

A N O R D I N A N C E
ADOPTING LAND USE REGULATIONS
IN THE TOWNSHIP OF DELL GROVE
PINE COUNTY, MINNESOTA

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Interim Passage, April, 1983
Permanent Passage, March 18, 1985
Revised ~~August~~ Sept 28, 1987

SECTION I. AUTHORITY AND PURPOSE

It is the intention of the Township of Dell Grove to promote and protect the public interest by use of reasonable land use, subdivision and building site regulations pursuant to the authority vested in the Town by Minnesota Statutes, Chapter 462.351 to 462.365, and other applicable state laws for the following purposes:

To prohibit a land use pattern that would be inconsistent with the general interests of the citizens of Dell Grove; to promote the health, safety and general welfare throughout the Township by lessening congestion in the public right-of-way; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to facilitate the adequate provision of water, sewage, and other public requirements; to conserve the values of property; to provide for orderly, economical and safe development of land, services, and facilities.

SECTION II. DEFINITIONS

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

1. Agriculture Uses. Those uses commonly associated with the growing of produce on farms. These include: dairy and field crop farming; pasture for grazing; fruit growing; tree, plant, shrub or flower nursery; truck gardening; roadside stand for sale of produce in season; and livestock raising and feeding.
2. Commercial Use. The use of land or buildings for the sale or trade of products, goods, and services.
3. Conditional Use. Conditional use means that land use that is generally compatible and desirable within a particular zoning district, has an unusually significant and major impact on public facilities or the use and enjoyment of nearby properties, and requires the exercise of discretion in determining satisfactory locations and characteristics.

4. Industrial Use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
5. Non-Commercial Recreational. Any recreational facility provided by, or under the auspices of, non-profit organizations or institutions.
6. Non-Conforming Use. Any use of land established before the effective date of this ordinance which does not conform to the restrictions of a particular classification herein.
7. Residence. Any building or portion thereof designated exclusively as the principal domicile for human occupancy, including single and multi-family dwellings, seasonal dwellings and manufactured housing, but not including hotels, motels and boarding houses, and not including accessory quarters such as bunkhouses, camp cottages or vacation lodges.
8. Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts or parcels for the purpose of transferring ownership or building development, or, if a new road is involved, any division or development of a parcel of land.
9. Variance. A variance is the waiving action of the literal provisions of the land use ordinance in instances where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property under consideration.

SECTION III. LAND USE CLASSIFICATIONS

In the Township of Dell Grove permitted land uses shall be limited to agricultural, residential, non-commercial-recreational and any normal use incidental to these. This classification shall also apply to all shorelands of the Township which are otherwise regulated by the County of Pine. Schools, churches, and cemeteries shall be permitted uses. Commercial and industrial uses may be allowed under the provisions for conditional uses within this ordinance, as in Section XIII herein. Other uses which are in existence at the time that this ordinance takes effect, but do not meet the requirements of the ordinance shall be regulated by the provisions for non-conforming uses as specified in Section XII of this ordinance. This classification is intended to protect existing and potential agricultural areas of the Township and to maintain and promote its rural character.

SECTION IV. SUBDIVISION AND PLATTING

Policy: Each new subdivision becomes a permanent unit in the basic physical structure of the Township, a unit to which in the future citizens of the Township will of necessity be forced to adhere. Therefore, it is in the best interests of the public health, safety and welfare to provide for the wise subdivision of land when that becomes necessary and feasible.

Method: To achieve this policy the Dell Grove Town Board shall follow the procedures provided in the Pine County subdivision and platting regulations in so far as is necessary to preserve the integrity of the Township ordinance and to pursue this policy with specific attention to the required filing of final plat with the county auditor.

SECTION V. SIZES OF PARCELS

All parcels on non-shoreland shall contain at least ten (10) acres and shall have a minimum of three hundred and thirty (330) feet of frontage on a public road or right-of-way easement of two rods minimum width. No lot shall be located entirely on flood plain, land that naturally accumulates standing water, soils structurally inadequate, such as peat or muck, or areas classified as wetlands. Each parcel shall have a total contiguous building area of at least one (1) acre which is at least three (3) feet above ordinary water table. An undeveloped lot of record existing upon the effective date of this ordinance may be utilized provided that the requirements of one (1) acre of contiguous building area and a minimum water table depth of three (3) feet are met.

