

## **Building and Zoning Ordinance Featherstone Ordinance**

The Board of Supervisors of the Town of Featherstone Ordains:

Be it resolved by the Town Board of Featherstone Township, Goodhue County Minnesota, that the following building and zoning regulations be, and hereby are, established in accordance with the authority granted to this Board by Minnesota Statutes, including but not limited to Chapter 462.

BE IT FURTHER RESOLVED that where any of the provisions of these regulations shall refer to a Planning Commission or to other town officials, such as building inspector, and the commission or official has not in fact been appointed, the Town Board shall be considered to be such commission or official.

### **I. JURISDICTION**

The provisions of this Ordinance shall apply to all lands within Featherstone Township.

### **II. GENERAL PROVISIONS**

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- B. Where the conditions imposed by any provision of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall prevail.
- C. This ordinance is enacted with the intention to amplify the Official Controls of the Goodhue County Zoning Ordinance in effect and is meant to complement that ordinance and be consistent therewith in all its provisions except for the provisions contained herein that are more restrictive. It is also the intention of the Town Board that this ordinance be administered and enforced in a manner consistent with promoting a cooperative zoning effort between the County of Goodhue and The Town of Featherstone.
- D. No structure shall be erected, converted, enlarged, re-constructed, or altered and no structure or parcel of land shall be used for any purpose or in any manner that is not in conformity with the provision of these regulations.

- E. Any use not specifically allowed is hereby prohibited.
- F. Any parcel of land that was recorded with the Goodhue County Records Office at the time of adoption of the this Featherstone Township Building and Zoning Ordinance, which parcel was buildable under the most restrictive of provisions of both the Featherstone Township Building and Zoning Ordinance or the Goodhue County Zoning Ordinance in effect immediately prior to the adoption of this Ordinance, shall remain buildable in compliance with such prior ordinances until June 3, 2003, during which period, no variance, conditional use permit or appeal of the provisions of such prior ordinances shall be allowed and all density provisions will be interpreted exclusively within the section of land in which the parcel in question is located, without reference to "transfer" or substitution privileges, relating to land in other sections that may be allowed by Goodhue County under its Ordinance.

### **III. PURPOSES**

- A. The regulations herein set forth are designed and exacted for the purpose of promoting the health, morals, convenience, order, prosperity, and welfare of present and future inhabitants of Featherstone Township, including, among other things, provisions for adequate streets and roads, adequate light and air, securing safety from fire and other dangers, preventing both excessive concentration and wasteful scattering of population and settlement, promoting distribution of population and such orderly arrangement and classification of land use and development as will tend to facilitate and conserve provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, and protection of both urban and non-urban development.

### **IV. APPLICATION OF RULES**

The language contained in this Ordinance shall be interpreted in accordance with the following rules as applicable:

1. The singular includes the plural and the plural the singular.
2. The present includes the past and future tenses, and the future tense includes the present tense.
3. The word "shall" is mandatory, and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. In the event of conflicting provisions, the more restrictive shall apply.
6. The provisions of this Ordinance shall be construed and interpreted to give full

force and effect to its intent and purposes.

7. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, and welfare.
8. Except as this Ordinance specifically provides, no structure or land shall be used or occupied for any purpose nor in any manner which is not in conformity with this Ordinance.
9. Meanings of words, unless otherwise defined herein, shall have the meaning given in other applicable Featherstone Township Ordinances, County Ordinances, State Statutes and Rules, and federal laws.

## **V. DEFINITIONS**

The following words or terms, whenever they occur in this Ordinance, are defined as follows:

1. **Accessory Structure** - A structure of secondary or subordinate use to the principal structure, located on the same lot.
2. **Accessory Use** - A use naturally and normally incidental to, subordinate to, and auxiliary to the permitted use of the premises.
3. **Agricultural Use** - The use of land for the growing and/or production of field crops, livestock, and livestock products for the production of income, including but not limited to the following:
  - A. Field crops, including but not limited to, barley, beans, corn, hay, oats, potatoes, food crops, rye, sorghum, and sunflowers.
  - B. Livestock, including but not limited to, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including deer, rabbits and mink.
  - C. Livestock products, including but not limited to, milk, butter, cheese, eggs, meat, fur and honey.
  - D. Trees, shrubs, bushes, and plants for wholesale distribution.
  - E. Sod farming.
  - F. Necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
4. **Board of Adjustment** - The Featherstone Township Board of Adjustment established by this Ordinance.
5. **Building** - Any structure having a roof which may provide shelter or enclosure of

persons, animals, chattel or property of any kind.

