# ARTICLE 1. TITLE AND APPLICATION.

**Section 1.** Title. This Ordinance shall be known and may be cited and referred to as the Lime Township Zoning Ordinance. Where referred to herein, it shall be known as this Ordinance.

**Section 2. Purpose.** Pursuant to the authority conferred by the State of Minnesota in Chapters 462, as amended from time to time, the purpose of this Ordinance is:

- A. To promote and protect the health, safety, comfort, convenience and general welfare of the unincorporated areas of Lime Township.
- B. To provide for orderly development of Lime Township while protecting the character and preserving the social and economic stability of agricultural, residential, commercial/ industrial and other use areas in the Township.
- C. To provide for the most appropriate use of land within the Township.
- D. To ensure the adequate and economical provision of transportation, water supply and sewage disposal.
- E. To ensure the conservation of natural resources and the prevention of pollution through policy and regulation provisions.
- F. To effectuate the purpose and goals of the Joint Resolution for Orderly Annexation, as may be amended from time to time. Lime Township and the City of Mankato deem it necessary and appropriate that the governing bodies of these two jurisdictions work together having a common interest in the orderly growth of Lime Township and the City of Mankato.
- Section 3. Legal Authority. This Ordinance is enacted in accordance with authority granted by M.S.A. § 462.357 as amended.
- Section 4. Jurisdiction. The jurisdiction of the Ordinance shall apply to all of Lime Township.

#### Section 5. Application of provisions.

- A. **Minimum standards**. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. **Prevailing standards**. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation

of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

- C. **Conformity**. Subject to the limitations of M.S.A. § 462.357, subdivision 1(e), as amended, no 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 the provisions of this Ordinance, unless a variance from these regulations is granted by the board of appeals.
- D. Uses not provided for within zoning districts. Whenever in any zoning district a use is not specifically allowed as a permitted accessory, Conditional Use, or Interim Use, the use shall be considered prohibited. In such cases, the Board or the Planning Commission, on their own initiative or upon request by an owner or applicant, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The Board, Planning Commission or property owner, upon receipt of the staff study may, if appropriate, initiate an amendment to this Ordinance to provide for the use under consideration or may find that the use is not compatible for development within the Township.
- E. **Applications Required**. Where an application is required by this ordinance, the applicant shall apply on forms provided by the Township and shall include with the application all items noted on the application form and checklist unless any such item is waived by the Zoning Administrator.

**Section 6. Relation to the Land Use Plan and Orderly Annexation Agreement.** It is the policy of the Board that the enactment, amendment and administration of this Ordinance be accomplished with due consideration of the purposes and objectives of the Lime Township Land Use Plan as adopted, approved and amended from time to time by the Township. The Board recognizes the Lime Township Land Use Plan, in conjunction with the Joint Resolution for Orderly Annexation Agreement, as guides for the future development of the Township and the basis for the enactment of this Ordinance.

# Section 7. Lots of Record and Substandard Lots.

- A. All lots, parcels, tracts and other legally described land duly recorded at the Land Records Office as shown on the map entitled "1997 Lots of Record" shall be a Lot of Record.
- B. Substandard Lots of Record which otherwise conform to the applicable regulations of this Ordinance may be approved for development, provided the following:
  - 1. The setback and lot coverage requirements of this Ordinance shall be satisfied; and
  - 2. Adequate sites are available on the lot for onsite sewage treatment in conformance with Blue Earth County's Individual Sewage Disposal System

Ordinance.

- 3. The development of the lot conforms to the provisions of the Blue Earth County Water Well Code.
- 4. In cases where two or more substandard Lots of Record are contiguous and under single ownership upon enactment of this Ordinance, said Lots of Record shall be combined for development purposes in order to satisfy the sewage treatment and water well standards of this Ordinance.
- 5. Every lot or plot of land on which a structure is erected shall have an approved access to a public right-of-way.

