding and mulching or planting.

Section 20-223. **Utilities.** Prior to any new road construction or subdivision approval, written preliminary approval must be included from all applicable utility services. Any plot plan, subdivision plan or town road construction plans must include underground or aerial service systems. Utility poles should be kept close to the right-of-way and in no case in the ditch line and always well back from the curb.

Section 20-224. **Sidewalks, Pedestrian Ways, and Bicycle Paths.** Sidewalks, pedestrian ways, and bicycle paths may be required at the discretion of the Town Board. When required, sidewalks shall be constructed in accordance with the specifications in the Town Transportation Plan or as approved by the Town Engineer. Proposed designs of pedestrian ways and bicycle paths will be subject to the approval of the Town Board. Sidewalks are defined as those walkways adjacent to traveled roadways. Pedestrian ways and bicycle paths may or may not be adjacent to traveled roadways.

Section 20-225. **Payment for Installation of Improvements.** The required improvements to be furnished and installed by the subdivider, which are listed and described above, are to be furnished and installed at the sole expense of the subdivider and at no expense to the public; however, in the case of an improvement that would, by general policy of the Town Board, be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, the Town Board may, in its sole discretion, make provision for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the Township.

If any improvement within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, the Town Board may, in its sole discretion, make provision for causing a portion of the cost of the improvement representing the benefit of such lands to be assessed against the same; in such case, the subdivider will be required only to pay for such portions of the total cost of said improvements as will represent the benefit to the property within the subdivision.

- a. **Required Agreement providing for Proper Installment of Improvements.** Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Town Board requiring the subdivider to furnish and construct said improvements at his sole cost, unless otherwise agreed to by the Town Board, in accordance with the plans and specifications and usual contract conditions, all approved by the Town Board. The agreement shall include provisions for supervision of details of construction by the Township Zoning Administrator, and shall grant to the Zoning Administrator the authority to correlate work

to be done under said contract by any subcontractor authorized to proceed there under with any other work being done or contracted by the Township in the vicinity. The agreement shall require the subdivider to make an escrow deposit, or, in lieu thereof, to furnish a bank letter of credit.

The bank letter of credit or cash escrow shall be equal to one hundred twenty-five percent (125%) of the estimated cost of the required improvements.

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

- b. Financial Guarantee. The contract shall require the subdivider to make an escrow deposit or, in lieu thereof, furnish a bank letter of credit as follows:
 1. Escrow Deposit. An escrow deposit shall be made with the Township, including the cost of inspection by the Township of all improvements to be furnished and installed by the subdivider pursuant to the contract which have not been completed prior to the approval of the final plat; the Township shall be entitled to reimburse itself out of said deposit for any cost and expense incurred by the Township for completion of the work in case of default of the subdivider under said contract, and for any damages sustained by the Township on account of any breach thereof. Upon completion of the work and termination of any liabilities to the Township or the subdivider under said contract, the balance remaining of said deposit shall be refunded to the subdivider.
 2. Bank Letter of Credit. In lieu of making an escrow deposit above described, and if the Town Board so agrees, the subdivider may furnish the Township with a bank letter of credit, in a form approved by the Town Board, with corporate surety in a penal sum equal to one hundred twenty-five percent (125%) of the total cost as estimated by the Township Engineer, including the cost of inspection, of all improvements to be furnished and installed by the subdivider pursuant to the contract and which have not been completed prior to approval of the final plat. The bank letter of credit shall be approved by the Township Attorney and filed with the Township Clerk. The developer (subdivider) shall be responsible for all attorneys' fees, special meeting costs, zoning administration fees, drafting of documents, inspecting the project and any other fees that the Town may reasonably incur related to the proposed subdivision.

Section 20-226. **Construction Plans.** Construction plans for the required improvements, conforming in all respects to the standards of the Township and the applicable ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Minnesota; said plans shall contain the surveyor's seal. Such plans, together with the quantity of construction items, shall be submitted to the Zoning Administrator for approval and for the Engineer's estimate of total cost of the required improvements.

Upon approval, the plans shall become a part of the contract. The tracings of the plans approved by the Township, plus four (4) prints, one of which shall be filed with Rice County, shall be required.

Section 20-227. **Variances.** A plat or subdivision shall not be approved where a variance will subsequently be required in order to use the lots for their intended purpose.

- a. Granting of variances. The Town Board, acting as the Board of Adjustment, may grant a variance upon receiving a report from the Zoning Administrator and the Planning Commission in any particular case where the subdivider can show by reason of exceptional topography, or any other physical conditions, that strict compliance with these regulations would cause an unusual hardship on the land, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of these regulations. The Planning Commission may recommend variations from the requirements of this Ordinance in specific cases, which, in its opinion, meet the following criteria:
 1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
 2. The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - 3.. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an unusual hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this Ordinance is carried out. Unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.
- b. Procedure.
 1. The property owner applying for a variance shall submit to the Zoning Administrator a completed variance application stating the hardship present and provide all other information required by the Zoning Administrator. The application shall be completed when the applicant has complied with the following requirements:
 - A. Provided a written and/or graphic description of the variance request including an explanation why the variance is required, the hardship involved, why the request is unique to the property, potential impact on development and surrounding property, and show the request complies with the Comprehensive Plan and this Ordinance.
 - B. Provided supporting information.