6. **Building Line** - A line parallel to the street right-of-way line, and ordinary high water level, if applicable, at its closest point to any story level of a building and representing the minimum distance which all or part of the building is set back from said right-of-way line, or ordinary high water level.
7. **Building Setback** - See "Setback".
8. **Comprehensive Plan** - The Featherstone Township Comprehensive Plan.
9. **Conditional Use Permit**. A specific type of structure or land use listed in the official control that may be allowed but only after an in depth review procedure and with appropriate conditions or restrictions as provided in the official controls or building codes and upon a finding that: 1) certain conditions as detailed in the Zoning Ordinance exist, and 2) the structure and/or land use conform to the Comprehensive Plan, and 3) the structure and/or land use is compatible with the existing neighborhood.
10. **Conditional Use** - A use which may not generally be appropriate in a specified zoning district, but may be permitted with appropriate restrictions upon a finding that; certain conditions as stated in the Ordinance exist, the use conforms to the comprehensive plan, and the use is compatible with the existing neighborhood.
11. **District** - See "Zoning District".
12. **Dwelling/Dwelling Unit** -Two or more rooms within a structure which 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 manufactured home with the above accommodations located in areas approved for manufactured homes shall be considered a dwelling unit. A house trailer, camper trailer, camper bus, or tent are not considered dwelling units. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling.
13. **Earth Sheltered Home**- A structure designed to use the shelter of earth berms or construction beneath the surface of the earth designed to use the insulating properties of the earth in order to increase energy efficiency of the structure and where a majority of the living space of the structure is found beneath the surface of the soil. Living space in the basement of a home or structure which does not meet this definition shall not be considered an earth sheltered home, but rather shall be considered a basement home.
14. **Farm** - See "Agricultural Use".
15. **Feedlot** - A lot or building, or combination of lots and buildings, intended for the

confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure.

16. **Feedlot, New** - A feedlot constructed and operated at a site where no feedlot existed previously or where a pre-existing feedlot has been abandoned or unused for a period of one (1) year.
17. **Hardship** - As is defined in Minnesota Statutes, Chapter 462.
18. **Home Occupation** - An occupation or profession engaged in by the occupant of a dwelling, which is clearly secondary to the principal use, when carried on within the dwelling unit and not in an accessory building, and which shows no activity other than activity normally present in a residential dwelling unit.
19. **Lot** - A parcel of land designated by metes and bounds, registered land survey, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation thereof. In all cases, a road shall be considered a property line.
20. **Lot Depth** - The perpendicular distance between the front and rear lot lines, measured along the median between the side lot lines.
21. **Lot Line** - The property line bounding a lot except that where any portion of a lot extends into the public rights-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.
22. **Lot Line, Front** - That boundary of a lot which abuts a publicly maintained road or street, and in the case of a corner lot both lot lines abutting the roads or streets shall be considered front lot lines. The remaining lot lines shall be considered side lot lines.
23. **Lot Line, Rear** - That boundary of a lot which is opposite the front lot line. If the rear line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
24. **Lot Line, Side** - Any boundary of a lot which is not a front lot line or a rear lot line.
25. **Lot Size** - The area of a lot in a horizontal plane bounded by the lot lines.
26. **Lot, Through** - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both streets shall be deemed front lines for the application of this Ordinance.