## Section 8. Non-Conformities.

#### A. Non-Conforming Uses.

- 1. Any legally established use or occupancy, which upon enactment of this Ordinance does not conform to the provisions of this Ordinance, shall be considered a legal non-conforming use. A legal non-conforming use, and Accessory Uses, shall not be structurally or physically enlarged or expanded. Legal non-conformities may be continued or restored in accordance with this Section. Any use not legally established before or after the effective date of this Ordinance shall be considered in violation of this Ordinance.
- 2. Any non-conforming use, which is abandoned or discontinued for a period of twelve (12) continuous months or more shall not be resumed. Any future use or occupancy of said lot shall conform to the requirements in this Ordinance.

#### B. Non-Conforming Structures.

- 1. Any legally established structure existing upon enactment of this Ordinance which does not conform to the provisions of this Ordinance shall be considered a legal non-conforming structure. A legal non-conforming structure shall not be structurally or physically enlarged or expanded in a manner which would increase the level of non-conformity. Legal nonconforming structures may be maintained or restored in accordance with this Section. Any structure not legally established before or after the effective date of this Ordinance shall be considered in violation of this Ordinance.
- 2. A nonconforming building or structure that is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, may be restored under the following conditions:

- a. A land development permit is applied for within 180 days of when the property is damaged;
- b. The restoration shall be permitted provided that it repairs and restores the existing structure; and
- c. Any changes that would result in an increase in nonconformity or enlargement of the structure shall not be permitted. However, if a proposed change would result in a decrease in the degree of nonconformity the proposed restoration may be permitted at the discretion of the zoning administrator unless the property is located within a shoreland district.
- 3. Legal non-conforming structures with a building line which is not setback in conformance with this Ordinance, may expand the structure in conformance with the following:
  - a. The use of the structure is conforming to the zoning district.
  - b. The expansion of the structure shall not be located closer to the lot line than the existing building line, and at least one-half of the required setback is provided between the building line of the expansion and the lot line.
  - c. The expansion of the structure will not reduce any other required setback below the minimum standards of this Chapter.
  - d. The expansion of the structure will conform to all other restrictions of this Chapter, including, but not limited to, density, lot coverage, building height, and parking and loading requirements.
  - e. The building height of the expansion shall not exceed the height of the existing structure at the building line.
  - f. Adequate drainage shall be provided and drainage shall be directed away from adjacent properties.
  - g. This provision shall not apply to nonconforming building lines located in a required yard along the property's street frontage.
  - h. This provision shall not apply to structures subject to feedlot, shoreland, floodplain, or Airport Regulations.

**Section 9. Essential Services.** Essential services have an effect upon land uses, highway locations, park and recreational areas, and the preservation of natural environmental areas. Plans for

the construction or modification of essential services shall be filed with the Zoning Administrator prior to the commencement of any condemnation action or construction.

- A. **Application for Services.** Application for essential services not located within a highway or street right-of-way shall require a Conditional Use Permit as regulated in Article 3 of this Ordinance and shall be governed by the following procedures:
  - 1. Application shall be filed with the Zoning Administrator on forms supplied by the Zoning Administrator, with maps indicating location, alignment and type of service requested, together with the status of any applications made or required to be made to any State or Federal Agency.
  - 2. The application with accompanying data shall be submitted to the Board for review and approval.
  - 3. As-built plans shall be submitted upon completion of construction.
- B. Application for essential services located within highway or street right-of-way shall be governed by the following procedures:
  - 1. Application shall be made on forms supplied by the Zoning Administrator, with maps indicating location, alignment, and type of service requested together with the status of any applications made or required to be made to any State or Federal Agency.
  - 2. Upon receipt of application, the Board shall consider the application and accompanying data and shall indicate to the applicant its approval or recommendations for modification.
  - 3. As-built plans shall be submitted upon completion of construction.

