

**ORDINANCE NO. 2017-08**

**SYLVAN TOWNSHIP  
CASS COUNTY, MINNESOTA**

THE SYLVAN COMMERCIAL ORDINANCE (SCO) ESTABLISHING AND REGULATING COMMERCIAL DEVELOPMENT WITHIN SYLVAN TOWNSHIP, MINNESOTA

Sylvan Township establishes the following Sylvan Commercial Ordinance to evaluate, regulate and maintain all commercial development within the boundaries of Sylvan Township. All business activity outside of the Sylvan Commercial District is limited to temporary/seasonal sales, home business, or home occupation, and requires a permit. Refer to map, Section 2400.

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**SECTION 100: DEFINITIONS:** For the purpose of the Sylvan Commercial Ordinance (SCO), certain words and terms are defined herein:

- A. Commercial Use: The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services, including, but not limited to:
  - 1. Accessory Structure. A structure which is subordinate to and serving the principal use and customarily incidental to the land use district in which the structure is located.
  - 2. Buffer Yard. A strip of land utilized to screen or partially screen a use or property from another use or property or to shield or mitigate noise, lights, or other impacts.
  - 3. Business District B-1. Constitutes a business district as tier 1 along arterial and major collector roadways within the Sylvan Commercial District. (Refer to Map).
  - 4. Business District B-2. Constitutes a second business district as tier 2 of the Sylvan Commercial District consisting of all commercially zoned parcels wholly outside of Business District B-1. (Refer to Map).
  - 5. Conditional Use. 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 1) certain conditions as detailed in the Zoning Ordinance exist 2) the use or development conforms to the Comprehensive Land Use Plan of the Township and 3) is compatible with the existing neighborhood.

6. Drive-through Food Establishment. An establishment which accommodates the patron's vehicle from which the occupants may receive a service or in which products purchased from the establishment may be consumed, typically in the customer's vehicle.
7. Dumpster. A large trash receptacle designed to be hoisted and emptied into a truck. Dumpsters have a lid so as to fully contain all trash placed in them.
8. Enclosure. Fencing made of wood, concrete block, natural screening or chain link, 75 per cent opaque, designed to hide outdoor storage and dumpsters from view from neighboring properties when required.
9. Essential Services. Governmental uses, buildings, and storage. Governmental services such as office buildings, garages temporary open space, open storage when not the principal use, fire, police or ambulance stations, recreation areas, training centers, correctional facilities or other essential uses proposed by federal, state, county, local, special districts, and school districts.
10. Earth-tone Colors. Any various soft colors like those found in nature or in soil, vegetation, etc, such colors are limited to brown, wood-tone, gray, tan, beige, brick red, soft green, or soft blue.
11. Erosion Control. Best management practices implemented to minimize the mobilization of the sediment by runoff or in the air due to wind.
12. Grandfathered Businesses. Any business that has been in continuous operation prior to the establishment of the Sylvan Township Business Ordinance and has not ceased activity for more than one (1) year is considered as grandfathered with respect to the current requirements.
13. Garage Sale. Garage sale means a general sale open to the public conducted from or on a residential premise for the purpose of disposing of personal property including without limitation all sales entitled "garage", "moving", "yard", "attic", "porch", "backyard", "estate", "patio", and or "basement" which last no more than seventy-two (72) consecutive hours and no more than three (3) times per calendar year.
14. Home Business. There must be a primary residence on the property that is occupied by the business owner. The business enterprise may be conducted outside as well as within buildings. The home business shall not be detrimental to the quality of life and welfare of surrounding people and properties. A home business in the Township requires an Interim Use Permit. Duration of permit is a maximum of thirty six (36) months.

15. Home Occupation. There must be a primary residence on the property that is occupied by the business owner. The business enterprise must be conducted exclusively within the primary residence. The home business shall be clearly and obviously subordinate to the main purpose of the property as a residence. The home occupation shall not be detrimental to the quality of life and welfare of surrounding people and properties. A home occupation is an interim use in Sylvan Township. Duration of permit is a maximum of thirty six (36) months.
16. Hospitality Business. An establishment offering transient lodging accommodations on a daily rate to the general public, leasable events, meeting or conference facilities and exhibition halls or other uses of similar character including hotels, motels, convention facilities, and hospices.
17. Interim Uses. Interim uses shall be defined as the temporary use of property until a particular date, until the occurrence of a particular event, or until the Ordinance no longer allows said use. Interim use will be subject to conditions imposed by Sylvan Township. Interim uses are subject to MN Statute § 462.3597 as amended.
18. Limited Industry. For the purpose of the SCO, limited industrial uses shall be defined as follows: office, warehousing, small scale limited product processing, and assembly. Limited industry shall be characterized as a low impact water user and not generating external noise, odors, glare, pollution, or increased traffic that would present safety or nuisance issues for adjoining properties or Township residents.
19. Mixed Use Residential. A mix of unrelated housing units and commercial businesses within the same structure.
20. Motor Fuel Station. A place where fuel is stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobile major repairs and rebuilding.
21. Office Business-Clinic. An establishment located within a building or portion of a building providing out-patient health services to patrons, including general medical clinics, mental health providers, chiropractor, dentists, orthodontia, oral surgeons, opticians, and other uses of similar character.
22. Office Business-General. An establishment located within a building or portion of a building to conduct business activities involving predominantly professional administrative or clerical service operations including

attorneys, financial advisors, insurance, travel, real estate, and other uses of similar character.

23. Outdoor Sales Lot. Any open land which has outdoor uses and is used or occupied for the purpose of buying, selling, and/or renting merchandise and for the storing of the same prior to sale.
24. Outdoor Storage. Any open land upon which the sole purpose is the storage outside of business or personal materials or equipment for future use or transport.
25. OHWL: Ordinary high water level.
26. PC. Planning Commission
27. Personal Service. An establishment located within a building or portion of a building in which to conduct business that includes the following: barber shops, beauty salon, electrolysis, manicurist, tanning parlor, physical therapy, therapeutic massage, and tattooing.
28. Recreational Business. An establishment located within a building or portion of a building in which to conduct business that includes but is not limited to the following: arcade, fitness club, gymnasium, bowling alley, billiard (pool) hall, dance hall, dance studio, skating rinks, theaters, and indoor firearms range, golf, archery, and other.
29. Restaurant. An establishment that serves food in individual servings for consumption on or off premises, including sit-down restaurants, take out, pick up, or delivery food sales, but not including drive-through facilities. Outdoor dining areas and drive-through facilities are not automatically allowed when a restaurant is an allowable use.
30. Retail Business. An establishment engaged in the display and sale of products produced off-site directly to consumers within a building or portion of a building excluding any exterior display and sales. This may include antique stores, candy stores, clothing stores, and other uses.
31. Screening. Fencing, an earthen berm, or vegetative growth that visually separates one object from another.
32. Service Business Off-Site. A company that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the service is provided at the customer's location, including delivery services, catering services, plumbing and sewer services, and other uses of similar character.

33. Service Business On-Site. An establishment that provides useful labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks (not including drive-through facilities), copy centers, laundromats, dry cleaners, funeral homes and mortuaries, appliance repair, tailor shops, and travel bureaus.
34. Temporary/Seasonal Sales. Sales operations that do not exceed ninety (90) days total per calendar year.
35. Utilities Public/Private: Facilities meant for production of or distribution of but not limited to gas, electric, petroleum products, etc. Excluding individual residential installation.
36. Variance. A Variance shall only be permitted when it is in harmony with the general purposes and intent of the ordinance and when the variance is consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the ordinance. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. No variance may be granted that would allow any use not allowed in the zoning district in which the subject property is located. The Planning Commission may impose conditions in the granting of variances. A condition must be directly related to, and must bear a rough proportionality to, the impact created by the variance.
37. Vehicle Repair-Major. An establishment providing goods or services related to general repair; rebuilding or reconditioning engines; motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.
38. Vehicle Repair-Minor. An establishment providing goods or services related to automobiles such as car washes, repair businesses limited to minor engine repair, fluid changing, tire service and muffler repair and other uses of similar character, but not including uses defined as a major automobile business or automobile sales.
39. Vehicle Sales. The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers or recreational vehicles including any major or minor automobile repair or service uses conducted as an accessory use.

40. Vehicle Service Station. Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

**SECTION 200: PURPOSE, CONFLICTING REGULATIONS AND ISSUES NOT SPECIFICALLY ADDRESSED:**

201: Purpose. The Sylvan Commercial District is an area containing a wide variety of business uses including retail, service, and markets serving the Township. The Sylvan Commercial District includes a range of commercial uses and is intended to establish design standards that reflect a professional appearance within Sylvan Township in accordance with the Sylvan Township Comprehensive Plan.

202: Conflicting Regulations. Whenever any provision of this ordinance is found to be in conflict with the provisions of any other Township or County ordinance, the ordinance containing the more restrictive requirements shall govern.

203: Issues not specifically addressed. If an issue is not specifically addressed in this ordinance, but is addressed in the Cass County ordinance and/or an applicable Minnesota Statute used to regulate the same or similar matters, the more restrictive provision of those shall prevail and shall apply to the Township application.

**SECTION 300: REVIEW PROCESS:**

301: General. All applications and proposals for development, rehabilitation, alteration, modification, or changes as outlined herein, will require review and approval by the governing body defined as the Town Board of Sylvan Township. The process of review and approval shall occur using the following steps:

- A. Step 1. Pre-Application Meeting. Prior to submission of a development application, the property owner may initially meet with Township representatives to discuss and summarize the informational requirements and issues related to the specific request. A second pre-application meeting may be conducted to assist the applicant in the preparation of their application. .
- B. Step 2. Application Meeting. The application is submitted to the Sylvan Township Planning Commission (PC) for review. An archeological review of the site, if applicable, will also be conducted as part of the Township review process. If it is found that the site is located in an archeologically significant area of the Township, the application will be determined to be incomplete pending the submission of an archeological evaluation by the applicant to allow further review of the site following State Statutes, as amended. A notice of incomplete application letter under MN Statute

15.99 will be sent to the applicant within fifteen (15) days of receipt if something in the initial application is missing or incorrect.

- C. Step 3. Recommendation. The PC will review the application and any archaeological report. The PC will conduct the necessary public hearing(s) as part of a conditional use permit (CUP) or variance request. Written recommendations for approval/denial shall be completed by the PC.
- D. Step 4. Town Board Decision. Following PC review and recommendation, the application, along with the PC recommendation, shall be forwarded to the Sylvan Town Board for final action.
- E. Step 5. Annual Review. An annual review of approved permits may be conducted by the Sylvan Planning Commission or Town Board.

**SECTION 302: REVIEW OF GRANDFATHERED BUSINESS:** Sylvan Township reserves the right to review any business upon change of ownership to verify if they comply with current Township Ordinances. If found to be non-conforming the Town Board will require the business to be brought into conformance.

**SECTION 303: REVIEW OF EXISTING BUSINESS:** Sylvan Township reserves the right to review any business upon change of ownership to verify if they comply with current Township Ordinances. If found to be non-conforming the Town Board will require the business to be brought into conformance.

**SECTION 400: APPLICATIONS, SUBMITTAL REQUIREMENTS AND RULES OF CONSTRUCTION:** All commercial development shall be subject to a site and building plan review by Sylvan Township. Applications for site and building plan review shall furnish narrative and graphic information that demonstrates compliance with SCO physical and performance standards as applicable and shall be accompanied by the appropriate fees and the following submittal information:

- 401. Current certificate of sewer compliance (within the last three (3) years) must be provided.
- 402. Property owner and applicant/developer signature on the application form, fees and fee responsibility agreement if required along with the following:
- 403. Vicinity map showing the subject property in relation to State and nearby County highways or major street intersections.
- 404. Six (6) copies (11" x 17") of detailed graphic materials, plans and specifications.
- 405. Certificate of Survey prepared by a licensed land surveyor identifying the following:



- A. Scale at not less than one (1) inch equals one hundred (100) feet.
- B. North point indication.
- C. Existing boundaries with lot dimension and lot area.
- D. Existing buildings, structures and improvements.
- E. Easements of record.
- F. Delineated wetland boundary, to include the OHWL of any lakes or Department of Natural Resources (DNR) waters.
- G. All encroachments.
- H. Legal description.
- I. Verification of title to the property, showing that property is owned by applicant or that applicant has consent of owner to make the application.