SECTION VI. BUILDING SITE PERMITS

A. A building site permit shall be obtained from the township zoning officer for all homes, buildings and structures to be constructed within the Township on non-shoreland parcels. Any construction of a new building or an addition to an existing building on a parcel of record shall be subject to review by the zoning officer to determine if a building site permit is required.

B. All buildings must be built at a distance of at least one hundred (100) feet from a public road right-of-way; except on parcels of record less than five (5) acres the minimum distance from the right-of-way shall be no less than fifty (50) feet. On all parcels no building or any part of the building shall be constructed within twenty (20) feet of the property lines.

C. Not more than one principal residence shall be located on a lot or parcel. The words principal residence shall be given their common ordinary meaning; in case of doubt or any question of interpretation, the decisions of the zoning officer shall be final, subject to the right of appeal to the Board of Adjustment and Appeals.

D. Residences, for the purpose of this section, shall include permanent residences, manufactured housing, recreational vehicles, or any residences set up or parked over thirty (30) days in a year. Such residences must have a building site permit.

E. Requests for permits must be made to the zoning officer at least seven calendar days before beginning of construction or establishing such residence.

SECTION VII. ACCESS TO LOTS AND PARCELS

Access from all lots and parcels to the nearest existing public road shall be furnished by each lot owner. Each lot owner is responsible for construction, maintenance and cost of driveways, including culverts, which connect to public roads or right-of-way easements of two rods minimum width.

SECTION VIII. ZONING OFFICER

A. The Town Board shall appoint a zoning officer who is not a member of the Town Board. The zoning officer shall administer and enforce appropriate provisions of this ordinance, be responsible to the Town Board and shall perform the following duties:

1. He shall receive applications for building site permits and determine whether they will comply with the terms of this ordinance.
2. Issue building site permits for any use, structure or building after determination of the above.
3. Maintain permanent and current records of permits, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications thereof.
4. Receive, file and forward all applications for appeal, variances, conditional uses, amendments, and other matters to the designated official bodies.
5. Institute in the name of the Town, any appropriate actions or proceedings against a violator as provided by law.

B. Unless otherwise determined by the Town Board the term of the zoning officer shall be three years. Any compensation shall be determined by the Town Board.

SECTION IX. BOARD OF ADJUSTMENT AND APPEALS

A. The Town Board shall act as the Board of Adjustment and Appeals and shall appoint two or more township citizens as members to the Adjustment and Appeals panel to hear and act on any requests for variances and appeals. The zoning officer shall not be a member of the Board of Adjustment and Appeals. This Board shall have the following powers:

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 official in the enforcement of this ordinance.
2. To hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

B. Procedures: In considering requests for variances, the Board of Adjustment and Appeals shall make a finding of fact as to whether the request meets all of the following cases:

1. The proposed action will be in keeping with the spirit and intent of the comprehensive plan and ordinance.
2. The property in question cannot be put to a reasonable alternative use if used under conditions allowed by this ordinance.
3. The plight of the landowner is due to circumstances unique to his property and not created by the landowner.
4. The variance, if granted, will not alter the essential character of the locality or adversely impact the environment.
5. The variance requested is the minimum variance and would alleviate the hardship.

C. If the variance requested meets all of the conditions of items (1.) through (5.) above, the variance may be granted. Economic considerations alone shall not constitute an undue hardship if a reasonable alternative use of the property exists under the terms of the ordinance. The Board of Adjustment and Appeals may not permit as a variance any use which is not permitted within the area that the property is located.

D. The Board of Adjustment and Appeals may refer requests for adjustments to the Township Planning Commission which shall act in an advisory role to the Board.

SECTION X. WASTE CONTROL

A. Solid and liquid wastes, sewage and garbage disposal are governed by Minnesota state laws, the Pollution Control Agency and by County Ordinances. The Town Board reserves the right to notify any waste control agency of any threatened or actual violation of the state and county waste control regulations.

B. All parcels and lots within the township shall be maintained in a neat and orderly manner; no rubbish, salvage materials, junk, or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the Town Board to be a menace or nuisance to the public health, safety, or general welfare of the Township.