- C. Submitted a fee for the variance request as established by the Town Board.
2. The Zoning Administrator, upon receipt of the application, shall notify the applicant within fifteen (15) Town business days if the application is found to be incomplete.
3. Upon receipt of a completed application, the Zoning Administrator shall prepare a report and refer the application to the Town Planning Commission and the Town Board for consideration.
4. The Planning Commission shall hold a public hearing on the request. Notice of the public hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. Property owners of record within five hundred feet (500') of the subject property shall be notified in writing of the proposed variance. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, providing a bona fide attempt to comply has been made.
5. The applicant or his/her representative shall appear before the Planning Commission and Town Board in order to answer questions concerning the proposed application.
6. The Planning Commission and the Town Board shall have the authority to request additional information from the applicant concerning a variance. Said information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this Ordinance. Failure of the applicant to supply all necessary supportive information may be grounds for denial of the request.
7. Any variance or modification granted or denied shall be recorded in the minutes of the Town Board, acting as the Board of Adjustment, and setting forth the reasons that justified the action. The order issued shall include the legal description of the property involved. The Zoning Administrator shall be responsible for the document record requirements of this section and shall maintain records of the variance request.
8. In approving variances, the Town Board, acting as the Board of Adjustment, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
9. All decisions of the Town Board, acting of the Board of Adjustment, in granting variances shall be final, except that any aggrieved person or persons shall have the right to appeal within thirty (30) days, after receipt of notice of the decision, to the District Court of Rice County on questions of law and fact.

10. A variance shall automatically expire one (1) year from the date of issuance if the variance is not utilized. No application for a variance shall be resubmitted for a period of six (6) months from the date of an order of denial.
11. If necessary, an extension of a variance shall be requested in writing and filed with the Zoning Administrator at least thirty (30) days before the expiration date of the original variance. The request for an extension shall state facts showing a good faith attempt to utilize the variance in the allowed one (1) year. Upon receipt of a request for a variance extension, the Zoning Administrator shall forward the request to the Town Board. The Town Board, acting as the Board of Adjustment, shall act to approve or deny the requested extension. No extension shall be for more than one (1) year, after which, if the variance is not utilized, the variance shall automatically expire.

Section 20-228. **Modifications and Exceptions.**

- a. State and Special District Consideration. It shall be the responsibility of the Town to refer any preliminary plat to appropriate special districts or state agencies affected and involved, if any of the following circumstances exist:
 1. Items of regional or state significance are involved, such as regional parks, state highways, sewer extensions, or similar matters.
 2. Pollution (air, water, ground) may be a factor.
 3. Airports, mass transit, schools, major employment centers, or similar considerations are involved.
- b. Easements. All easements required for public purposes shall be provided at locations approved by the Town Board. Said easements may be for utilities, drainage, flood plain protection, lakeshore access, walking trails, etc. However, all easements other than utility and drainage easements must be transferred and recorded at the office of the Rice County Recorder. No plat shall be approved that is inconsistent with local, county or regional utility plans.

Oversizing of utilities to provide services for more intensive development of the land or to provide future service to other areas may be required.
- c. Land Division. In any case where the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development does not some within the definition of subdivision as defined by this Ordinance, a description of such land division shall be filed with the Township Zoning Administrator.
- d. Compliance with State Wetland Conservation Act. The subdivider shall provide proof of compliance with the State Wetland Conservation Act.
- e. Enlargement of Pre-existing Parcels. The Zoning Administrator may approve a conveyance of a part of a parcel, for the owner of an adjacent parcel, where the reduce

parcel remains in compliance with the provisions of this Article. The conveyance (deed) shall contain the following language:

“This conveyance is made for the purpose of enlarging a pre-existing parcel; the parcel here conveyed shall not be deemed a buildable lot under the Bridgewater Township Zoning Ordinance.”

To ensure compliance with this Article, the Zoning Administrator may require that the conveyance of a part of a parcel and the adjacent parcel be combined to form one parcel. The combination or consolidation shall be accomplished through the filing of an appropriate deed or contract for deed transferring interest in all of the parcels to be merged. The resulting single parcel shall be consolidated under one (1) tax parcel identification number if permitted by Rice County.

f. Lot Splits.

1. The Zoning Administrator may administratively approve applications for lot splits that do not require a variance. An application form, along with three (3) copies of a site sketch and the appropriate fee, as determined by the Town Board, must be submitted to the Zoning Administrator. In addition, if deemed necessary to determine compliance with the standards of this Article, the Zoning Administrator may request a map or sketch, drawn to scale, or a survey, showing the following:
 - A. Name and address, including telephone number, of the legal owner and/or agent of the property.
 - B. All contiguous property and all roads and their legal names.
 - C. Proposed new property lines with the dimensions noted.
 - D. Proposed driveway locations and the location of existing driveways on the same side of the road.
 - E. Location of any existing and proposed legal rights-of-way or public and private easements encumbering the property.
 - F. Proposed legal description of the parcel(s) to be subdivided.
 - G. Location, purpose, and dimensions of all buildings. Location shall note the distance of those buildings closest to property lines from the existing and proposed lines.
 - H. Location of any existing tile lines, abandoned wells, drainage ways, waterways, watercourses, lakes, wetlands, and the top and toe of any bluffs present. When applicable, the ordinary high water level and the 100-year flood elevation shall be shown.

