

Article II: General Provisions.**Section 20-4. Minimum Requirement.**

The provisions of this Chapter shall be applied and constructed to constitute minimum standards for the promotion of the public health, safety and welfare.

Section 20-5. Relation to Other Standards.

Where a condition imposed by any provision of this Chapter is either more or less restrictive than the comparable condition imposed by any other ordinance, rule or regulation of the Town, County, State or Federal government, the more restrictive condition will prevail. For purpose of this section, “more restrictive” shall mean the least congestion, the least intrusion and the least intensity of any use or development permitted between those provisions that are in conflict.

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

Section 20-6. Application.

The provisions of this Chapter shall apply to all land within the Township.

Section 20-7. Concurrent Review.

In order to provide for the efficient administration of this Chapter, whenever a project or proposal requires more than one land use review, including but not limited to conditional use permit, interim use permit, rezoning, variance, site plan review or platting, all applications shall be processed concurrently.

Section 20-8. Pending Applications. No new application for zoning approval for land use approvals shall be submitted or accepted until all previous applications for such project or proposal have been finally acted upon.**Section 20-9. Compliance with this Chapter.**

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used in any manner that is not in conformity with the provisions of this Chapter.

a. General Regulations.

1. Applications for conditional use permits, interim use permits, site plans, variances, rezonings, amendments, appeals and any other request that requires Town Board approval shall be submitted to the Zoning Administrator.

2. Applications for conditional use permits, interim use permits, variances, and rezonings will not be accepted from anyone who is not an owner of the land for which the application is being made. However, nothing in this Chapter shall be construed to abrogate or otherwise deny the right of a property owner to apply for a conditional use permit, interim use permit, variance, amendment or appeal. No application or appeal shall be attended by any presumption of approval. Applications must contain all information required by this Chapter.
3. No landowner shall erect, construct, structurally alter, extend, convert, move or use, nor allow or permit another person, including a lessee, tenant, agent, employee or contractor, to erect, construct, structurally alter, extend, convert, move or use on the landowner's land any building or structure in any zoning district within the Town without first obtaining a permit.
4. All land use approvals made pursuant to this Chapter shall remain in effect as long as all of the conditions and guarantees of such approval(s) are observed. Failure to comply with such conditions and guarantees shall constitute a violation of this Chapter and may result in termination of the land use approval.
5. The following provisions shall apply to the issuance of building permits in all zones in Athens Township:
 - A. A building permit shall be obtained prior to erecting, installing, altering, converting, remodeling, removing or demolishing any building or structure or part thereof.
 - B. The following structures shall be exempt from the requirement to obtain a building permit:
 - i. Storage buildings 120 square feet or less in size outside of the Shoreland and Flood plain districts.
 - ii. Agricultural structures that obtain an Agricultural Structures Permit as provided below.
- b. Agricultural Structure Permit. In all zoning districts, an Agricultural Structure Permit shall be obtained for the construction of new agricultural buildings and structures or for additions to such structures. Buildings and structures must meet the following criteria to be defined as an agricultural building or structure for the purposes of this provision:

1. The building or structure must be on a parcel of land at least ten (10) acres in size and used exclusively for storage of agricultural goods or equipment; or
 2. The building or structure must be used exclusively to house animals.
- c. Protection for Farming Practices. All agricultural uses in the Township occurring on parcels of a minimum of ten (10) acres and being conducted in compliance with the terms of this Chapter and other applicable local, state and federal regulations shall have the right to continue regardless of the fact that there may have been changes in the surrounding character of the area.
- d. Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.
- e. Uses Not Provided For Within Zoning Districts. Whenever in any zoning district a use of land and/or buildings is neither specifically permitted nor specifically prohibited, the use shall be considered prohibited. If such a use is considered prohibited, the Planning Commission, on its own initiative or upon request, may conduct a study to determine if the use is acceptable, and if so, the appropriate zoning district and the condition under which said use will be permitted.
- f. Nonconforming Uses and Structures.
1. Any nonconforming use or nonconforming structure existing on October 7, 1996, may continue subject to the restrictions contained in this section.
 2. Any structure that will, under this Chapter, become nonconforming, but for which a land use permit has been lawfully granted prior to October 7, 1996, shall be considered a nonconforming structure.
 3. Additions or expansions up to twenty-five percent (25%) of the bulk area of the structure may be made to a nonconforming structure only if the addition meets the following conditions:
 - a. Increasing nonconformity prohibited. An addition or expansion shall not increase the degree of nonconformity of the structure, or further infringe upon established setbacks or building restrictions, except that:
 1. Existing structures meeting at least fifty percent (50%) of the required front yard setback may be allowed to expand provided the addition does not encroach further upon existing setbacks and the structure is not located within the shore impact zone, bluff impact zone or in a flood plain.