In the case of pipelines and other station-to-station utilities not providing local services, the Board may require modification to protect existing agricultural drainage systems, tiles or ditches and may require the applicant to modify the depth or routing of the utilities to accommodate future drainage systems, tiles or ditches if such information on future drainage systems, tiles or ditches is provided to the applicant within sixty (60) days of the start of construction. The Board may also require compensation to landowners for future additional installation costs, which can be directly attributable to the presence of such station-to-station utilities.

C. **Required Lot Area.** A lot used exclusively for an essential utility structure or facility is exempt from the minimum lot area and width requirements of this Chapter, provided the lot has an approved access to a public right-of-way.

**Section 10. Severability.** It is hereby declared to be the intention of the Board that the several provisions of this Ordinance are severable in accordance with the following:

- A. If any court of competent jurisdictions shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdictions shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

# ARTICLE 2. RULES AND DEFINITIONS.

**Section 1.** Word Usage. For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the words "parcel", "plot" and "tract"; the word "shall" is mandatory, not discretionary.

**Section 2. Permitted Uses.** Permitted uses of land or structures as hereinafter listed shall be allowed in the districts indicated under the provisions of this Ordinance. No structure or land shall be devoted to any use other than a use permitted hereafter in the Zoning District in which such structure or land is located.

**Section 3.** Conditional Uses. Conditional Uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of a Conditional Use Permit, in accordance with the provisions of Article 3 of this Ordinance. Whenever a Conditional Use Permit is approved, it shall be deemed to include only those itemized uses listed within said Conditional Use Permit.

**Section 4. Interim Uses**. Interim Uses of land or structures, as hereinafter listed, may be allowed in the districts indicated, subject to the issuance of an Interim Use Permit, in accordance with the provisions of Article 3 of this Ordinance. Whenever an Interim Use Permit is approved, it shall be deemed to include only those itemized uses listed within said Interim Use Permit.

#### Section 5. Definitions.

For the purpose of this Ordinance, the terms listed herein shall have the meanings given them:

**Abutting.** Lots or areas, whose boundaries at least touch one another at a single point, including areas whose boundaries would touch but for an intervening roadway, railroad, waterway or parcel of publicly owned land.

Accessory Structure. A structure detached from but located on the same lot as the principal structures or principal use. The use of an Accessory Structure is incidental and accessory to that of the Principal Structure or principal use.

Accessory Use. A use located on the same lot as the principal use. The Use is clearly secondary, incidental, and functionally related to the principal use of land.

**Agricultural Development.** Improvements, structures, or fixtures, existing or proposed, suitable for use in farming, including one single-family dwelling, that is or will be occupied by a farmer and structures attached to or incidental to the use of the dwelling. Also referred to as "Agricultural Uses".

Agricultural Land. Land used or to be used for farming.

Airport Zones. The areas subject to Airport Regulations.

**Animal Unit.** A unit of measure used to compare animals, based upon differences in the production of manure. Refer to the Blue Earth County Livestock and Manure Management Ordinance as may be amended from time to time for Animal Unit measurements.

**Bluff**. "Bluff" means a topographic feature such as a hill, cliff, or embankment having the following characteristics (an area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff):

(1) The slope rises at least 25 feet from the apparent toe of the bluff to the apparent top of the bluff;

(2) The grade of the slope from the apparent toe of the bluff to the apparent top of the bluff averages 30 percent or greater; and

(3) If the above qualifications are met, any adjacent slope of 18% or more is also a part of the bluff.

**Bluff impact zone**. "Bluff impact zone" means a bluff and land located within 30 feet from the top of a bluff.

Board. The Lime Township Board of Supervisors.

Bonus Dwelling. See Dwelling, Bonus.

**Buildable Area.** The contiguous area of a lot which is not a slope in excess of 18 degrees, a roadway, an impact zone as defined by the Blue Earth County Shoreland Ordinance, protected waters as defined by the Blue Earth County Shoreland Ordinance, or a nonexempt wetland as defined in the Wetland Conservation Act of 1991 of the Federal Clean Water Act.