- I. Location of a primary and alternate site for individual septic treatment systems with a copy of percolation tests and soil borings.
- J. Location of all existing and proposed public or private easements.
2. The Zoning Administrator may require such revisions as are necessary to meet code requirements.
3. The Zoning Administrator shall make a decision to approve or disapprove a requested lot split within ten (10) working days of submission of a completed application or may refer the application to the Town Board. The Zoning Administrator shall provide written notice of any such decision to the owner or subdivider.
4. Any decision of the Zoning Administrator, unless appealed, shall be the final decision of the Town.
5. Any decision of the Zoning Administrator regarding lot splits may be appealed to the Town Board following transmission of a written notice of appeal that specifies the subject and grounds therefore. Such notice must be received by the Zoning Administrator within ten (10) days following the issuance of the order, requirement, decision or determination that is the subject of the appeal. The Zoning Administrator will forward the appeal to the Town Board.
6. Upon appeal, the Town Board will take action to approve or deny the lot split request. The Zoning Administrator shall notify the owner and subdivider in writing of the Town Board's decision.
- g. Conveyance to the Public. The subdivision regulations in this Article shall not apply to conveyances to the state, county, or the Town made for the purpose of widening, altering, or creating new roads, nor to conveyances of land upon which no buildings will be erected.

Sections 20-229 through 20-235.

Reserved.

Article XVII. Planned Unit Development Review Standards.

Section 20-236. **Purpose.** The purpose of this Article is to set forth review standards and a review process for proposed planned unit developments (PUD) in Bridgewater Township.

Section 20-237. **Scope.** Planned unit development review is required for the following proposed developments in Bridgewater Township:

- a. Developments involving shoreland density transfers.
- b. Golf course cluster developments.

Section 20-238. **Additional Design and Development Standards Apply.** This Article sets forth review standards that are in addition to the specific design and development standards contained in Article XV for Transfer of Development Rights and Chapter XIV for Cluster Development as well as Article XVI for Subdivision Regulations.

Section 20-239. **Review Process Overview.** Before a planned unit development application will be accepted, a pre-application meeting between the applicant and the Zoning Administrator is required to discuss:

- a. The application and review process.
- b. Applicable design and development standards.
- c. Conceptual plans for mix of uses and locations of structures and roads.
- d. Plans for providing drinking water and sewage and wastewater treatment.
- e. Plans for stormwater management and erosion control.
- f. Any proposed common ownership plans for land and structures.
- g. Recommendation that the applicant meet with neighbors and lake associations, if applicable.

Section 20-240. **Preliminary Development Plan Information Requirements.** After the mandatory pre-application meeting, an applicant proposing a planned unit development shall submit a preliminary development plan. The preliminary development plan is reviewed by the Planning Commission to determine if the proposed planned unit development will meet the provisions of this Ordinance. The applicant shall submit a preliminary development plan meeting the following requirements:

- a. The preliminary development plan shall be prepared at a scale of not less than one inch = 200 feet.
- b. Twenty (20) copies of the preliminary development plan shall be submitted to the Zoning Administrator.

- c. The preliminary development plan shall show adjacent uses.
- d. The preliminary development plan shall show streams, lakes and wetland locations.
- e. The preliminary development plan shall generally describe existing vegetation.
- f. The preliminary development plan shall illustrate general street patterns, with particular attention to internal collector streets and connections to existing roads.
- g. The preliminary development plan shall illustrate the general location, use and size of public and private open space, parks and other public areas.
- h. The preliminary development plan shall show the proposed location of residential, commercial, residential or other proposed land uses.
- i. The preliminary development plan shall illustrate and describe the methods proposed for sewage and wastewater treatment, drinking water supply, stormwater management and erosion control.

Section 20-241. **Review of Preliminary Development Plan.** The following steps shall be taken to review a preliminary development plan for a planned unit development:

- a. **Review for Completeness.** Upon receipt of a preliminary development plan for a planned unit development, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be forwarded to the Planning Commission for review. If the application is not complete, the Zoning Administrator shall send a written notice to the developer, including, at a minimum, the following:
 - 1. A statement that the preliminary development plan is not complete.
 - 2. A list of the incomplete or missing information.
 - 3. A statement that the application will not be forwarded to the Planning Commission for review until it is submitted in a complete form.
- b. **Planning Commission Review.** After a complete preliminary development plan is received, the Zoning Administrator shall forward the plan for the Planning Commission for review and notify the applicant of the date of the review. The Planning Commission shall review the preliminary development plan and make findings of fact that accept the plan, recommend changes to the plan or deny the plan. The findings of fact shall be based on the following review criteria:
 - 1. The proposed development plan shall meet the overall goals of this Ordinance.
 - 2. The proposed development plan shall meet the goals for a planned unit development of its type.
 - 3. The proposed development plan shall meet the standards as set forth in this Ordinance regulating the type of planned unit development and use(s). \

4. The proposed development plan is in harmony with uses in the surrounding area.
5. The proposed system of ownership and the means of developing, preserving and maintaining open spaces are sustainable and appropriate.
6. The proposed development, or a unit thereof, can be substantially completed within three (3) years from the date of approval.
7. That adequate sewage, water and wastewater utilities and public services are available or are proposed to be made available in construction of the project.