406. Site plan using the current Certificate of Survey as a base depicting the following:

- A. Name of project or development.
- B. Name and address of developer and owner.
- C. Name and address of the engineer/architect/designer.
- D. Date of plan preparation and dates of any subsequent revisions.
- E. All proposed improvements, including:
  - 1. Required and proposed setbacks.
  - 2. Location and dimensions of all proposed buildings, structures and foundation.
  - 3. Location, number, dimensions of all proposed parking stalls, loading areas, drive aisles, curbing, and surfacing.

4. Location, width and setbacks of all proposed road / street accesses, driveways, and curb cuts.
  5. Location, width and setbacks of all proposed sidewalks, walkways and trails.
  6. Location and type of all proposed lighting, including fixture details.
  7. Provisions for the storage and disposal of waste, garbage and recyclables, including details for enclosing and screening exterior containers.
  8. Outdoor storage or display areas, if applicable.
- F. Calculations for impervious surfaces – not to exceed seventy-five (75) percent if not connected to a municipal or community sanitary sewer system, or ninety (90) percent if connected to municipal sanitary sewer system. Property owner must allow space for two (2) individual sewage treatment systems (ISTS) if sewer will be required and must contain storm water within owner's property.
- G. Location, type, and size (area and height) of all signs to be erected upon the subject property.

407. Grading Plan (using the current Certificate of Survey as a base) depicting the following:

- A. Existing contours at one (1) foot intervals.
- B. Proposed grade elevations at two (2) foot maximum intervals for land that is intended to be graded or disturbed as part of the site development (e.g. building, parking lots, driveway, ponding area, etc.).
- C. Drainage plan, including the configuration of drainage areas and capacity calculations.
- D. Spot evaluations.
- E. Surface water ponding and treatment areas.
- F. Erosion control measures.
- G. Wetland replacement plan (when applicable).

- H. Drainage calculations for fifty (50) year storm events means a 5-inch rainfall in a 24-hour period.
- I. Delineated wetland boundary, to include OHWL of any lakes or DNR waters.
- J. Date of plan preparation and dates of any subsequent revisions.

408. Landscaping Plan using the current Certificate of Survey as a base depicting the following:

- A. Planting schedule including:
  - 1. Symbols.
  - 2. Quantities.
  - 3. Common names.
  - 4. Sizes of plant materials.
  - 5. Special installation instructions.
- B. Planting detail (show all species to scale at normal mature crown diameter or spread for local hardiness zone).
- C. Typical sections with details of fences and retaining walls.
- D. Typical sections with detail of landscape islands, planter beds, and foundation plantings with identification of materials to be used.
- E. Delineation of lawn area measured in square feet.
- F. Coverage plan for underground irrigation system, if any.
- G. Preservation of existing natural vegetation.
- H. Date of plan preparation and dates of any subsequent revisions.

409. Lighting Plan.

- A. Date of plan preparation and dates of any subsequent revisions.
- B. Detail of light fixtures/pole heights.

410. Architectural Plans.

- A. Date of plan preparation and dates of any subsequent revisions.
- B. Architectural elevations, IN COLOR, of all principal and accessory buildings and structures (type, color, and materials used in all exterior surfaces).
- C. Typical floor plan and typical use room plan drawn to scale with a summary of square footage by use or activity.
- D. Severe weather shelter.
- E. Foundation Plan.

411. Utility Plan.

- A. Location of wells/potable water supply.
- B. Location and size of proposed primary and secondary independent sewage treatment systems (ISTS).
- C. Detailed plans for Minnesota Pollution Control Agency (MPCA) approved community utility systems including collection and treatment facilities, if required.
- D. Operational and maintenance rules for community utility systems, if applicable (see 410 item B).
- E. Date of plan preparations and dates of any subsequent revisions.

412. Other plans and information as may be required by Sylvan Township/Cass County or State of MN which may include (but not be limited to) the following:

- A. Sound source control plan.
- B. Fire protection plan.
- C. Proposed protective covenants or private restrictions.
- D. Where landscaping or man-made materials are used to provide screening from adjacent properties, a cross section shall be provided showing the perspective of the site from neighboring properties at the property line elevation.

413. The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- A. The word "shall" is mandatory and the word "may" is permissive.
- B. Whenever a word or term defined hereinafter appears in the text of this ordinance its meaning shall be construed as set forth in such definition.
- C. All setback distances are expressed in feet and measured horizontally.

**SECTION 500: PERMITTED USES:** The B-1 district is intended to apply certain commercial uses on lands abutting the Township's arterial and major collector roadways. In that these lands have high visibility to the traveling public, it is considered important to the continuing ability of the Township to generate the establishment of quality commercial development and the concomitant and employment base, that structures in the B-1 districts observe specific construction and aesthetic standards, which are located in Section 1000, 1100 and 1200.

The B-2 districts are located beyond the B-1 districts, and constitute a second tier of commercial activities. These districts also have importance in presenting a visually pleasing image to the traveling public, but are less visible from arterial and major collector roadways than the B-1 districts. (Refer to Map). The following are permitted uses in the above referenced districts:

- 501. Essential Services.
- 502. Office business- Clinic.
- 503. Office business- General.
- 504. Personal service (subject to any licensing requirements of the County or State).
- 505. Retail business.
- 506. Service business – off site.
- 507. Service business- on site.

**SECTION 600: ACCESSORY USES:** No accessory buildings shall exceed 30% of the principal structure and shall be constructed of the same or similar material as the principal structure. Subject to applicable provisions of this Ordinance, the following are accessory uses within the District:

- 601. Accessory buildings and structures.
- 602. Fences.
- 603. Off-street loading as regulated within this District.
- 604. Off-street parking as regulated within this District.

- 605. Radio and television receiving antennas, satellite dishes three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio receivers, ham radio transmitters and television receivers.
- 606. Signs as regulated by the Sylvan Township Commercial Ordinance, Cass County Highway Department and the MN Department of Transportation.

**SECTION 700:      CONDITIONAL USES:** Conditional use permits are subject to the performance standards within the Sylvan Commercial District of Sylvan Township.

- 701. The following conditional uses may be permitted by a written conditional use permit issued by the Township.
  - A.    Vehicle Repair- Major.
  - B.    Vehicle Repair- Minor.
  - C.    Vehicle Sales.
  - D.    Vehicle Service Station.
  - E.    Drive Through Lanes.
  - F.    Hospitality Business.
  - G.    Limited Industry limited to the following uses:    warehousing, limited product processing, and assembly.
  - H.    Mixed-Use Residential.
  - I.    Motor Fuel Station.
  - J     Outdoor Storage.
  - K.    Recreational Business (indoor and outdoor).
  - L.    Restaurants/Taverns.
  - M.    Telecommunication Towers.
  - N.    Salvage Yards
  - O.    Extractive Uses
  - P.    Outdoor Sales Lot

Q. Utilities Public/Private

**SECTION 800: CONDITIONAL USE REVIEW STANDARDS:** The PC and Town Board shall consider possible effects of the proposed Conditional Use Permit. Their judgment shall be based upon, but not limited to, the following factors:

801. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the Official Township Comprehensive Plan.
802. The proposed use is or will be compatible with present and future land uses of the area.
803. The proposed use conforms with all performance standards contained in this Section.
804. The proposed use can be accommodated with existing public services and will not overburden the Township's service capacity. The proposed use shall have an adequate potable water supply and Individual Sewage Treatment System (ISTS).
805. Traffic generation by the proposed use is within capabilities of the streets or highways serving the property.
806. The proposed action will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
807. Limited industrial uses will not result in safety or nuisance issues related to noise, odors, glare, pollution, or traffic.

**SECTION 808. EXTRACTIVE USE APPLICATION REQUIREMENTS – NEW EXTRACTIVE USES:** A conditional use permit is required for all new or expansion of existing extractive use. Expansion of a business is a new use or change of existing operations (i.e. hours of operation, increased number of employees, business function, building addition, etc.). Applicants for extractive uses shall meet the following standards:

- A. A fifty (50) foot buffer area shall be established between the pit and the property line containing the extractive use. This buffer area may be altered through a written agreement with the adjacent property owner. Proof of the agreement shall be filed with the Township and recorded with the County Recorder and specifically shall state what activities may take place in the buffer area. Without such an agreement the buffer area may be used under the following circumstances:

1. The buffer area may contain the haul road if the Township determines that, for safety purposes, the pit access needs to be within the buffer area.
  2. The haul road may also be placed in the buffer area to avoid wetlands.
  3. If authorized in an approved reclamation plan, one half of the buffer area may be used for storage of topsoil and for final sloping. All topsoil storage areas shall be seeded to prevent erosion and dust. Berms, including those consisting of topsoil to be used for reclamation, may be placed in the buffer area but they shall be seeded and mulched in a manner that prevents dust from blowing onto adjacent properties. Only berms within the buffer area are required to be seeded and mulched.
- B. Portable crushing, concrete mixing, or asphalt production facilities require a conditional use permit.
- C. All State noise, water, and air quality standards and water appropriation regulations shall apply.
- D. Fencing, berms, use of natural topography and use of vegetation may be required as part of the conditional use permit to screen the pit site from surrounding residences.
- E. Excavation below the water table is permitted with appropriate State permits provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.
- F. For extractive uses located within the shoreland zone, a one thousand (1000) foot setback shall be maintained from Public waters.
- G. All entrances and exits shall be constructed so as not to create a safety hazard and to comply with the manual of uniform traffic control devices as specified by the Minnesota Department of Transportation.
- H. A pit shall be placed in a manner that minimizes the view into the pit from the public road or any residence unless the road authority requires improved visibility for safety purposes.
- I. An extractive use shall be solely used for operations directly related to such use. Any other use shall require a separate conditional use or other permit approved by the Township. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or



other material left on the site. If done in conjunction with a hot mix operation, the recycling of asphalt may be done in a gravel pit. Storage of asphalt, including concrete, is permitted in a general purpose or public works pit provided it is part of an ongoing recycling effort.

- J. No waste materials shall be disposed of on the site unless authorized by the Township. Sanitary facilities shall be provided for workers during pit operation and a copy of an agreement with a septic pumper provided to the Township.
- K. A concurrent reclamation plan shall be submitted and approved by the Township based on the report entitled "A Handbook for Reclaiming Sand and Gravel Pits" published by the Minnesota Department of Natural Resources. Reclamation plans will be reviewed in accordance with those standards and the technical standards of the Cass County Soil and Water Conservation District.
- L. Any encroachment into utility rights-of-way shall only be permitted with the written approval of the utility.
- M. All operating extractive uses shall take measures to: control erosion that has the potential to damage adjacent land, and control sedimentation that has the potential to leave the site. Where the need criteria for an MPCA Stormwater Permit are met, such a permit shall be obtained before an extractive use permit is issued. The access road shall also be designed in a manner that minimizes erosion. The owner or operator shall maintain all such practices until the pit area is permanently stabilized or reclaimed.
- N. Applications for new extractive uses or expansion of existing uses shall also include:
  - 1. A USGS map showing all topographic features within one (1) mile of the pit.
  - 2. A written description of the pit and operation including: volume of material to be excavated, time span pit is to be in operation, daily average truck count, dust control measures, buffer area vegetation, depth to groundwater, property line establishment, reclamation plans, screening from residential properties, drainage from the site, location and adequacy of topsoil set aside for reclamation, and future plans for the pit.
  - 3. Financial Assurance for reclamation per Section 2201 calculated at the rate of fifteen hundred (1500) dollars per acre of pit area if topsoil is stockpiled and reused, or up to seventy-five hundred (7500) dollars per acre if topsoil shall be brought in for reclamation.