27. **Lot Width** -The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.
28. **Manufactured Dwelling** - A dwelling unit which is of closed construction and which is made or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.
29. **Mobile Home** - A dwelling unit designed for transportation after fabrication on public highways on its own wheels or using a trailer or flatbed, and arriving at the site where it is to be occupied as a dwelling unit completely constructed and ready for occupancy, except for incidental unpacking operations and the connection to utilities.
30. **Official Control** - Legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the Township of Featherstone, or the County, or any part thereof, or any detail thereof, and the means of translating into ordinances all or 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, and official maps.
31. **Official Township Map** - A detailed map developed by the Township showing road patterns, physical features, and proposed land uses as prescribed within the Comprehensive Plan.
32. **Ordinance** - The Featherstone Township Zoning Ordinance.
33. **Owner** - Any individual, firm, association, partnership, corporation, trust or any other legal entity having proprietary interest in the land.
34. **Permitted Use**. A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular district.
35. **Property Line** - The legal boundaries of a parcel of property.
36. **Road** - See "Street"
37. **Salvage Yard** - A lot, yard and/or building where vehicles or remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, and/or storage, or where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled; including but not limited to scrap iron and other metals, paper, rags, rubber, tires, and bottles. This definition does not include licensed sanitary or demolition landfills.

38. **Sedimentation** - The depositing of soil material that has been moved from its site or origin by wind, water, or gravity.
39. **Setback** - The minimum horizontal distance between a structure as measured by the furthest extending portion of the structure, including, where applicable, eave overhangs, and a road, road right-of-way, property line, or other setback as described in this Ordinance.
40. **Sewage** - Any water-carried waste, exclusive of footing and roof drainage of any residence, industry, agricultural or commercial establishment, whether treated or untreated including the liquid wastes produced by bathing, laundry and culinary operation, and from toilets and floor drains associated with these sources. Raw sewage is sewage which has not been subjected to any treatment process.
41. **Sewage Sludge** - Solid, semisolid, or liquid residue generated during the treatment of sewage in a treatment works. It includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during preliminary treatment of sewage in a treatment works.
42. **Street** - A 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, court, way, trail or however otherwise designated. Ingress and egress easements shall not be considered streets.
43. **Structure** - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.
44. **Structure, Illegal Nonconforming** - A structure which did not legally exist prior to the adoption of this Ordinance, and does not conform with the current ordinance requirements for the district in which it is located.
45. **Structure, Legal Nonconforming** - A structure which legally existed prior to the adoption date of this Ordinance, but which is not in compliance with the requirements of this Ordinance for the district in which the structure is located.
46. **Structure, Principal** - The main building on a parcel of land.
47. **Subdivision** - The division of any parcel or land into two (2) or more lots, blocks and/or sites. This includes the re-subdivision of land.
48. **Use** - The purpose or activity for which the land or building thereon is designated,

arranged, or intended, or for which it is occupied, utilized or maintained.

49. Use, Accessory - See "Accessory Use".
50. Use, Conditional - See "Conditional Use".
51. Use, Permitted - See "Permitted Use".
52. Use, Illegal Nonconforming - Any use of a property or structure which did not legally exist prior to the adoption date of this Ordinance as a permitted or conditional use in the zoning district in which the use is located, and is not allowed as a permitted, conditional, or interim use under this Ordinance in the district in which the use is located.
53. Use, Legal Nonconforming - Any use of a property or structure which legally existed in the district in which the use is located prior to the adoption date of this Ordinance, but which is not allowed as a permitted, conditional, or interim use under this Ordinance in the district in which the use is located.
54. Use, Permitted - A public or private use of land or structures which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of the district in which it is located.
55. Use, Principal - The main use of land or buildings as distinguished from subordinate or accessory uses. A "principal use" may be either a permitted or conditional use.
56. Variance - A modification or variation of the provisions of this Ordinance. A Variance shall not be granted allowing a use prohibited in the district in which the structure, use and lot are located.
57. Yard - An open space on a lot surrounding a structure, which is unoccupied and unobstructed from the ground to the sky, except by landscaping or an eave.
58. Yard, Front - The yard extending the width of the lot from the front lot line to the building setback line.
59. Yard, Rear - The yard extending the width of the lot extending from the rear lot line to the rear yard setback line.
60. Yard, Side - The yard extending along the side lot line between the front and rear yards, extending perpendicularly from the side lot line to the side yard setback line.
61. Zoning District - An area or areas within the Township for which the regulations and requirements governing use are uniform as defined by this Ordinance.



