

**TOWNSHIP OF LEON  
ZONING ORDINANCE**

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## ZONING ORDINANCE CONTENTS

		<u>PAGE</u>
SECTION 1	TITLE & LEGISLATIVE INTENT	1
SECTION 2	AMENDMENTS COMPREHENSIVE	2
SECTION 3	VESTED RIGHTS	2
SECTION 4	COMPLIANCE	2
SECTION 5	SEPARABILITY	2
SECTION 6	DEFINED WORDS	2
SECTION 7	ZONING DISTRICTS	7
	1. Zoning Districts	7
	2. Zoning Map	7
	3. District Requirements	7
	4. Uses Not Provided	7
SECTION 8	NON-CONFORMING USES & STRUCTURES	7
	1. General Provisions	7
	2. Existing Uses	7
	3. Damage	8
	4. Cessation of Use	8
	5. Maintenance & Safety	8
	6. Replacement of Existing Non-Conforming Structures	?
SECTION 9	PERMITTED, CONDITIONAL AND INTERIM USES	8
	1. Permitted Uses	8
	2. Conditional Uses	8
	3. Interim Uses	8
	4. Permitted, Conditional and Interim Uses by Zoning District	9
SECTION 10	LAND USE DENSITY & SET BACK REGULATIONS	12
	1. General Requirements	12
	2. Corner Lots	12
	3. Non-Conforming Lots	12
	4. Measurement	12
	5. Front Set Backs	12
	6. Zero Lot Line Set Backs	12
	7. Access Drives	12
	8. Areas Without Sanitary Sewer	12
	9. Accessory Buildings	12
	10. Required Yards	12
	11. State, & County and Township Roads	13
	12. Garages	13
	13. Public Road Frontage or Road Access Easement Standards	?

	<u>PAGE</u>
TABLE 1 DENSITY ACREAGE AND LOT AND YARD REQUIREMENTS	14
SECTION 11 SPECIAL PROVISIONS	15
1. Purpose	15
2. Residential Development	15
3. Temporary Dwellings	15
4. Commercial-Industrial Development	16
5. Natural Features	17
6. Screening	17
7. Landscaping	17
8. Drainage	17
9. Fences	18
10. Home <b>Business Occupations</b>	18
11. Relocated Structure	18
<b>SECTION 12 OFF STREET PARKING &amp; LOADING REGULATIONS</b>	<b>19</b>
1. <b>Size</b>	<b>19</b>
2. <b>Lighting</b>	<b>19</b>
3. <b>Accessory Locations</b>	<b>19</b>
4. <b>Surfacing</b>	<b>19</b>
5. <b>Access</b>	<b>19</b>
6. <b>Schedule of Parking Requirements</b>	<b>19</b>
SECTION <b>1312</b> SIGNS	21
1. Agricultural Signs	21
2. Home Occupation	21
3. Real Estate	21
4. Development Project	21
5. Portable Signs	21
6. Political Signs	21
7. Business Signs	21
SECTION <b>1413</b> REGULATING DOGS IN RESIDENTIAL SUBDIVISIONS	22
1. Purpose	22
2. Authority	22
3. Definitions	22
4. Unlawful Acts	23
5. Kennel	23

	<u>PAGE</u>
SECTION <b>1514</b> PLANNED UNIT DEVELOPMENT (PUD)	23
1. Purpose	23
2. Definition	23
3. General Requirements & Standards	24
4. Permitted Uses	25
5. Location	25
6. Special Requirements & Standards	25
7. Preliminary Development & Plan Specifications	26
8. Final Development Plan & Specifications	27
9. Findings Required	27
10. Zoning	28
11. Annual Review	28
SECTION <b>1615</b> MINERAL EXTRACTION	29
1. Purpose	29
2. Definitions	29
3. Exceptions From Permit Requirements	30
4. Mineral Extraction Permit Required	31
5. Interim Use Permit Application Requirements For New Mineral Extraction Facilities	31
A. Application Form	31
B. Supporting Documentation	33
C. Protection of Roads and Public Health, Safety and Welfare	34
D. Permitting Procedure for Interim Use Permits	34
6. Application Requirements For Registration/Land Use Permits And Interim Use Permits	36
A. Security	36
B. Annual Registration	37
C. Exposed Areas	37
D. Use Restrictions	37
E. Waste Disposal	37
F. Mineral Extraction Facilities, Performance Standards	38
1. Hours of Operation	38
2. Fencing	38
3. Access	38
4. Roadway Dust Control	38
5. Mineral Extraction Facility Dust Control	38
6. Noise	39
7. Vibration	39
8. Air Quality/Water Quality	39
9. Water Resources	39
10. Screening	39

	<u>PAGE</u>
11. Unauthorized Storage	39
12. Setbacks	39
13. Phasing	40
14. Weed Control	40
15. Petroleum Products Handling	40
16. Water Quality Monitoring	41
17. General Compliance	41
18. Additional Regulations	41
19. Land Rehabilitation	41
20. Violations and Penalties	42
<b>SECTION 1716</b> CONDITIONAL OR INTERIM USES	43
1. General	43
2. Interim and Conditional Use Permit Application Requirements – All Districts	43
A. Fees	43
B. Application Form	43
C. Supporting Documentation	45
D. Document Copies	46
E. Additional Information	46
3. Commission Review	46
4. Board Review	46
5. Denial	46
6. Criteria for Approval	46
7. Performance Standards	47
<b>SECTION 1817</b> VARIANCES	49
1. General	49
2. Standards	49
3. Use Variance	49
4. Applications	49
5. Commission Referral	50
6. Disposition	50
<b>SECTION 1918</b> AMENDMENTS	50
1. General	50
2. Initiation of Proceedings	50
3. Application	50
4. Commission Referral	51
5. Township Board Hearing	51
6. Denial	52

	<u>PAGE</u>
SECTION <b>2019</b> ADMINISTRATION	52
1. Zoning Administrator	52
2. Land Use Applications	52
3. Building Permits	52
4. Determination of Substantially Similar Use	53
5. Moving Existing Buildings	53
6. Commencement and Completion	53
7. Board of Adjustment	53
8. Permit Invalidation	54
9. Hearings	54
SECTION <b>2120</b> FEES	54
SECTION <b>2221</b> ENFORCEMENT	55
1. Penalties	55
2. Enforcement Remedies	55
SECTION <b>2322</b> EFFECTIVE DATE	55

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TOWNSHIP OF LEON  
ZONING ORDINANCE

An Ordinance to regulate the location, height, bulk, size of structures, the size of yards and other open spaces, the density of population and the use of land and buildings for residence, trade, industry, recreation and other activities by establishing standards and procedures regulating such uses to help promote the public health, safety, and general welfare.

The Township Board of Leon Township does hereby ordain:

Section 1                      TITLE & LEGISLATIVE INTENT

This ordinance may be cited as the Leon Township Zoning Ordinance and will be referred to herein as “this Ordinance”.

This ordinance is adopted to:

1. Promote and protect the public health, safety and general welfare of the Township.
2. Classify properties into zones and districts reflecting their peculiar suitability for particular uses.
3. Guide future land development to insure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities.
4. Regulate the location, construction, reconstruction, alteration and use of buildings, structures and land.
5. Insure adequate light, air, privacy, and convenience of access to property.
6. Prevent the overcrowding of land and the undue concentration of population.
7. Fix reasonable standards to which building structures and uses shall conform.
8. Protect against fire, explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare and other pollution and hazards in the interest of public health, comfort and general welfare.
9. Conserve natural resources and maintain high standards of environmental quality.
10. Preserve and protect the capacity of flood plains and natural ponding areas to carry, hold and discharge excess surface waters.

Section 2 AMENDMENT COMPREHENSIVE

The Township Board ordains this Ordinance to be a comprehensive amendment to the Zoning Ordinance adopted by the Township on March 9, 1965. Except as otherwise indicated, the provisions of this Ordinance are not intended to alter, diminish, or increase or otherwise modify any rights or liabilities existing on its effective date.

Section 3 VESTED RIGHTS

Nothing in this Ordinance shall be interpreted or construed to give use to any permanent vested rights in the continuation of any permissible activities herein, and they are hereby declared to be subject to subsequent amendment change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 4 COMPLIANCE

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted or enlarged; nor shall any structure be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after lawful issuance of all permits and certificates required by this Ordinance. All land use shall be in full compliance with all the provisions of this ordinance regulating said use after lawful issuance of all permits and certificates required by this Ordinance.

Section 5 SEPARABILITY

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of this Ordinance or the application of such provision to other circumstances shall not be affected.

Section 6 DEFINED WORDS

Words used in a special sense in this Ordinance are defined as follows:

Accessory Building or Use: Any building or use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

Agriculture: Cultivating the soil, producing crops and raising livestock.

Alternate Energy Systems: **Energy generated in ways that do not deplete natural resources.** ~~Fuel, heating or energy generating systems or technologies that are not regulated by County, State, or Federal agencies except for those fuel, heating or energy systems or technologies designed solely for private use.~~

a. **Commercial energy systems that are regulated by County, State, or Federal agencies.**

b. **Personal energy-generating systems and technologies that are not regulated by County, State, or Federal agencies.**

Animal Clinic: An establishment where animals are treated and/or hospitalized by veterinarians.



Animal Kennel: An establishment or dwelling where three (3) or more animals are bred for sale, boarded, trained, or kept.

Association: An organization consisting exclusively of all unit owners which possess certain powers and authority over common elements in Planned Unit Developments, condominiums, town houses or other property.

Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel, or property of any kind.

Coverage: That portion of a lot covered by the principal and accessory use structures.

Day Care Center: A service provided to the public in which children of school or pre-school age are cared for during established business hours, where no overnight facilities are provided.

Density: The number of dwelling units per acre allowable in each district as established in Table 1- Lot & Yard Requirements.

Drive-In Establishment: An establishment which accommodates the patron's automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed or business conducted in the automobile.

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling, Farm: A single family dwelling, sited within a farm yard on a farm, one occupant of which provides labor or supervision or management in a substantial amount for the operation of the farm.

Dwelling; Single Family: A detached housing unit designed exclusively for occupancy by one family.

Dwelling; Two-Family: A housing unit designed for and occupied by two families living independently of each other.

Dwelling; Multiple Family: A building, or portion thereof designed exclusively for occupancy by three or more families living independently of each other.

**DWELLING, REPLACEMENT SITE.** A site currently occupied by a legally established existing dwelling, whether habitable or uninhabitable, that may be continued as a dwelling site, regardless of the maximum density standard of the applicable zoning district.

**DWELLING, ABANDONED HOMESTEAD**, a site shall satisfy the following criteria: A. Clear, physical evidence of a dwelling, and B. A distinct yard containing features such as fencing, windbreaks, or other readily apparent features characteristic of a previously established homestead.

Dwelling; Townhouse: Single family attached units in structures housing three or more contiguous dwellings, sharing a common wall, each having separate entrances; the structures as a row type house as distinguished from multiple dwelling buildings; not to exceed eight (8) units in each structure.

Equipment Maintenance & Storage: A structure for maintenance, repair or storage of equipment on property owned by the owner of said equipment.