2. Existing structures not meeting the required side or rear yard setbacks may be allowed to expand provided they do not encroach further upon the existing setbacks and are not located within the shore impact zone, bluff impact zones or in a flood plain.
 3. New accessory structures may be built in line with the residential structure at the same existing side yard setback, but no closer than one-half (1/2) the required side yard property line setback.
 4. Cannot result in replacement. The process of adding on to an existing nonconforming structure shall not be used to effectuate replacement of the structure where replacement would not otherwise be allowed under the provisions of this Chapter.
 5. Existing structure in sound condition. An addition may be made to a nonconforming structure only if the existing structure is in sound condition, as determined by the Township Building Official.
 6. Existing structure must remain. No structural part of the existing structure shall be removed once the new structure is completed.
 7. Encasement prohibited. The addition, or multiple additions, shall not surround or encase the existing structure.
 8. Replacement. A nonconforming structure may be replaced only if the replacement structure meets the setback requirements and all other provisions of this Chapter.
 9. Sewage treatment. Expansion of, or addition to, or replacement of a nonconforming structure requiring a building permit shall be subject to the requirements of this Code for sewage and wastewater treatment.
 10. Interior alteration. An interior alteration of a nonconforming structure is permissible provided it will not result in increasing the flood damage potential of that structure.
4. If a nonconforming use is discontinued for a period of more than one year, further use of the structure or property shall conform to this Chapter.
 5. If a nonconforming structure is destroyed by fire or other peril by more than fifty percent (50%) of its market value as indicated by the records of the Isanti County Assessor, any subsequent use of the land or premises shall be a conforming use unless a building permit to replace or

repair the nonconforming structure is obtained within 180 days of the destruction or other peril. Any subsequently erected structure shall be a conforming structure. Cement slabs, foundations and equipment, which are not used to compute the cost of land use permits, shall not be used as part of the market value. Any figure of the County Assessor that takes into account these items shall be adjusted accordingly.

6. Normal maintenance of a building or other structure containing or related to a lawful nonconforming use, or that is a nonconforming structure, is permitted, including necessary non-structural repairs and incidental alterations which do not extend the life of the nonconforming use or intensity of the nonconforming use.
7. Any nonconforming use of a structure or structures and premises may not be changed to another nonconforming use.
8. A nonconforming structure or use shall not be moved to any other part of its site or to another site where it would still constitute a nonconforming use.
9. Nonconforming Sewage Treatment Systems.
 - a. A “nonconforming sewage treatment system” means those septic systems or privies that do not provide for adequate treatment of sewage or meet specific requirements. They include:
 1. Cesspools.
 2. Leaching pits.
 3. Drywells.
 4. Seepage pits.
 5. Systems with less than three (3) feet of unsaturated soil or sand between the bottom of the drainfield or mound rock bed and the limiting soil characteristic, which includes a seasonal high water table as evidenced by the presence of ground water, mottled soil, or bedrock.
 6. Systems discharging sewage to (1) the surface (including tile lines); (2) active or unused wells; (3) bodies of surface waters; or (4) any rock or soil formations that are not conducive to purification of water by filtration.
 7. Systems that do not meet well setback requirements.
 8. Systems where any part of the system is under a building.
 9. Privies with less than three (3) feet of separation from the bottom of an open pit to the limiting soil characteristic described in item 10 below.

10. Privies with sealed containers that do not meet the capacity and construction requirements of Minn. Rules, Chapter 7080, Subp. 4 B (2) (b), as amended.

b. The Isanti County Commissioners have, by formal resolution, notified the MPCA Commissioner of its program to identify nonconforming sewage treatment systems. On all lakes and streams, a County inspection will be required for all septic systems at the point of sale.

10. Nonconforming Lots of Record – Exceptions.

a. Construction on nonconforming lots of record in the Highway Business District (B-1), General Business District (B-2), Shoreland District (S), and Rum River Scenic District (SR):

Lots of record in the Isanti County Recorder’s Office that are substandard in size or dimensional requirements may be allowed as building sites, provided: (1) such use is permitted in the zoning district; (2) the lot (if created before February 10, 1982) has been in separate ownership from abutting lands at all times since it became substandard; (3) sewage treatment, flood plain management regulations, and setback requirements of this Chapter are met; and (4) the lot is compliant with official controls in effect at the time as specified below:

Lots created before February 10, 1982:

	<u>Riparian Lots</u>	<u>Non-Riparian</u>
General Development Lakes	15,000 s. f.	0.6 acres
Recreational Development Lakes	0.6 acres	0.6 acres
Natural Environment Lakes	1.2 acres	1.2 acres

Lots created after February 10, 1982:

General Development Lakes	25,000 s. f.	1.0 acre
Recreational Development Lakes	1.0 acre	1.0 acre
Natural Environment Lakes	2.0 acres	2.0 acres

b. Construction on nonconforming lots of record in the Agricultural District:

Lots of record in the Isanti County Recorder’s Office that are substandard in size or dimensional requirements as required by this Chapter may be allowed as building sites, provided (1) such use is permitted in the zoning district; (2) the lot was created before Feb. 10, 1982; (3) the building lot area is greater than 75% of the

minimum lot area required; and (4) sewage treatment, flood plain management regulations, and setback requirements of this Chapter are met.