## **VI. ZONING DISTRICTS**

- A. For the purposes of this ordinance, the Township of Featherstone is hereby divided into the following zoning use districts:

FA-1 Agriculture Protection	Sections 8-10, 14-17, 19-23, 28-30, 31-33, 35
FA-2 Agriculture	Sections 3-6,7, 11-13, 18, 24-27, 34, 36
FA-3 Urban Fringe	Sections 1 (excluding FR-1), 2
FR-1 Residential	Area east of Hay Creek within Section 1

- B. Description and Intent of District

### **FA-1 Agriculture Protection**

This district is to maintain, conserve, and enhance agricultural lands that are historically valuable for crop production, pastureland, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland.

### **FA-2 Agriculture**

The purpose of this district is to maintain and conserve agricultural investments and prime agricultural farmland, but provide for a slightly higher density of dwellings than the FA-1 District. This FA-2 District is intended to apply to those areas where large farms and feudlots are more scattered and small parcels are present. This district also has more topographic features and less prime farmland than the FA-1 District.

### **FA-3 Urban Fringe**

The intent of this district is to provide for urban expansion in close proximity to existing incorporated urban centers in accordance with the Comprehensive Plan by conserving land for farming and other open space land uses for a period of time until urban services become available. It is the intent that urban development be deferred in such areas until an orderly transition from farm to urban uses shall be achieved.

### **FR-1 Residential**

This district defines and protects areas suitable for low to medium density residential development as the principal use of the land and to allow related facilities desirable for a residential environment. It is also intended that this district allow varying densities of development in accordance with the ability to provide water and sewer facilities. This district anticipates platted development with a minimum one-acre lot size. Allowed uses also include public parks, playgrounds, and golf courses.

- C. Boundaries

The zoning use districts are depicted on the official zoning map that, together with all explanatory matter thereon, is adopted and declared a part of this ordinance.

1. The boundaries of said districts shall be as shown upon the map attached to and made a part of this ordinance that shall be designated as the "Zoning Map." Said map and all notations, references and other items shown thereon shall be as much a part of this ordinance as if the matters and items shown by this map
2. The Township Zoning Map shall be kept and maintained by the Town Board of Featherstone Township and shall be available by contacting the Town Clerk of the Township of Featherstone.
3. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, the Planning Commission shall interpret the district boundaries, and make recommendations to the Town Board which shall make a final decision on interpretation of boundaries on the map.

## **VII. ZONING USE DISTRICT REQUIREMENTS AND RESTRICTIONS**

### **A. Agriculture Protection (FA-1)**

#### **1. Uses Permitted**

- a. Single family farm dwellings and their normal accessory structures and farm buildings.
- b. A second farm dwelling located in the farmyard to house farm labor, individual or family. A mobile home, rather than a permanent structure, is strongly encouraged. Permits for mobile homes are to be renewed annually at the sole discretion of the Town Board. Said permits will not be transferable without permission of the Town Board, and the mobile home shall have no basement or permanent foundation. Any mobile home shall be removed when the need is terminated.
- c. Agricultural uses.
- d. Feedlots to the extent allowed and subject to the regulations provided by Article 13, Goodhue County Zoning Ordinance, as enforced on the date of adoption of this Ordinance.
- e. Home occupations as regulated in FR-1 District.
- f. Any one temporary building or stand for the sale of agricultural products produced on the premises, provided that such building shall be no less than twenty (20) feet from the road right-of-way and further provided that adequate off-street parking shall be available.
- g. Greenhouses and plant nurseries.

#### **2. Conditional Uses**

- a. Single family dwellings not connected with a full-time farming venture if it is determined by the Town Board, on review of the Planning and Zoning Commission that the dwellings are located on land that is not suitable for agricultural purposes and the lot size is not less than 5 acres. Lot requirements for this special use must be consistent with those of FA-2 zoning use district herein described.
- b. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings. The mobile home shall be removed when the need is terminated. Said permits will not be transferable without permission of the Town Board, and the mobile home shall have no basement or permanent foundation.
- c. The raising of animals that are generally considered wild or exotic.

### 3. Lot Requirements

- a. Minimum lot size 5 acres.
- b. Minimum lot frontage 200 feet.
- c. Minimum lot width 200 feet.
- d. Minimum lot depth 200 feet.
- e. Setback requirements, buildings are 100 feet, each side. Front yard (road facing) setback is 60 feet from edge of road right of way.
- f. Provision for off-street turn-around.
- g. Maximum limit of 4 dwelling sites per section.