SECTION XI. VARIANCES AND APPEALS

A. The Board of Adjustment and Appeals shall act on requests for variances and appeals in accordance with the usual procedures established in Minnesota Statutes, Chapter 462.354, Subd. 2 and 462.357, Subd. 6 which shall include a public hearing officially announced and shall also be guided by the procedures and criteria set forth in section IX herein.

B. The Board of Adjustment and Appeals shall notify all landowners within a minimum of three hundred (300) feet of any parcel in question on the matter of building site and land use appeals or to hear requests for variances from the literal provisions of this ordinance.

SECTION XII. NON-CONFORMING USES

A. Uses of land or structures lawfully existing on the effective date of this ordinance which do not comply with the requirements of this ordinance shall be subject to the following conditions:

1. No non-conforming uses shall be moved or enlarged unless such act will reduce the non-conformity or bring the use or structure into conformance with this ordinance.
2. If a non-conforming use is discontinued for one year, a non-conforming use cannot reoccur.
3. Any use of property which negatively impacts surrounding property values and places the health and safety of neighboring residents in jeopardy shall be subject to restraining action or correction from the Town Board. The Board shall advise and set a schedule for correction of any alleged non-conformance within the ability of the landowner or renter.
4. None of the provisions of this section are intended to prohibit normal use and maintenance.

SECTION XIII. CONDITIONAL USES

A. Any use listed as a conditional use in this ordinance may be permitted only upon application to the Town Board. The Board may issue a conditional use permit in situations which are consistent with the health, safety and welfare of the citizens but requires special approval because it is a use that does not conform with ordinance. The conditional use process shall consist of written notice to landowners and a public hearing. The Board shall have the authority to require certain conditions in conjunction with the issuance of such permits as set forth in Minnesota Statutes 462.3595.

B. Standards Applicable to all Conditional Uses:

In considering an application for a conditional permit the Town Board shall evaluate the effect of the proposed use upon the following:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution including sedimentation.
3. Existing topographic and drainage features and vegetative cover on the site.
4. The location of the site with respect to flood plains and floodways of rivers and streams.
5. The erosion potential of the site with respect to existing or future access roads.
6. The location of the site with respect to existing or future access roads.
7. The need of the proposed use for a particular location.
8. Its compatibility with uses on adjacent land.

9. The amount of liquid wastes to be generated and the adequacy of proposed disposal systems.
10. The effect on wildlife habitat.

C. Possible Conditions Attached to Conditional Uses.

In considering the factors listed above, the Town Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in the furtherance of the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include, but are not limited to specifications for, increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; a reclamation schedule for boring or mining; period of operation; operational control; sureties; deed restrictions; location of structures; parking and signs; or any other requirements necessary to fulfill the purpose and intent of this ordinance.

D. Required Information.

In order to secure information upon which to base its determination, the Town Board may require the applicant to furnish, in addition to the information required for a land use permit, the following information:

1. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock slope and vegetative cover.
2. Location of buildings, parking areas, traffic access, driveways, walk-ways, piers, open spaces and landscaping.
3. Plans of buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
4. Specifications for areas of proposed filling, grading, lagooning or dredging.
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

F. A List of Conditional Uses.

1. Commercial and Industrial Uses. For the purpose of this section such uses may necessitate separate and/or additional buildings and constructions other than agricultural buildings and residences. A commercial use confined within the existing residence shall be exempt from this section.
2. One additional farm dwelling per building site as an accessory use to the farm which may not be separated as a non-farm residence.
3. Mining. The extraction of sand, gravel, or other material from the land in the total amount of 1,000 cubic yards or more and removal thereof from the site shall be defined as mining. A mining permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.
4. Salvage Yards. Junkyards, wrecking yards and salvage yards shall be considered a commercial use and shall require a conditional use permit.

5. Exploratory Boring. The following shall be required and considered by the Town Board when accepting conditional use permit applications for each exploratory boring, in addition to any information that may be required under (D) of this section above:

- a. a description of the mineral or minerals which are the subject of the exploration.
- b. a copy of the lease arrangement with the landowner.
- c. a Pine County highway department map indicating the location of the proposed exploratory boring in the lease arrangement.
- d. a copy of the license provided by the Minnesota Health Department for exploratory boring.