- c. One parcel of record per deed. The entire area of land described in a single deed shall be considered one lot of record regardless of whether the area is described in several parcels, several lots, sub areas or sub parcels in the deed, and regardless of whether the parcels, lots, sub areas or sub parcels are contiguous or not contiguous.
- d. Contiguous parcels shall be combined. If contiguous lots are lots of record separately meeting the definition requirements of the Chapter, but are under the same ownership on the date of adoption of this Chapter, they shall comply with all of the following requirements before a permit may be issued:
 - 1. The contiguous lots shall be considered as a lot of record only if combined to meet, to the maximum extent possible, the minimum lot width, depth and area requirements for the proposed permitted use in the zoning district within which the parcels lie; and
 - 2. No permit shall be issued unless the contiguous lots are legally described as a single lot, and legally recorded as a single lot with the Isanti County Recorder; and
 - 3. If one or more of the contiguous lots is transferred into separate ownership after the date of adoption of this Chapter, the lots shall not separately be considered as a lot of record.
- e. Proof of lot of record. All applicants for a permit, dimensional variance, conditional use or interim use involving a lot of record must provide the Zoning Administrator with sufficient documentation to establish that the lot meets the definitional requirements for a lot of record as contained in this Chapter. If proof is not established, the applicant must meet all requirements of this Chapter. No application for a land use permit, dimensional variance, conditional or interim use permit involving an undeveloped lot of record shall be accepted or considered without such documentation.
- f. Lots of Record are Buildable Lots. Parcels of land that meet the definition of a lot of record according to this Chapter shall be defined as buildable lots even though the parcel may not conform to the minimum lot size or density requirements of this Chapter,

provided however, that all setback requirements and all provisions for sewage and wastewater treatment of this Code are met.

- g. Parcels that are not Lots of Record. Parcels of land that do not meet the definition of a lot of record according to this Chapter must be enlarged and/or replatted to conform to all the requirements of this Chapter before being considered a buildable lot. If a parcel of land is created by platting after the date of adoption of this Chapter, it shall conform to all requirements of this Chapter before being considered a buildable lot.

g. Dwelling Units Prohibited.

1. Structures or portions of structure in which dwelling units are prohibited. No cellar, garage, or basement with unfinished structure above (excluding energy efficient subterranean dwellings), or accessory building, shall at any time be used as a dwelling unit or residence, except as hereinafter provided.
2. Camper or travel trailer on vacant property. A camper or travel trailer of the type generally used temporarily as living quarters during the hunting, fishing, or vacation season and duly licensed and registered under the laws of the State of Minnesota, may be parked on residential property in the Town provided, however, that such camper or travel trailer shall not while so parked be used as a permanent human dwelling place, living abode or living quarters. Said camper or travel trailer must be placed in a location that meets the setback standards of the underlying zoning district.
3. Camper or trailer for non-resident, guest or visitor. No more than one camper or travel trailer of the type described in subpart 2 above and owned by a non-resident, guest, or visitor, may be parked or occupied by said guest or visitor on property on which a permanent dwelling unit is located for a period not to exceed one hundred twenty (120) days in the same calendar year while visiting the resident of said property. Said camper or travel trailer must be placed in a location that meets the setback standards of the underlying zoning district.
4. Temporary dwelling during home construction. The Zoning Administrator may, upon application, grant a temporary permit for the use of a manufactured home or similar portable unit for temporary residential purposes within the Town in conjunction with a home construction project that is underway provided, however, that a duly authorized and valid land use permit shall have been approved prior to the application for said temporary trailer permit and subject to the following:

- a. The applicant for said temporary trailer permit shall file an application with the Zoning Administrator setting forth the legal description of the land on which said trailer is to be located, together with a copy of the land use permit, for the home to be constructed on said property.
 - b. The term of said trailer permit shall not exceed six (6) months or upon completion of construction of the residential home in question, whichever comes first.
 - c. Said temporary dwelling must be placed in a location that meets the setback standards of the underlying zoning district.
- h. Sewer and Water Systems.
1. All on-site sewage disposal facilities shall be required to comply with the requirements for regulating sewage disposal systems as established in Minn. Rules Chapter 7080.
 2. Private wells shall be so located and constructed that they will not be contaminated by any existing or future sewage disposal systems. They shall also be constructed to minimize the possible contamination from all possible external sources within the geological strata surrounding the well. Private wells shall be located in a manner to be free from flooding and the top shall be so constructed and located as to be above all possible sources of pollution. Wells already existing in areas subject to flooding shall be flood proofed.
- i. Preservation of Survey Monuments. All international, federal, state, county and other official monuments, benchmarks, triangulation points, and stations shall be preserved in their precise location. It shall be the responsibility of the applicant to ensure that these markers are maintained in good condition during and following construction and development.
- j. Lot Size Requirements.
1. No land division or split shall be made which results in one or more lots, parcels or tracts of land, smaller in size or dimension than required in the zoning district in which the land is situated. No use shall be established or maintained on a lot, parcel, or tract of land which is substandard in size for the zoning district in which it is located, except as hereafter provided. In addition to other remedies, under the law and this Chapter, no land use permit shall be issued for any use or structure on any parcel of land that was illegally subdivided that became nonconforming after October 7, 1996. Lot splits in all zoning districts must have written certification from the Zoning Administrator before the newly created parcel(s) can be recorded at the County.