Essential Services: Underground or overhead gas, electrical, steam, water or other transmission or distribution systems; collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire and alarm systems, traffic signals, hydrants, and similar equipment, but not including buildings.

Family: One or more persons related by blood, marriage, adoption or foster parent relationship occupying a dwelling and living as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household and using common cooking facilities.

Farm: A parcel of land which is worked as a single contiguous unit of not less than forty acres in extent.

Farming Feed Lot: The confined feeding, breeding, raising or holding of livestock in enclosures specially and as confinement acres in which animal manure may accumulate.

Farmyard: An area which is not greater than 5 acres, compactly configured, and which is part of a farm as defined in this ordinance, and on which there is situated a farm dwelling and accessory buildings.

Fast Food/Drive-Ins: Food is served in disposable containers and the customer may have the option to eat at the facility or to take the food out. The customer turnover rate at these facilities is very high and the food order is generally placed by the customer at a central counter.

Floor Area: The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls.

Home Business Occupation: the use or adaptive re-use of residential, accessory, and farm structures to engage in economic activities that are not detrimental or injurious to the public health and safety or character of the surrounding area. Use needs to be subordinate and incidental to a principle residential or agricultural use and does not change the character thereof. An occupation carried on in a dwelling unit which is

clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof.

Height of Building or Structure: The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by a building, to the highest point for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Light Manufacturing: The processing and fabrication of certain materials and products where no process involved will produce noise, vibrations, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties.

Lot: A parcel of land occupied or capable of being occupied by one or more structures or buildings having a principal frontage on a street or a proposed street approved by the Township Board.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the office of the County Recorder or Registrar of Deeds of the County.

Lot, Corner: A lot situated at the junction of and abutting on two or more intersecting streets.

Lot, Depth of: A mean horizontal distance between the front and rear lot line.

Lot, Minimum Area of: The measurements of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot, Width of: The mean width measured at right angles to the depth.

Manufactured Home: A structure transportable in one or more sections which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length and designed to be used as a dwelling with a permanent foundation when connected to required utilities. No manufactured dwelling shall be moved into Leon Township which does not meet the Manufactured Home Building Code and the requirements for residential construction listed in this ordinance.

Manufacturing: The processing and fabrication of any article, substance or commodity.

Motor Fuel Station: An establishment where gasoline, kerosene, motor oil and lubricants are sold or used in servicing motor vehicles and where motor vehicle repairs and services are performed.

Non-Conforming Building Structures: A building, structure designed, converted or adapted for a use prior to the adoption of provisions prohibiting such use in such location.

Non-Conforming Use: Any use or arrangement of land or structures legally existing at the time of enactment of this ordinance or any of its amendments which does not conform to the district regulations in which it is located.

Permitted or Principal Use: The main use of land, building or structures as distinguished from accessory uses. A principal use may be either permitted, interim or conditional.

Planned Unit Development: A tract of land which contains one or more principal and accessory uses developed under unified ownership or control, the development of which may be unique and of a substantially different character than that of the surrounding area.

Nursing Home or Rest Home: A licensed establishment having accommodations for the continuous care of two or more invalid, infirm, aged convalescent patients or physically disabled persons that are not related; the term does not include hospitals, clinics, sanitariums, or similar institutions.

Recreational Vehicles: A mobile vehicle including boats used for recreational purposes, capable of being towed or being self-propelled.

Shorelands: Land located within 300 feet of Natural Environment Streams within the Township.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Sign: Any name, identification, display, illustration, structure or device which is publicly displayed and which is used to direct attention to a product, person, business, institution or place.

Structure: Anything constructed or erected, excluding dwellings as defined in the Ordinance, the use of which required a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, patios, recreational equipment and small utility sheds.

Supply Yard: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. The term does not include auto reduction yards or junk yards.

Variance: The waiving by the Township Board of the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Warehousing: The use of a structure or property for the storage of goods, wares or commodities, short term or long term, including seasonally, and the transportation of

those goods, wares and commodities on the public and private ways leading to and from the structure or property.

Yard: A required open space on the front, side or rear of a lot which is unoccupied or unobstructed by structures from ground level upward.

Zoning Districts: The sections of the Township of Leon for which the regulations governing the height, area, use of buildings and premises are the same as delineated by this Ordinance.

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Section 7                      ZONING DISTRICTS

1.     Zoning Districts. For the purpose of this Ordinance, the Township of Leon is divided into the following districts:

- “A” Agricultural
- “R” Residential
- “C” Commercial
- “I” Industrial
- “F” Flood Plain
- “P” Preservation

2.     Zoning Map. The various districts specified in Section 7, Subdivision 1 are described with more particularity and shown on the map accompanying the Ordinance. The original Leon Township Zoning Map shall be kept on file for examination in the office of the Township Clerk.
3.     District Requirements. Except for Planned Unit Developments, all buildings and uses in each district shall be subject to the requirements of Sections 3 through 1817. Planned Unit Development Standards may be applied to the residential district at the request of the landowner and the discretion of the Township Board. Where Planned Unit Development Standards differ from the original district standards, the Planned Unit Development Standards will apply.
4.     Uses Not Provided. A use not specifically designated as a permitted, interim or conditional use anywhere in the Township is considered to be prohibited. In such a case the Township Board, Planning Commission or a property owner may request a study by the Township to determine if the use is acceptable and if so, which zoning district will be most appropriate and under what conditions or standards, if any, should be attached to such a use. If found acceptable, an amendment to the zoning ordinance may be initiated by the Town Board or the Planning Commission permitting the use.

Section 8                      NON-CONFORMING USES & STRUCTURES

1.     General Provisions. No building or structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.
2.     Existing Uses. Any structure or use lawfully existing upon the effective date of this Ordinance may be continued at the size and in a manner of operation existing upon the date, except that no structural alteration shall be made.

3. Damage. Any non-conforming building or structure damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if it is reconstructed within twelve (12) months of such event.
4. Cessation of Use. Whenever a non-conforming use of a building or land is voluntarily discontinued for a period of six (6) months, then the owner(s) of said building or land shall be required to apply to the Township for an interim use, a conditional use or a variance of said non-conforming use as determined by the Township. When any non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
5. Maintenance and Safety. Normal maintenance of a non-conforming building or structure is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use. Alterations may be made to a structure or building containing non-conforming **uses residential units** when they improve the livability thereof, provided they will not increase the number of dwelling units.
6. Replacement of Existing Non-Conforming Structures  
**Replacement of non-conforming structures shall not intensify the non-conforming use.**

Section 9

PERMITTED, CONDITIONAL AND INTERIM USES

1. Permitted Uses. The permitted uses for each district are listed below. Accessory uses and essential services are also permitted.
2. Conditional Uses. The Township Board may authorize conditional uses as specified below and others similar in nature, which will not be detrimental to the integrity of the districts, in accordance with the provisions of Section **1716**.
3. Interim Uses. The Township Board may authorize interim uses as specified below and others similar in nature, which will not be detrimental to the integrity of the districts, in accordance with the provisions of Section **1716**.

4. Permitted, Conditional and Interim Uses by Zoning Districts

A. AGRICULTURAL

**PERMITTED USES**

1. Agricultural & Horticulture
2. Single Family Dwelling
3. Two Family Farm Dwelling
4. Accessory Buildings within a farmyard
5. Structures which are not within a farmyard but which are 1,000 feet or more from structures or dwellings on adjoining premises
6. Farm Drainage & Irrigation Systems
7. Greenhouses
8. Seasonal Produce Stands
9. Forestry & Nurseries
10. Farming Feed Lot
11. Day Care
12. Alternate Energy Systems-for personal use
13. Replacement of Existing Structure/Dwelling

**CONDITIONAL USES**

1. Structures which are not within farmyard but which are fewer than 1,000 feet from structures or dwellings on adjoining premises
2. Churches
3. Camp Sites & Resorts
4. Public Buildings
5. Public Utility Buildings
6. Public & Parochial Schools
7. Cemeteries
8. Private Clubs
9. Golf Courses
10. Riding Academies
11. Public Parks & Playgrounds
12. Stables
13. Relocated Structures
14. Planned Use Development

**INTERIM USES**

1. Mineral Extraction
2. A Temporary Second Single Family Farm Dwelling within a farmyard
3. Animal Kennel
4. Commercial Recreation
5. Home Business Occupation
6. Warehousing
7. A Temporary Dwelling for Dependent Parents or Parents-In Law or Grandparents or Grandparents-in law or dependents thereof
8. Commercial Alternate Energy Systems
9. Agricultural Service & Product Production



R. RESIDENTIAL

**PERMITTED USES**

1. One Family Dwellings
2. Two Family Dwellings
3. Public & Parochial Schools
4. Public Parks & Playgrounds

~~5. Churches~~

~~6. Day Care~~

7. Replacement of Existing Structure/Dwelling

8. Alternate Energy Systems-Personal Use

**INTERIM USES**

1. Home Business (tiers 1,2) Occupation

2. Alternate Energy Systems

**CONDITIONAL USES**

1. Cemeteries
2. Nursery School
3. Nursing Homes
4. Public Utility Buildings
5. Private Clubs
6. Public Buildings
7. Funeral Homes
8. Townhouses – Quad Homes
9. Multiple Family Dwellings
10. Accessory Buildings 800 square feet or more
11. Animals & Fowl (excluding common household pets)
12. Relocated Structures
13. Churches
14. Planned Use Development

C. COMMERCIAL

**INTERIM USES**

1. Retail Business
2. Eating & Drinking Places  
Live Entertainment
3. Food Locker Plants
4. Personal & Professional Services
5. Auto Sales, Service & Repair
6. Farm Implement Sales Service & Repair
7. Wholesale business
8. Recreation Equipment Sales Service & Repair
9. Supply & Lumber Yards
10. Commercial Recreation Uses
11. Motor Fuel Stations
12. Private Clubs
13. Agricultural Service
14. Equipment & Storage Yards
15. Commercial Alternate Energy Systems
16. Home Occupation

**CONDITIONAL USES**

1. Public Utility Buildings
2. Eating & Drinking Places  
No Live Entertainment
3. Offices & Banks
4. Public Buildings
5. Hotels & Motels
6. Animal Clinics
7. Funeral Homes
8. Relocated Structures
9. Planned Use Development

**PERMITTED USES**

1. Parking Lots

I. INDUSTRIAL

**INTERIM USES**

1. Light Manufacturing
2. Research Laboratories
3. Testing Laboratories
4. Manufacturing
5. Supply & Lumber Yards
6. Truck Terminals
7. Warehousing
8. Eating & Drinking Places
9. **Home Occupation**
10. Food Locker Plants
11. Mineral Extraction
12. Agricultural Service & Product Production
13. Motor Fuel Station
14. **Commercial** Alternate Energy Systems
15. Machinery & Equipment Storage
16. Fuel Storage

**CONDITIONAL USES**

1. Offices
2. Public Utility Buildings
3. Water & Sewage Treatment Plants
4. Grain Elevators
5. Public Buildings
6. Airports
7. **Relocated Structures**