Section 20-242. **Preliminary Plat and Final Development Plan Information Requirements.** The preliminary plat stage of the planned unit development process includes detailed subdivision planning, submittal, review and approval of the preliminary plat. The preliminary plat and final development plan submission are combined to coordinate review. To avoid delay in processing of an application, the applicant should carefully provide all required information essential to determine the character and general compatibility of the proposed development. Upon review and approval of the preliminary development plan, applicants shall submit a preliminary plat and final development plan that shall contain the following information:

- a. A detailed narrative of how the preliminary plat and final development plan meet any changes required by the Planning Commission in its review of the preliminary development plan.
- b. Twenty (20) copies of a preliminary plan which shall mean a map or maps of the proposed development prepared in the manner and containing the data, documents, and information required by this Article.
- c. The required number of site plans and/or plats for the project, at a scale of not less than one inch = 200 feet, showing the following:
 1. Name of the planned unit development.
 2. Name of planned unit development.
 3. Names and addresses of the applicant and owner, surveyor and designer of the plan.
 4. Graphic scale and north arrow.
 5. Date of preparation.
 6. Total acreage of the proposed plan and acreage of each proposed subdivision parcel.
 7. Existing conditions in the parcel(s) and within three hundred feet (300') surrounding the boundaries of the development.

8. All surface water features and wetlands currently located and plainly shown and designated.
 9. Location of the ordinary high water level.
 10. Layout of existing and proposed roads, showing right-of-way widths.
 11. Location and characteristics of required open space.
 12. Erosion control, drainage and stormwater management plans.
 13. Location and use of existing and proposed structures and other facilities.
 14. Proposed land alterations.
 15. Plans for and location of water supply systems and sewage and wastewater treatment systems including results of septic suitability tests.
 16. Refuse disposal for resort commercial PUD's.
 17. Proposed location of utilities.
 18. All easements that cross the property or are proposed for the property.
 19. Topographic contours at ten-foot intervals or less.
 20. Location of all outdoor lighting.
 21. All setbacks and buffering or screening or adjacent properties.
 22. Location of lake accesses and/or lake access lots.
 23. A landscaping plan.
- d. A calculation showing the base density of the proposed development area conforming to the calculation rules in this Ordinance regulating the specific type of planned unit development.
 - e. A calculation showing the proposed density increase and the basis on which a density increase is requested conforming to the provisions in this Ordinance regulating the specific type of planned unit development.
 - f. A property owners' association agreement with mandatory membership provisions and showing of adequacy of dues covering anticipated maintenance and capital replacement costs. The agreement shall comply with Minnesota Statutes that govern common interest communities' platting and agreements.
 - g. Copies of deed restrictions, covenants, permanent easements or other instruments that properly address:

1. Future vegetative and topographic alterations.
 2. Construction of additional buildings.
 3. Installation and maintenance of docks and other shoreland structures.
 4. Docking and beaching of watercraft.
 5. Address shared lake or shoreland access provisions.
 6. Ensure the long-term preservation and maintenance of open space.
- h. A master plan/drawing describing the project and the floor plan for any and all residential and commercial structures, indicating floor plans that are intended to be variable such as lockouts, movable walls, or doors.
- i. Any additional documents as requested by the Zoning Administrator and/or Planning Commission that are necessary to explain how the PUD will be designed and will function.
- j. A title binder indicating marketable title.

Section 20-243. **Review of Preliminary Plat and Final Development Plan.** The following steps shall be taken to review a preliminary plat and final development plan for a planned unit development:

- a. Review for Completeness. Upon receipt of a preliminary plat and final development plan for a planned unit development, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be forwarded to the Planning Commission and Town Board for review. If the application is not complete, the Zoning Administrator shall send a written notice to the developer including, at a minimum, the following:
1. A statement that the preliminary plat and final development plan application is not complete.
 2. A list of the incomplete of missing information.
 3. A statement that the application will not be forwarded to the Planning Commission for review until it is submitted in a complete form.
- b. Planning Commission Review. After a complete preliminary plat and final development plan is received, the Zoning Administrator shall forward the plat and plan to the Planning Commission for review and notify the applicant of the date of review. The Planning Commission shall review the preliminary plat and final development plat, make findings of fact that accept the plan, and recommend changes to the plan or denial of the plan to the Town Board. The findings of fact shall be based on the following review criteria:
1. The proposed development shall meet the overall goals of this Ordinance.