#### Building. Refer to "Structure".

**Building Line.** A parallel to or concentric with the street right-of-way, centerline of a roadway, ordinary high-water line, or any other property line, at the foundation level of a structure and representing the distance which the structure is setback from the street right-of-way line, centerline of a roadway, ordinary high-water line, bluff line, wetland, or other property line.

**Building Setback Line.** Lines parallel to or concentric with the street right-of-way, centerline of a roadway, ordinary high-water line, bluff line, wetland, or lot lines indicating the minimum horizontal setback beyond which the building line shall not extend.

**Bulk and Density Controls.** Regulations or controls, which specify setback lines, lot size, building height, maximum ground coverage, lot width, and lot depth.

**Commercial message (or commercial speech).** Any sign, wording, logo, or other visual representation that directly or indirectly identifies, names, advertises, or directs attention to a

business operated for profit, or to a product, commodity commercial interest or activity, or is otherwise intended to induce the purchase of goods, commodities, products, property, or services. For purposes of this Ordinance, this term includes commercial speech.

**Community Solar Energy System (also called a "Solar Garden").** A solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system, under the provisions of Minn. Statutes 216B.1641 or successor statute.

Conditional Use. See Use, Conditional.

Conditional Use Permit. See Use, Conditional; Permit.

**County Recorder.** When referred to herein, the Blue Earth County Recorder. Also known as the Land Records Department.

Cul-de-sac. A street which terminates in a circular or rectangular fashion.

**Deck.** A horizontal platform type of structure attached to, or within six feet of a Principal Structure, that may or may not have access to the ground but does not contain walls or a roof. For the purposes of this Chapter, decks are considered part of the Principal Structure.

**Development.** All structures and other human modifications of natural landscape. Does not include Farming.

**Dwelling.** A structure or portion thereof designed exclusively for residential occupancy. This shall not include motels, tents, tent trailers, travel trailers or recreational vehicles.

**Dwelling, Bonus.** When permitted within a zoning district, an additional lot that is subdivided from the lot of record to permit an additional dwelling(s) in exceedance of the standard density regulations in the applicable zoning district. The lot of record from which the bonus lot is divided from must be greater than 20 acres in a single quarter-quarter section.

**Dwelling, Single-Family.** A detached dwelling designed exclusively for occupancy by one family.

**Dwelling Unit.** One or more rooms physically arranged so as to create an independent space for occupancy by one (1) family.

**Essential Services.** Overhead or underground electric, gas communication, hydrocarbon, steam or water transmission or distribution systems and structures as located by public utilities or governmental agencies as required for protection of the public health, safety or general welfare. This includes communication towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes and accessories including

Accessory Structures.

**Family.** Any number of individuals related by blood, marriage, adoption or certified legal instrument or not more than five (5) persons not so related, maintaining a common household and using common bath and kitchen facilities.

**Farming.** The cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquacultural, hydroponics, or the production of forest products.

**Farm Dwelling.** In regards to property used for Agricultural Development, the area occupied by a single-family dwelling and other Accessory Structures in close proximity.

**Feedlot.** Land, Structures or enclosures intended for the confined feeding, breeding, raising or holding of animals specifically designed as a confinement area in which manure may accumulate or where the concentration of animals is such that vegetative cover cannot be maintained. Pastures shall not be considered animal feedlots provided the pasture maintains a uniform and natural vegetative cover.

**Fence.** An artificially constructed barrier with vertical dimensions for the purpose of restricting access to land, landscaping element, or screening device. A fence shall not be considered or used as a Structure.

**Flood Plain.** The areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

**Floor Area, Gross.** The sum of the gross horizontal area of the floors of a structure measured from the exterior face of exterior walls or party walls separating two Structures. This shall not include parking areas.