**PERMITTED USES**

1. Parking Lots

F. FLOOD PLAIN

**PERMITTED USES**

1. Agriculture & Horticulture
2. Public Parks & Playgrounds
3. Forestry & Tree Farming

**CONDITIONAL USES**

1. Bridges & Dams
2. Public Utility Buildings
3. Commercial Recreation
4. Parking Lots & Loading Areas
5. Nurseries
6. **Relocated Structures**

P. PRESERVATION

**INTERIM USES**

1. Hunting Preserves & Game Lands
2. Stables & Riding Academies

**CONDITIONAL USES**

1. Commercial Recreation Uses
2. Camp Sites & Resorts
3. Golf Courses
4. Public & Parochial Schools
5. Public Buildings
6. Churches
7. **Relocated Structures**

**PERMITTED USES**

1. Historical Sites
2. Forestry & Tree Farming
3. Agriculture & Horticulture
4. Public Parks & Playgrounds

Section 10

LAND USE DENSITY AND SET BACK REGULATIONS

1. General Requirement. The minimum lot area, minimum width of lot, minimum depth of front yard, rear yard, and minimum width of each side yard for each district shall be as shown in Table 1, Density Acreage and Lot and Yard Requirements.
2. Corner Lots. Corner lots which abut on more than one street shall provide the required front yards along each street. Regardless of which street a building on the lot fronts, the rear yard is opposite the short street frontage and the side yard is opposite the long street frontage.
3. Non-Conforming Lots. A lot platted prior to March 9, 1965 shall be deemed a buildable lot for single family detached dwelling purposes provided it has a minimum lot area greater than one half acre and a minimum frontage of 85 feet on a public right of way.
4. Measurement. All front and side yards fronting a street will be measured from the front or side property line beginning at the edge of the public right-of-way. On odd shaped lots the yard width shall be measured at the building line.
5. Front Setbacks. Where adjoining structures existing prior to March 9, 1965 have a different setback than that required, the front setback of a new structure shall conform to the prevailing setback in the immediate vicinity, although, in no case shall the front yard setback be required to be more than sixty (60) feet.
6. Zero Lot Line Setbacks. Subject to the regulations contained in the Uniform Building Code and other applicable regulations, buildings may be excluded from side to rear setback requirements provided party walls are used and if the adjoining buildings are constructed as an internal unit.
7. Access Drives. Access Drives may not be placed closer than five feet to any side or rear lot line.
8. Areas Without Sanitary Sewer. All private sanitary sewer systems shall comply with the requirements established by Goodhue County for such systems.
9. Accessory Buildings in Residential District/Zone. No more than three (3) accessory buildings shall be built on any lot in the R. District. Combined total square footage floor area of all accessory buildings in R. District shall not exceed 1,200 square feet. In addition no accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.
10. Required Yards. All structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front, side or rear yards.

11. State, County & Township Roads. The minimum setback in all districts from state, county and township roads shall be sixty (60) feet.
12. Garages. Although the construction of an enclosed parking space is not required for a single family detached dwelling, an open space must be provided which will allow for the future construction of a single enclosed space which would comply with all setback requirements.

**13. PUBLIC ROAD FRONTAGE OR ROAD ACCESS EASEMENT STANDARDS:**

- A. Each lot shall include a minimum of 33 ft of frontage on a public road right-of-way extending to the lot line. As an alternative a single lot that does not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 ft in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- B. Two lots that do not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a shared driveway access easement that is a minimum of 66 ft in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- C. Access for three (3) or more lots shall meet the requirement for public roads in the Goodhue County Subdivision Ordinance.

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Section 11 SPECIAL PROVISIONS

1. Purpose. The special provisions established in this Section are designed to encourage a high standard of residential and business development by providing assurance that neighboring land uses will be compatible. All future development in the Township shall be required to meet these provisions. They shall also apply to existing development where so stated or otherwise reasonable as determined by the Planning Commission.

2. Residential Development.

Permanent Dwellings. Except for (1) any second single family dwelling within a farmyard, and (2) any dwelling for dependent parents or parents-in-law or grandparents or grandparents-in-law, all residential construction shall be permanent in nature, to include the following elements:

- a. A perimeter foundation as specified in the Uniform Building Code.
- b. A minimum width of twenty (20) feet over 100% of the length of the structure.
- c. Exterior walls which look like wood or masonry, regardless of their actual composition.
- d. Direct access from a township, county or state road.
- e. A full basement or one car garage containing a minimum of three hundred (300) square feet, the appearance of which substantially conforms to the dwelling.
- f. An electrical service contained entirely with the structure.

3. Temporary Dwellings. Dwellings permitted as an interim use ~~as either a second single family farm dwelling within a farmyard or as a dwelling for dependent parents or parent-in-law or grandparents or grandparents-in-law~~ shall be constructed in the mobile home style so that, when the permitted use ceases, the dwelling may be quickly removed and the site of the dwelling readily restored to its original condition.

Dwellings considered by interim use permit:

a. Temporary Second Single Family Farm Dwelling Within a Farmyard: As an interim use, a temporary dwelling may be placed within a farmyard; at least one of the occupants of this temporary dwelling shall provide substantial labor for the operation of the farm. As an interim use, a temporary dwelling may be put in place, subject to the following conditions, in addition to those prescribed at Section 16. CONDITIONAL OR INTERIM USES, Paragraphs 6 and 7:

- 1). The occupant(s) of the temporary dwelling shall join with the related occupant of the permanent dwelling in making an application for an interim use and the Planning Commission and the Town Board may from time to time require the

occupant of the temporary dwelling appear before them in person to describe the elements of their dependence;

- 2) The temporary dwelling must be sited on a tract of land made up of no fewer than 40 contiguous acres on which tract there already exists no more than one permanent dwelling;
- 3) The temporary dwelling shall be sited so as to comply with separation and setback requirement for farm dwellings (see Table 1);
- 4) No more than one such temporary dwelling may be permitted in connection with the permanent dwelling which is principal to the tract of land 40 acres or more;
- 5) The temporary dwelling must at all times comply with county and state health and sanitation statutes and codes.

b. Temporary Dwellings for Dependent Parents or Parents-In-Law or Grandparents or Grandparents-in-law or dependent children thereof: As an interim use, a temporary dwelling may be put in place, subject to the following conditions in addition to those prescribed at Section 4716. CONDITIONAL OR INTERIM USES, Paragraphs 6 and 7:

1. The occupant(s) of the temporary dwelling may not be anyone other than the parent(s) or the parent(s)-in-law or the grandparent(s) or grandparent(s)-in-law or dependent children thereof, of an occupant of the permanent dwelling;
2. The occupant(s) of the temporary dwelling must be dependent upon the related occupant of the permanent dwelling, or visa versa, for performance of at least some of the tasks and chores of ordinary daily life;
3. The occupant(s) of the temporary dwelling shall join with the related occupant of the permanent dwelling in making application for an interim use and the Planning Commission and the Town Board may from time to time require the occupant of the temporary dwelling appear before them in person to describe the elements of their dependence;
4. ~~The temporary dwelling must be sited on a tract of land made up of no fewer than 40 contiguous acres on which tract there already exists no more than one permanent dwelling;~~
5. ~~The temporary dwelling shall be sited so as to comply with separation and setback requirement for farm dwellings (see Table 1);~~
- 6.4. The temporary dwelling must be sited in the immediate vicinity of the permanent dwelling;

- 7.5. No more than one such temporary dwelling may be permitted in connection with the permanent dwelling which is principal to the tract of land 40 acres or more;
  6. The temporary dwelling must be inhabited by the parent(s) or the parent(s)-in-law or the grandparent(s) or the grandparent(s)-in-law or dependent children thereof no fewer than ten months of each calendar year; and
  7. The temporary dwelling must at all times comply with county and state health and sanitation statutes and codes.
4. Commercial-Industrial Development. Buildings shall be designed to fit the particular site and shall be harmonious with adjacent buildings, topography and natural surroundings. In addition, buildings shall meet the following requirements:
- a. All exterior vertical surfaces of commercial, institutional or industrial buildings shall be treated as a front and have the same face.
  - b. All visible mechanical protrusions to the exterior of buildings shall be screened in a manner that they are not visually obvious.
  - c. Building materials shall be those utilized for permanent type construction and found to be compatible with nearby existing buildings.
5. Natural Features. Site planning shall show due regard for all natural terrain features in order that development of any type will not have an adverse or detrimental effect on the natural character of an area.
6. Screening. The screening required in this section shall consist of a fence, wall, landscaping or earth barrier but shall not extend within 15 feet of any public street. Natural features, such as differences in elevation, tree masses or similar features may negate the need for manmade screening in certain areas.
- a. Screening shall be required in residential areas where:
    1. Any off street parking lot contains more than five (5) parking spaces.
    2. Any material and equipment is stored other than recreational equipment, construction and landscaping materials currently being used on the premises or the off-street parking of automobiles and pick-up trucks.
  - b. Screening shall be required in commercial and industrial districts where:
    1. Any structure, parking or storage is adjacent to and within one hundred (100) feet of property zoned for residential use.
    2. Any side yard of a business or industry is across the street from a residential zone.



3. Any materials and equipment are stored outside except for those being used for construction on the premises.
  - c. Screening shall be required in all districts where waste material is stored in containers other than an enclosed building.
  - d. All screening shall be maintained by the property owners so as not to be unsightly, a nuisance or create a hazard or safety problems.
  - e. Tier 3 Home Business Screening: exterior operations and storage of goods, equipment or materials shall be screened from view of public roads, adjacent dwellings and adjoining residential districts.
7. Landscaping. In residential, commercial and industrial districts, developed uses shall provide a landscaped yard along all public street. This yard will be free from structures, storage and off street parking, except for driveways, and shall be at least thirty (30) feet in depth.
  8. Drainage. New uses shall channel water run-off into storm drains, water courses or permitted ponding areas. No land shall be developed in a way which is likely to cause flooding or erosion on adjacent property.
  9. Fences. Fences shall be permitted in all yards subject to the following:
    - a. Fences in residential districts may be located on any lot line up to a height of four (4) feet except that a fence up to six (6) feet in height may be erected on the side and rear lot line behind the nearest front corner of the principal building.
    - b. Should the rear lot line of a lot be common with the side lot line of an abutting lot, that portion of the rear lot line equal to the required front yard of the abutting lot shall not be fenced to a height of more than four (4) feet.
    - c. Fences located within the buildable area of residential lots may be up to eight (8) feet in height.
    - d. Fences in commercial and industrial districts may be erected on a lot line to a height of eight (8) feet.
    - e. No fences, structures or plantings creating a visual obstruction shall be permitted within the required front yard setback on a corner lot.
  10. Home Occupations. One home occupation per dwelling unit may be granted as an interim use in the residential district if it complies with the requirements of this Section.
    - a. The home occupation shall be conducted by a member of the family residing in the dwelling and with no more than one employee who is not part of the family.