The above dollar amounts shall be paid by cash, check, bond or acceptable, Letter of Credit as determined by the Township.

#### 808.1 Review Criteria.

- A. In addition to the above standards, the following criteria shall be used by the Township in issuing an extractive use permit:
1. The ability of roads to handle pit-related traffic, in consultation with the affected road authority.
  2. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties per MPCA permit standards.
  3. Groundwater protection.
  4. Public safety.
  5. Control of erosion and sedimentation and necessity for an MPCA stormwater permit.
  6. Impact upon watershed.
  7. The ability of the owner/operator to implement the requirements of this Ordinance.
  8. Daily hours of operation.

808.2 Extractive Use Easement. As a part of any permit for residential development adjacent to property containing an extractive use operation, the owners of the property on which the residential development is located shall grant to the owners of the property on which the extractive use operation is located, a perpetual nonexclusive easement as follows:

- A. The Grantors, their heirs, successors, and assigns acknowledge by the granting of this easement that the residential development is situated near an extractive use area and may be subjected to conditions resulting from commercial extractive use operations on adjacent lands. Such operations may include digging, hauling, crushing, screening, and production of concrete or asphalt, conducted in accordance with federal, state, and local laws. These activities ordinarily and necessarily produce noise, dust, smoke, odors, and other conditions that may conflict with Grantors' use of Grantors' property of residential purposes. Grantors hereby waive all common law rights to object to normal and necessary extractive use activities legally conducted on adjacent lands which may conflict with

Grantors' use of Grantors' property for residential purposes and grantors hereby grant an easement to adjacent property owners for such activities.

- B. Nothing in this easement shall grant a right to adjacent property owners for ingress or egress upon or across the described property. Nothing in this easement shall prohibit or otherwise restrict the Grantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
- C. This easement is appurtenant to all property adjacent to the above described property and shall bind to the heirs, successors, and assigns of Grantors and shall endure for the benefit of the adjoining landowners, their heirs, successors, and assigns. The adjacent landowners, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of the easement. This easement shall be filed on forms provided by the Township.

**SECTION 809: SCO CONDITIONAL USE PERMIT (CUP) and INTERIM USE (IUP) ANNUAL REVIEW**

Subsequent to the adoption of the following Ordinance, all new and modified CUP's/IUP'S IN THE Township must comply with said Ordinance.

A CUP/IUP Annual Review will assure current and future business owners/developers, and residents that Sylvan Township maintains consistent standards in construction and aesthetics for a healthy and safe business environment.

The Board of Supervisors (BOS) of Sylvan Township requires the completion of an Annual Review for all Conditional Use Permits and Interim Use Permits on or near the anniversary of the CUP/IUP approval date. Review date can be adjusted seasonally. After all conditions of the CUP/IUP have been met and all construction has been completed the Board of Supervisors may terminate annual reviews upon recommendations from the Planning Commission.

The CUP/IUP Annual Review is conducted as follows:

- 1. During the site inspection, the Township representative will determine:
  - A. If the permit holder is in compliance with SCO requirements, and;
  - B. If the permit holder has met all conditions identified on the CUP/ IUP under review.
- 2. Site inspection findings will be mailed to the business address within five (5) business days of the site inspection completion, and

reported within forty-five (45) days at a regularly scheduled PC meeting. The reporting date will be included in the mailing of site inspection findings.

3. If compliance issues exist or CUP/IUP conditions are unmet, the permit holder or a representative should attend the PC meeting at the time of the annual review report to discuss the results and establish a time line for corrective action. An extension up to thirty to sixty (30/60) days may be granted if requested by the permit holder, their representative or a Township representative. Such request shall be submitted in writing to the Sylvan Township Deputy Clerk.
4. If no compliance issues or unmet conditions exist, the permit holder or a representative may, but need not, attend the annual review report meeting.

**SECTION 810: SCO LAPSE OF CONDITIONAL USE:** The use approved under a conditional use permit must commence within one (1) year of the date the conditional use permit was approved and all related conditions have been complied with, with the exception being catastrophic events. Upon issuance an extended time period for commencement may be authorized by the Town Board if using standard construction procedures the project cannot be completed within the one (1) year time period. If an extension is given the Town Board will define the extension of time.

**SECTION 900: INTERIM USES:** Interim uses shall be defined as the temporary use of property until a particular date, until the occurrence of a particular event, or until the District no longer allows said use. Interim Use will be subject to conditions imposed by Sylvan Township. Interim uses are subject to MN Statute § 462.3597 as amended.

901. Interim uses are subject to the following:

- A. Conforms to the applicable performance standards of the SCO.
- B. The use is allowed as an interim use by the SCO.
- C. The date or event that will terminate the use can be identified with certainty.
- D. The use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- E. The user agrees to any conditions that the Township Board deems appropriate for permission of the use.
- F. Performance bonds shall be required at the request of the Town Board.

902. Termination. An interim use shall terminate on the happening of any of the following events, whichever first occurs:

- A. The date stated in the permit up to three (3) years maximum from the issuance of the permit.
- B. Upon violation of conditions under which the permit was issued.
- C. Upon change in the Township's Land Use regulations which renders the use non-conforming.
- D. The redevelopment of the use and property upon which it is located to a permitted or conditional use as allowed within the respective zoning district.
- E. Sale or change of ownership prior to the permit's expiration date shall require review and approval of the interim use permit.

903. Revocation. If an approved interim use permit is in violation of the SCO or the conditions of permit approval, the Township may initiate a process to revoke the interim use permit. The Township shall then conduct a public hearing to consider the revocation of an interim use permit. Notifications shall be distributed and published according to *Sylvan Commercial Ordinance*, as amended. The public hearing shall be conducted by the PC which shall make a recommendation to the Township Board. In considering revocation, the Commission and the Township Board shall consider compliance with the approved conditions of the interim use permit and the standards listed within the SCO, as amended.

904. Interim Uses. Interim uses include the following:

- A. Home Business
- B. Home Occupation.
- C. Outdoor Storage.

905. Home Business. Home business regulations are established to ensure that home businesses do not adversely affect the character and livability of the surrounding neighborhood and that a home business enterprise may be conducted outside as well as within buildings. The regulations recognize that many types of home businesses can be conducted with little or no adverse effect on the surrounding neighborhood. The permitted uses may have more specific conditions or limitations imposed on their respective Interim Use Permits based upon a case by case evaluation of the use and the intensity of the use. The following uses qualify as permitted home business:

- A. Antique, Book or Gift Shop

- B. Appliance Repair
- C. Artist's, Musician's or Writer's Studio
- D. Barber/Beauty Shop
- E. Bicycle Repair or Service
- F. Dance Studio
- G. Electronic Device Repair
- H. Private Tutoring with Organized Classes
- I. Small Engine Repair or Marine Service
- J. Photography Studio
- K. Taxi Service
- L. Tooling, Welding, or Machine Shop
- M. Upholstering
- N. Veterinary Service – offsite only

905.2. Other uses that comply with the intent and conditions set forth above in this section.

906. Home Occupation. Home occupation regulations are established to ensure the home occupations do not adversely affect the character and livability of the surrounding neighborhood and that a home occupation remains accessory and subordinate to the principal residential use of the dwelling. The regulations recognize that many types of home occupations can be conducted with little or no adverse effect on the surrounding neighborhood. The following uses qualify as permitted home occupations. These permitted uses may have limitations.

- A. Antique, Book or Gift Shop
- B. Appliance Repair
- C. Artist's, Musician's or Writer's Studio
- D. Barber/Beauty Shop

- E. Bicycle Repair or Service
- F. Cake Making or Decorating (not a catering or commercial bakery facility)
- G. Dance Studio
- H. Dressmaking, Millinery, Sewing or Tailoring
- I. Electronic Device Repair
- J. Personal Office for a (n):
  - 1. Accountant
  - 2. Architect
  - 3. Broker
  - 4. Consultant
  - 5. Engineer
  - 6. Insurance Agent
  - 7. Lawyer
  - 8. Notary Public
  - 9. Planner
  - 10. Real Estate Professional, Broker/Appraiser
  - 11. Sales Representative
  - 12. Teaching or Tutoring, including musical instruments or dance
- K. Small Engine Repair or Marine Service
- L. Photography Studio
- M. Taxi Service
- N. Television or Radio Repair
- O. Tooling, Welding, or Machine Shop
- P. Upholstering
- Q. Veterinary Service - offsite

906.2 Other uses that comply with the intent and conditions set forth above in this section.

**SECTION 1000: PHYSICAL STANDARDS:** All construction in the Sylvan Commercial District shall meet the following physical standards, and comply with applicable handicapped access standards per MN Statutes, Chapter 16B and MN Rules, Chapter 1341, as amended:

1001. Lot Area, Dimensions, and Restrictions. Lot Area shall be adequate to provide for all expected improvements and for the installation of two on-site Individual Sewage Treatment Systems, (ISTS) and stormwater control, setbacks, and parking, requirements are met.

A. Setbacks and Separations. All buildings and structures shall meet or exceed the following setbacks and separations from the right-of-way boundaries on front and side setbacks using property lines on interior, side or rear setbacks:

Minimum Front Yard Setback	
From County/State Road:	Fifty (50) feet
From Township Road:	Twenty (20) feet
Minimum Side Yard Setback	
Abutting a County/State Rd:	Forty (40) feet
Corner Lot – not abutting a County/State Rd.	Twenty-five (25) foot
Interior Lot Line	Twenty (20) feet
Residentially zoned Lot Lines	Forty (40) feet
Minimum Rear Yard Setback	Forty (40) feet
Multiple Structures Separations	Forty (40) feet

**SECTION 1100: PERFORMANCE STANDARDS:**

1101. Building Standards.

- A. Appearance, scale, and functional plan of the building(s).
  - 1. The street address determines the building front.
  - 2. A color illustration of all building elevations shall be submitted.
  - 3. The building facade shall use earth-tone colors. Ten (10) percent of the building façade may contain contrasting colors. Contrasting colors shall be those colors not defined as earth tones. Color bands shall not be illuminated.
  - 4. At least twenty-five (25) percent of the exterior building façade finishes for all front and side yards abutting a street shall consist of materials comparable in grade and quality to the following:
    - a. Brick.
    - b. Stone (natural or artificial).



- c. Cast in place concrete or precast textured concrete panels.
  - d. Integral colored split face (rock face) concrete block.
  - e. Wood, natural or composite, provided the surfaces are finished for exterior use.
  - f. Glass.
  - g. Or other plan as preapproved by Planning Commission and Town Board.
5. An existing structure that does not meet current standards will require upgrade to current standards when any permits are sought.
- B. Buildings located two hundred (200) feet or more from a public street right-of-way or buildings that are screened from view from a public right-of-way by vegetation, buildings, topography, or other screening devices may be exempted from Section 1101.A, above.
- C. Height. The maximum height of all buildings shall not exceed the lesser of two and one-half (2 ½) stories or thirty (30) feet. The height limitation shall not apply to farm buildings, grain elevators, silos, windmills, elevator penthouses, cooling towers, water towers, telecommunication towers, chimneys and smokestacks, church spires, electric transmission lines, or temporary hot batch or redi-mix towers.
- D. Mechanical Equipment. Mechanical equipment located on or around the building shall be painted to match the building or be screened from view.

#### 1102. Residential Business Standards

- A. Home Business.
- 1. A home business requires an interim use permit. It is a business which is allowed to exist in a residential or other district specifically because the restrictions placed upon it make it less than a full fledged commercial operation.
  - 2. There shall be a primary residence on the property that is occupied by the business owner. The business enterprise may be conducted outside, as well as, within the buildings. The home business shall not be detrimental to the quality of life and welfare of surrounding people and properties.