## B. Agriculture (FA-2)

### 1. Uses Permitted

- a. Single family farm dwellings and their normal accessory structures and farm buildings.
- b. A second farm dwelling located in the farmyard to house farm labor, individual or family. A mobile home, rather than a permanent structure, is strongly encouraged. Said permits will not be transferable without permission of the Town Board, and the mobile home shall have no basement or permanent foundation. Any mobile home shall be removed when the need is terminated.
- c. Agricultural uses.
- d. Feedlots to the extent allowed and subject to the regulations provided by Article 13, Goodhue County Zoning Ordinance, as enforced on the date of adoption of this Ordinance.
- e. Home occupations as regulated in FR-1 District.
- f. Any one temporary building or stand for the sale of agricultural products produced on the premises, provided that such building shall be no less than twenty (20) feet from the road right-of-way and further provided that adequate off-street parking shall be available.

- g. Greenhouses, plant nurseries, and sales of agricultural products produced on premises.
- h. Public parks, playgrounds.

## 2. Conditional Uses

- a. Single family dwellings not connected with a full-time farming venture if it is determined by the Town Board, on review of the Planning and Zoning Commission that the dwellings are located on land that is not suitable for agricultural purposes and the lot size is not less than 5 acres.
- b. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings. The mobile home shall be removed when the need is terminated. Permits will not be transferable without permission of the Town Board, and the mobile home shall have no basement or permanent foundation.
- c. The raising of animals that are generally considered wild or exotic.

## 3. Lot Requirements

- a. Minimum lot size 5 acres.
- b. Minimum lot frontage 200 feet.
- c. Minimum lot width 200 feet.
- d. Minimum lot depth 200 feet.
- e. Setback requirements are 100 feet, each side. Front yard (road facing) is reduced to 60 feet from edge of road right of way.
- f. Provision for off-street turn-around.
- g. Maximum of 1 dwelling site per 1/4, 1/4 section.
- h. Maximum of 12 dwelling sites per section.

## C. Urban Fringe (FA-3)

### 1. Uses Permitted

- a. Single family farm dwellings and their normal accessory structures and farm buildings.
- b. A second farm dwelling located in the farmyard to house farm labor, individual or family. A mobile home, rather than a permanent structure, is strongly encouraged. Permits will not be transferable without permission of the Town Board, and the mobile home shall have no basement or permanent foundation. Any mobile home shall be removed when the need is terminated.
- c. General farming operations and tree farms.
- d. Feedlots to the extent allowed and subject to the regulations provided by Article 13, Goodhue County Zoning Ordinance as

enforced on the date of adoption of this Ordinance.

- e. Home occupations as regulated in FR-1 District.
- f. Any one temporary building or stand for the sale of agricultural products produced on the premises, provided that such building shall be no less than twenty (20) feet from the road right-of-way and further provided that adequate off-street parking shall be available.
- g. Greenhouses, plant nurseries, and sales.
- h. Public parks, playgrounds, golf courses.

## 2. Conditional Uses

- a. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings. The mobile home shall be removed when the need is terminated. Permits will not be transferable without permission of the Town Board, and the mobile home shall have no basement or permanent foundation.
- b. The raising of animals that are generally considered wild or exotic.
- c. Single family dwellings not connected with a full-time farming venture if it is determined by the Town Board, on review of the Planning and Zoning Commission that the dwellings are located on land that is not suitable for agricultural purposes and the lot size is not less than 35 acres.

## 3. Lot Requirements.

- a. Minimum lot size 35 acres.
- b. Minimum lot frontage 200 feet.
- c. Minimum lot width 200 feet.
- d. Minimum lot depth 200 feet.
- e. Setback requirements are 100 feet, each side. Front yard (road facing) is reduced to 60 feet from edge of road right of way.
- f. Provision for off-street turn-around.

## D. Residential (FR-1)

### 1. Permitted Uses

- a. Mobile homes, single family dwellings and their normal accessory structures and buildings. Accessory structures and buildings are limited to 1200 sq. ft. maximum aggregate.
- b. Public parks, playgrounds, and golf courses.
- c. Churches, chapels, temples, and synagogues including Sunday schools, convents, and parish houses meeting the requirements of the district.