- b. The home occupation shall be carried on wholly within the principal structure.
- c. Exterior displays or signs other than a two square foot, non illuminated name plate, exterior storage of materials and exterior indication of the home occupation or vacations from the residential character of the principal structure shall not be permitted.
- d. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare shall not be produced.
- e. Articles not produced on the premises shall not be sold on the premises, without a specified permit from the Township Board.
- f. The home occupation shall not create excessive automobile traffic within the neighborhood.

### **10. Home Business**

*There are three sizes of Home Businesses permissible on Leon Township properties; the following standards and space requirements apply to each tier.*

#### **Standards/Rules that apply to all three Home Business tiers:**

1. Objectionable noise, vibration, smoke, dust, vibration, electrical disturbance, odors, heat or glare shall not be permitted.
2. Articles not produced on the premises shall not be sold on the premises, without a specified permit from the Township Board.
3. Exterior displays of signs: see Section 12. Signs)
4. The home business shall not create excessive automobile traffic beyond that which is reasonable and normal for the area in which it is located.
5. No more than two home businesses shall be permitted on a single parcel. The total space allowed for two home businesses combined shall not exceed the maximum allowed for a single home business.

#### **TIER 1 HOME BUSINESS standards:**

- A. No more than one (1) non-resident employee shall be employed in conjunction with a permitted Tier 1 home business.
- B. The home business shall be conducted entirely within a single-family dwelling (including any attached garage) and shall not occupy more than an area equal to 25% of the gross floor area of the dwelling.
- C. Businesses shall not be conducted in an accessory building.
- D. Exterior display or storage of goods, equipment or other materials associated with the home business is prohibited.
- E. Adequate off-street parking shall be provided.
- F. At the Tier 1 level, the parcel must meet or exceed the minimum size standards for the applicable zone.
- G. All equipment, buildings, and activities associated with the home business shall meet all setbacks for the applicable zoning district.

**TIER 2 HOME BUSINESS standards:**

A. No more than two (2) non-resident employees shall be employed in conjunction with a permitted Tier 2 home business.

B. If located within a dwelling, the home business shall occupy no more than 50% of the gross floor area of the dwelling.

If located in an accessory building, the home business shall not occupy an area greater than 2100 of gross floor area feet on parcels up to 2 acres or 3400 of gross floor area feet for parcels 2 acres or greater.

C. Exterior display or storage of goods, equipment or other materials associated with the home business is prohibited.

D. Adequate off-street parking shall be provided.

E. At the Tier 2 level, the parcel must meet or exceed the minimum size standards for the applicable zone.

F. All equipment, buildings, and activities associated with the home business shall be required to meet all setbacks for the applicable zoning district.

**TIER 3 HOME BUSINESS standards:**

A. The maximum number of non-resident employees employed in conjunction with a home business shall be 10.

B. The minimum parcel size shall be 5 acres.

C. If located in an accessory building, the home business shall not occupy an area greater than 7200 of gross floor area feet.

D. See Section 11 Special Provisions #6 for Screening guidelines.

E. The Planning Commission shall determine the expiration of the interim use permit, which may include a time limit or a transfer of the property ownership.

F. The Interim Use Permit may be renewed administratively up to 30 days after the expiration of the permit so long as all the conditions as originally approved by the Planning Commission and/or Board of Supervisors have been met. In the instance of renewal due to property ownership transfer, if the home business will continue in the same manner and under the same conditions/circumstances presented at the time of approval, an administrative approval may be permitted.

G. If the permit is expired more than 30 days and the permit has not been renewed, the permit is null and void and a new interim use permit must be granted for the use to continue.

H. Any subdivision of land separating the business buildings and/or operations from the principal dwelling shall result in revocation of the IUP.

I. The home business shall be proximate to the associated principal dwelling.

J. Adequate off-street parking shall be provided.

11. Relocated Structure. Before any building or structure which has been wholly or partially erected on any premises, located either within or outside the Township of Leon, can be moved to and placed upon any other premises in the Township, a conditional or interim use permit shall be obtained. The applicant shall submit photographs taken from two or more angles of the structure to be moved along with photographs of the lots on which the structure is to be located together with photographs of adjacent lots and structures. The applicant shall also submit a site plan and list of proposed improvements to the structure.

Section 12. OFF STREET PARKING & LOADING REGULATIONS

1. Size. Each parking space shall contain a minimum area of not less than 200 square feet excluding access drives, a width of not less than 10 feet, and a depth of not less than 20 feet. Each space shall be served by access drives of not more than 24 feet in width at the public street line. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it's designed to serve.
2. Lighting. Any lighting used to illuminate off street parking shall be indirect or diffused any and shall not be directed upon the public right of way or upon nearby or adjacent properties.
3. Accessory Locations. Parking spaces may be located on a lot other than that continuing the principal use with the approval of the Township Board.
4. Surfacing. Any off street parking lot for more than five vehicles shall be provided a concrete or asphalt surface.
5. Access. All off street parking spaces shall have access from driveways rather than directly from public streets.
6. Schedule of Parking Requirements.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Single Family House	2 per dwelling unit
Two Family House Townhouse	
Multiple Family Dwelling	
Housing for the Elderly	1 per dwelling unit
Churches, auditoriums and mortuaries	1 per 4 seats in principal assembly room
Schools	1 per classroom plus 1 for every 30 students
Private Club or Lodge	1 per 6 members
Theater	1 per 6 seats

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Medical, Dental & Animal Clinics	5 per doctor, dentist, veterinarian plus 1 per additional employee
Hospital and Rest Home	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Hotels or Motels	1 per rental unit plus 1 per employee
Motor Fuel Station	4 for each service stall
Professional Offices & Business Services	1 for every 250 square feet of floor space
Retail Stores	1 for every 200 square feet of floor space
Furniture, Appliance & Auto Sales	1 for every 400 square feet of floor space
Eating, drinking and personal service establishments	1 for every 100 square feet of floor space
Bowling Alleys	5 for each alley
Recreational assembly places e.g. dance halls, night clubs	1 for every 50 square feet of floor space
Industrial wholesaling	1 for each employee on the maximum working shift
Drive-in Food Establishments	1 for every 15 square feet of floor space

Section **12 13**      SIGNS

1. Agricultural Signs. No permanent sign shall exceed 100 square feet in area nor 12 feet in height. They shall not be located closer than 500 feet to another sign nor closer to a road intersection than 250 feet. They shall not be permitted to interfere with highway horizontal sight distances and must observe set back requirements of the Agricultural, Preservation and Flood Plain Districts.

2. Home Business Occupation. In any district a sign not exceeding two square feet in surface size Non-illuminated signage, is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located, is permitted as follows:

- Tier 1: Four (4) square feet in surface size, for each of 1 or 2 sign faces;
- Tier 2: Sixteen (16) square feet in surface size, for each of 1 or 2 sign faces; and
- Tier 3: Up to 32 square feet) in surface size, for 1 sign face.

3 Real Estate. Temporary real estate signs of six square feet per side may be placed in the yard of any residential structure which advertises that particular property for sale, or for rent, or for lease. Such sign will be promptly removed which it has fulfilled its function.

4 Development Project. Real estate development signs may be erected to promote a residential project of ten or more dwelling units. Such sign will not exceed one hundred square feet in area shall be removed when the project is ninety percent completed sold or leased.

5 Portable Signs. Signs mounted on a trailer or other vehicle shall be prohibited.

6 Political Signs. Political signs are allowed in any district on private property with the consent of the owner to a maximum of thirty-two square feet. Such signs must be removed by the installer within five days following the date of the election to which they apply.

7 Business Signs. Business signs are permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements.

- a. Signs shall not contain information or advertising for any product not sold on the premises.
- b. Signs shall not have a combined aggregate surface area greater than two square feet for each foot of width of the principal structure up to a maximum of 100 square feet.
- c. Signs shall not project over public rights-of-way.

- d. Flashing signs and those signs giving off an intermittent or rotating beam or ray of light shall be prohibited.
- e. Illuminated signs shall be diffused so as not to direct rays of light into adjacent property or onto any public right-of-way.
- f. Signs shall be limited so as to extend not more than 25 feet above the average elevation of the public street abutting upon the lot or tract on which such sign is located.
- g. Signs shall be painted at least once every three years including all parts and supports, unless such parts supports are galvanized or otherwise treated to prevent rust.
- h. Roof signs are prohibited.
- i. Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a bench, fence, stone or similar object.

Section **14.13.**            REGULATING DOGS IN RESIDENTIAL SUBDIVISIONS

- 1. Purpose. The purpose of this Section is to include provisions relating to the use and control of dogs in residential subdivisions in Leon Township, and to protect the public health and welfare.
- 2. Authority. This Section is adopted pursuant to the authority provided by Minnesota Statutes Chapter 347, as amended.
- 3. Definitions. As used in this Section, the terms herein shall mean the following:
  - a. Harborer: Shall be any owner who has custody of any dog. or permits a dog to be kept or to stay on or about the premises.
  - b. Kennel: Any premises where more than three (3) dogs, at any one time, are present as owners' pets; or are accepted for, or used for breeding, boarding, training or sale.
  - c. Owner: Any person, group of persons, or legal entity owning, keeping, or harboring a dog or dogs.
  - d. Permitted Use: The keeping of dogs shall be a permitted use in residential subdivisions.
- 4. Unlawful Acts. It shall be unlawful to own or harbor a dog which:

- a. Trespasses in a damaging or threatening way, or commits a nuisance upon the property of others;
  - b. Shows a vicious temperament, or molests or threatens passersby who are lawfully on a public street or on their own property; or which defiles or destroys any property, private or public;
  - c. Runs or barks in a threatening manner at pedestrians, bicyclists, vehicles, or other animals on a regular basis;
  - d. Is kept under such unsanitary conditions that the keeping of said animal(s) creates odors to the annoyance of the public in the vicinity;
  - e. Barks, cries, howls, whimpers, or otherwise creates a sound or noise to such an extent as to unreasonably annoy or injure the safety, health, comfort, or repose of members of the public.
5. Kenel. It shall be unlawful to keep, operate, or maintain a kennel in a residential subdivision.

Section **1514**. PLANNED UNIT DEVELOPMENT (PUD)

1. Purpose. It is recognized that Planned Unit Development are multiple uses within a single use district and, therefore, at variance with area zoning requirements. This Section is intended to permit flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities and as an incentive to developers to plan creatively by providing density bonuses. This flexibility can be achieved by waiving provisions of this Ordinance including uses, setbacks, heights and similar regulations. "Planned Unit Developments" are characterized by central managements, integrated planning and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses.
2. Definition. Planned Unit Developments shall include all developments having two (2) or more principal uses or structures on a single parcel of land; and may include townhouses, apartment projects involving more than one (1) building, multi-use structures such as an apartment building with retail at ground floor level, commercial developments, industrial developments, mixed residential and commercial developments, and similar projects.
3. General Requirements and Standards.
  - (a) Ownership. An application for PUD approval must be filed by all owners of the land included in a proposed development. In the case of multiple ownership, the Approved Final Plan shall be binding on all parcels involved. The developer shall



have a property interest in the site which shall consist of a fee simple title, contract interest, or an option to acquire fee simple title within a specified time period, or a lease-hold interest in excess of thirty (30) years.