3. There may only be one (1) sign, with a permit, on the parcel advertising the business which shall not be illuminated, and shall not measure greater than twelve (12) square feet in area.
4. Persons other than those who occupy the dwelling may be regularly employed.
5. Adequate off street parking shall be provided so that in no case will parking take place within the Township road right -of -way.
6. Any outdoor storage of business items must be approved during the application process.
7. The Township may impose conditions on home businesses such as, but not limited to, business expansion, hours of operation, parking provisions, lighting, equipment storage and noise.
8. Only vehicles used primarily as passenger vehicles (for example, automobiles, vans, and pick-up trucks) shall be permitted in connection with the conduct of the customary home business. The home business shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with the residential home delivery (i.e., postal or united parcel vehicles.)
9. There shall be no traffic generated by a home business that raises the traffic level in excess of ten (10) percent over normal traffic as determined by Township traffic counts.
10. There shall be no use of chemical, mechanical, or electrical equipment that creates odors, smoke, fumes, vibrations, light emission noises, or interference in radio or television reception detectable to the normal senses at any point beyond the boundary of the property in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage other than domestic in nature.
11. The intent of providing zoning authorization for home businesses is to allow for the growth and development of small businesses. Applicants for home businesses should be aware that when the scale and intensity of the business activity expands to such a level that the business no longer meets the regulations, they need to find a commercial site.

B. Home Occupation

1. A home occupation requires an interim use permit. It is a home occupation which is allowed to exist in a residential or other district specifically because the restrictions placed upon it make it less than a full fledged commercial operation or a home business.
2. There shall be a dwelling on the property that is occupied by the business owner. The business enterprise shall be conducted exclusively within the primary dwelling.
3. There may only be one (1) sign on the parcel advertising the business which shall not be illuminated, and shall not measure greater than twelve (12) square feet in area.
4. Persons other than those who occupy the dwelling may be regularly employed.
5. Adequate off street parking shall be provided so that in no case will parking take place within the Township road right- of -way.
6. The Township may impose conditions on home occupations such as, but not limited to, business expansion, hours of operation, parking provisions, lighting, equipment storage and noise.
7. Only vehicles used primarily as passenger vehicles (for example, automobiles, vans, and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vehicles normally associated with the residential home delivery (i.e., postal or united parcel vehicles.)
8. There shall be no traffic generated by a home occupation that raises the traffic level in access of ten (10) percent over normal traffic as determined by Township traffic counts.
9. There shall be no use of chemical, mechanical, or electrical equipment that creates odors, smoke, fumes, vibrations, light emission noises, or interference in radio or television reception detectable to the normal senses at any point beyond the boundary of the property in such a manner as to annoy, disturb, frighten or otherwise interfere with the use and quiet enjoyment of adjacent properties, or which creates water usage or the production of sewage other than domestic in nature.

10. The intent of providing zoning authorization for home occupations is to allow for the growth and development of small businesses. Applicants for home occupations should be aware that when the scale and intensity of the business activity expands to such a level that the business no longer meets the regulations, they need to find a commercial site.

1103. Landscaping.

- A. Land areas not occupied by buildings, parking, driveways, sidewalks or other hard surface shall total at least thirty-five (35) percent of the lot, parcel or tract as green space.
  1. A landscape plan shall be provided during the application process and must be approved by the PC.
  2. The landscape plan must include the following:

Natural areas	Grass
Additional trees	Approved ground cover
Shrubbery	Water Gardens
Fencing	Other Plantings
  3. The landscape plan must include at least five (5) trees with a minimum of two of the five being placed between the street address property line and the building. Trees may be either deciduous with a minimum of (1) inch diameter at four and a half (4.5) feet of height or coniferous with a minimum of five (5) feet in height.
  4. Maintaining the existing plant material on the lot, parcel, or tract is encouraged when possible and appropriate, and may waive standards identified in Section 1103.A.3
  5. Landscaped green space should be emphasized on the street address side and the side yard(s) abutting streets or residential property.
- B. At boundaries of the lot, the following green space area shall be required:
  1. From the side and rear property lines, an area of not less than ten (10) feet wide shall be green space and continue to the building or parking lot.
  2. From all road rights-of-way, an area of not less than fifteen (15) feet wide shall be green space and continue to building or parking lot.

3. Where lots abut residentially zoned property, a buffer yard of not less than forty (40) feet wide shall be green space and adequately screened.
  4. The property owner shall be responsible for maintenance of all green space.
- C. All vegetation shall be healthy and maintained/replaced to meet Township requirements.

#### 1104. Exterior Lighting.

The following Lighting Performance Standards are designed to comply with the intent of the Sylvan Township Comprehensive Plan, which directs the Township to “promote low impact lighting for future development.” In addition, following the Township’s high value placed on natural features, the following standards are directed at the reduction of light pollution.

Except for single- and two-family homes located within the residential zoning districts, all exterior lighting shall comply with the following standards:

- A. Glare: Glare, whether direct or reflected, as differentiated from general illumination shall not be visible beyond the limits of the site from which it originates.
- B. Flashing, Revolving Lights: No light which is flashing, revolving or otherwise resembles a traffic control signal shall be allowed in any area where it could create a hazard for passing vehicular traffic.
- C. Maximum Intensity Of Lighting And Glare:
  1. Any light or combination of lights shall not exceed one foot-candle (meter reading) as measured from the property line or the centerline of a public street.
  2. Any lighting shall be arranged so as not to produce glare beyond the property line. Lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate glare.
  3. Fixture type: Cutoff shield that conceals the light source with nonsag, nonyellowing lens.

D. General Performance Standards:

1. Light fixtures and freestanding luminaires shall have a cutoff angle of less than or equal to ninety degrees (90°).
2. The height of a freestanding luminaire shall not exceed thirty feet (30').
3. Freestanding luminaires used for outdoor athletic fields and recreation areas that exceed the height limitation may be approved by conditional use permit.
4. Accent lighting used to highlight building facades, foliage, or selected architectural features shall be permitted provided the light source is shielded and directed at the architectural feature. Accent lighting shall comply with the following standards:
  - a. Be stationary, single color, nonchanging lights with all sources of light concealed.
  - b. Permanent exposed continuous strip accent lighting profiling building or rooflines shall count toward the ten percent (10%) wall and canopy signage and shall comply with brightness and illumination standards set forth in this section.
5. Lighting for patios and decks attached to residential units are exempted from the cutoff and shielding requirements provided the light is intended and installed to light the patio or deck area only.
6. Any lighting in existence before the effective date hereof that does not comply with the requirements shall be considered legally nonconforming. However, if a property owner proposes to replace fifty percent (50%) or more of the existing exterior light fixtures or standards in any one year period, the fixtures or standards must be replaced in conformance with this section.

E. Lights Mounted On Poles: Lights mounted on poles shall comply with the following standards:

1. Walkway lighting height maximum: Fifteen feet (15') above base.
2. Parking lot lighting height maximum: Twenty seven feet (27') above base.
3. Roadway lighting height maximum: Forty feet (40') above base.
4. Light pole base height maximum: Three feet (3') above finish grade.

F. Modifications: Recommended by the Planning Commission and approved by the Sylvan Town Board of Supervisors.

1105. Circulation and Loading.

- A. The site design shall accommodate adequate turning radius and vertical clearance for all vehicles including semi-trailer trucks. Designed loading

areas shall be exclusive of off-street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates. Maneuvering of vehicles including semi-trailers shall take place on site.

#### 1106. Erosion Control.

- A. Erosion and sedimentation control: Erosion control and storm water management plans when required shall be developed and shall:
1. Be designed and construction managed to minimize the likelihood of serious erosion occurring either during or after construction. This shall be accomplished by limiting the amount and length of time of bare ground exposure. Temporary ground covers, sediment entrapment facilities, infiltration areas, vegetated buffer strips, or other appropriate techniques used to minimize erosion impacts on surface waters. Erosion control plans, when required, shall be approved by the Township.
  2. Be designed and constructed to effectively manage a 50 year storm event.
  3. Have a storm water management plan developed by a Registered Professional Engineer or approved by Township appointed Engineer. The hydrologic models and design methodologies used for determining runoff characteristics, and their specifications, assumptions, and computations for the plan submitted for review shall be signed by the design Engineer. The storm water management plan shall include the following:
    - a. Use best management practices in construction which achieve a reduction of eighty (80) percent of the sediment load carried in runoff on an average annual basis until the construction site has undergone final stabilization. The use, storage, and disposal of chemicals, cement, or other compounds and materials used on the construction site shall be managed during the construction period to prevent their transport into the air, lakes, rivers, wetlands or onto adjacent property.
    - b. Use after construction, best management practices designed, installed, and maintained to control total suspended solids, peak discharge, and promote

infiltration. Peak runoff discharge rates shall be reduced to pre-development conditions for the 2-year, 24-hour design applicable to the site.

Post-development run-off infiltration shall not exceed pre-development infiltration. Plats shall be designed to contain a 50-year, 24-hour storm event with the development area comparable to natural, pre-development conditions. Best management practices include, but are not limited to, porous pavement, filter strips, swales, infiltration basins, disconnected impervious areas, and rain gardens.

4. Have an MPCA Storm water Permit if construction results in the disturbance of one or more acres.
5. Preserve natural swales, depressions, steep slopes, and topsoil. Alterations to these areas may only be permitted in conjunction with erosion control, storm water management, and vegetation management plans that are approved by the Township and effectively implemented.
6. Stabilize altered areas to acceptable erosion control standards consistent with the field office technical guides of the Natural Resources Conservation Service.
7. Not allow fill or excavated material to be placed in a manner that creates an unstable slope.
8. Not allow fill or excavated material to be placed in bluff impact zones.
9. Any alterations below the OHWL of public waters shall be authorized as per Minnesota Statutes, Chapter 103G.245 and 103G.405 prior to the commencement of any work.
10. Alterations of topography shall only be allowed if they do not adversely affect adjacent or nearby properties.

B. Protected Areas.

1. Where land proposed for commercial subdivision is deemed environmentally sensitive by the Township due to the existence of wetlands, drainage ways, water courses the design of said subdivision shall clearly reflect all necessary adverse environmental impact.



2. Based upon the necessity to control and maintain certain areas, the Township shall determine whether said protection would be accomplished through lot enlargement and redesign, easement, or dedication of those sensitive areas in the form of out lots.
3. In general, measures of protection shall include solutions that allow for construction and grading, involving a minimum of alteration to sensitive areas. Where these areas are to be incorporated into commercial lots the developer shall be required to demonstrate that the proposed design will not result in significant alteration to the natural drainage system such that adverse impacts cannot be contained within the plat boundary.
4. No plat shall be designed so as to impact a significant cultural or historical site. Lot designs shall accommodate setbacks required in Section 1000 of SCO 2011-01 as amended.

#### 1107. Extractive Use.

An extractive use may include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, bituminous mix buildings, concrete, asphalt plant, and wash plants. and all related facilities. Mining of minerals and peat shall be interim uses and be done in accordance with the provisions of Minnesota Statutes, sections 93.44 to 93.51.

##### A. Permitting of Existing Commercial Extractive Uses.

1. Existing extractive uses shall not be expanded or intensified beyond the parcel(s) or lot(s) on which the present extractive use is located without a conditional use permit. Intensification of use shall include the addition of crushing operations, asphalt plants or similar activities. Conditional uses shall include a reclamation plan for the entire pit area based on the report entitled "A Handbook for Reclaiming Sand and Gravel Pits", published by the Minnesota Department of Natural Resources.
2. Financial assurance for reclamation as per Section 2201 as amended, may be included as a part of any conditional use permit required under this section. The amount of the financial assurance shall be calculated at the rate of fifteen hundred dollars (\$1500) per acre of pit area if topsoil is stockpiled and reused, or up to seventy-five hundred dollars (\$7500) per acre if topsoil must be brought in for reclamation. The Town Board may at its discretion adjust the amount of financial assurance required upward based upon the particular circumstances related to the

application presented.

3. Existing structures specifically pertaining to extractive use do not necessarily need to meet current standards.

**SECTION 1200: OFF-STREET PARKING:**

1201. Application of Off-Street Parking Regulations. The regulations and requirements set forth herein shall apply to all off-street parking facilities in the Sylvan Commercial District. A Driveway permit is required for all newly constructed or reconstructed driveways.