- d. Home occupations in residence provided that such occupations are carried on in the main building, and provided further that not more than 25 percent of the floor space of the residence is used for that purpose. No articles for sale may be displayed so as to be visible from the street.. Adequate parking must be provided to serve the needs of this function.

## 2. Lot Requirements

- a. Minimum lot size 1 acre.
- b. Minimum lot frontage 200 feet.
- c. Minimum lot depth 120 feet.
- d. Setback requirements are 30 feet, each side. Any side(s) that faces a road is 50 feet, as measured from the edge of road right of way.
- e. Provision for off-street turn-around.

## VIII. NONCONFORMING USES

- A. Any structure or use lawfully existing upon the effective date of this ordinance may be continued at the site and in a manner of operation existing upon such date except as hereinafter specified. Such uses may continue despite changes in ownership of the underlying land or the use itself.
- B. Nothing in this ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the County building inspector.
- C. When any lawful nonconforming use of any structure or land in any district is discontinued for a period of six months or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this ordinance.
- D. Whenever a lawful, nonconforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot, acts of God or similar occasion, and damage to the building or structure is 50 percent or less of its fair market value as estimated by the County building inspector and approved by the Town Board, the building or structure may be re-constructed for its use prior to the damage. Under no circumstances will such a building, upon being rebuilt, be used for an expanded non-conforming use.
- E. If a lawful, nonconforming structure is damaged as described above in (D), and damage is 50 percent or more of its fair market value as estimated by the building inspector and approved by the Town Board, the owner may, within six months, apply for a special permit for approval to reconstruct a nonconforming structure for its use prior to the damage.

## **IX. SUBDIVISION**

- A. All subdivision of parcels of land within the Township must be approved in writing by the Town Board upon the deed of transfer. No subdivision will be approved unless all parcels thus created by the subdivision meet all township lot requirements of that township zoning district within which they lie, including but not limited to the lot size, acreage and frontage requirements.
- B. If in a pre-existing group of two or more contiguous lots or parcels of land owned or controlled by the same person, a particular lot or parcel does not meet 60% of the width or area requirements of the zoning district in which it lies, that individual lot or parcel cannot be considered as a separate parcel of land for purposes of sale or development, but must be combined with adjacent lots or parcels under the same ownership so that the combination of lots or parcels will equal one or more parcels of land, each meeting the lot width and area requirements of the township district in which they are.
- C. Variances. Upon receiving the report from the Planning Commission, the Board of Supervisors may grant a variance in any particular case where the subdivider can show that, by reason of the exceptional topography or other physical conditions of the land in question, strict compliance with these regulations could cause an exceptional and undue hardship upon the enjoyment of a substantial property right. A variance may be granted only if no detriment to the public welfare and no impairment of the intended purpose of this subdivision regulation will be caused, however. Furthermore, notwithstanding any other provision in this ordinance, a variance from the required lot size for a lot created by subdivision under this article may not be issued."

## **X. BUILDING REGULATIONS AND RESTRICTIONS**

- A. No basement homes shall be constructed except upon special permit granted by the Town Board, and in the event that such permit is granted, said basement home shall not be occupied as a dwelling for more than two years from the date of such permit.
- B. No building shall be moved into the Township until a permit therefore shall have been granted by the Town Board and the general building style and design any such building shall reasonably conform to the buildings or structures of the area into which it is intended to be moved and located. No permit shall be granted for the use of any railway coach, box car, streetcar, motor coach, or similar structure for dwelling purposes.
- C. No dwelling shall be located or constructed on any lot or tract of land unless the same shall have access to a public road or street presently graded and maintained by the Township, County, or State.