- (b) Comprehensive Plan/Ordinance Consistency. A proposed PUD shall be consistent with the Township Comprehensive Plan and the intent and purpose of Township's Code provisions relative to land use, subdivision and development.
- (c) Common Open Space. Common open space at least sufficient to equal the minimum density requirements established in zoning regulations shall be provided within the area of the PUD except as provided in subsection (9) below.
- (d) Operating and Maintenance Requirements for PUD Common Open Space/Facilities. Whenever joint common open space or service facilities for individual owners or users are provided within the PUD, the PUD plan shall provide reasonable assurance of adequate operation and maintenance of such open space and service facilities.
- (e) Staging of Public and Common Open Space. When a PUD provides for common or public open space, the total area of common or public open space or security in any stage of development, shall at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the stages or units completed or under development bear to the entire PUD.
- (f) Density.
  - (1) Single Purpose Planned Unit Development. The density and intensity of use shall conform to the district in which the land and project are located subject to subsection (3).
  - (2) Mixed Use/Unique Purpose Planned Unit Developments. The density and intensity of use shall be determined and regulated by the Planned Unit Development agreement approved by the Township Board.
  - (3) Density increases may be allowed in the discretion of the Township's Board as an incentive for the developer to include the following features hereby determined to be a benefit to the public;
    - a. For significant undeveloped common open space up to a 5% density increase.
    - b. For significant improved common open space up to a 5% density increase.
    - c. For distinctiveness and excellence in siting, design and/or landscaping up to 10% density increase.

- d. For location adjacent to existing or proposed arterial streets up to 5% density increase.

(g) Site Improvement. All improvements required by the Township Subdivision Ordinance and all engineering and design standards of the Township Subdivision Ordinance and other regulations applicable to the development of land shall be applicable to planned unit developments.

4. Permitted Uses. The permitted uses may include:

- (a) Any combination of dwelling units in single family, two family, town or row houses and apartments.
- (b) Any non-residential use, to the extent such non-residential use is designed and intended to serve the residents of the planned unit development.
- (c) Public and private education facilities.
- (d) Other uses permitted in the Zoning District in which the planned unit development is located.

5. Location.

Planned Unit Developments may be permitted at the sole discretion of the Township Board in all districts. The application and hearing process for the Planned Unit Development permits will be as required for conditional use permits.

6. Special Requirements and Standards

- (a) Required Frontage and Minimum Project Size. The tract of land for which a project is proposed and permit requested shall not have less than two hundred (200) feet of frontage on the public right-of-way and be a minimum of five acres.
- (b) Yards.
  - 1. The front and side yard restrictions at the periphery of the Planned Unit Development site at a minimum shall be the same as those required in the zoning districts.
  - 2. No building shall be nearer than its building height to the rear or side property line.
  - 3. No building shall be located less than fifteen (15) feet from the back of the curb line along those roadways which are part of the internal street pattern.
  - 4. No building within the project shall be nearer to another building than one-half the sum of the building heights of the two buildings.

(c) Landscaping, Screening and Surfacing.

1. The entire site other than taken up by structures or landscaping shall be surfaced with a material to control dust and drainage.
  2. Non-residential developments abutting a residential use district shall be screened and landscaped as required by the Township Zoning Ordinance and other applicable regulations.
7. Preliminary Development Plan Specifications. An applicant shall submit to the Zoning Administrator, prior to the establishment of a public hearing, the preliminary development plan which shall be composed of drawings and a written statement.
- (a) The drawings may be in schematic form and must contain the following:
1. The location, size of site and the proposed uses of the land to be developed.
  2. The density of land use to be allocated to the several parts of the site to be developed.
  3. The location and size of all useable open space and the form of organization to own and maintain such space.
  4. The use, height, bulk and appropriate location of buildings and other structures.
  5. The plans for the distribution of sanitary wastes and storm water, and the provision of other utilities.
  6. The plans for parking of vehicles and the location and width of proposed streets, curb, gutter and landscaping.
  7. A schedule showing the proposed times within which application for final approval of all sections of the planned unit development are intended to be filed.
  8. A topographic map prepared by a registered civil engineer or registered land surveyor covering the entire tract proposed for development. Such maps shall be drawn at a scale of 1' = 50' and shall indicate topograph at a two foot contour interval. It shall show in accurate detail the topography, existing buildings, land features and trees.
- (b) The written statement must include the following:

1. A narrative explanation of the general character of the planned unit development, its integration with the surrounding land uses and justification of any requested density bonuses.
  2. A statement identifying the final ownership and describing maintenance of all parts of the development including streets, structures and useable open space.
  3. The total anticipated population of the planned unit development, with breakdowns as to the estimated number of school age children, adults and families.
8. Final Development Plan Specifications. The final development plan filed with the Zoning Administrator shall contain in final form all of the information required in the preliminary development plan. Within six months following the approval of the preliminary development plan by the Township Board, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. The Township at its discretion may extend for six months the period of filing of the final development plan.
9. Findings Required. The written Township Board findings necessary for approval of the preliminary and final development plans shall be based on the following and described in what respect the plan would or would not be in the public interest:
- (a) The plan is consistent with Leon Township Comprehensive Land Use Plan.
  - (b) The plan is designed to form a desirable and unified development within its own boundaries.
  - (c) The proposed uses will not be detrimental to present and future land uses in the surrounding areas.
  - (d) Any exceptions to the standard requirements of the zoning and subdivision ordinances are justified by the design of the development.
  - (e) The plan will not create an excessive burden on parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the planned unit development.
  - (f) The planned unit development will not have an undue and adverse impact on the reasonable enjoyment of neighboring property.
10. Zoning. When the planned unit development plan has been approved, it shall be appropriately identified on the zoning map.
11. Annual Review. The Commission shall review all unfinished Planned Unit Development within the Township at least once each year and shall make a report to the Township Board on the status of the development in each of the Planned Unit

Developments. If the Township Board finds that development has not occurred within twelve months from the original approval, the Township Board may instruct the Planning Commission to remove the Planned Unit Development district from the zoning map and withdraw all approvals of the P.U.D.

Section **1615** MINERAL EXTRACTION

1. Purpose

The purpose of this section is to protect the public health, safety and welfare through the following:

- (a) Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- (b) Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the Township as a whole.
- (c) Ensure mineral extraction operations are only located adjacent to highways and roads that have a sufficient width and carrying capacity to safely accommodate hauling activities from the site.
- (d) Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Leon Township Comprehensive Plan.

2. Definitions

**Board:** The Leon Township Board of Supervisors

**Commission:** The Leon Township Planning Commission

**Comprehensive Plan:** The Leon Township Comprehensive Plan

**County:** The County of Goodhue, Minnesota.

**Dust:** Airborne mineral particulate matter.

**Excavation:** The removal of soil and minerals from the ground.

**Mineral:** Sand, gravel, rock, clay, and similar higher density non- metallic natural minerals

**Mineral Extraction:** The removal of sand, gravel, rock, clay and other minerals from the ground and off the site.

**Mineral Extraction Facility:** Any area that is being used for removal, stockpiling and storage of minerals.

**Mineral Extraction Permit:** The permit required for mineral extraction facilities.

**Operator:** Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.

**Principal Use:** The principal use of mineral extraction facility is the extraction, processing, storage and sale of minerals from the facility.

**Processing:** Any activity, which may include the crushing, screening, washing and/or stockpiling, of sand, gravels, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, or agricultural lime.

**Rehabilitation/ Restoration:** To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this ordinance.

**Soil:** A natural three-dimensional body of the earth's surface.

**Subject Property:** The land on which mineral extraction is permitted.

**Topsoil:** The upper portion of soils present that is the most favorable material for plant growth.

**Township:** Leon Township, Goodhue County, Minnesota.

**Zoning Ordinance:** The Leon Township Zoning Ordinance

### 3. Exceptions From Permit Requirements

A mineral extraction permit shall not be required for the following:

- (a) Excavation for a structure if a building permit has been issued.
- (b) Excavation in a right-of-way, temporary easement, or utility corridor by state, county, city or township authorities in connection with construction or maintenance of public improvements or facilities.
- (c) Excavations not exceeding four hundred (400) cubic yards annually.
- (d) Excavation for agricultural purposes if the excavated material is not moved off-site. Excavation for public utility purposes.
- (e) Temporary excavations involving mining operations associated with road construction, commonly known as temporary borrow pits, used exclusively for public

infrastructure construction projects if the project is under the administration of a public entity and the contract requires erosion control, sediment containment and site restoration provisions at least as strict as those in the Minnesota Pollution Control Agency's (MPCA's) NPDES General Storm Water Permit. These temporary borrow pits must be closed and restored within, 24 months of the first date of work on the project.

4. Mineral Extraction Permit Required

A. Interim Use Permits Owners and operators of any mineral extraction facility commencing on or after the adoption of this Ordinance shall obtain an interim use permit which shall be processed in accordance with Leon Township Zoning Ordinance procedures and requirements, and the additional procedures and requirements of this Section.

5. Interim Use Permit Application Requirements For New Mineral Extraction Facilities

A. Application Form: An application for a mineral extraction permit shall be submitted to the Zoning Administrator on a form supplied by the Zoning Administrator. Information shall include but not be limited to the following:

1. The following maps of the entire site and to include areas within one thousand (1000) feet of the boundaries of the surveyed parcel subject of the permit application. All maps shall be drawn at a scale of one (1) inch to two hundred (200) feet unless otherwise stated below:

Map A- Existing conditions to include:

1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
2. A survey, which provides contour lines at five (5) foot intervals.
3. Existing vegetation.
4. Existing drainage and permanent water areas and/ or wetlands.
5. Existing structures.
6. Existing wells and private sewer systems.
7. Existing pipelines, power lines and other utilities.
8. Easements affecting the permitted property.
9. Adjacent public road right-of-way.
10. Existing access points to public roads.
11. Existing bluffs (See Goodhue County Ordinance definitions.)

Map B - Proposed operations to include:

1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
2. Structures to be erected.

3. Location of sites to be mined showing depth of proposed excavation.
4. Location of tailing (strippings or overburden) deposits showing maximum height of deposits.
5. Location of processing areas and machinery to be used in the mining operation.
6. Location of storage of mined materials, showing height of storage deposits.
7. Location of vehicle parking.
8. Erosion and sediment control structures.
9. Gross Vehicle Weight leaving the Mineral Extraction Facility.
10. Drainage Plan (if revising existing drainage patterns).
11. Proposed internal road system including typical cross sections.
12. Proposed new access points to adjacent public roads.
13. Proposed haul routes of vehicles removing material from the pit including current spring weight restrictions on the proposed routes.
14. Name, address, and contact information for operator, if not same as owner.

Map C - Restoration plan to include:

1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
  2. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals, extended 100 feet onto adjacent properties.
  3. Location and species of vegetation to be replanted, including a maintenance plan.
  4. Location and nature of any structure to be erected in relation to the end use plan.
  5. Proposed improvements such as roads, paths, ponds, etc.
2. Name, address, and phone number, of contact person for the operator.
  3. Name, address, and phone number of landowner.
  4. Acreage and complete legal description of the subject property, on which the facility will be located, including all contiguous property owned by the landowners.
  5. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.
  6. Estimated time frame to operate facility, to include hours per day, days per week, months per year, number of years in operation.