2. The proposed development shall meet the goals for a planned unit development of its type.
 3. The proposed development shall meet the standards as set forth in this Ordinance regulating that type of planned unit development and use(s).
 4. The proposed development is in harmony with uses in the surrounding area.
 5. The proposed system of ownership and the means of developing, preserving and maintaining open spaces are sustainable and appropriate.
 6. The proposed development, or a unit thereof, can be substantially completed within three (3) years of the date of approval.
 7. That adequate sewage, water and wastewater utilities and public services are available or are proposed to be made available in construction of the project.
- c. Town Board Review. Upon submission of a report from the Planning Commission, the Town Board shall take action to approve, deny or approve the preliminary plat and final development plan with conditions.

Section 20-244. Review of Final Plat. The following steps shall be taken to review a final plat for a planned unit development:

- a. Review for Completeness. Upon receipt of a final plat for a planned unit development, the Zoning Administrator shall review the application for completeness. If the application is complete, it shall be forwarded to the Planning Commission and Town Board for review. If the application is not complete, the Zoning Administrator shall send a written notice to the developer including, at a minimum, the following:
 1. A statement that the preliminary plat and final development plan application is not complete.
 2. A list of the incomplete of missing information.
 3. A statement that the application will not be forwarded to the Planning Commission for review until it is submitted in a complete form.
- b. Planning Commission Review. After a complete final plat is received, the Zoning Administrator shall forward the plat to the Planning Commission for review and notify the applicant of the date of review. The Planning Commission shall review the final plat and make a recommendation to the Town Board to either approve or deny the final plat along with findings of fact. The findings of fact shall be based on the following review criteria:
 1. The proposed development shall meet the overall goals of this Ordinance.
 2. The proposed development shall meet the goals for a planned unit development of its type.

3. The proposed development shall meet the standards as set forth in this Ordinance regulating that type of planned unit development and use(s).
 4. The proposed development is in harmony with uses in the surrounding area.
 5. The proposed system of ownership and the means of developing, preserving and maintaining open spaces are sustainable and appropriate.
 6. The proposed development, or a unit thereof, can be substantially completed within three (3) years of the date of approval.
 7. That adequate sewage, water and wastewater utilities and public services are available or are proposed to be made available in construction of the project.
- c. Town Board Review. Upon submission of a report from the Planning Commission, the Town Board shall take action to approve, deny or approve the final plat with conditions.

Section 20-245. **Minor Changes after Final Approval.** During the development of an approved planned unit development, the Zoning Administrator may approve minor changes in the location, placement and height of buildings if such changes are required by engineering or other circumstances not foreseen at the time of the final plan and plan were approved, provided the changes are indeed minor and do conform to the review criteria applied by the Planning Commission and Town Board.

Sections 20-245 through 20-250. **Reserved./**

Article XVIII. Administration and Enforcement.

Section 20-251. **Purpose.** The following sections outline the major zoning procedures for implementation of the Zoning Ordinance.

Section 20-252, **Zoning Administrator.** The office of the Zoning Administrator is hereby established, for which the Town Board may appoint such staff as it may deem proper. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Board.

- a. Duties. The Zoning Administrator shall:
1. Enforce and administer the provisions of this Ordinance;
 2. Issue permits and maintain records thereof;
 3. Receive, and forward to the Planning Commission and Town Board, applications for conditional use permits, subdivision plats, interim use permits, planned unit developments, cluster developments, petitions for amendments of this Ordinance, including rezonings, and other such requests that require action by the Town;
 4. Receive and forward applications and petitions for matters to come before the Board of Adjustment (variances and appeals);
 5. Maintain the Township Zoning Map as amended from time to time by ordinance of the Town Board;
 6. Conduct inspections to determine compliance with the provisions of this Ordinance;
 7. Serve as an ex-officio member of the Planning Commission;
 8. Such other matters and responsibilities as the Town Board may assign from time to time;
 9. Collect all fees required by this Ordinance; and
 10. File for record with the Rice County Recorder or registrar of titled all documents required to be filed by law.

Section 20-253. **Building Permit Required.**

- a. Scope. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement or enlargement of any building or structure, without first obtaining a building permit, unless such building or structure is exempted from this provision in the Minnesota Building Code. Accessory agricultural buildings, as defined in Minn. Stat. § 273.13, Subd. 23, as amended, shall require a site permit.

- b. Application. Requests for a building permit shall be filed with the Zoning Administrator on an official form. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings and parking area and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building code.
- c. Issuance of Permit. The Building Official shall direct the Zoning Administrator to issue the building permit only when the plans comply with this Ordinance and other applicable laws, regulations, and ordinances. The Zoning Administrator may deny a permit for construction of any building upon land that, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.
- d. Normal Maintenance. No building permit shall be required for normal maintenance.
- e. Completion of Work. The work for which a building permit is issued shall commence within six (6) months after the date thereof unless an application for an extension has been submitted and approved. The work shall be completed within one (1) year unless an application for an extension has been submitted and approved by the Zoning Administrator.