2. A substandard lot now owned by, or hereafter acquired by, the owner of an abutting tract or parcel of land, shall be deemed to be a part of the abutting tract or parcel of land to the extent necessary to reduce or eliminate the substandard features of the lot for the zoning district in which it is situated. Tracts or parcels of land separated by a public road shall be deemed to be separate and individual lots of record.
 3. Any substandard lot of record as of October 7, 1996, may be allowed as a building site, provided such use is permitted in the zoning district in which the lot is located, the lot is in separate ownership from abutting lands, and all sanitary sewer requirements of this Chapter are complied with.
 4. Public rights-of-way are not part of the buildable lot area.
 5. Any road established after adoption of this Chapter shall have a minimum right-of-way of 66 feet.
 6. There shall be no more than one principal building on a residential or agricultural parcel.
- k. Accessory Buildings and Structures.
1. No accessory building or use shall be constructed or developed on a residential lot prior to the time of obtaining a permit for the principal building to which it is necessary unless approved by the Town Board.
 2. An accessory building shall be considered as an integral part of the principal building if it is located less than ten (10) feet from the principal building.
 3. If an accessory building is attached to the main building, or within ten (10) feet of the main building, it shall be made structurally a part of the building and shall comply in all respects with the requirements of this Code applicable to the main building.
 4. No detached accessory building in a residential platted subdivision shall be located nearer the front lot line than the principal building on the lot.
 5. Detached accessory buildings related to a residential use shall be limited in size as follows:
 - a. For parcels of land of 1.99 acres or less, the maximum size of all detached accessory structures shall be 1200 square feet and shall have a maximum side wall of fourteen (14) feet.

- b. For parcels of land 2 (two) acres and up to 4.99 acres, the maximum size of all detached accessory structures shall be 2400 square feet and shall have a maximum sidewall of fourteen (14) feet,
- c. A maximum size for detached accessory structures is not applicable to parcels of five (5) acres or more.
- d. All detached accessory structures greater than 120 square feet must comply with the following regulations (one shed of 120 sq. ft, or less is allowed on all properties and is not included in the calculation for detached accessory structures).

Parcel Size	Maximum Square Feet	Maximum Number of Detached Accessory Structures
0 to 1.99 acres	1,200 square feet	1
2.00 to 4.99 acres	2,000 square feet	2
5.00 or more acres	Not applicable	Not applicable

- 6. Detached accessory structures in a platted subdivision related to a residential use shall be constructed of materials that are similar in color to those used for the principal building and shall be constructed to include at least three (3) architectural features, such as overhangs, windows, and façade materials, that are similar to the principal building.
- 7. Attached accessory structures (garages) shall be a maximum of 1,000 square feet or the size of the footprint of the residential dwelling, whichever is greater.
- 1. Yard Requirements. Measurements must be taken from the nearest point of the wall of a building to a lot line in question, subject to the following qualifications:
 - 1. Cornices, canopies, or eaves may extend into the required front yard a distance not exceeding four (4) feet, six (6) inches.
 - 2. Fire escapes may extend into the required front yard a distance not to exceed four (4) feet, six (6) inches.
 - 3. A landing place or covered porch may extend into the required front yard to a distance not exceeding six (6) feet, if the landing place or porch has its floor no higher than the entrance floor of the building. An open railing no higher than three (3) feet, six (6) inches may be placed around such landing place.

4. The above enumerated architectural features may also extend into any side or rear yard to the same extent, except that no porch, terrace or outside stairway shall project into the required side yard distance.
5. A fence, hedge, retaining wall, or similar structure may occupy part of the required front, side or rear yard.
6. The required front yard of a corner lot shall not contain any retaining wall or similar structure, fence, or other structure, tree, shrub or other growth that may cause danger to traffic on a road or public road by obscuring the view.
7. On double frontage lots, the required front yard shall be provided on both streets.
8. For any intersection of roads, there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of right-of-way lines of two (2) intersecting roads and a straight line adjoining the two (2) said right-of-way lines at points thirty-five (35) feet distant from their point of intersection. All obstructions must also conform to the side yard setback requirements.

m. Height Regulations.

1. There shall be a maximum height limitation of thirty-five (35) feet on all structures within the Town unless otherwise provided herein.
2. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of horizontal distance from the established road elevation at the property line, an allowance of one (1) story may be added to the number of stories permitted in the district in which the lot is situated provided the additional story is situated on the downhill side of the building.
3. Any tower, spire, or elevator, etc., that exceeds this height must be granted a Conditional Use Permit. The Conditional Use Permit will only be granted upon the applicant obtaining a letter of clearance from the Federal Aeronautics Administration (FAA) and the Airport Commission for any airport located within ten (10) miles of the structure proposed to exceed the height limitation. Height limitations set forth in other sections of this Chapter may be increased by one hundred percent (100%) when applied to the following:
 - a. Monuments
 - b. Flag poles
 - c. Cooling towers