7. A description of all vehicles and equipment anticipated to be used by the operator in the operation of the facility.
8. A description of the estimated average daily and peak daily number of vehicles accessing the facility. If more than one access to the pit is proposed to the Mineral Extraction Facility, provide a breakdown of anticipated average daily and peak number of vehicles using each access.
9. Any other requested information or documentation required for issuance of an interim use permit under this Ordinance.

B. Supporting Documentation. Every application for a mineral extraction permit shall include submission of supporting documentation, which shall include, but is not limited to the following:

1. A description of existing land uses on the subject property.
2. A description of land use designations in the Township Comprehensive Plan and zoning classifications of the subject property.
3. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted. A minimum of one boring log must be extended to fifteen (15) feet below the maximum depth of the proposed excavation on the site. Borings shall be located within areas proposed to be excavated. See Paragraph 13 below.
4. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property boundaries.
5. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
6. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits (Minnesota Wetland Conservation Act and/or Corps. of Engineers), Historical and Archeological permits, Storm Water Permits, and the required EAW for subject property over forty (40) acres.
7. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
8. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control down stream off site damage caused by any

increase to the natural flow of water or any diversion of the existing natural flow of water.

9. A description of actions to be taken to mitigate potential impacts resulting from mineral extraction and processing, including potential impact related to; wetlands, erosion, noise, air pollution, surface water and groundwater contamination, traffic, dust or vibrations.
  10. A description of site screening, landscaping and security fencing.
  11. Site rehabilitation plans for each phase of operation and upon completion of mineral extraction on the subject property.
  12. A description of the method by which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method by which complaints are to be resolved.
  13. A plan for groundwater quality protection. The plan shall include a minimum of three (3) borings showing depth to groundwater. If groundwater is not encountered at a depth of fifteen (15) feet below the bottom of the proposed pit floor, the applicant need not extend borings any further. The Leon Township Board of Supervisors reserves the right to require additional borings, if necessary.
  14. A minimum of three (3) cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past.
  15. Description of methods to control the weight of the vehicles leaving the pit and the methods used to insure that vehicles exceeding weight limits do not travel on adjacent roads.
  16. Description of methods to prevent mud and debris from being tracked onto public roads.
- C. Protection of Roads and Public Health, Safety and Welfare. The majority of the Leon Township roads are of the type typically found in rural Minnesota. They are gravel and were not built to a sufficient width and carrying capacity to accommodate multiple hauling trips from heavy trucks on an on-going basis. Such hauling activities can seriously damage these roads and create significant safety hazards for the traveling public. Furthermore, the costs associated with repairing the damage caused to these roads by hauling activities places an undue burden on the Leon Township taxpayers and disproportionately draws upon the limited road and bridge funds the Township has available to it to keep Leon Township's other roads properly maintained. In order to protect the public health, safety, and welfare, the Township will closely examine mineral extraction facility applications to determine whether the haul road(s) identified are adequate to safely accommodate the anticipated traffic from the facility. If the Planning Commission determines that an adequate haul road is not reasonably available to

the proposed facility and is not otherwise provided for as part of the application, the Planning Commission shall recommend denial of the request.

D. Permitting Procedure for Interim Use Permits:

1. Application. A request for a mineral extraction interim use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The required application fee shall be paid and a deposit of one thousand five hundred dollars (\$1,500.00) shall be required to reimburse the Township for its' out of pocket costs in processing the application. Additional expenses incurred by the Township in processing the Interim Use Permit shall be paid for by the Applicant prior to the issuance of any Interim Use Permit by the Township. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use as specified under provisions of Interim Use Permit Application Requirements For New Mineral Extraction Facilities set forth in Paragraph 5 above. The Zoning Administrator shall refer the application along with all related information, to the Leon Township Planning Commission for consideration, in accordance with Section ~~17~~**16** of the Township Zoning Ordinance.
2. Notice. The Chairman of the Planning Commission or Zoning Administrator shall publish notice a public hearing as specified in Section 20 Administration Paragraph 9 Hearings of the Leon Township Zoning Ordinance.
3. Additional Information. The Planning Commission Chairman and/or Zoning Administrator shall have the authority to request additional information from the applicant and/or to retain expert testimony with the consent of, and at the expense of the applicant, if said information is deemed to be necessary to review of the permit application or to establish performance conditions for said permit in relation to this Ordinance.
4. Referrals. The Planning Commission, Zoning Administrator and Board of Supervisors may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District and the Minnesota Pollution Control Agency.
5. Recommendation. The Planning Commission shall make a finding of fact and shall recommend such actions or conditions relating to the request to the Township Board of Supervisors. The Board of Supervisors may impose such additional restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to the following:
  - a. Matters relating to the appearance of the Mineral Extraction Facility.
  - b. Hours of operation.
  - c. Increasing setbacks.
  - d. Blasting notifications and frequency.

- e. Limiting the height, size or location of buildings and stockpiles.
  - f. Controlling the location and number of vehicle access points.
  - g. Improving a designated haul route to be used by increasing street width and weight carrying capacity required generally by said haul operations to the nearest adequate County Road and improving access conditions, including turn lanes, bypass lanes, etc.
  - h. Increasing the number of required off street parking spaces.
  - i. Limiting the number, size, location, or lighting of signs.
  - j. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
  - k. Designating sites for open space.
  - l. Delineating the area to be mined, total size and open area at any one time.
  - m. Requiring phased rehabilitation.
  - n. Requiring financial security to guarantee compliance with the conditions of approval.
  - o. Water quality monitoring.
  - p. On and off site improvements to mitigate impacts caused by revisions to the natural flow of surface waters.
  - q. Directional signage.
6. Township Board's Action and Findings. The Township Supervisors shall approve, modify, or deny the request and state the findings of its actions. Approval of an Interim Use Permit shall require passage by majority vote of the Township Board of Supervisors. The Zoning Administrator shall notify the applicant of the Township Board's action.
  7. Reapplication/Lapse of Interim Use Permit. The Zoning Administrator shall not accept reapplication for the same or substantially same Interim Use Permit within six (6) months of denial.
  8. Amended Interim Use Permit. Any change to the operations or use of the land approved under a current interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued.

6. Application Requirements For Registration/Land Use Permits And Interim Use Permits

A. Security. The Township Board of Supervisors shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a bond or cash escrow in such form and sum as determined by the Board, as part of the permit. The security shall be sufficient to reimburse the following costs:

1. Costs of bringing the operation into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs.
2. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The Township reserves the right to advertise for bids and to contract for any

required road and infrastructure improvements made necessary by the granting of an interim use permit. The Applicant/Owner/Operator shall be responsible to pay for all costs of improvements to road infrastructure required under the granting of an interim use permit.

3. Site restoration.
  4. Costs the Township may incur in enforcing the terms of the interim use permit, and land use permit, including attorney's fees.
  5. Bonds shall be for a minimum of one (1) year, to be reviewed annually and shall include a provision for notification to the Township at least thirty (30) days prior to cancellation or non-renewal.
- B. Annual Registration. Annual Registration of all mineral extraction facility permits is required. The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the Township, to revoke any permits, to monitor compliance with the conditions of approval and to review the applicability of the conditions and to review bonding or security requirements. Permit holders must complete and return registration forms provided by the Township. Failure to maintain registration shall be cause for revocation of the permit. Interim use permits and land use permits for mineral extraction facilities will not automatically expire because there is no activity as authorized with in a year's time as long as the permittee complies with the annual registration specified herein. Annual registration is done administratively by the Zoning Administrator and will not require a review by the Planning Commission or the Board of Supervisors provided all conditions are being met and the activity meets all standards as outlined in this Ordinance. As a condition of registration, the Leon Township Board of Supervisors, their designated agents or designated township employees have the right to access the subject property after providing reasonable notice to the operator.
- C. Exposed Areas Mining operations shall be conducted so active extraction operation of the Mineral Extraction Facility exposes no more than fifteen (15) acres at any time, unless approved by the Board of Supervisors.
- D. Use Restrictions. The following uses are prohibited unless specifically authorized in the mineral extraction permit or the interim use permit.
1. The production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.
  2. The manufacture of concrete building blocks or other similar blocks, temporary ready-mixed concrete, or asphalt production plants and any similar production or manufacturing processes.
  2. The stockpiling or processing of materials not mined on the site.

3. Blasting (Use of explosives.)

E. Waste Disposal. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State, and County requirements.

F. Mineral Extraction Facilities, Performance Standards.

The following performance standards apply to all mineral extraction facilities in the Township:

1. Hours of Operation. Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday unless specified otherwise in the interim use permit for the facility.
  - a. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the Township three working days in advance of the proposed extension.
  - b. The Township Board of Supervisors must approve other exceptions to the hours of operation. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety emergencies, or a public good project, that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those instances of public emergencies and public necessity that cannot occur during normal hours of operation.
2. Fencing. Fencing, signs, and barriers are required around ponding areas and steep sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.
3. Access. The permittee must obtain a permit from road authority for all proposed new access points to public roads. The road authority may restrict the weight of vehicles allowed to use any permitted access.
4. Roadway Dust Control. Operators shall be responsible for providing dust control on gravel roads that are the primary routes to or from a mineral excavation facility. Unless waived by the Township Board of Supervisors in lieu of other remedies, watering roadways will be required when conditions warrant it and the number of one-way truck trips from a particular mineral excavation facility exceeds three (3) per hour.
5. Mineral Extraction Facility Dust Control. The Township may require dust control in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to control dust may include berming, landscaping, and enclosures for processing equipment. All equipment used for mining operations shall be

- constructed, maintained, and operated in such a manner as to minimize, as far as practicable, dust conditions which are injurious or substantially annoying to persons living within one thousand (1000) feet of the mining operations lot line. All internal roads and access roads from mining operations to public highways, roads, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.
6. Noise. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency.
  7. Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all Federal and State laws, rules and statutes.
  8. Air Quality/Water Quality. All activities on the mineral extraction facility will be conducted in a manner consistent with the MPCA's operating permits/ standards.
  9. Water Resources. The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quantity and quality of surface or subsurface water. Surface water leaving the site shall be of equal quality as water originating off site before it passes through the site. The operator shall perform any water treatment necessary to comply with this provision.
  10. Screening. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A screening barrier may be required between the mineral extraction facility and any public road. Screening barriers shall be subject to the approval of the permitting authority.
  11. Unauthorized Storage. Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
  12. Setbacks. The following minimum setbacks shall be maintained from property boundaries:
    - a. One hundred (100) feet from adjoining property lines
    - b. One thousand (1000) feet from any existing dwelling or permanent roofed structure or platted residential subdivision
    - c. One hundred (100) feet from the boundary of any zone where such operations are not permitted.