Section 20-254. **Fees.**

- a. Base Fee. To defray administrative costs of processing requests for site permits, conditional uses, interim uses, amendments, preliminary and final plats, amendments, planned unit developments, cluster developments, and variances or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule adopted by ordinance of the Town Board.
 - 1. Materials shall include, but are not limited to, maps, graphs, charts, drawings, developer's agreements, etc. and all printing or reproduction of same.
 - 2. Staff and/or consulting time shall include any time spent in either researching for or actual production of materials, either by Township staff, Township legal, engineering, architectural or planning consultants, or the Township Attorney.
 - 3. Staff and/or consulting time shall include any time spent in either researching for or actual production of materials, either by Township staff, Township legal, engineering, architectural or planning consultants, or the Township Attorney.
- b. Payment. Fees shall be payable at the time the application is filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission. A deposit to cover staff or consulting time and special materials will be established and required by the Zoning Administrator prior to referral to the Planning Commission. If a request is withdrawn prior to the Planning Commission meeting but after public notice, the cost the public notice shall be borne by the applicant.

Section 20-255. Planning Commission.

- a. Establishment of Planning Commission. The Bridgewater Township Planning Commission, as currently established, is re-established by the Town Board's adoption of this Ordinance.
- b. Conflict of Interest. Any planning commission member who has a conflict of interest on any issue before the commission shall not be allowed to participate as a commission member on that issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a commission member from acting thereon shall be decided by a majority vote of all commission members present except the member who is being challenged.

Section 20-256. Board of Adjustment and Appeals.

- a. Establishment of the Board of Adjustment. The Town Board shall act as the Board of Adjustment.
- b. Powers and Duties. The Board of Adjustment shall have the following duties:
 1. 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 enforcement of this Ordinance, provided:
 - A. Actions of the Planning Commission and the Town Board shall not be appealable to the Board of Adjustment.
 - B. The appeal shall be made by filing written notice with the Zoning Administrator not more than fourteen (14) days after the order, requirement, decision or determination appeal from.
 - C. The notice of appeal shall be in writing and shall specify the grounds thereof.
 - D. The filing fee established by the Town Board shall be paid to the Zoning Administrator at the time of filing the notice of appeal as a condition of perfecting the appeal.
 2. To hear requests for variance from the literal provision of this Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
- c. Other Powers. The Board of Adjustment shall have such other powers and duties as are assigned to it by law.
- d. Findings of Fact. Separate written findings of fact shall be made by the Board of Adjustment for each variance granted or denied and for each appellate decision made.

Section 20-257. Variances.

- a. Application. Application for a variance shall be made to the Board of Adjustment on forms provided by the Zoning Administrator by filing such application and paying the filing fee to the Zoning Administrator. The Zoning Administrator shall fix a reasonable time for the hearing on the application and give notice thereof as required by law.
- b. Criteria for Granting Variances. The following criteria shall be used when considering the issuance of a variance:
 1. The proposed use is not prohibited in the zoning district in which the subject property is located.
 2. The variance must be in harmony with the general purpose and intent of this Ordinance.
 3. The terms of the variance must be consistent with the Comprehensive Plan.
 4. The landowner must show that the variance is necessary to alleviate practical difficulties or particular hardship resulting from strict application of this Ordinance.

“Hardship” as used in connection with the granting of a variance means:

 - A. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance.
 - B. The plight of the landowner is due to circumstances unique to the property, not created by the landowner or a previous landowner; and
 - C. The variance, if granted, will not alter the essential character of the locality.
- c. Procedure.
 1. The person applying for a variance shall fill out and submit to the Zoning Administrator a variance application that shall include a statement of the difficulties or particular hardships claimed, along with the filing fee.
 2. The Zoning Administrator shall refer the application along with all related information to the Planning Commission acting in an advisory role to the Board of Appeals.
 3. The Planning Commission shall hold a public hearing on the proposal. Notice of the time, place and purpose of the public hearing shall be according to Minn. Stat. § 462.354, Subd. 2, as amended.
 4. The petitioner or his representative shall appear before the Planning Commission at the public hearing in order to present evidence concerning the proposed variance.

5. The Planning Commission may recommend the imposing of conditions on the granting of variances to ensure compliance and to protect adjacent properties and the public interest. The Board of Adjustment may place additional conditions upon the issuance of a variance.
6. The Planning Commission shall make findings of fact and recommend to the Town Board (acting as the Board of Adjustment) such actions or conditions relating to the request. Such findings shall be entered in and made a part of the written record of the Board of Adjustment.
7. Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Adjustment, shall place the report on the agenda for the next regular meeting.
8. Upon receiving the report and recommendation of the Planning Commission, the Town Board, acting as the Board of Adjustment, shall either:
 - A. Approve or disapprove the request as recommended by the Planning Commission; or
 - B. Approve or disapprove the recommendation of the Planning Commission with modifications, alterations or differing conditions. Such modification or differing conditions shall be in writing, and made part of the Town Board's (acting as the Board of Adjustment) records; or
 - C. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time for each variance request. If the request is referred back to the Planning Commission, the applicant shall be notified of the extension of the time line for action on the request.
9. Approval of variances or appeals shall require a two-thirds vote of the full board. The Zoning Administrator or Town Clerk shall notify the applicant of the Town Board's action.
10. Decisions of the Planning Commission shall be advisory to the Town Board. The decisions of the Town Board, acting as the Board of Adjustment, shall be subject to judicial review.
11. No resubmission of a variance application will be allowed for six (6) months without new evidence related to the variance.
12. Granted variances become void if the applicant does not proceed substantially on the work related to the variance within six (6) months. To proceed substantially means to make visible improvement to the property. One or more extensions of not more than six (6) months each may be granted by the Board of Adjustment for good cause.