- d. Grain elevators
 - e. Church spires, belfries or domes which do not contain usable space
 - f. Water towers
 - g. Chimneys or smokestacks
 - h. Radio or television transmitting towers
 - i. Silos
 - j. Power poles or other poles or towers upon which transmission lines are strung
 - k. Forest fire watch towers
- n. Building Bulk Limitations. Except as otherwise provided, each single family dwelling shall have a minimum of 840 square feet of livable space in the principal structure. Carports, garages, overhangs, and such structures shall not qualify in meeting these requirements. All dwellings shall be a minimum of twenty (20) feet in width for 2/3rds of the length of the structure and shall have a full perimeter foundation.
- * (o) Farm Animals on parcels of three (3) acres or less. Farm animals on parcels in platted subdivisions or on separate parcels of three (3) acres or less are prohibited except for the following:
1. Domestically raised fowl for food and pleasure. This includes chickens, turkeys, duck, geese and game birds
 - a. Up to six domestically raised fowl are permitted on parcels of three acres or less, according the following standards.
 1. The property shall contain one detached single-family structure. Domestically raised fowl shall not be permitted on vacant property or those containing multi-family residential buildings.
 2. Domestically raised fowl shall not be kept inside the principal structure.
 3. No roosters are permitted.
 4. Coops and attached exercise pens s for domestically raised fowl hall be fully enclosed and constructed of durable weather resistant materials.
 5. Coops and pens shall be located in rear yards only.

6. All food stored for domestically raised fowl shall be kept in rodent proof containers stored inside coops or other buildings. All premises in which domestically raised fowl are kept or maintained, including coops or pens, shall be kept reasonably clean from filth, garbage or any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.
- b. For parcels of land of three acres or less with more than six domestically raised fowl, the following standards apply:
1. An interim use permit is required.
 2. The property shall contain one detached single-family structure. Domestically raised fowl shall not be permitted on vacant property or those containing multi-family residential buildings.
 3. The maximum number of domestically raised fowl shall be calculated by taking the full acreage minus the area of wetlands, existing buildings, the area for a secondary SSTS site, the area of permissible future accessory structures, the front setbacks/rights of way, and the area comprised of driveways, sidewalks, decks, and impervious surfaces and then multiplying the resulting allowable acreage by the current animal unit standard for they type of domestically raised fowl.
 4. Domestically raised fowl shall not be kept inside the principal structure.
 5. No roosters are permitted.
 6. Coops and attached exercise pens for domestically raised fowl shall be fully enclosed and constructed of durable weather resistant materials.
 7. Coops and pens for domestically raised fowl shall be located in rear yards only.
 8. All food stored for domestically raised fowl shall be kept in rodent proof containers stored inside coops or other buildings. All premises, in which domestically raised fowl are kept or maintained, including coops or pens, shall be kept reasonably clean from filth, garbage and any substances which attract

rodents. All feces shall be collected and properly disposed of on a regular basis.

9. No person shall slaughter domestically raised fowl on site except when in an area of the property not visible to the public or adjoining properties.
10. The floor area of the coop shall be a minimum of two square feet in area per fowl.
11. Coops and pens shall meet all setback requirements for accessory structures.
12. Coops larger than 200 square feet in area shall meet all accessory structure requirements of the Town Code including those pertaining to size, number and height.
13. Domestically raised fowl shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision.
14. Domestically raised fowl shall not be kept in a manner as to constitute a public nuisance as defined by the Athens Town Code.
15. Township officials may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with a granted interim use permit for the property.
16. Manure storage.
 - i. Manure storage shall be set back a distance of one hundred feet (100') from a neighboring shallow well and fifty feet (50') from a neighboring deep well.
 - ii. Manure storage shall be set back a distance of fifty feet (50') from any property line.
 - iii. Manure piles shall be removed within 210 days unless managed as compost piles in bins located no closer than one hundred feet (100') from any ditch, stream or water flowage.

2. Rabbits.

- a. Up to four rabbits are permitted on parcels of three acres or less, according to the following standards.
 1. The property shall contain one detached single-family structure. Rabbits shall not be permitted on vacant property or those containing multi-family residential buildings.
 2. Rabbit hutches and attached exercise pens shall be fully enclosed and constructed of durable weather resistant materials.
 3. All food stored for rabbits shall be kept in rodent proof containers stored inside other buildings. All premises in which rabbits are kept or maintained shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis.

(p) Pre-Inspections Required. A pre-inspection by the Zoning Administrator is required for any buildings, structures, or dwellings that are to be moved into the Township. Photographs will be required. Any costs incurred for inspection shall be borne by the applicant.

(q) Sales of new or used vehicles in Agricultural District. No more than one (1) new or used vehicle may be sold at any one time from any parcel of land in an agricultural district. Such vehicle shall be the property of one of the residents of such parcel. In addition, such vehicle shall be displayed for sale for a period of no more than three (3) months. Sale of vehicles shall be limited to no more than six (6) months in a calendar year for each parcel of land. All adjacent land in common ownership shall be considered as one parcel for the purposes of this sub-section.

(r) Farm Wineries, Craft Breweries, and Micro-Distilleries.

1. Purpose. The purpose of this subdivision is to provide for the orderly development of farm wineries, craft breweries, and micro-distilleries within the Agriculture/Residential, Special Protection, and Shoreland (residential and water oriented commercial) Districts, to encourage for the sampling and sales of value-added products, to protect the agricultural character and long-term agricultural production of agricultural lands, and to ensure compatibility with adjacent land uses. All existing and future farm wineries, craft breweries, and micro-distilleries in Athens Township, Isanti County, MN, shall comply with Title 27 of the United States Code of Federal Regulations (CFR) and Minnesota Statutes Section 340A.315,

as amended from time to time, and the regulations contained within this Chapter.