**Frontage.** The boundary between private property and the public road right-of-way.

**Full Cutoff Fixture.** An exterior light source constructed or shielded to direct all light towards the ground.

**Garage.** An Accessory Structure situated on the same lot as the principal use and designed for the private storage of motor vehicles owned by the occupant or operator of the principal use. Such garage may be attached or detached to the Principal Structure. When a garage is attached to the Principal Structure, it shall be considered part of the Principal Structure for the purpose of bulk and density controls. When detached, it shall be considered an Accessory Structure for the purpose of bulk and density controls. May also be referred to as a machine shed or carport.

Grade. The elevation of the ground surface. For building height, the average elevation of

the finished ground levels measured at the center of all exterior walls.

Ground Sign. A freestanding sign, including the supporting structure.

**Hazardous By-Product.** Any waste that cannot be handled by routine waste management techniques due to the potential harm to humans or the natural environment.

**Home Occupation.** An occupation clearly secondary to the principal residential use of the property or structure.

Illuminated Sign. A sign that is lighted by an exterior or interior light source.

**Individual Sewage Treatment System.** A sewage treatment system or part thereof serving a dwelling or other use.

Interim Use. See Use, Interim.

Interim Use Permit. See Use, Interim; Permit.

**Joint Identification Sign.** A sign which serves as common or collective identification for a group of persons or businesses operating on the same lot.

**Junk Yard.** Land or Structures where waste, discarded or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled or handled. This includes scrap metal, rags, paper, rubber, glass, lumber and products resulting from the wrecking of automobiles or other vehicles.

**Junked Motor Vehicle.** A motor vehicle which is inoperable and does not have a current license.

**Kennel.** A principal commercial use of property devoted to the care, boarding, breeding or sale of dogs or cats or any combination of ten (10) or more thereof.

**Lineal Frontage.** The lineal distance or measurement of a property's frontage.

**Lot.** A parcel of land occupied or intended to be occupied by a principal structure and Accessory Structures together with such yards and open spaces within the lot width and depth and area requirements of this Ordinance. A lot shall have access to or frontage on a public road or street and be identifiable by lot number on a plat of record or considered as a unit of property as described by metes and bounds or other description.

Lot Area. The area located within the lot lines not including that portion of the lot dedicated or used for street or public right-of-way.

Lot, Corner. A lot abutting, and at the intersection, of two (2) or more streets. A corner lot

shall be considered as having primary frontage abutting the required front yard and secondary frontage abutting a corner side yard.

Lot Depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no distinct rear lot line.

Lot Frontage. The portion of a lot boundary abutting the street right-of-way.

Lot, Interior. An interior lot is a lot other than a through lot or a corner lot.

Lot Width. The shortest horizontal distance between the side lot lines.

Lot, Multiple Frontage. A lot having frontage on two or more streets or roads.

Lot Lines. The lines bounding a lot as defined herein.

Lot Lines, Front. The property line along a properties frontage.

Lot Lines, Rear. The property line opposite of the front property line.

Lot Lines, Side. The property lines connecting the front property line to the rear property line, or in instances where no rear property line is present the most distance point for the front property line.

**Lot of Record.** A lot that has been recorded in the office of the Blue Earth County Recorder prior to November 24, 1997.

Lot, Through. A lot having frontage along the front and rear property lines.

**Lot, Zoning.** One or more lots which are used or intended for a principal use, and incidental Accessory Uses, as permitted in this Chapter.

**Manufactured Home.** A single-family dwelling less than twenty (20) feet in width at the narrowest dimension, without a permanent foundation. A dwelling built upon a frame or chassis with wheels that are, or may be, attached for transportation on public roads or streets, a manufactured home arrives on site ready for occupancy except for incidental assembly, blocking, anchoring and connection to utilities.

**Manufactured Home Park.** A parcel of land which has been planned for the placement of two (2) or more manufactured homes.

**Maximum Height**. A horizontal plane above and parallel to the average finished grade at the front of the Structure at the height shown in the district regulations. No part of any Structure shall project through such plane.