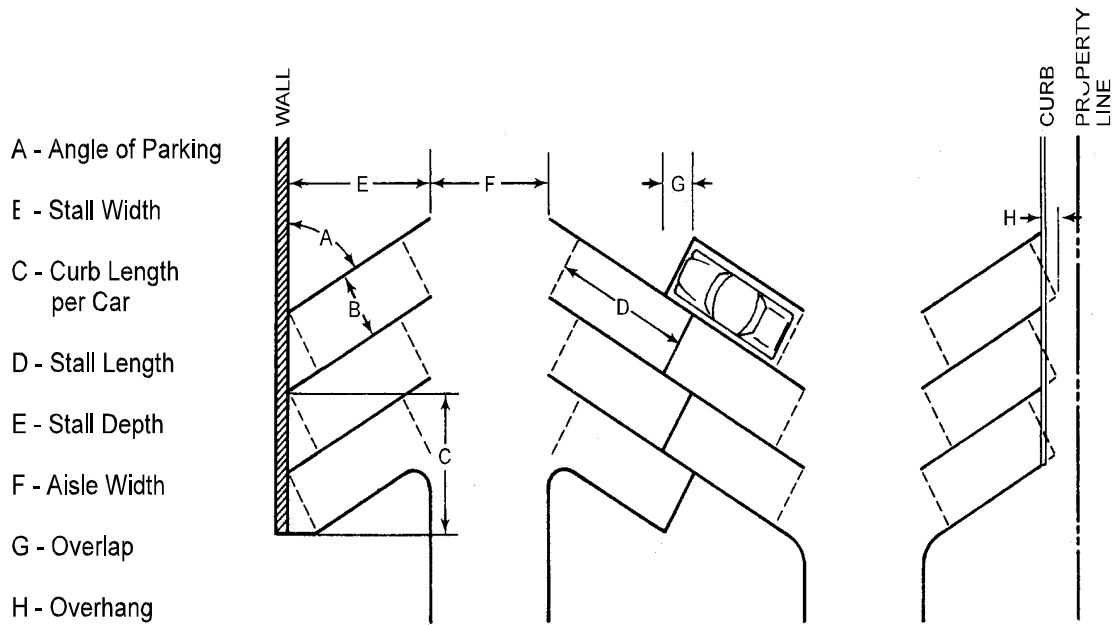
1202. General Provisions.

- A. Accessible Parking. All parking associated with any building, structure or use shall be required to conform to the disability accessible parking standards pursuant to Minnesota Statutes 168.021, as may be amended.

1203. Stall, Aisle and Driveway Design.

- A. Parking Area Standards. Parking areas and the aisles shall be developed in compliance with the following minimum standards:

Angle of Parking	Stall Width	Curb Length Per Car	Stall Length	Stall Depth Wall to Aisle	Stall Depth Interlock to Aisle	Aisle One Way	Width Two Way
90°	10' 0"	10' 0"	20' 0"	20'0"	20'0"	24' 0"	24' 0"
75°	10' 0"	10'4"	20' 0"	22'8"	21'11"	21' 6"	23' 0"
60°	10' 0"	11'6"	20' 0"	25'9"	20'4"	18' 0"	22' 0"
45°	10' 0"	13'2"	20' 0"	27'1"	19'2"	15' 0"	22' 0"
0°	10' 0"	22' 0"	22' 0"	9' 0"	9' 0"	12' 0"	24' 0"



- B. Street/Alley Access. Parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Parking area design which requires backing into the public street is prohibited.
- C. Driveway access on a public street shall not be located less than forty (40) feet from one another. Driveway access from County or State road right-of-way shall meet County or State minimum requirements.
- D. Except with special approval from the Township Engineer, curb cut openings and driveways shall be a minimum of five (5) feet from the side yard property line in all districts. Any shared driveway shall include a maintenance and access agreement.
- E. Driveway Width. No curb cut shall exceed thirty-six (36) feet in width if the property is in the Sylvan Commercial District, as measured at the street right-of-way line unless approved by the Township Engineer. The driveway associated with such curb cut may not increase in width for a minimum of ten (10) feet.
- F. Grade Elevation. The grade elevation of a parking area shall not exceed five (5) percent.
- G. Surfacing. In any event on all access driveways, approaches, sales lots, and parking areas that drain off the property to a public ditch or public road must have hard surfacing with asphalt, concrete or other preapproved surfacing treatment.

- H. Striping. Except for parking areas that are seven (7) stalls or fewer, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.
  - I. Driveway and Road Standards. All parking, access, road, and driveway standards shall conform to applicable Township Driveway and Road Standards and/or Ordinance, as amended.
1204. Maintenance. It shall be the joint responsibility of the operator and owner of the principal use, uses and/or buildings to maintain, in a neat and adequate manner, the parking space, access ways, landscaping and required screening.
1205. Location. All accessory off-street parking facilities required by this Ordinance shall be located and restricted as follows:
- A. Required accessory off-street parking shall be on the same lot under the same ownership as the principal use being served.
  - B. No off-street parking space located within the Sylvan Commercial District shall be permitted within a public right-of-way or within ten (10) feet of any property line or twenty (20) feet when abutting a residential property.
1206. Number of Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:
- A. Vehicle, Boat, Trailer, Farm Equipment Sales Lots. Four (4) spaces per one thousand (1,000) square feet gross sales and office floor area and of the building plus one (1) space per each two thousand (2,000) square feet of gross land area.
  - B. Vehicle Repair. Two (2) spaces per serving bay; the service bay is not a parking space.
  - C. Car Wash/Commercial Car Wash. One space per employee plus: Drive through: Ten (10) stacking spaces. Self-service: One (1) stacking space per wash bay. Motor Fuel Stations: None in addition to that required for the principal use.
  - D. Day Care Facilities.
    - 1. Day care facilities serving fourteen (14) or fewer persons: Two (2) spaces per dwelling unit in addition to one (1) space per employee.

2. All other day care facilities: One (1) space per teacher on the largest shift, plus one (1) space per five (5) students/children based on maximum capacity of the facility.
- E. Fast Food Restaurants. Fifteen (15) spaces per one thousand (1,000) square feet of gross floor area.
  - F. Garden Supply Stores, Building Material Sales in Structures. Eight (8) off-street parking spaces, plus one (1) additional space for eight hundred (800) square feet of floor area over one thousand (1,000) square feet.
  - G. Laundromats. Six (6) spaces per one thousand (1,000) square feet of floor area.
  - H. Limited Industrial. One (1) space per two hundred (200) square feet of office; one (1) space per three hundred fifty (350) square feet of product processing, assembly, or manufacturing; and one (1) space per one thousand five hundred (1,500) square feet of warehousing storage.
  - I. Motels, Motor Hotels, Hotels. One (1) space per each rental unit plus one (1) space for each eight (8) units, and one (1) space for each employee on any shift.
  - J. Motor Fuel/Convenience Store. At least four (4) off-street parking spaces plus one (1) space for each employee on duty. Those facilities designed for sale of other items than strictly automotive products, parts or service shall be required to provide additional parking in compliance with other applicable sections of this Ordinance. Parking at fuel pumps shall not be allowed to satisfy the parking requirements.
  - K. Office Buildings, Professional Offices and Medical Clinics. Three (3) spaces plus at least one (1) space for each two hundred (200) square feet of floor area.
  - L. Open Sales Lots. Ten (10) spaces or one (1) per two thousand (2,000) square feet gross land area devoted to sales lot, whichever is larger.
  - M. Restaurants, Cafes, Private Clubs Serving Food and/or Drinks, Bars, On-Sale Nightclubs. Ten (10) spaces for each one thousand (1,000) square feet of dining room, plus one (1) space for each employee of the maximum work shift.
  - N. Retail Sales and Service Business with Fifty (50) Percent or More of Gross Floor area Devoted to Storage, Warehouses and/or Industry. At least eight (8) spaces or one (1) space for each two hundred (200) square

feet devoted to public sales or service, plus one (1) space for each five hundred (500) square feet of storage area.

- O. Retail Sales. One (1) stall per two hundred (200) square feet.
- P. Other Uses. Other uses not specifically mentioned herein shall be determined on an individual basis by the Town Board. Factors to be considered in such determination shall include (without limitation) size of building, type of use, number of employees, expected volume and turnover of customer traffic and expected frequency and number of delivery or service vehicles.

1207. Parking Deferment. The Township may allow a reduction in the number of required parking stalls within the SCO provided that:

- A. The applicant demonstrates that the proposed use will have a peak parking demand less than the required parking under described within this Section. Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to:
  - 1. Size of building.
  - 2. Type and use.
  - 3. Number of employees.
  - 4. Projected volume and turnover of customer traffic.
  - 5. Projected frequency and volume of delivery or service vehicles.
  - 6. Number of company-owned vehicles.
  - 7. Storage of vehicles on site.
  - 8. National Parking Standards for similar type uses.
- B. In no case shall the amount of parking provided be less than one-half (1/2) of the amount of parking required within this Ordinance.
- C. The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this Ordinance if the parking demand exceeds on site supply.
- D. On-site parking shall only occur in areas designed and constructed for parking in accordance with this Ordinance.

- E. The applicant and Township enter into a development agreement or parking agreement, to be recorded against the subject property, which includes a clause requiring the owner to install the additional parking stalls, upon a finding of the Township that such additional parking stalls are necessary to accommodate the use.

1208. Joint Parking Facilities. Off-street parking facilities for a combination of mixed buildings, structures, or uses may be provided collectively in the Sylvan Commercial District in which separate parking facilities for each separate building, structure or use would be required, provided that the total number of spaces provided shall equal the sum of the separate requirements of each use during any peak parking periods. Shared curb cuts and access drives shall be encouraged for lots accessing collector and arterial streets. Where shared access and parking are utilized, easements shall be placed on the shared area and recorded with the properties and a maintenance agreement required.

**SECTION 1300: OUTDOOR SALES, SERVICE AND STORAGE:**

1301. Outdoor Sales and Service

Accessory or outdoor sales shall comply with the following standards:

- A. Accessory outdoor services, sales, or rental shall not be permitted within required setback areas or designated parking areas. The accessory outdoor service, sales, or rental area shall be delineated on the site.
- B. Accessory outdoor service, sales, or rental within Sylvan Township shall not be permitted within a public right-of-way or within twenty (20) feet of any property line or forty (40) feet when abutting a residential property. (See 1001B)

1302. Outdoor Storage

Commercial outdoor storage shall comply with the following standards:

- A. Commercial outdoor storage use shall be accessory to a home occupation, home business, agriculturally oriented business, or a commercial use.
- B. Commercial outdoor storage which is not accessory to a business on the same property requires an interim use permit.
- C. Outdoor storage areas shall meet all setback requirements.

- D. The grounds and any structures shall be maintained in a clean, orderly and safe manner.
- E. If hazardous materials are stored outdoors, the hazardous materials must be fully secured.
- F. The storage area shall be fenced or screened from adjacent land uses and public roadways. Screening shall visually block items stored, 80% opaque year round, and of neutral colored material and/or vegetation. Stored material may not exceed screening in height.
- G. Temporary storage units, such as semi-trailers, cargo containers, satellite office units are allowed only with an approved Interim Use Permit.