2. Regulatory Agencies. Food safety is an important public health issue. Several government agencies are involved in insuring the safety of production, processing, distribution and sale of food products. All farm wineries, craft breweries, and micro-distilleries must adhere to the regulations of the Alcohol and Tobacco Tax and Trade Bureau (TTB), the Federal Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), the Minnesota Department of Agriculture (MDA), the Occupational Safety and Health Administration (OSHA), and the Minnesota Department of Health (MDH).
3. Application Requirements for FWCBMD.
 - (a) All FWCBMD shall require a conditional use permit.
 - (b) The following must be included on the conditional use permit application for a FWCBMD to be filed with the Township Zoning Administrator:
 - i. The name and address of the operator and owner of the land.
 - ii. An accurate legal description of the property where the FWCBMD shall be located.
 - iii. A site layout of the property indicating the location of all property lines, structures, parking area(s), vineyard and SSTS (subsurface sewage treatment system). The layout shall include distances and shall be drawn to scale.
 - iv. Proposed days and hours of operation.
 - v. Existing and proposed structures, with maximum capacity of each building where customers have access.
 - vi. Information typically required for a site plan review, such as site circulation, access points, etc.
 - vii. Plans showing how the FWCBMD production waste will be disposed of or recycled.
 - (c) Standards for all FWCBMD:

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- i. Setbacks. All FWCBMD structures, including temporary structures, must meet all the setbacks for the zoning district where the proposed FWCBMD will be located.
 - ii. Owner-operated. The FWCBMD, sales facilities, and retail operations must be operated by the owner of the parcel on which they are located.
 - iii. SSTS. On-site SSTS shall be designed in compliance with Chapter 4, Article 2 and Chapter 20 of the Athens Town Code and sized to accommodate employee, tasting room, and commercial sewage flows. Portable toilets may be approved for temporary use during special events.
 - iv. Signs. The following signs are permitted for FWCBMD's: One (1) business sign of no more than 35 square feet; no more than two (2) flag-type temporary signs; and other signage as approved through the conditional use permit process.
 - v. Solid waste. All solid wastes must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, vector, or other nuisance conditions and must be removed at least once every seven days by a licensed waste hauler. Burning of solid waste is strictly prohibited.
 - vi. Parking. Adequate parking for employees and customers shall be provided on site and shall meet the standards of Section 20-112 of this Chapter. Any parking areas must be located a minimum of thirty feet (30') from property lines and public road rights-of-way. No on-street parking will be allowed.
 - vii. Nuisance Standards. Noise, fumes, dust, odors, vibration, or light generated as a result of the FWCBMD business will at the property line, be below the volume, frequency, or intensity such that the rural tourism business does not unreasonably interfere with the enjoyment of life, quiet, comfort, or outdoor recreation of an individual of ordinary sensitivity and habits in amounts not inconsistent with Minnesota Statutes. This standard shall not apply to incidental traffic parking, loading, construction, farming, or maintenance operations. In venues where there could be elevated noise issues, the applicant shall provide a designed noise abatement plan.
 - viii. Accessibility. All buildings used in conjunction with FWCBMD shall meet the accessibility requirements imposed by any applicable State or Federal law.

- ix. Grounds maintenance. The grounds and all structures shall be maintained in a clean and safe manner.
- x. Subordinate sales. FWCBMD are allowed to sell glassware literature and accessories, prepackaged food items properly labeled in accordance with all applicable state regulations, and other wine-, beer- or spirit-related food items. Sales of non-wine, beer and spirits merchandise shall be subordinate to the wine, beer, and spirit sales.
- xi. Sale of products on the internet. FWCBMD may sell their products via the internet as permitted in Minnesota Statutes, Section 40A.417 and as otherwise allowed by Minnesota statute.
- xii. Tastings. Wine, malt liquor or distilled spirit tastings may be held at the FWCBMD. The primary focus of the tasting facilities for the FWCBMD shall be the marketing and sale of the wine, malt liquor or distilled spirits products produced, vented, cellared, or bottled at the FWCBMD. Foods that are allowed to be consumed during tastings shall be limited to delicatessen-oriented foods, such as sandwiches, cheeses, cold cut meats, and pizzas. Bars, restaurants, and similar facilities are not allowed in association with FWCBMD under this section of the Town Code.
- xiii. Customer activity. The FWCBMD shall be responsible for supervising and controlling the activities of their customers within the establishment. The FWCBMD owner shall ensure that no disorderly behavior occurs in this area, that FWCBMD drinks are not taken out of the designated area, and that there are not more customers occupying the establishment than the maximum capacity allowed under this section.
- xiv. Odors. Any FWCBMD established, enlarged, or remodeled shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the lot line of the site on which such use is located.
- xv. Exterior Lighting. Any lights used for exterior illumination shall direct light away from adjoining properties and roadways.
- xvi. Screening Standards.
- A. Where any FWCBMD is adjacent to property zoned or developed for residential use, FWCBMD may be required to provide screening along the boundary with residential property.

Screening may also be required where a FWCBMD is across the street from any residential area.