**Mini-storage**. A Structure or group of Structures in a controlled access or fenced area that contains varying sizes of individual compartmentalized units, which are accessed by separate doorways for each unit, designed for the storage of property for individuals, organizations, and businesses. These are also known as "self-storage facilities".

**Mining**. The process of extraction and removal of sand, gravel, rock, aggregate, minerals, or similar materials for financial gain.

**Mining, Accessory Use.** Uses customarily incidental to mining located on the same site, such as stockpiling, sorting and screening, washing, crushing, batching, scale-house, driveways, parking, storage, and related maintenance activities and facilities.

Mining Operation. The Mining and Mining Accessory Uses collectively.

**Motor Vehicle.** Means any vehicle that is self-propelled, or towed, and designed to travel along the ground. Shall include automobiles, buses, motorbikes, motorcycles, trucks, campers, and trailers. Agricultural machinery used as part of a farming operation shall not be considered a motor vehicle for the purposes of this Ordinance.

**Municipal Sanitary Sewer System.** A system of sanitary sewage collection and disposal as provided by a city or other government entity as an essential service.

**Municipal Water System.** A source of water and water distribution service as provided by a city or other government entity as an essential service.

**Nameplate.** A sign indicating the name and address of a Structure or the name of an occupant hereof and the practice of a permitted occupation therein.

**Noncommercial message (or noncommercial speech).** The dissemination of messages not classified as commercial messages which includes, but is not limited to, messages containing political, religious, ideological, and social and public service topics. For purposes of this Ordinance, this term includes noncommercial speech.

Non-Conforming. Means not in compliance with this Ordinance.

Non-Conforming Sign. A sign that is not in conformance with this Ordinance.

**Non-Conforming Structure.** A structure that is not conforming to the bulk and density regulations of this Chapter.

Non-Conforming Use. A use not conforming to this Ordinance.

**Non-Conforming or Substandard Lot.** A lot or parcel that is not in conformance with the minimum area, width, or frontage requirements of this Ordinance.

**Notice of Imminent Public Threat.** A notice given and signed by a licensed inspector as regulated in State of Minnesota Rules, Chapter 7080 or other similar statute that an individual sewage treatment system presents an imminent threat to public health or safety due to system failure or imminent system failure.

**Off-Premises Sign.** A sign advertising a business, commodity, service or entertainment not related to the zoning lot on which the sign is located.

**On-Premises Sign.** A sign advertising a business, commodity, service or entertainment related to the zoning lot on which the sign is located.

**Open Space.** Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

**Operator.** An owner or lessee or person or entity authorized by the owner or lessee that engages in a land use activity.

**Ordinary High-Water Level.** The boundary of lakes, wetlands and water courses which delineates the highest sustainable water level, commonly the point where natural vegetation changes from predominately aquatic to predominately terrestrial.

**Overburden**. Those materials which lie between the surface of the earth and the mineral deposit to be mined.

**Owner or Property Owner.** Any Person, agent, firm, corporation or partnership or other organized entity that alone, jointly, or severally with others: (1) has legal or equitable title to any premises, dwelling, or Dwelling Unit, with or without accompanying actual possession thereof, or (2) has charge, care, or control of any premises, Dwelling Unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The Person shown on the records of the recorder of deeds of Blue Earth County to be the owner of a particular property shall be presumed to be the Person in control of that property.

Parking Area or Space. An area maintained or used for the storage of a motor vehicle.

Parking Lot. The lot or portion thereof used as a parking area.

**Persons.** Any individual, firms, partnership, corporation, company, association, joint stock association or body politic. This includes any trustee, receiver, assignee or other representative thereof.

**Planning Commission**. When referred to herein, the Planning Commission shall be the City of Mankato Planning Commission pursuant to the terms of the Orderly Annexation Agreement.