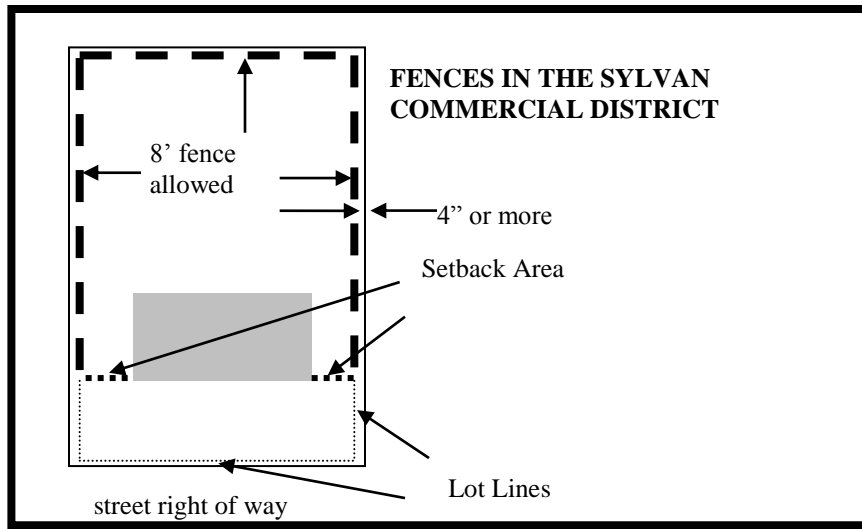
**SECTION 1400: TRASH AND LITTER CONTROL:**

- 1401. The commercial operation shall be responsible for litter control generated on the subject property, which is to occur on a daily basis. All trash must be kept in trash receptacles. Trash receptacles shall be provided at a convenient location on site to facilitate litter control.
- 1402. Dumpsters and recycling bins shall be fully enclosed and lidded. All dumpsters must be fully screened if they can be seen from a residentially zoned area or readily viewed from a public roadway. If screening is required all dumpsters must be screened on three (3) sides and not visible from the roadway, or screened on three (3) sides and gated. Dumpster screening shall consist of construction materials complimentary to the commercial structure. The screening shall exceed the height of the dumpster.

**SECTION 1500: FENCES:**

- 1501. Decorative fences shall be permitted in the front or side yard when abutting a street.
- 1502 An eight (8) foot high fence may be erected four (4) inches or more from the property line abutting the side and rear yard setbacks. Materials stored within the fenced area shall be no higher than the fence.





- 1503. Construction design plans shall be included with the permit application and approved by the PC.
- 1504. No fence or wall shall be constructed so as to obstruct the view for drivers exiting a driveway.
- 1505. All fences shall meet structure setbacks from public waters.
- 1506. If one side of a fence is unfinished, the finished side of the fence shall face away from the applicant's property. If multiple adjoining property owners request common fencing, the request(s) will be reviewed on a case by case basis.
- 1507. Construction and maintenance of commercial fences shall comply with the requirements of Minnesota Statutes, Chapter 344.07.

**SECTION 1600: SCREENING:**

- 1601. Where any business is adjacent to residential properties, that business shall provide screening along the boundary of the residential property. Screening shall also be provided where a business, parking lot or industry is across the street from a residential area, but not on the side of a business or industry considered to be the front.
- 1602. The screening required in this section shall consist of landscaped earth mounds, berms, or ground forms and walls, landscaping (plant materials, landscaped fixtures (such as timbers) used in combination or singularly so as to fully block direct visual access to an object. Trees used in screening shall be conifers as approved planted in double staggered rows. Trees shall be a minimum of five (5) foot in height.

1603. All screening shall be maintained.

**SECTION 1700: SIGNS**

1701. FINDINGS, PURPOSE AND EFFECT:

- A. Findings. The Town Board hereby finds as follows:
  - 1. Exterior signs have a substantial impact on the character and quality of the environment.
  - 2. Signs provide an important medium through which individuals may convey a variety of messages.
  - 3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
  - 4. The ordinance has included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the Township and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of physical characteristics of signs within the Township has had a positive impact on traffic safety and the overall appearance of the community.
  
- B. Purpose and Intent. It is not the purpose or intent of this sign section to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:
  - 1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the Township in order to promote the public health, safety and welfare.
  - 2. Maintain, enhance and improve the aesthetic environment of the Township by preventing visual clutter that is harmful to the appearance of the community.
  - 3. Improve the visual appearance of the Township, while providing for effective means of communication, consistent with constitutional

guarantees and the Township's goals of public safety and aesthetics.

4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the Township.

C. Effect. A sign may be erected, mounted, displayed or maintained in the Township if it is in conformance with the provisions of these regulations. The effect of this sign section, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones and a more limited variety of signs in other zones, subject to the standard set forth in this sign section.
2. Allow certain small, unobtrusive signs, designed and sized to be the minimum necessary to convey needed information that are incidental to the principal use of a site in all zoning districts, subject to the standards set forth in this sign ordinance. Examples are: construction sign; government sign; real estate sign; incidental sign; rummage or garage sale sign; nameplate sign; and window sign.
3. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
4. Provide for the enforcement of the provisions of this sign section.

1702. Sign Definition. A "sign" is any written announcement, declaration, demonstration, display, illustration, insignia or illumination used to advertise or promote the interest of any person or persons when the same is displayed or placed out of doors in view of the general public, or inside of a building within three (3) feet of a transparent window. A sign shall be considered as a structure or a part of a structure for the purpose of applying yard and height regulations except as herein provided.

1703. General Provisions Applicable to all Signs.

- A. Substitution Clause: Nothing in this Ordinance shall be deemed to limit the message that may appear on any sign described in this code, and any message may be substituted for any specific content characterized below, so long as the size, number of signs and other required physical characteristics of the sign are compliant with this ordinance. The use of specific content references is intended only to serve as an example of

what types of content typically appear on various signs, but does not limit content to those examples.

- B. Copy changes on signs shall not require permits.
- C. Locations. No sign shall be permitted within the public right-of-way, or in any location which interferes with sight lines for motorists or pedestrians in a manner which could be inimical to public safety. Signs, excepting government signs, are prohibited upon any public or private utility easement unless the benefited party under such easement has granted written consent for the sign. No sign shall be erected, placed or maintained on trees, power and light poles or the supports thereof, except as allowed as special events. Signs on rocks shall be allowed if they use metal letters and numbers or the commercial message is etched into the surface of the rock.
- D. Freestanding Signs. All freestanding signs shall be plainly marked with the name and address of the owner of said sign.
- E. Size of Signs. All square footage area requirements shall include border and exclude structural supports.
- F. Maintenance. The party to whom a sign is issued shall be responsible to maintain the sign at all times, both in terms of structural integrity and physical appearance. Maintenance shall include, without limitation, the avoidance of faded coloring, cracked or peeling paint, visible rust, broken fixtures, cracked or broken masonry, malfunctioning or non-functioning electrical components, untrimmed, dead or dying landscape vegetation, or un-repaired vandalism. The failure of a permit holder to correct an improperly maintained sign within thirty (30) days of written notice from the Township shall be grounds for the Township to revoke sign permit.
- G. Obstruction. No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress of any building or structure. No sign shall be attached to a standpipe or fire escape.
- H. General Sign Aesthetics. All sign owners shall be encouraged to construct signs in which signage intensity, color schemes, images, dimensions and construction materials are generally compatible with buildings, nearby land usage, and reflect a reasonable balance between aesthetics and the need to provide advertisement of a particular subject or object. Any sign constructed of materials blended with the ground surface, such as a monument sign, shall be accompanied by complementary landscaping.

- I. Moving Parts. Except for changeable copy lettering and electronic readerboard images, no sign shall contain moving parts designed to attract attention to the sign. Moving parts, such as access panels, which are a component of the functional aspects of the sign are permissible.
- J. Illumination. No illumination shall be permitted in connection with any sign which creates any danger to public safety, or which casts light or images, distractive lighting, which interfere with the quiet enjoyment of adjacent or nearby property. The installation of sign illumination shall be subject to current electrical codes. Electrical service to an outdoor sign shall be underground.
- K. Permits Required: Except as exempted under 1706.D no sign shall be erected unless a permit shall have first been obtained from the Township.

1704. Standards in Commercially Zoned Districts. The following standards shall be followed for all signs located in all commercially zoned areas.

- A. Construction. Except as specifically excluded by this ordinance, all signs shall be constructed in conformance with standards prescribed by the Uniform Building Code and by the 1991 edition of the Uniform Sign Code, as amended. These standards include, without limitation, structural requirements, specifications for materials, seismic and wind loads, glass and plastic usage and specifications, electrical wiring specifications and other requirements.
- B. Affixed Building Signs. Affixed Building Signs are letters that are directly affixed on one or more walls of the building from which the business operates. Such letters may not be painted on the wall, but must be constructed of a durable and color-fast material, and constructed in a manner where individual letters are affixed to the wall by usage of glue, fasteners, or a combination thereof. Letters of such signs may be up to thirty-six (36) inches in height. The area of such a sign shall be computed by drawing an imaginary line around the perimeter of the lettering, which line shall be located six (6) inches above the highest elevation of any letter; six (6) inches beneath the lowest elevation of any letter; and six (6) inches on either side of the letters furthest to the left and right as one faces the sign. The area of this rectangle shall be deemed to be the area of the Affixed Building Sign, and shall count against the maximum sign areas noted in 2011-01. Lettering may not protrude above the roof or parapet of any building, nor may lettering protrude beyond the corner of a building.
- C. Freestanding Signs. No portion of any freestanding sign shall exceed twenty-five (25) feet in height, as measured from the highest elevation of ground level beneath the sign footprint. Berms or hills created

to artificially increase the natural or normal elevation of ground level beneath the sign shall be disregarded in computing sign height.

- D. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above said pedestrian way of ten (10) feet. No projecting sign shall extend more than four and one-half (4 1/2) feet from the building wall to which it is attached.
- E. Configuring of Lettering. Except for Affixed Building Signs as per Section 1704.B, no lettering on any sign shall exceed sixteen (16) inches in height. All lettering shall be in aesthetic proportions to the sign perimeter or surrounding structures. Except where necessary to display a logo or trademark, lettering shall be uniform in style for each sign or common sets of signs.
- F. Vehicle and Trailer Signage. Any vehicle or trailer involved with advertising in Sylvan Township will be currently licensed and DOT inspected, if applicable. This type of advertising will be considered Class C temporary signage.

1705. Standards in Residential Zoning. Home Occupation signs as per Section 1102.B.3, Home Business signs as per Section 1102.A3, temporary signs as per Section 1707.C. and Neighborhood Monument Signs as per Section 1708 of this ordinance shall be permitted in residential zones. Only one sign may be placed on a residential lot, except that if it is a corner lot with two road frontages, one sign may be permitted facing each road.

1706. Sign Classifications. The following classifications of signs are hereby established:

- A. Class A. On-Site Advertising Signs. On-Site Advertising Signs advertise a business, product, service, commodity or profession located on the same premises. Class A signs shall be considered structures and require permits.
- B. Class B. Off-Site Advertising Signs. Off-Site Advertising Signs are outdoor advertising signs which direct the attention of the general public to a business, product, service, commodity or profession which is conducted, sold or offered other than on the premises on which the sign is located. Class B signs shall be considered structures and require permits.
- C. Class C. Temporary Advertising and Special Events signs.
  - 1. Class C signs require permits as per Section 1707.C.

2. Temporary Advertising signs which advertise a business, product, service, commodity or profession located on the same premises as the sign and which are not permanently affixed to the premises.
  3. Special Event Signs are temporary signs designed for usage in connection with special events such as, but not limited to, holidays, seasonal events, initial grand openings, or civic events.
- D. Class D. Exempt Signs. Exempt Signs do not require a permit as long as the pertinent performance standards are satisfied. Class D signs include, but are not limited to, the following: signs required by the governing body having jurisdiction including, but not limited to, the Cass County Highway Department and the Minnesota Department of Transportation; signs used to inform the general public in a non-advertising message; temporary construction; and election signs, posters or banners.

#### 1707. Performance Standards.

A. Class A. On-Site Advertising Signs.

1. Maximum Size. No sign shall be permitted which contains more than one hundred (100) square feet, or two hundred (200) square feet if two-sided. Where more than one sign or element of signage is proposed for a given real estate parcel of record, the aggregate square footage of all signage on the parcel shall not exceed three hundred (300) square feet including one (1) freestanding or monument sign. The area of a sign shall be computed using the outside perimeter which reasonably borders or encompasses the sign content, including all lettering or imagery.