B. The screening required herein shall consist of a solid fence or wall that is at least seventy-five percent (75%) opaque and not less than five feet (5') or more than eight feet (8') in height, but shall not extend within fifteen feet (15') of any street. An acceptable alternative to such screening shall be a double row or more of evergreen trees that can be shown to provide seventy-five percent (75%) of blockage within two (2) years.

xvii. Drainage standards. No land shall be developed and no use shall be permitted that results in water run-off causing flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area, or other suitable facility.

xvii. Exterior storage. In all districts, all FWCBMD materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: recreational equipment, construction and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking of passenger vehicles and pick-up trucks. Unoccupied trailers, less than twenty feet (20') in length, are permissible if stored in the rear yard more than ten feet (10') from the property line. The Township may require that, as a condition of the conditional use permit, any exterior storage be stored in a manner that will not constitute a hazard to the public health and safety, or has a depreciating effect upon nearby property values, impairs scenic views, or constitutes a threat to living amenities. All storage or display areas must meet the setbacks for structures within the zoning district where the FWCBMD is located.

xix. Refuse. All waste material, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

xx. Guests. There shall be no more than seventy-five (75) guest on FWCBMD site at a time. That number does not include employees.

(s) Rural tourism businesses.

1. Purpose. In accordance with the stated goals of the Athens Township Comprehensive Plan, it is the purpose of this section to:
 - (a) Preserve and celebrate Athens Township's archeological properties, rural and agricultural heritage, and historical landscapes;
 - (b) Recognize Athens Township's scenic features, exceptional rural ambience, and historic sites as desirable local amenities which will draw outside revenue from visitors that are vital to the local economy;
 - (c) Enhance Athens Township's appeal to visitors who are drawn to its rural atmosphere; and
 - (d) Provide opportunities for new economic growth through rural tourism businesses.
2. Standards.
 - (a) Conditional use permit required. A conditional use permit is required to operate a rural tourism business.
 - (b) Maximum capacity. Rural tourism businesses are limited to up to three hundred (300) guests including staff support present on the site at any one time. The number of permitted guests will be determined through the conditional use approval process.
 - (c) Allowed Uses. Allowed rural tourism businesses include businesses such as farm or other historical heritage attractions, single family residential properties for retreats, crafting, weddings, receptions, wineries, craft breweries and distilleries, special events, corn mazes, holiday celebrations, harvest festivals, country-craft/antique shops, unique local venues providing for the sale and serving of locally produced raw and/or value-added agricultural products, goods, and services, and other reasonably related merchandise, and other uses determined by the Planning Commission and Town Board to be similar in nature and scope.
 - (d) Prohibited Uses. The following uses will not be permitted under the rural tourism standards:
 - i. Amplified music concerts.
 - (e) Requirements. A rural tourism business shall meet the following:

- i. The rural tourism business shall not create an increased demand upon existing services or amenities.
- ii. The rural tourism business must be screened or have the ability to adequately screen, or be sufficiently separated from adjacent development or land, to prevent undue negative impacts to nearby properties.
- iii. The rural tourism business shall not have an appearance that is inconsistent or incompatible with the surrounding area.
- iv. The rural tourism business shall protect public and private property and the natural resources from damage resulting from storm-water runoff and erosion.
- v. The rural tourism business shall have impervious surface lot coverage of no more than twenty-five percent (25%).
- vi. Parking area(s) must be located a minimum of thirty feet (30') from property lines and public road rights-of-way. No on-street parking will be allowed. The amount of parking will be determined as part of the conditional use permit approval process and may include a requirement for parking attendants. Access points from a paved township road must be paved.
- vii. The rural tourism business shall not cause traffic hazard(s) or undue congestion on adjacent roadways and neighborhoods. Roadway improvements to address traffic concerns may be required as a conditional of approval.
- viii. Noise, fumes, dust, odors, vibration, or light generated as a result of the rural tourism business will at the property line, be below the volume, frequency, or intensity such that the rural tourism business does not unreasonably interfere with the enjoyment of life, quiet, comfort, or outdoor recreation of an individual or ordinary sensitivity and habits in amounts not inconsistent with Minnesota Statutes. This standard shall not apply to incidental traffic parking, loading, construction, farming, or maintenance operations. In venues where there could be elevated noise issues, the applicant shall provide a designed noise abatement plan.
- (ix) Accessibility. All buildings used in conjunction with rural tourism business shall meet the accessibility requirements imposed by any applicable State or Federal law.

- (x) Hours of operation. Hours of operation shall be as determined through the conditional use permit process.
- (xi) Liquor. Liquor may be provided by a licensed vendor.
- (xii) Overnight accommodations. Overnight accommodations are permitted if approved as part of the conditional use permit process.
- (xiii) Site services. Adequate sanitary services, potable water, fire protection, security, traffic and crowd control, and emergency services shall be provided as approved through the conditional use permit process.
- (xiv) Outdoor lighting. Outdoor lighting must be shielded and directed on site.
- (xv) Food service. Food service must be provided by State licensed vendors.
- (xvi) Signage.
 - 1. No flashing lights on signs shall be permitted.
 - 2. One identification sign no larger than 35 square feet is permitted.
 - 3. Directional signage shall be no more than two (2) square feet in size, unless otherwise approved through the conditional use permit process.
 - 4. Temporary signs may be allowed as approved through the conditional use permit process.
- (xvii) Periodic inspections. The site shall be subject to periodic inspections by the Township Zoning Administrator or other Township official.
- (xviii) General conditional use permit standards. All conditional uses for rural tourism must meet the general standards for conditional use permits.
- (xix) Code compliance.
 - 1. An existing structure or SSTS which is subjected to a change in occupancy or gallons per day loading as a result of an approved conditional use permit for a rural tourism business shall be

retrofitted and/or upgraded to conform to current code requirements.