**Portable Sign.** A sign so designed as to be movable from one location to another and which is not permanently attached to any structure, device or the ground. Also referred to as a temporary sign.

**Principal Use or Principal Structure.** The permitted or Conditional Use of property. Also may be defined as the main or predominate use of land or structures and distinguished from a secondary or Accessory Use of property.

**Public Waters.** Any water basin assigned a shoreland management classification by the Commissioner; water of the state; meandering lakes; public water wetlands and other waters as defined in State of Minnesota Statute 103G.005.

**Quarter and Quarter-Quarter Section.** Divisions of a section of land according to the rules of the original United States Government Public Land Survey. A Quarter Section contains approximately one hundred-sixty (160) acres; a Quarter-Quarter Section contains approximately forty (40) acres.

**Real Estate Sign.** A sign advertising the sale, lease or development of the premises upon which it stands, or directing attention to the opening or location of residential development.

**Reclamation Plan.** A document detailing the activities to be completed during and following a use operating under an Interim Use Permit or Conditional Use Permit to mitigate adverse environmental effects and return land to a condition for which it can be utilized for typical uses permitted in the zoning district and in a manner consistent with the Comprehensive Plan.

**Refuse.** Means all solid waste or waste products having the character of solids rather than liquids in that such products will not flow readily without additional liquid and which products are composed wholly or partly of such material as garbage, will, sweepings, cleanings, trash, rubbish, liter, industrial solid wastes or domestic solid waste; organic wastes or residue of animals sold as meat, fruit or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing in or handling meat, fowl, fruit, grain or vegetables, offal animal excreta or the carcass of animals; tree or shrub trimmings; grass clippings; brick, plaster, or another waste matter resulting from the demolition, alteration or construction of any structure; or accumulated waste materials, cans, containers, tires, appliances, or other discarded material.

**Sensitive Resource Management.** The preservation and management of areas in a natural state that have been determined to be unsuitable for development due to shallow soils over groundwater or bedrock, erosive or expansive soil composition, steep slopes, wetlands, susceptibility to flooding or the occurrence of flora or fauna requiring special protection.

Setback. Refer to "Building Setback Line".

Screening. The use of plant material, fencing or earthen berms to partially conceal and

separate a land use from the surrounding land uses. Screening must be 80% opaque to a height of six feet, or as otherwise referenced in this Ordinance.

Shoreland. Land located:

- a. 1,000 feet from the normal high-water mark of a lake, pond, wetland or flowage;
- b. Three hundred (300) feet from a river or stream; or
- c. The landward extensions of a designated flood plain; whichever is greater.

**Sign.** Any name, identification, description, display, illustration, structure, emblem or device which is affixed to, painted or represented upon a bench, structure, vehicles or piece of land which is intended to direct attention to an object, product, place, activity, person, organization or business. Any supporting structure shall be considered part of the sign.

**Sign Area.** The net geometric area enclosed by the display surface of the sign. Only one face of a multiple face sign shall be considered in calculating display surface area.

**Sign Height.** The vertical distance measured from the lot elevation to the highest point of said sign.

**Sign Setback.** The horizontal distance measured from the lot line to the nearest point of a sign or its structure.

**Slope.** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude or as a percentage of grade.

**Solar Energy System**. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system).

**State.** When referred to herein, the State of Minnesota.

**Street.** A right-of-way or approved private road intended as the primary access by pedestrians and vehicles to abutting properties, whether referred to as a street, highway, parkway, road, avenue, boulevard, place or other designation.

**Structure.** Anything constructed, placed, or erected that requires permanent location on the ground or is attached to something having permanent location on the ground including but not limited to fences, signs, and sheds.

Structural Alterations. Any change in the supporting members of a structure such as

weight-bearing walls, columns, beams or girders.

**Subdivision.** A parcel of land divided into two or more parcels, any of which result in parcels of twenty (20) acres in size or less. Division of parcels after the enactment of this Ordinance shall be subject to the regulations and requirements of this Ordinance and the Joint Resolution for Orderly Annexation.