If a building contains multiple tenants, each tenant may be allotted a pro-rata share of the permitted square footage allowed on that parcel for a freestanding sign or signs, as determined by the sign owner. In addition to signage on a freestanding sign, individual tenants of a multi-tenant building may have signage affixed to the front of their occupied space building that is of a size of up to ten (10) percent of the square footage of the front of the occupied space, but not to exceed one hundred (100) square feet. The front of the occupied space shall be considered to be the area on the side of the building containing the main entrance to the tenant space that is obtained by multiplying the building height times the width of the actual space occupied by the tenant. Notwithstanding the foregoing, if a commercial building has a corner consisting of two walls that each face a separate public road, each of the walls may contain signage affixed thereto of a size up to but not exceeding one hundred (100) square feet per wall.

2. Maximum Height.
  - a. Freestanding Signs. No portion of any freestanding sign shall exceed twenty-five (25) feet in height, as measured from the highest elevation of ground level beneath the sign footprint. Berms or hills created to artificially increase the natural or normal elevation of ground level beneath the sign shall be disregarded in computing sign height.
  - b. Height of Signs Affixed to Buildings. No portion of any sign which is affixed to a building (including a sign placed upon an awning) shall exceed eaves of the building.
3. Illumination. Class A signs may be illuminated.
4. Setback. Class A freestanding signs shall maintain ten (10) foot setback from the road right-of-way and twenty (20) foot setback from the side property line.
5. On-site advertising for another business. One on-site business is permitted to advertise for an off-site business under the following conditions:
  - a. Free-standing. The signage shall be free-standing.
  - b. Maximum size. The signage shall be included in the on-site business owner's maximum size as per Section 1707.A.1.

B. Class B. Off-Site Advertising Signs.

1. Location. Class B signs will be a permitted use in conjunction with MN DOT approval. The distances below shall be measured from the corporate limits of the city of Pillager as they existed on January 1, 2008. Class B signs may be placed within one (1) mile of the corporate limits of the City of Pillager on both State Highway 210 and County Road 1.
2. Signs Prohibited. Class B signs shall be prohibited along all County and Township roads.
3. Maximum Size. No sign shall be permitted on the State 210 corridor which contains more than two hundred (200) square feet, or four hundred (400) square feet if two-sided. No sign shall be permitted on County Rd 1 which contains more than one hundred



(100) square feet, or two hundred (200) square feet if two-sided. Class B signs may be placed back-to-back or in a "V" type construction, which is not to exceed forty-five (45) degrees, but not more than two (2) faces are allowed on each side of the sign structure including stacked signs.

4. Height. The maximum height of any Class B freestanding sign shall not exceed twenty-five (25) feet.
5. Spacing. No Class B freestanding sign shall be closer than one-half (1/2) mile to any other Class B sign on the same side of the highway.
6. Illumination. Class B signs may be illuminated.
7. Specifications. The Class B sign structure shall be of metal only. Display panels and borders may be constructed or finished in wood.
8. Setback. Class B freestanding signs shall be placed a minimum of the sign height from a road right-of-way or side lot line.

C. Class C. Temporary Advertising Signs and Special Events Signs.

1. Temporary Advertising. Temporary Advertising Signs such as, but not limited to, portable signs, banners and pennants may be used for no more than fourteen (14) consecutive days, and on no more than three (3) occasions per year per real estate parcel of record. The Town Board or designated official may issue permits for temporary signs in any commercially zoned district.
2. Special Events. Special Events Signs such as but not limited to, inflatable devices, pennants, hand-painted banners, searchlights, streamers or the like are temporary signs which may be in use for no more than thirty (30) days in the case of civic events, or no more than seven (7) days for all other events. The Town Board or designate may issue permits for special event signs for parcels of record in all zoning districts.
3. Size. The maximum square footage for the total of all Class C signs on a single lot of record shall not exceed thirty two (32) square feet.
4. Height. The maximum height for all Class C signs shall not exceed ten (10) feet.

- D. Class D. Exempt Signs. The following categories of signs shall be permitted in accordance with the standards or requirements noted below, shall not require permits and shall not otherwise be considered "signs" or "signage" for the purpose of ordinance regulations.
1. Signs located entirely within the interior of a building.
  2. Signs erected by or at the direction of any governmental authority, or which are required by law to exist, such as warning beacons or devices.
  3. Temporary construction. One (1) temporary construction or identification sign per contractor of not more than thirty two (32) square feet may be installed upon a construction site in any district denoting the name of the architect, engineer, contractor and/or future business and owner, provided the sign shall not be installed prior to the issuance of a building permit for the proposed construction and provided further that the sign shall be removed within thirty (30) days following occupancy of the building.
  4. Public service signs. Temporary signs which advertise a special event of a public service nature may be displayed for thirty (30) days or less each calendar year.
  5. Informational signs. Signs of a non-advertising nature which inform, direct, provide address information, and warn or similar signs shall be allowed in all districts. Class D exempt informational signs include, but are not limited to, signs that indicate to a visitor on the property that the visitor should enter, exit, stop, not enter, or not trespass.
  6. Election signs. Signs, posters, or banners which pertain to an upcoming election of a candidate or political issue shall be permitted in all districts. They shall not remain on the location more than ten (10) days after the election. Removal of signs shall be the responsibility of the owner or occupant of the lot upon which the sign is located. Election year signs are regulated by Minnesota Statute Chapter 211B.045.
  7. Small signs. No permit or regulation shall be required for signs of less than two (2) square feet, provided that the attaching of such signs to utility poles or otherwise within public right-of-way without the written permission of the easement or fee owner shall be prohibited. Small signs shall include the name and telephone number of the responsible person and removed within ten (10) days after the event.

1708. Partially Exempt Signs. The following categories of signs shall be permitted in accordance with the standards or requirements noted below:

- A. Neighborhood Monument Signs. A Neighborhood Monument Sign is a sign that is erected on private property at any road entrance by a residential subdivision developer or owner's association at the time of marketing and construction of the subdivision. Neighborhood Monument Signs shall be constructed of materials requiring little or no ongoing maintenance, such as masonry. No portion of any Neighborhood Monument Sign shall be located closer than ten (10) feet from any road right-of-way. No Neighborhood Monument Sign shall be permitted unless, as a part of the development agreement for the subdivision, a reasonable system for ongoing maintenance of the sign is provided, at no cost or expense to the Township. Further, the development agreement shall provide that if the sign is not properly maintained, the Township may, upon reasonable notice to the residents of the neighborhood, come upon the property upon which the sign sits and remove the signage.
  
- B. Performance Standards. Neighborhood Monument Signs as per Section 1708.A of this ordinance may be up to forty (40) square feet in size, as measured on the perimeter of the border of the message displayed (excluding structural components of the sign). A Home Occupation sign as per Section 1102.B.3 may be no greater than two hundred forty (240) square inches in area. A Home Business sign in a residential zone as per Section 1102.A.3 may be no greater than sixteen (16) square feet in area.

1709. Prohibited Signs. The following signs or characteristics of signs shall not be permitted or erected in the Township:

- A. Any sign which resembles, imitates or approximates the shape, size, form or color of railroad or traffic signs, signals, devices or any signs erected of a governmental agency. No private sign shall display such as words as "stop" or "danger".
  
- B. Signs on or attached to unlicensed equipment such as vehicles, semi-truck trailers, other portable trailers, or farm implements, where signing is a principal use of the equipment on either a temporary or permanent basis.
  
- C. Any sign displaying obscene, indecent, immoral or offensive matter.
  
- D. Any sign which emits sound.

- E. Any sign on a commercial parcel without an established business on said parcel.
- F. Any sign advertising commercial oriented activity that owner/resident does not have current permits and/or licenses required for said activity.

1710. Administration. Permits, Fees, Inspection, Removal and Revocation.

- A. Non-Conforming Signs. Existing signs which do not conform to the provisions of this ordinance, meaning signs which were legally in existence as of the effective date of this ordinance, shall be recognized as legal usages unless the sign is abandoned, meaning that the sign is destroyed or rendered incapable of conveying its message, and such state continues uncorrected for sixty (60) days weather permitting.
- B. Permits Required: Except as exempted under Section 1706.D no sign shall be erected unless a permit shall have first been obtained from the Township. The Town Board or designee shall issue permits for all signs, except that any sign proposed to be located in any commercial or industrial district may, if referred by the Township official, be reviewed by the Planning Commission and the Town Board. Sign review shall be limited to commentary on sign aesthetics, and no regulation of sign content shall be permitted or attempted. The Township official may also, in his or her discretion, refer any other application for a sign permit for Planning Commission review and Town Board action. If a sign for which a permit is obtained is not properly completed within one year after the date of the permit, the permit shall be deemed expired.
- C. Permit Procedures.
  - 1. Permit Application. Applications for permits shall be reviewed by the building official. Application for permits shall be made upon forms provided by the Township and shall state or have attached thereto the following information, if required by the Township.
    - a. The names, addresses, and telephone numbers of the applicant, the owner of the parcel on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
    - b. Type of sign.
    - c. Type of construction materials to be used.
    - d. Location of building, structure or parcel to which, or upon which, the sign is to be attached or erected.

- e. Positions of the sign or other advertising structures in relation to the nearest buildings, structures, public streets, right-of-ways and property lines, along with location and square footage areas for all existing signs on the same premises. The drawing showing such position shall be prepared "to scale".
  - f. If illuminated, method of illumination shall be outlined in accordance with illumination standards.
  - g. Blueprint or ink drawing of the plans and specifications, and method of construction or attachment to the building or in the ground, including all dimensions, footings, locating all light sources, wattage, type and color of lights and details of any light shields or shades.
  - h. Copy of stress sheets and calculations, showing the structure is designated for dead load and wind velocity in the amount required by this and all other ordinances of the Township.
  - i. Site plan and landscaping plan.
- D. Permit Fees. Permit fees shall be established from time to time by ordinance adopted by the Town Board.
- E. Revocation. The party to whom a sign permit is issued shall be responsible to maintain the sign at all times, both in terms of structural integrity and physical appearance. Maintenance shall include, without limitation, the avoidance of faded coloring, cracked or peeling paint, visible rust, broken fixtures, cracked or broken masonry, malfunctioning or non-functioning electrical components, untrimmed, dead or dying landscape vegetation, or un-repaired vandalism. The failure of a permit holder to correct an improperly maintained sign within thirty (30) days of written notice from the Township shall be grounds for the Township to revoke the sign permit.
- F. Maintenance. The Township shall have the rights and shall follow the procedures set forth in Minnesota Statute 429.101 Subdivision 1 with the respect to any abandoned, dangerous or dilapidated sign.

**SECTION 1800: TELECOMMUNICATION TOWERS:**

All Telecommunication Towers shall be approved by the Town Board in accordance with Cass County Land Use Ordinance, as amended.

- A. Telecommunication Towers must be located in commercially zoned properties as identified by the Sylvan Township Commercial Zoning Map as part of the Sylvan Commercial Ordinance unless the applicant can demonstrate to the satisfaction of the Town Board that such location cannot meet the communication needs of the public.
- B. All Telecommunication Towers must be a minimum of one quarter of a mile from the ordinary high water mark of any public waterway, stream or lake.
- C. Towers must be located at an adequate distance from any structure, or Right of Way to prevent impact as a result of collapse of the tower.
- D. Monopine or other camouflage structures may be required depending on location by the Board of Supervisors.

**SECTION 1900: ADDITIONAL STIPULATIONS:**

- A. All previously approved conditions related to a specific site approved for a specific use are subject to change, modification or addition when the Town Board, upon investigation in relation to a formal request or upon their own initiative based upon readily observable conditions find that the public health, safety and general welfare can be served as well or better by changing, modifying or expanding the conditions set forth in the approval.
- B. No recreational or business related discharge of firearms on developed commercially zoned lots within the Highway 210 corridor. All hand guns will be stored in a locked cabinet during non-business hours.