13. Applications for variances will not be accepted from anyone who is not the owner of the land for which the application is made.
14. All variances that are granted by the Town Board, acting as the Board of Adjustment, must be recorded at the office of the Rice County Recorder.

Section 20-258. **Conditional Use Permits.**

- a. Purpose of Conditional Use Permits. A conditional use permit is a zoning device that is intended to act as a means of reviewing uses that, because of their unique characteristics, cannot be permitted as a right in a particular zoning district, but may be allowed upon demonstration that such use meets identified standards established within this Ordinance. A conditional use permit is granted for the particular use of a specific property, and may be transferred to subsequent owners so long as the use does not change and the conditions of approval continue to be met.
- b. Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Planning Commission and the Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surround lands and water bodies. Among other things, the Planning Commission and Town Board shall make the following findings where applicable:
 1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
 2. The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.
 3. The use, in the opinion of the Planning Commission and the Town Board, is reasonably related to the existing land use.
 4. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 5. The use is not in conflict with the Township Comprehensive Plan.
 6. Adequate measures have been or will be taken to minimize traffic congestion in public streets and to provide for adequate on-site circulation of traffic.
 7. The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.
 8. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

9. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the neighborhood.
 10. The conditional use, in all other respects, conforms to the applicable regulations in the district in which it is created.
- c. Conditions of Approval. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission and Town Board may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission and Town Board consider necessary to protect the best interests of the surrounding area of the community as a whole. These conditions may include, but are not limited to, the following:
1. Increasing the required lot size or yard dimension;
 2. Limiting the height, size or location of buildings;
 3. Controlling the location and number of vehicle access points;
 4. Increasing the street width;
 5. Increasing the number of required off-street parking spaces;
 6. Limiting the number, size, location or lighting of signs;
 7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property; and
 8. Designation of open space.
 9. Annual review may be required to assure compliance with conditions of approval if deemed appropriate by the Town Board.
- Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amendment to the existing conditional use permit and all procedures apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission and the Town Board, time limits, review dates, and such other information as may be appropriate.
- d. Procedure.
1. Applications for conditional use permits will not be accepted from anyone who is not an owner of the land for which the application is made.

2. The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use permit application form and shall submit a filing fee.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided in Minn. Stat. §462.3595, as amended. The Planning Commission shall forward its recommendation to either approve or deny the conditional use permit to the Town Board. The Town Board shall take final action on the request.
5. The petitioner or his/her representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use.
6. If the Planning Commission recommends granting the conditional use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit. The fee shall be as set by separate action of the Town Board. The amended conditional use permit shall include requests for changes in conditions and as otherwise described in this Ordinance.
8. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted conditional use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, if applicable. To proceed substantially means to make visible improvement to the property. One or more extensions for not more than six (6) months each may be granted by the Town Board for good cause.
10. If the land does not conform to the conditions of the permit, the conditional use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect.
11. All conditional use permits that are granted by the Town Board shall be recorded at the office of the Rice County Recorder.

Section 20-259. Interim Use Permits.

- a. Purpose of Interim Uses. An interim use is a use not currently allowed by this Ordinance which may be allowed as a temporary use of property until an established date, until the occurrence of a particular event, or until the zoning regulations no longer allow it.

- b. Criteria for Granting Interim Use Permits. In granting an interim use permit, the Planning Commission and the Town Board shall consider the effect of the proposed use upon the health, safety, morals and general welfare of the occupants of surrounding lands and water bodies. Among other things, the Planning Commission and the Town Board shall make the following findings where applicable:
1. The proposed use meets the applicable standards set forth for conditional use permits;
 2. The proposed use will terminate upon a date or event that can be identified with certainty;
 3. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
 4. The proposed use will be subjected to, by agreement with the owner, any conditions that the Town Board deems appropriate for permission of the proposed use, including a condition that the owner will provide an appropriate surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
 5. The interim use will be subject to review by the Town upon change of ownership.
- c. Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:
1. The date or event stated in the permit; or
 2. A violation of the conditions under which the permit was issued; or
 3. The use has been discontinued for a minimum of one (1) year.
- If it is believed that an interim use permit has terminated, the Planning Commission and Town Board shall take action to revoke the permit, including notification to the property owner of the Town's intent to revoke the permit.
- d. Conditions of Approval. In permitting a new interim use or the alteration of an existing interim use, the Planning Commission or Town Board may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions that the Planning Commission and town Board consider necessary to protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:
1. Increasing the required lot size or yard dimension;
 2. Limiting the height, size or location of buildings;
 3. Controlling the location and number of vehicle access points;

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

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

e. Procedure.