- d. One hundred (100) feet of any road right-of-way line of any existing or platted street, road, or highway, unless by written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.
  - e. No mining activities, (including stockpiling) shall take place within one hundred (100) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material, or one hundred (100) feet of any road right-of-way of any existing or platted street, road or highway, unless by written consent by the adjacent road authority having jurisdiction over the right-of-way. Only berm construction and vegetative screening maintenance activities may occur in the 100 ft. buffer.
13. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The proposed size of the extraction, processing, staging, and stockpiling operations are to be identified. Size of each operation may be limited by the permit approving authority.
14. Weed Control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.
15. Petroleum Product Handling. Leon Township requires safe and prudent petroleum product handling practices to meet or exceed the following standards:
- A. Fuel Storage Tank Corrosion Protection
    1. Use a double walled storage tank.
    2. Have storage tank located within a dyke sufficient to hold the entire volume of the storage tank.
    3. The dyke or berm to be constructed of impervious material and contain a manually operated drain to let out trapped rain water, and/or construct a roof to keep rain water out of bermed area.
  - B. Fuel Storage Tank Protection
    1. Storage tanks will be protected from equipment by bumper posts built sufficient to withstand contact with the trucks and equipment used on the site. If the storage tank is mobile, and is parked on site, it is subject to the same standards. The mobile storage tank parking place will be protected by bumper posts or natural features sufficient to prevent accidental contact with equipment on all sides of the storage tank.
  - C. Equipment Refueling Procedures
    1. Refueling of equipment will be done on an impervious surface such as a concrete slab in order to prevent any spillage permeating the ground surface and possibly impacting the ground water.



2. In the event of spillage during refueling, floor-dry materials or kitty litter must be on hand to absorb any spilled fuel. This material must be disposed of in accordance with standards for disposal of other waste petroleum products.
  3. Any spill or petroleum product release to the environment is subject to reporting to the MPCA.
16. Water Quality Monitoring Water Quality monitoring shall be performed when required by the MPCA.
17. General Compliance. The operators must comply with all other federal, state, regional, county, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations, and Zoning Ordinance regulations.
18. Additional Regulations. The Township may impose additional regulations and requirements for the mineral extraction facility to protect the public health, safety, and welfare.
19. Land Rehabilitation. Land rehabilitation plans for mineral extraction permits must include the grading plans, topsoil replacement, seeding, mulching, erosion control, and sedimentation control specifications for each phase and the final restoration. Rehabilitation must commence so that no more than fifteen (15) acres is exposed at any given time. The following minimum standards and conditions apply:
- A. For gravel pits, final grades may not exceed one (1) vertical to three (3) horizontal slope except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin fifty (50) feet from property lines.
- For rock quarries, the permittee shall submit a plan to explain how the quarries are to be rehabilitated.
- B. A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
  - C. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Areas returned to agricultural production are exempt from the seeding and mulching requirements.
  - D. Soil rehabilitation, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached.
  - E. Soil erosion and sedimentation control measures shall be consistent with MPCA's Protecting Water Quality in Urban Areas and MPCA's General Storm Water Permit.

- F. Unless otherwise amended or approved by Township, all final grades and site rehabilitation efforts shall be consistent with the Rehabilitation Plan.
- G. Within twelve (12) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.
- H. Within twelve (12) months after completion of mineral extraction or after termination of the permit, site rehabilitation must be completed. Failure to annually register the mineral extraction facility will be considered termination of the mineral extraction facility and the twelve (12) month period shall begin.
- I. All water areas resulting from excavation shall be addressed upon rehabilitation of the site. In unique instances where the Township Board of Supervisors has reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

20. Violations and Penalties.

- A. Any firm, person or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
- B. In the event of a violation or threatened violation of any of the terms of this Ordinance, the Township may take appropriate action to enforce this Ordinance pursuant to provisions of Section 2420, and including the exercising and accessing the security and/or performance bonds; application for injunctive relief; action to compel performance; or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon a motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

Section **4716** CONDITIONAL OR INTERIM USES

1. General. Conditional or Interim uses may be granted or denied by the Township Board after recommendation by the Commission in accordance with the criteria herein provided.
2. Interim and Conditional Use Permit Application Requirements – All Districts. An application for a conditional or interim use shall be delivered to the Chairman of the Planning Commission no fewer than sixteen (16) days before the Planning Commission meeting at which the application will be heard and shall be accompanied by:
  - A. Fees. An application fee as established from time to time by resolution of the Township Board.
  - B. Application Form. An application for an interim or conditional use permit shall be submitted to the Township Zoning Administrator on a form and as specified by the Zoning Administrator. Information may include but not be limited to the following:
    1. Maps of the entire site and to include areas within one thousand (1000) feet of the boundaries of the surveyed parcel subject of the permit application. All survey maps shall be drawn at a scale of one (1) inch to two hundred (200) feet unless otherwise stated below:

Map A- Existing conditions to include:

- (a) Aerial or other survey maps showing site and surrounding areas.
- (b) Existing vegetation.
- (c) Existing drainage and permanent water areas and/ or wetlands.
- (d) Existing structures.
- (e) Existing wells and private sewer systems.
- (f) Existing pipelines, power lines and other utilities.
- (g) Easements affecting the permitted property.
- (h) Adjacent public road right-of-way.
- (i) Existing bluffs (See Goodhue County Ordinance definitions.)
- (j) Acreage and complete legal description of the property subject of the permit application, on which any facility, business, operation or use will be located, and to include complete legal descriptions of all contiguous parcels owned by the landowners and/or applicants.

Map B - Proposed operations to include:

- (a) Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor, if existing boundaries are to be changed or structures are to be erected.
  - (b) Structures to be erected.
  - (c) Location of processing areas and machinery to be used in the operation.
  - (d) Location, of materials to be stored, warehoused, stockpiled, manufactured or otherwise used as a part of the proposed operation.
  - (e) Location of vehicle parking.
  - (f) Erosion and sediment control structures.
  - (g) Gross Vehicle Weight of vehicles entering and/or leaving the site (if applicable.)
  - (h) Drainage Plan (if revising existing drainage patterns).
  - (i) Proposed internal road system including typical cross sections.
  - (j) Proposed new access points to adjacent public roads.
  - (k) Proposed haul routes of vehicles transporting material to and from the site including current spring weight restrictions on the proposed routes.
  - (l) Name, address, and contact information for operator, if not same as owner.
2. Name, address, and phone number, of contact person.
  3. Name, address, and phone number of landowner.
  4. A narrative outlining the proposed operation, the type and quantity of proposed materials to be stored, warehoused, stockpiled, manufactured or otherwise used as a part of the operation. Include a list of any of the following: 1) hazardous materials to be stored or used as a part of the proposed use; 2) other materials, chemicals, substances or items to be stored or used which are subject to administrative control by a governmental unit or agency; and, 3) any waste material to be generated as a result of the proposed use. Include any other pertinent information to explain the request in detail.
  5. Estimated time frame to operate facility, to include hours per day, days per week, months per year, number of years in operation.
  6. A description of all vehicles and equipment anticipated to be used by the operator in the operation of the facility under a proposed interim or conditional use permit.
  7. A description of the estimated average daily and peak daily number of vehicles accessing the facility. Provide a breakdown of anticipated average daily and peak number of vehicles using each facility access point.

- 8 Any other requested information or documentation required for issuance of an interim or conditional use permit under this Ordinance.

C. Supporting Documentation. Every application for an interim or conditional use permit shall include submission of supporting documentation, which may include, but is not limited to the following:

1. A description of existing land uses on the subject property.
2. A description of land use designations in the Township Comprehensive Plan and zoning classifications of the subject property.
3. A description of the soil, vegetation, mineral content and topography of the subject property.
4. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property boundaries.
5. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits (Minnesota Wetland Conservation Act and/or Corps. of Engineers), Historical and Archeological permits, Storm Water Permits, and the required EAW for subject property over forty (40) acres.
6. A description of the site hydrology and drainage characteristics including plans to control erosion, sedimentation and water quality of storm water runoff. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control down stream off site damage caused by any increase to the natural flow of water or any diversion of the existing natural flow of water.
7. A description of actions to be taken to mitigate potential impacts resulting from proposed use, including potential impact related to; wetlands, erosion, noise, air pollution, surface water and groundwater contamination, traffic, dust or vibrations.
8. A description of site screening, landscaping and security measures.
9. A description of the method by which complaints about any aspect of the proposed use are to be received and the method by which complaints are to be resolved.
10. A minimum of three (3) cross-sections showing the soil, and subsoil conditions including the extent of any mineral deposits, the water table, and

any evidence of the water table in the past if applicable and any other such information deemed necessary for the particular proposed use.

11. A description of methods to prevent mud and debris from being tracked onto public roads, if applicable.
- D. Document Copies. Ten copies of required site plans and supporting relevant data showing site size and location; the use of adjacent land, the proposed size, bulk, use and location of buildings; the location and proposed function of all yards, open spaces, parking areas, driveways, storage areas and accessory structures; the location of all utilities, the provisions for parking, moving or loading of vehicles, the timing of construction proposed, building elevations and landscape plan.
  - E. Additional Information. Such other information as the Planning Commission may require including, when they deem necessary, topographic maps.
3. Commission Review. The Planning Commission shall hold a public hearing prior to making a recommendation to the Township Board. The Commission shall forward its recommendations regarding the criteria outlined in Subd. 6 Criteria for Approval to the Township Board within 45 days after receipt of all required data unless the petitioner agrees in writing to a time extension. In the event the Commission recommends denial of any application for conditional or interim use, reasons for denial shall be provided identifying ways in which the proposed uses fails to meet the standards and intent of this ordinance and is otherwise injurious to the public health, safety and welfare.
  4. Board Review. The Township Board may attach such conditions as it deems necessary to the approval of any conditional or interim use. Written acceptance by the Applicant(s) of the approved site plan and all attached conditions shall be filed with the Town Clerk within 30 days of Township Board approval. If acceptance is not filed by the Applicant(s), the application is deemed denied and no further application for the same use may be made within six months of such denial. All developments, construction and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved and accepted. Any development contrary to the approved use plan is a violation of this Ordinance.
  5. Denial. If an application for a conditional or interim use is denied by the Township Board, the denial shall be accompanied by written finding setting forth the reasons for the denial in terms of the ways in which the proposed use fails to meet the standards and intent of this Ordinance and is otherwise injurious to the public health, safety and welfare.
  6. Criteria for Approval. A conditional or interim use may be approved by the Township Board if it:

- (a) Conforms to the district and conditional or interim use provisions and all general regulations of this Ordinance.
- (b) Does not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Subdivision 7.
- (c) Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
- (d) Produces a total visual impression and environment which is consistent with the environment of the district and neighborhood in which it is located.
- (e) Organizes vehicular access and parking to minimize traffic congestion in the district.
- (f) Promotes the objectives of this Ordinance and the overall Land Use Plan of the Township.

7. Performance Standards. Conditional and interim uses shall comply with the requirements of this Section. In order to determine whether a proposed use will so conform, the Township Board may obtain a qualified consultant to testify and the cost for consultant services shall be borne by the applicant. The following performance standards shall apply:

- (a) Fire Protection. Fire prevention and fighting equipment required by the fire prevention and building code shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
- (b) Electrical Disturbance. The activity shall not cause electrical disturbance adversely affecting radio or other electrical or electronic equipment in the vicinity of the use.
- (c) Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled in accordance with generally accepted noise level standards. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.
- (d) Vibrations. Vibrations detectable without instruments on neighboring property in any district is prohibited.
- (e) Air Pollution. Air pollution shall be subject to the following standards established by the Minnesota Pollution Control Agency.