2. All existing buildings proposed for use in association with the business shall be certified by an architect or engineer to be in compliance with current structural standards for the new occupancy prior to any use of the structure.

Section 20-10. **Environmental Review Program.**

- (a) Purpose. The purpose of the Environmental Review Program section is to provide for the preparation and review of Environmental Assessment Worksheets (EAW), Environmental Impact Statements (EIS), and other environmental documents required under Minn. Stat. § 116D.01 (1994) as amended, to implement the Environmental Review Program in accordance with Minnesota Rules 4410, one copy of which is on file in the office of the Zoning Administrator.
- (b) Actions Requiring Environmental Assessment Worksheets (EAW).
 1. General. The purpose of an Environmental Assessment Worksheet (EAW) is to assess rapidly, in a worksheet format, whether a proposed action is a major action with the potential for significant environmental effects and in the case of a private action, is of more than local significance.
 2. EAW Required. An EAW shall be prepared for projects that meet or exceed threshold limits specified in Minnesota Rules 4410.4300, subparts 2 to 34 (1993), or as amended.
 3. Optional EAW. The Town Board may, upon recommendation of the Zoning Administrator, require that an optional EAW be prepared on any proposed action if the action may be a major action and appears to have the potential for significant environmental effects.

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

- a. Is the action to be in or near an area that is considered to be environmentally sensitive or aesthetically pleasing?
- b. Is the action likely to have disruptive effects such as generating traffic and noise?

- c. Will the action have significant impacts on any School District located within the Township?
 - d. Are there public questions of or controversy concerning the environmental effects of the proposed action?
 - e. Is the action in or near a wetland or on soils unsuitable or sensitive toward the proposed action?
 - f. Is the action more than a local impact?
- (c) Action Requiring Environmental Impact Statements (EIS). General. An Environmental Impact Statement (EIS) shall be required whenever it is determined that an action is major and has the potential for significant environmental effect. In making this determination, projects that meet or exceed the threshold limits specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24, or as amended, indicate that an EIS should be prepared.
- (d) Action Not Requiring Environmental Documents. Projects exempt from the preparation of an EAW or EIS are specified in Minnesota Rules, Chapter 4410.4600, subparts 2 to 26 91993), or as amended.
- (e) Review Procedures and Administration.
1. The Zoning Administrator shall be person responsible for the administration of the Environmental Review Program.
 2. The applicant for a permit for any action for which environmental documents are required by Minnesota Laws or regulations shall supply in the manner prescribed by the Zoning Administrator all unprivileged data or information reasonably requested by the Township that the applicant has in his/her possession or to which he/she has reasonable access.
 3. The Zoning Administrator shall be responsible for determining whether an action for which an EAW or EIS is required under this section. The Zoning Administrator shall also determine those proposed actions for which an optional EAW may be required under this section and shall notify the Planning Commission and Town Board of these proposed actions.
 4. All EAW's and EIS's shall be prepared under the supervision of the Zoning Administrator, reviewed by the Planning Commission and approved by the Town Board.
 5. When reviewing an EAW or EIS, the Zoning Administrator and Planning Commission may suggest design alterations or other alternatives,

including no action, that would lessen the environmental impact of the project. The Town Board may require these design alterations to be made as a condition for issuing the permit when it finds that the design alterations are necessary to lessen the environmental impact of the project.

6. After an EAW is prepared, the Planning Commission shall review the EAW and recommend to the Town Board whether or not it should require the preparation of the EIS. The Town Board shall require an EIS when if finds that project thresholds are met or exceeded as specified in Minnesota Rules, Chapter 4410.4400, subparts 2 to 24 (1993), or as amended.

(f) Enforcement.

1. No permit shall be issued for a project for which environmental documents are required until the entire environmental review procedures established by this Chapter are completed.
2. No work shall commence and any work in progress on any project for which environmental documents are required shall cease until the environmental review procedures established in this Chapter are fully complied with.

- (g) Cost of Preparation and Review. No permit for a project for which an EAW or EIS is required shall be issued until all costs of preparation and review of the EAW or EIS are paid by the applicant; all information required is supplied; the environmental review process has been completed as provided in this Chapter; and pursuant to any written agreement entered into between the applicant and Town Board.

Section 20-11. Survey Required. Applications for a building permit on parcels of five (5) acres or less must be accompanied by a survey.

Section 20-12. Compliance with State Wetland Conservation Act. Applications made under this Chapter shall be in compliance with the State Wetland Conservation Act.

Section 20-13. Restrictions on Filing and Recording Conveyances. No conveyance of land that results in a division of such land within Athens Township shall be filed or recorded without first obtaining a lot split certification from the Township.

Section 20-14. Separability. The various provisions of this Chapter shall be deemed and construed to be separable. In the event any court of competent jurisdiction:

- (a) Shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provision of this Chapter not specifically included in said judgment;

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

Section 20-15 thru 20-20. **Reserved.**