1. Applications for interim use permits will not be accepted from anyone who is not an owner of the land for which the application is made.
2. The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use permit application form and shall submit a filing fee.
3. The Zoning Administrator shall refer the application to the Planning Commission for review.
4. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by Minn. Stat. § 462.3595, as amended. The Planning Commission shall forward its recommendation to either approve or deny the request for an interim use permit to the Town Board. The Town Board shall take final action to approve or deny the request.
5. The applicant or his/her representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
6. If the Planning Commission recommends granting the interim use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
7. An amended interim use permit application shall be administered in a manner similar to that required for a new interim use permit.

8. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
9. Granted interim use permits shall become void if the applicant does not proceed substantially on the work within six (6) months, if applicable. To proceed substantially means to make visible improvement to the property. One (1) or more extensions of not more than six (6) months each may be granted by the Town Board for good cause.
10. If the land use does not conform to the conditions of the permit, the interim use permit may be revoked after notice to the applicant of a public hearing for the intended revocation and passage of a resolution by the Town Board to that effect. Upon revocation, the Town Board may establish a date when the applicant can reapply for a similar interim use permit. In no case shall the time period to reapply be more than one (1) year.

Section 20-260. **Zoning Amendments.**

- a. Procedure.
 1. An amendment to this Ordinance or the zoning map may be initiated by the Town Board, the Planning Commission, or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Town Board until it has received the Planning Commission's recommendation or as allowed by Minnesota Statutes. Individuals wishing to initiate an amendment to this Ordinance shall fill out a zoning amendment application form and submit it to the Zoning Administrator with a filing fee.
 2. Written notice of public hearings on proposed amendments shall be sent to the governing bodies located within the Township. Written notice of public hearings regarding the application of official controls to specific properties, including, but not limited to, conditional uses, variances, zoning regulations, and subdivision regulations, shall be sent to property owners as follows:
 - A. In the case of variances, to owners of record within 350 feet in the residential and commercial districts, and within one-quarter (1/4) mile in the agricultural districts.
 - B. In the case of conditional and interim uses, to owners of record within 350 feet of the affected property.
 - C. In the case of all other official controls, including, but not limited to, zoning regulations and subdivision regulations, to owners of record within one-quarter mile of the affected property.

3. A public hearing on the rezoning application shall be held by the Planning Commission after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days prior to the hearing. The Planning Commission shall make its report to the Town Board, at its next regular meeting of the Town Board following the hearing, for recommending approval, disapproval, or modified approval of the proposed amendment.
4. The person making the application shall be notified of the action taken.
5. No application of a property owner for an amendment to the text of this Ordinance or the zoning map shall be considered by the Planning Commission within a one (1) year period following a denial of such request, except the Town Board may permit a new application, if in the opinion of the Town Board, new evidence or a change of circumstances warrants reconsideration.
6. Applications for rezoning will not be accepted from anyone who is not an owner of the land for which the application is made.

Section 20-261. **Site Plan Review.**

- a. **Site Plan Review.** Before site permits are issued for the development of multifamily residential, commercial, institutional, or industrial structures, a site plan shall be reviewed by the Planning Commission and approved by the Town Board.
- b. **Information Required.** A site plan shall be submitted that contains the following information:
 1. A site survey drawing by a registered engineer or land surveyor showing property boundaries and dimensions.
 2. Building locations and dimensions, both existing and proposed, on and within fifty feet (50') of the subject property.
 3. Identification of adjacent land uses.
 4. Adjacent roadways and proposed entrances and exits.
 5. A grading plan.
 6. Parking areas that indicate the type of surface, arrangement and dimension of spaces, truck loading docks and maneuvering areas, sidewalks, retaining walls, refuse storage, service areas, and other man-made features.
 7. The location of all easements and building and parking setbacks.
 8. A utility plan.

9. A development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units (if applicable) and parking spaces provided.
 10. Additional information required by the Zoning Administrator, the Planning Commission or the town Board, as is reasonably required to evaluate the site plan.
- c. Fees and Approvals. Site plans shall be accompanied by such review fees, including legal, engineering and planning consulting fees, as are established by the Town Board. In reviewing and acting on site plans, the Planning Commission and the Town Board shall consider the development standards in this Ordinance and may disapprove plans that will violate one or more of those standards.

Section 20-262. Violations, Penalties and Injunctive Relief.

- a. Violations and Penalties. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use occupy or maintain any building or structure in the Township, or cause the same to be done, contrary to or in violation of any provisions of this Ordinance or the codes adopted by reference to this Ordinance. Any person, firm, or corporation found guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and each day that a violation continues shall constitute a separate offense and shall be punishable according to State law.
- b. Injunctive Relief. In the event of a violation of this Ordinance, the Town may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for corrective action may be recovered by the Town in a civil action in any court of competent jurisdiction.

Section 20-263. Enforcement.

- a. This Ordinance shall be administered and enforced by the Zoning Administrator, who is hereby designated as the enforcing officer.
- b. In the event of a violation or threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations. It is the duty of the Township Attorney, upon direction of the Town Board, to institute such action.

Section 20-264. Opt-out of the requirements of Minnesota Statutes, Section 462.3593.

Pursuant to authority granted by Minnesota Statutes, 462.3593, subdivision 9, the Town of Bridgewater opts-out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Health Care Dwellings. (Adopted July 13, 2016.)

Sections 20-265 through 20-270. **Reserved.**