1. Fugitive particulate matter.
  2. Open burning.
  3. Odorous emissions
  4. Odorous emissions-animal process
  5. Visible air contaminants.
  6. Motor Vehicle/stationary engines.
- (f) Glare. Lighting devices which produces directly reflected glare on adjoining properties or thoroughfares shall not be permitted.
- (g) Erosion. No offensive erosion by wind or water shall be permitted.
- (h) Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.
- (i) Drainage. No land shall be developed and no use shall be permitted that results in water run-off causing flooding, erosion or deposit of minerals on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area or other public facilities.
- (j) Off-Street Parking and Loading Space. Adequate off-street parking and loading space shall be provided.**



Section ~~18~~17. VARIANCES

1. General. The Township Board may grant variances from the strict application of the provisions of this Ordinance and impose conditions and safeguards in the variance so granted, provided it finds that the application meets all of the following.
2. Standards. Prior to varying the requirements of this Ordinance the Township Board must find that:
  - (a) Because of the exceptional or extraordinary physical surroundings, shape, or topographical conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the ordinance were to be carried out.
  - (b) The conditions upon which an application for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.
  - (c) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of a parcel of land.
  - (d) The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the parcel of land.
  - (e) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity of the parcel of land nor shall it alter the essential character of the neighboring lots.
  - (f) The proposed variance is in keeping with the spirit and intent of the ordinance.
  - (g) The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.
  - (h) Performance Standards as applicable from Section 16, #7 Performance Standards.
3. Use Variance. No variance shall be granted to allow any use that is not a permitted or conditional use or an interim use under the Ordinance for property in the zone where the applicant's land is located.
4. Applications. An application for a variance shall be made by the owner or owners of the property, and submitted on a form provided by the Zoning Administrator; the application shall be delivered to the Chairman of the Planning Commission no fewer than sixteen (16) days before the Planning Commission meeting at which the application will be heard. All applications shall be accompanied by the prescribed administrative fee and shall include the following information:

- (a) A description of the proposed use and how it varies from the application provisions of the zoning ordinance.
  - (b) A legal description of the property, including plot and parcel number.
  - (c) Ten copies of a site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements.
  - (d) A statement of the applicant, referring to specific facts, describing the following:
    - (1) The exceptional or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application, which do not apply generally to land, buildings, or uses in the same zone classification.
    - (2) The hardship to the applicant if the variance is not granted.
    - (3) Any other information required by the Township Clerk, Commission or Township Board.
  - (e) Certification by the applicant that all adjoining property owners have received formal notification of the proposed variance.
5. Commission Referral. All variance applications shall be forwarded to the Township Board with a recommendation regarding the granting or the denial of same based on the standards set forth in subdivision 2 of this Section.
6. Disposition. A variance may be granted with or without conditions by a motion adopted by simple majority of the Township Board. An application may be denied in the same manner and such motion shall constitute a finding and determination by the Township Board that the conditions required for approval do not exist.

Section ~~1918~~. AMENDMENTS.

- 1. General. This Ordinance may be amended by a two thirds vote of the Township Board whenever public necessity and the general health, safety and welfare of the community require.
- 2. Initiation of Proceedings. Proceedings for amendment of this ordinance may be initiated by (1) a petition of the owner or owners of property in the township; (2) a recommendation of the Planning Commission; or (3) by action of the Township Board.
- 3. Application. Proceedings for amendment which are initiated by the petition of the owner or owners of the property shall be filed with the Zoning Administrator. All

applications shall be accompanied by the prescribed administrative fee and may include the following information:

- (a) The name and address of the applicant or applicants.
  - (b) A description detailing the proposed amendment; the names and addresses of all the owners of property lying within such areas affected by the proposed amendment; and the property description of each owner affected by said proposal.
  - (c) A description of the present use of each separately owned tract within the area, and intended use of any of land therein.
  - (d) A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements.
  - (e) A statement of how the proposed amendment would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire Township.
  - (f) A map of the affected area and the present zoning classification or classifications to be affected, together with the names and addresses of all owners of land in the area to be affected by the proposed amendment.
  - (g) Proof of ownership of the property consisting of an Abstract of Title currently certified or a current Certificate of Title.
4. Commission Referral. Except in the case of initial recommendation by the Planning Commission, any proposed change shall be submitted to the Commission and its recommendation thereon shall be submitted to the Township Board, before further proceedings are taken. Prior to making a recommendation, the Commission shall hold a public hearing. If no recommendation is transmitted by the Commission within 60 days after referral the Township Board shall take action upon the application.
  5. Township Board Hearing. The Township Board shall hold at least one public hearing after which it may vote upon the adoption of any proposed amendment or refer it back to the Commission for further consideration. Due consideration shall be given existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire township and for the uses to which the property affected is being devoted at the time. No change shall be recommended unless it is required for the public good, is in the interest of the public health, safety, and welfare, and is compatible with the Comprehensive Plan.
  6. Denial. A proposed amendment may be denied by motion accompanied by written findings setting forth the reasons for the denial.

Section 2019. ADMINISTRATION

1. Zoning Administrator. The Township Clerk shall be the Zoning Administrator and shall:

(a) Issue applications for:

(1) Land use permits.

(2) Township building permits.

(b) Forward building permit applications to the Goodhue County Land Use Management Office.

(c) Grant land use permit when it appears to the Zoning Administrator that the land use proposed by the applicant will be in conformance with this Ordinance.

Or

(d) Refuse to grant a use permit and refer the application to the Planning Commission pursuant to Section 1716 of this Ordinance as though the application were for a conditional or interim use.

(e) Accept applications for determination of substantially similar use.

(f) Charge, deposit, or transmit and account for such fees as are established by the township for land use and building permits and all other fees as are prescribed by the Ordinance.

2. Land Use Applications shall be accompanied by a plot plan showing the location, dimensions, and nature of any structure involved and such other information as the Administrator may require for administration of the Ordinance.

3. Building Permits.

(a) Hereafter, no person shall erect, alter, or move any building or part thereof without first securing a Township Building Permit and County Building Permit therefor.

(b) Application for a Township Building Permit shall be made to the Zoning Administrator on County Building Permit application forms.

- (c) If any of the following appear to the Zoning Administrator to be the case, the Zoning Administrator shall not transmit the application to the County, but shall instead refer the application to the Planning Commission pursuant to Section **4716** Conditional or Interim Uses or Section **4817** Variances of this Ordinance, as though the application were for a Conditional Use or an Interim Use or Variance:
- (1) That the construction of any building or the grading incidental thereto will obstruct any natural waterway.
  - (2) That the ground upon which the construction of a dwelling unit as proposed is too low for proper drainage or that the ground is otherwise unsuitable for building.
  - (3) That the lot on which the construction of any residential building is proposed does not have frontage on an improved and accepted public street.
4. Determination of Substantially Similar Use. Any landowner may request a determination by the Township Board that a use not included in this Ordinance is substantially similar to a use classified as permitted, conditional, interim or accessory. An application for such determination shall be filed with the Planning Commission. The Commission shall consider the application and file its recommendations with the Township Board. If the Township Board determines that the use is substantially similar to a use included in these regulations, such use shall thereafter be as permitted whenever the similar listed use is authorized.
5. Moving Existing Buildings. In the event of moving a building onto a new location in the Township of Leon, the owner or agent thereof shall apply for a Conditional Use Permit prior to seeking a building permit.
6. Commencement and Completion.
- (a) The work for which a Building Permit is issued shall commence within ninety (90) days after the date thereof unless an application for an extension of sixty (60) days has been submitted and approved. The work shall be completed within one year unless an application for an extension of one year has been submitted and approved by the Building Inspector.
  - (b) The exterior of any building shall be completed prior to occupancy of that building.
7. Board of Adjustment. The Board of Adjustment shall be the Township Board who shall have all the powers and duties assigned by virtue of Minnesota Statutes and this Ordinance. The Board shall:
- (a) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Planning Commission in the enforcement of the zoning ordinance.

- (b) The Board of Adjustment or their designated agents or designated township employees shall have the right, upon reasonable notice to the owner(s) or occupant(s), to access properties that are subject to a variance, or an interim or conditional use permit proceeding for the purpose of determining that the conditions approved under a permit or variance have been or are being met in the granting said variance, conditional or interim use as provided under provisions of Section ~~1716~~ **1816** Conditional or Interim Uses or Section ~~1817~~ **1817** Variances and related provisions of the ordinance and permits approved thereunder.
  - (c) Hear requests for variances from the literal provisions of this Ordinance in accordance with Section ~~1817~~ **1817**.
8. Permit Invalidation. If within one year from the date a conditional use or variance or an interim use is granted substantial progress has not been made to implement its provision, the Township Board shall declare the conditional or interim use or variance null and void upon:
- (a) The recommendation of the Planning Commission.
  - (b) Written notice to the fee owner of record at least 30 days prior to a regularly scheduled Township Board meeting at which the matter will be considered.
  - (c) Affording the property owner the opportunity to appear at the time the matter is considered.
9. Hearings. Public hearings regarding zoning matters may be held by order of the Township Board or the Planning Commission whenever said bodies deem such hearing necessary or when required by this Ordinance. Notice of public hearings shall be given by publication at least once in the official newspaper of the Township, not less than 10 days and not more than 30 days prior to the said hearing, stating the time, place and purpose of the hearing together with a description of property affected.

Section ~~2120~~ **2120**. FEES

Each applicant filing a petition requesting a variance, conditional or interim use permit or change in regulations within any use district shall be charged a fixed fee provided by the resolution of the Township Board to cover costs incurred in processing, reviewing and issuing permits. Building permit fees shall be based upon cost per square foot and reflect the cost of building inspection. The fee is payable at the time of filing a petition and is not refundable.

In addition to filing fees and charges relating to platting, subdividing, rezoning, obtaining permits or variances for land under development or redevelopment, the applicant of such land shall pay, prior to issuance of any permit or final plat approval, all out-of-pocket

expenses incurred by the Township in employing the services of any engineer, legal counsel, planner or other professional consultants in connection with review of their request.

Municipal corporations and governmental agencies shall be exempt from the fee requirement as prescribed by this Ordinance.

Section **2221**. ENFORCEMENT

1. Penalties. Any person, firm, partnership or corporation who violates this Ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or both for each offense. Each day a violation is permitted to exist shall constitute a separate offense.
2. Enforcement Remedies. In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Township Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such building, structure or use of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation of this Ordinance.

Section **2322**. EFFECTIVE DATE

This Ordinance shall be in force and effect and after its adoption and publication.

THIS ORDINANCE ORDAINED AND ENACTED by the Township Board of the Township of Leon, County of Goodhue, State of Minnesota on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Township Board of Leon  
Goodhue County, Minnesota.

By \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Township Clerk