6. Commercial Outdoor Recreation Areas. Any that are similar to public recreation areas including private camp grounds, golf course, swimming pools, and resorts.

7. Agriculture oriented business such as general repair services, new or used implement sales.

8. Airports and aircraft landing areas used for commercial purposes.

9. Television and other high altitude towers.

SECTION XIV. VIOLATION.

Any person or corporation who violates any provision of this ordinance shall be charged with a misdemeanor and shall be prosecuted according to Minnesota Statutes. In the event of a violation of this ordinance, the Board of Supervisors or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations.

SECTION XV. SEPARABILITY

It is hereby declared to be the intention of the Town of Dell Grove that the several provisions of the ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgement shall not affect any other provision of this ordinance not specifically included in said judgement.
2. If a court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure not specifically included in said judgement.

SECTION XVI. EFFECTIVE DATE

This Ordinance shall be in effect on the day following its passage by the Town Board.

This revision of the ordinance for Dell Grove Township was adopted and passed by the Town Board on the day of August, 1987.

Town Board Chairman

ATTEST

Township Clerk

Notice of Public Hearing March 5, 1987
Date of Public Hearing March 30, 1987
Adopted by Dell Grove Bd. Sept 28, 1987
Filed with Co. Recorder Oct 6, 1987
Effective Date Sept 28, 1987

I hereby verify that this is a true and correct copy of Ordinance number three.

Township Clerk

TOP ATT
1-800-228-0296

SECTION XIII

F. A List of Conditional Uses.

10. A conditional use permit shall be required each time for burying telephone cables or poles, electric cables or poles, gas, water and sewer lines, TV or cable lines, or any other similar items on or in the right-of-way of a township road. NOTE: Section XIV shall apply.

a. A utility corridor shall be used.

The utility corridor shall encompass the outer 10 feet of a 66 foot right-of-way or a minimum of 23 feet from the center line. The minimum depth shall be 36 inches. A corridor shall have two lanes. A utility shall stay within the boundaries of the lane they have been assigned to.

b. All junction boxes, transformers, poles, etc., shall be placed a minimum of 30 feet from the center line of said road (for the purpose of maintaining the right-of-way for mowing, etc.).

c. All underground utilities, junction boxes, transformers, poles, etc., shall be placed a minimum of 10 feet from the edge (shoulder/slope) of the road that has a 33 foot right-of-way to facilitate snow removal, etc.

- d. A utility shall furnish proof of right-of-way easement from the landowner who fronts a 33 foot right-of-way before a permit will be issued.
- e. Buried utility cables, electric lines, gas lines, etc., shall be a minimum depth of 42 inches when crossing a right-of-way. All crossings shall be made at a 90 degree angle to the road right-of-way.
- f. A gas line and an electric or telephone cable shall not share a common corridor.
- g. Existing utilities shall be left as is unless it is presently a hazard. Any replacement of existing utilities shall conform to the ordinance.
- h. In cases where it is physically impossible to follow the utility corridor as in "a.", a route will be designated by the Zoning Officer.
- i. This process will not be used when applied to item #10, sub-paragraph a through f. The permit fee for a conditional use permit for the burial of cables, etc., in the road right-of-way corridor shall be set by the Town Board.

This revision of the ordinance for Dell Grove Township was adopted and passed by the Town Board on the 29th day of August, 1994.

Harold Barin
Town Board Chairman

ATTEST

Janet Foss
Township Clerk

Notice of Public Hearing 2-25-93
Date of Public Hearing 3-9-93
Adopted by Dell Grove Bd. 8-29-94
Filed with Co. Recorder 10-17-94
Effective Date 10-17-94

I hereby verify that this is a true and correct copy of Ordinance number four.

Janet Foss
Township Clerk

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA
COUNTY OF PINE 7752

I hereby certify that the within instrument was filed in this office on the 17th day of October 1994 at 9:00 o'clock A.M.

Edie Larson Teich
Registrar of Titles

By _____
Deputy Registrar of Titles

OFFICE OF COUNTY RECORDER
State of Minnesota }
County of Pine } ss

I hereby certify that the within instrument was filed in this office for record October 17 19 94 at 9A m. and was duly recorded as Microfilm # 344420

Edie Larson Teich
County Recorder

Deputy