**SECTION 2000: NON-CONFORMING BUILDINGS, STRUCTURES AND USES, AND TEMPORARY/SEASONAL SALES:**

- 2001. Purpose. It is the purpose of this subdivision to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and uses under which non-conforming buildings, structures, and uses will be operated and maintained. Furthermore, it is the intent of this section that new building expansion will conform with all applicable performance standards of this Ordinance, except as may be allowed by this Ordinance.
- 2002. Grandfather Clause. Legal nonconformities existing at the time of the adoption of these official controls may be continued, including through repair, replacement, restoration, maintenance or improvement, but not including expansion pursuant to MN Statute 462.357, Subd. 1,e,a. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy. The Sylvan Town Board may permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare or safety. This subdivision does not prohibit or limit Sylvan Township's ability to enforce ordinances regulating adults-only bookstores, adults-only theatres, or any and all adults-only business as defined by ordinance.

2003. Remedial Work. Nothing in the Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by Township Official providing the necessary repairs shall not constitute more than fifty (50) percent of fair market value of such structure. Said value shall be determined by the County Assessor.
2004. Expansion of Non-Conforming Commercial/Manufacturing Buildings. Legal non-conforming commercial and manufacturing buildings may be expanded one time without triggering full compliance with the SCO performance standards provided the following conditions are met:
- A. The site is zoned Commercial.
  - B. The use of the building and site is a permitted use, accessory use, interim use, or conditional use within the Sylvan Commercial District.
  - C. The building expansion will not result in an increased non-conforming condition related to setbacks and building height.
  - D. The site has adequate parking to accommodate an expanded building floor space.
  - E. The building expansion shall not exceed more than twenty-five (25) percent of the existing building floor area.
  - F. Building expansions beyond twenty-five (25) percent of the existing building size shall comply with the SCO standards for only the new construction and new site improvements.
2005. Expansion of legally established commercial/manufacturing buildings outside the Sylvan Commercial District provided the following conditions are met:
- A. New commercial/manufacturing uses are prohibited outside the SCO.
  - B. Existing legally established commercial/manufacturing land uses located outside of the commercial district of the SCO still must comply to the conditional use standards of the Sylvan Commercial Ordinance.
2006. Commercial/Manufacturing Buildings. If a non-conforming commercial or manufacturing structure is destroyed to a point where necessary repairs exceed fifty (50) percent of its fair market value, the structure may be restored to the same setbacks and height provided all other applicable performance standards, as stipulated in the Ordinance, are upheld and a building permit must be applied for within 180 days of when the property was damaged.

2007. New Structures. New structures shall be permitted on non-conforming sites provided that new construction meets the standards and criteria set forth in this Ordinance.

2008. Temporary/Seasonal Sales.

- A. Permit Required: No person shall conduct temporary/seasonal sales, without first having received a permit as provided in this Section.
- B. Permit Application: The application for a permit shall include a site plan, a list of materials to be sold or displayed, and the duration of the sale.
- C. Permit Types: A new permit shall be required for all sales located on sites where a permit has not been issued during the preceding twelve (12) month period, and for all sales that include a different site plan, list of materials to be sold, or size and/or location of the sales area from the most recently approved permit. A renewal permit shall be required for a sale that is substantially similar to the most recently approved sale at the site, provided that the most recently approved permit was issued during the preceding twelve (12) month period.
- D. Permit Fee: The applicant shall pay the new or renewal permit fee as established (see Section 2200) by the Town Board. The fee for new and renewal permits shall also include the cost of a sign permit. The permit fee shall be paid in full with the application.
- E. Duration: Permits issued under this Section shall be for a period not to exceed ninety (90) days, or two (2) permits totaling no more than ninety (90) days shall be issued to the same applicant or property in any calendar year.
- F. Exemptions:
  - 1. This section shall not apply to occasional sales similar to garage sales or estate sales.
  - 2. This section shall not apply to schools, academies, libraries, or churches, or similar institutions when the sale is conducted on their own property.
  - 3. This section shall not apply to promotional events such as sidewalk sales or shopping center events accessory to the principal use of the property limited to no more than five (5) consecutive days.
- G. Permit Applicant: The applicant for the permit shall be the owner of the property. If the sale is operated by a person other than the property



owner, the owner must notify the Township of the operator. The property owner is responsible for the actions of the operator and the conditions of the permit.

H. Performance Standards: The Town Board shall issue a new or renewal permit if the applicant demonstrates that the following performance standards will be met:

1. Off-street parking and loading areas are provided where required.
2. No public address system shall be used.
3. The number, area, bulk, height, location, hours of operation, and duration of such uses is controlled. The site shall be kept in a neat and orderly fashion, free from litter, refuse, debris, junk, or other waste which results in offensive odors or unsightly conditions.
4. Display of items shall be arranged in as compact a manner as reasonably practicable with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
5. No uses or displays shall be permitted in required parking areas, required green areas, parking setback areas, or any right-of-way or other public property.
6. Signage shall be limited to one non-permanent sign not to exceed thirty two (32) square feet. The sign may be a banner, shall have a professional appearance, and shall be mounted or erected in an appropriate location. This limitation applies to all signs associated with the sale, including those affixed to vehicles.
7. A Temporary/Seasonal Sales Permit shall be issued for a particular use and to the property owner making application for such permit. Such permit shall not be transferred or assigned for use by another.

**SECTION 2009: NON-CONFORMING GRANDFATHERED OPERATIONS;**

Any grandfathered operation, which changes ownership, building expansion beyond 25%, adds or changes uses will require a review and must be brought into current compliance. In-addition any grandfathered extraction or outdoor operation which intensifies usage of current activities or expands beyond currently accepted boundaries (July 2011) will need to be reviewed and brought into current compliance. This includes previously issued permits from Cass County.

**SECTION 2100: VARIANCE AND APPEALS:**

2101: Board of Adjustment and Appeals. The Sylvan Town Board shall serve as the Board of Adjustment and Appeals for Sylvan Township in the administration of the SCO development regulations.

2102: Duties and Responsibilities. The Board of Adjustment and Appeals:

- A. Shall hear and decide appeals and make interpretations of:
  - 1. Township ordinances or zoning maps.
  - 2. Alleged errors in any order, requirements, decision, or determination made in the administration of enforcement of Township ordinances.

In exercising such power, the Board of Adjustment and Appeals may affirm wholly or partially, or may modify the order, requirements, decision or determination and may direct the issuance of a permit.

- B. May authorize, upon appeal in specific cases, a variance from the terms of the ordinance in keeping the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance shall create undue hardship.
- C. Shall hear and decide upon matters referred to it by the Planning Commission upon which it is required to pass judgment under the ordinance.
- D. Shall adopt rules necessary to the conduct of its affairs.

2103: Variances.

- A. Application and Notices.
  - 1. The Board of Adjustment and Appeals may grant a variance upon application and only in accordance with Minnesota Statutes, Chapter 394. Any person may make an application to the Planning Commission. The Planning Commission will submit a recommendation to the Board of Adjustment and Appeals for a variance from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and where the hardship is not solely economic. No variance application will be accepted from landowners or for

property on which there are existing violations or delinquent property taxes due.

2. Written notice of time, place and purpose of the public hearing shall be published in the official newspaper designated by the Board of Adjustment and Appeals and sent to owners of record within one-quarter (1/4) mile of the affected property at least ten (10) days prior to the date upon which the application will be considered. This distance shall be extended to insure that a minimum of ten (10) property owners are so notified. The applicant or their agent must be present at the public hearing at which their application is considered, or action on the application will be tabled.

B. Variance Criteria. A variance may not circumvent the general purposes and intent of this Ordinance. In no case shall a variance be granted which the Board of Adjustment and Appeals determines will:

1. Allow any use that is prohibited in the zoning district in which the subject property is located; or
2. Restrict the passage of storm water in such a manner as to increase the height of flooding or impact adjacent properties; or
3. Result in incompatible land uses that would be detrimental to the protection of ground and surface water quality; or
4. Not be in keeping with the land use and water plans and/or planning objectives of Sylvan Township or which will increase or cause danger to life or property; or
5. Be inconsistent with the preservation of natural land forms, vegetation or wetlands of Sylvan Township; or
6. Result from the circumstances created by the landowner; or
7. Not change from a previously denied application.

C. Findings of Fact. In ruling on a variance request, the Board of Adjustment and Appeals must make written findings of fact upon the following considerations and Minnesota Statutes, Chapter 394.27, Subd. 7:

1. The property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

3. The variance, if granted, will not alter the essential character of the locality.
  4. The need for the variance is not justified by economic considerations alone.
  5. There is a complying individual sewage treatment system present for the intended use of the property.
- D. **Records.** All written reports and recommendations to the Board of Adjustment and Appeals shall be made a part of the permanent written record of the Board's meeting. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the Board of Adjustment and Appeal's summary of the public record and testimony and the findings of fact and conclusions which supported the issuance of the variance.
- E. **Conditions.** Conditions, as deemed appropriate by the Board of Adjustment and Appeals, may be attached to enforce the general purpose and intent of this Ordinance including but not limited to financial assurance of performance, or individual sewage treatment system upgrade.
- F. **Appeal of Decisions.** The decision of the Board of Adjustment and Appeals shall not be final. Any person having an interest affected by this Ordinance or any decision made relating to it shall have the right to appeal to District Court on question of law and fact within thirty (30) days from the date the written decision is served upon the applicant.
- G. **Lapse of Variance.** The use approved under a variance permit must commence within one (1) year of the date the variance permit was approved, with the exception being catastrophic events. Upon issuance an extended time period for commencement may be authorized by the Town Board if using standard construction procedures the project cannot be completed within the one (1) year time period. If an extension is given the Town Board will define the extension of time.

## **SECTION 2200: FEES, CHARGES AND EXPENSES:**

2201. **Financial Assurance.** The Township may require security in a form acceptable to the Township including, but not limited to cash escrow or Irrevocable Standby Letter of Credit prior to issuing of any permit or prior to the initiation of any work on an approved improvement or development. The security shall be irrevocable and automatically renewable, conditioned in favor of Sylvan

Township, and shall guarantee conformance and compliance with the terms and conditions of the permit, interim use, conditional use or variance and any related agreements (including Developers Agreements) and the ordinances of Sylvan Township. The amount of the security shall be established at one hundred and fifty percent (150%) of the estimated cost of construction of any required public improvements as well as the cost of grading, soil stabilization, water quality protection and pollution control measures or any other similar conditions required to properly construct the improvement or development.

2202. Developers Agreement. All developments that include construction of any public improvements shall require the execution by applicant of a Developers Agreement between the applicant and the Township in a form approved by the Township. The Agreement shall contain the amount and form of security required as set forth in 2201 above as well as standard terms and conditions to assure completion of the proposed improvements or development in a reasonable time.

**SECTION 2300: VALIDITY AND SEVERABILITY:** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**SECTION 2400: MAP:** The location and boundaries of the Sylvan Commercial District established by this Ordinance shall be set forth on the Cass County Zoning Map and Sylvan Township Zoning Map. Questions of doubt concerning the exact location of a zoning district boundary shall be heard and determined by the Sylvan Township Board serving as the Board of Adjustment and Appeals.

**SECTION 2500: PENALTY:** Violation of this Ordinance is a misdemeanor punishable under the penalties provided by State law for a misdemeanor offense and as subsequently amended. The Township reserves the right to enforce this ordinance and its provisions by any civil means available to it in law or equity, including injunctive relief or the issuance of administrative fines or penalties. In the event of a violation of this ordinance, the Town Board may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct or abate such violations. Should the Township determine to correct or abate such violations as provided in Section 6, the property owner shall be invoiced for all of the Township's costs which shall be paid within 30 days of the date of the invoice, should the property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the owner's property taxes pursuant to Minn. Stat. § 366.012 or other relevant statute.

**EFFECTIVE DATE:** This ordinance shall be in full force and effect immediately following its passage and publication. Published \_\_\_\_\_, 2017 Brainerd Dispatch.

APPROVED by the Sylvan Township Board of Supervisors this day of 2017.

By: \_\_\_\_\_  
Greg Booth, Chairperson

ATTEST:

By: \_\_\_\_\_  
Faith Broberg, Town Clerk