1. Before constructing any approach to a Township road, the property owner desiring the approach shall first obtain a permit from the Township.
  2. On existing Township roads, where approaches are desired by the abutting landowner, all cost shall be borne by said landowner.
  3. The Township reserves the right to restrict approach locations in the best interest of the Township and the safety of the traveling public.
  4. The driveway shall have no more than a 14% slope over any portion of the driveway.
  5. The size and type of culvert (at least 18 inches cmp unless otherwise specified) will be determined by the Township.
  6. Approaches are to be constructed to the standards set forth by the Township:
    - a. Minimum of 20' landing (0.50% grade) at the intersection of the Township road.
    - b. Driveway to be perpendicular to the Township road.
    - c. Driveway shall not drain onto a Township road.
  7. An off-street turn-around shall be provided.
  8. The proposed driveway location shall be inspected by the Town Board, or their appointee, both before construction and after completion.
- D. All dwellings shall have adequate water supply and sewage disposal consistent with that of the Goodhue County Zoning Ordinance.
- E. No building or enclosure to be used for housing or enclosing animals shall be constructed or located nearer than 300 feet from any dwelling except in cases where such dwelling is a part of a group or set of farm buildings occupied by the user of such building or enclosure. This provision shall not apply to buildings or enclosures for animals kept only as family pets, not to exceed 4 animals per species.
- F. No person shall plant, build, construct or maintain any hedge, trees, fence, sign, or structure which shall unreasonably prevent or obstruct an open and clear view of an intersecting road or highway.
- G. Any setback in any recognized Ordinance regarding the distance between a proposed feedlot and an existing home shall also apply in regard to a proposed home and an existing feedlot.



- H. Structures in neighboring townships or cities shall also be considered when measuring setbacks, including, but not limited to building permits and feedlot/home distances.

## **XI. DISPOSAL / RECYCLING OPERATIONS**

- A. No person, firm, partnership, corporation, or other entity shall establish, locate, relocate, or undertake within the Town of Featherstone any:
1. Demolition landfill
  2. Salvage yard
  3. Junkyard
  4. Sanitary landfill
  5. Compost facility, excluding residential or agricultural facilities for waste produced on-site.
  6. Landfilling, land application or storing, or creation of any depository site for sewage or sewage sludge is prohibited.
  7. Commercial or municipal waste treatment facilities, plants, or operations.
- B. Stockpiles or deposits of manure, organic compost, silage, waste water, or other similar substances or materials shall be located or maintained no closer than 300 feet from another property owner's dwelling or structure.

## **XII. EXCAVATIONS**

- A. No excavation shall be made for minerals, sand, gravel, or stone until the Town Board has granted a permit. The Town Board may impose reasonable conditions and regulations governing such operation.
- B. The operator shall submit to the Town Board for approval a plan for the restoration of the area to be mined, which shall include anticipated future use of the restored land, steps which will be taken to conserve the topsoil, and the location of future roads, drainage courses, or other improvements contemplated.

## **XIII. ADMINISTRATION**

- A. It shall be the duty of the Town Board and its appointed representatives to cause the provision of this ordinance to be properly enforced and administered.
- B. There shall be established a Planning Commission, consisting of 5 members,

with rotating 5 year terms, such that one person's term shall expire annually. These members shall be appointed by the Town Board. If a member resigns mid-term, the term of their appointed replacement shall be the remainder of the original member's term.

C. A public hearing will be held by the Township Planning Commission regarding all permit applications other than permits for grain bins. The Planning Commission will then make a recommendation to the Town Board, which shall approve or deny the recommendation of the Planning Commission.

D. **Building Permits**

1. Building permits shall be required if a new structure is constructed or erected or the external dimensions of an existing structure are enlarged and the total cost of the change, considering all aspects, phases, or steps of the project regardless of cost for FR- 1 district or exceeding one thousand (\$1,000) dollars for FA-1, FA-2, and FA-3 districts.
2. Fees for all permits hereunder shall be in such amount as the Town Board may from time to time determine, and be consistent with the expenses incurred in administering the inspections required for a building permit.
3. All written applications for building permits shall contain therein a graphic depiction of the lot including:
  - a. Lot size and dimensions.
  - b. Written explanation of type of topography.
  - c. Location of proposed structure, including dimensions.
  - d. Location of existing structures, including nearby structures on neighboring properties.
  - e. Setbacks to front, side, and rear of lot.
  - f. Proposed location of septic tank and water source.
  - g. Proposed entrance to building site, including width of the road and proposed road surface material.
  - h. Location of lot within section.
  - i. Street address of proposed site.
4. No building permit shall be issued for any construction, enlargement, alteration, repair, demolition or moving of any building or structure on any lot or parcel created after June 22, 2009 until all requirements of this zoning ordinance have been fully met."

F. **Conditional Use Standards**

Conditional uses may be approved by the Town Board, after public hearing by the Planning Commission, upon a showing by the applicant that standards and criteria

stated in the Ordinance will be satisfied. Such standards and criteria shall include both general requirements for all conditional uses and, insofar as practicable, requirements specific to each designated conditional use. In granting a Conditional Use Permit, the Town Board shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding lands. 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 public facilities and utilities which serve or are proposed to serve the area.
2. The use will be sufficiently compatible with, or separated by sufficient distance from, or screened from adjacent agricultural or residential land uses so that there will be no deterrence to the use or development of adjacent land and uses.
3. Each structure or improvement is so designed and constructed that it is not unsightly in appearance to the extent that it will hinder the orderly and harmonious development of the district wherein proposed.
4. The use is consistent with the purposes of the 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 Comprehensive Plan.
6. Adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion, provide adequate access to public roads, and provide sufficient on-site parking.
7. Adequate water supply, Individual Sewage Treatment System facilities, erosion control and stormwater management are provided in accordance with applicable standards.

In permitting a new conditional use or alteration of an existing Conditional Use Permit, the Planning Commission and Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission or Town Board considers necessary to protect the interests of the surrounding area or the Township 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 number of required off-street parking spaces.
5. Limiting the number, size, location or lighting of signs.
6. Requiring stormwater management, fencing, screening, landscaping, erosion control or other facilities to protect adjacent or nearby property.
7. Designating sites for open space.
8. Limiting outside storage areas.
9. Limiting the number of vehicles associated with a business operation.

G. One Planning and Zoning Commission member shall report to the Town Board regularly regarding the permits that have been applied for within the Township.

H. Board of Adjustments and Appeals

1. There is hereby established a Board of Adjustments and Appeals comprised of the Town Board, the Town Clerk, and the three members of the Planning Commission who have the longest uninterrupted seniority as members on the Planning Commission, as measured from their most recent appointment. Said Board shall hear any appeals from the decisions of the Town Board relative to the administration of this ordinance.
2. Written notice of appeal must be personally served upon the Town Clerk within 60 days from the decision of the Town Board. The Board of Adjustments and Appeals must meet within 30 days after the serving and render a written decision within 30 days of their meeting, making the decision available to petitioners. The decision of the Board of Adjustments and Appeals shall be the final decision of the Township on a given application, subject to an applicant's right of review in district court.

I. The Town Clerk can grant a building permit for grain bins provided all setbacks and other regulations are met. Appeals from denial of a permit for a grain bin by the Town Clerk are made to the Board of Adjustment and Appeals, and must be made by written request, served on the Town Clerk and the Chair or Secretary of the Board of Adjustment and Appeals within 60 days from the decision of the Clerk denying the permit.

J. Variances

1. The Town Board shall have the authority to grant 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, and where the applicant has

demonstrated that the situation meets the criteria set forth in Minn. Stat. §357 Subd. 6(2). Authority of the Town Board under this section shall be strictly limited to provisions dealing with minimum lot size, lot shape and setback requirements and shall not be expanded to other provisions of the ordinance. In granting variances, the Town Board shall first determine that a hardship situation does exist that can be rectified by granting a variance while still maintaining the intent of the ordinance in general.

#### **XIV. ENFORCEMENT AND PENALTIES**

- A. Any person who unlawfully violates any of the terms and provisions of this ordinance shall be charged with a misdemeanor punished accordingly. All fines and violations shall be credited to the Town. Each day of the existence of such violation shall constitute a separate offense.
- B. If any property owner or resident causes the Town, including, but not limited to, the Town Board, Planning Commission, clerical and maintenance staff, to incur expenditures, in applying for a permit or variance, that property owner or resident shall be liable for the Town's costs incurred, including all professional fees as well as any other fees, fines, or cost of paper, time, and cost of photo copying. Any bill is due immediately and information or any permits or inspections requested by the property owner may be withheld until the appropriate fee has been collected. Unpaid amounts may be levied against the property taxes for that property.

#### **XV. SEVERABILITY**

- A. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

#### **XVI. EFFECTIVE DATE**

- A. This ordinance shall take effect and be enforced from and after its adoption and publication.
- B. Passed by the Town Board, Town of Featherstone, Goodhue County, Minnesota, as amended herein, effective June 22, 2009.

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Board Chair

\_\_\_\_\_  
Attest – Town Clerk