**Temporary Sign.** Any sign, banner, pennant, post or advertising which is intended to be displayed for a limited period of time and is not permanently affixed to any structure, device or the ground. All other signs shall be considered permanent signs.

**Trademark Sign.** Any sign designating a design or emblem of a product, manufacturer or organization.

Township. When referred to herein, Lime Township of Blue Earth County, Minnesota.

**Use.** The purpose for which land, premises or a structure is designed, arranged, occupied, maintained, or intended.

**Use, Conditional.** A land use as defined by this Ordinance that may be allowed with restrictions, which are site specific and conforms to the purposes, objectives, requirements, regulations and performance standards of a particular zoning district.

**Use, Conditional; Permit.** A permit issued by the Board in accordance with the procedures specified in Article 3, Section 9 of this Ordinance enabling the Board to assign site specific conditions and dimensions to a proposed use.

**Use, Interim.** A temporary use prescribed in a particular zoning district, allowable by permit until a certain date established by the Board or until the use is no longer permitted by this Ordinance. An Interim Use is subject to all performance standards of this Ordinance, including additional standards and regulations established by the Planning Commission during the permitting process.

**Use, Interim; Permit**. A permit issued by the Board for an allowable Interim Use in accordance with the provisions required in Article 3, Section 9 of this Ordinance.

**Use, Permitted.** A use which conforms with the purposes, objectives, requirements, regulations and performance standards of a particular zoning district, and is listed as a permitted use in this Ordinance.

**Urban, Non-Farm Development.** Any development, existing or proposed, not defined as Agricultural Development.

**Vacation.** The act of relinquishing a recorded dedication or easement (e.g. a street right-of-way or utility easement).

**Variance.** The waiving by the Board of appeals of the literal provisions of this Ordinance. Variances shall be limited to height, bulk, density, and yard requirements.

Wall Sign. A sign affixed flush on the exterior wall of a Structure.

**Wind Energy Conversion System (WECS).** Any device, such as a wind charger, windmill, or wind turbine and associated facilities that convert wind energy to electrical energy.

**Wind Energy Conversion System (WECS), Commercial**. A WECS or combination of WECS that is designed to have a capacity in excess of the amount needed for residential and agricultural uses and that has a combined nameplate capacity of 125 KW or more.

Wind Energy Conversion System (WECS), Non-commercial. A WECS or combination of WECS that is designed to have a capacity for residential and agricultural uses and has a combined nameplate capacity of less than 125 KW.

**Yard.** An open space unoccupied and unobstructed from the ground upward, except for landscaping, driveway curbcuts, fences and as otherwise provided in this Ordinance.

**Yard, Front.** The area extending across the full lot width and having a depth equal to the shortest distance between the frontage line or centerline of the street, and the building line of the Principal Structure, including any enclosed or covered porches. The front yard depth shall be measured and right angles to the frontage or centerline of the street and the nearest line of the Principal Structure.

**Yard, Rear.** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear lot line and the building line of the Principal Structure or a depth equal to the shortest distance between the most distant point on any other lot line and the rear building line of the Principal Structure in instances where there is no rear lot line. The rear yard depth shall be measured at right angles to the Principal Structure.

**Yard, Side.** A side yard between the side lot line and the building line of the Principal Structure, which extends from the front yard to the rear yard and has a width equal to the shortest distance between the side lot line and the building line of the Principal Structure. The required side yard width shall be calculated at the front building line and the side yard width shall be measured at right angles to the side lot line.

**Yard, Corner Side.** A yard extending across the full depth of a corner lot and having as width equal to the shortest distance between the frontage or centerline of the street along the property's secondary frontage and the building line of the Principal Structure.

**Zoning Administrator.** When referred to herein, the person appointed by the Board to perform the duties of Zoning Administrator.

**Zoning Map**. The map or maps that are a part of this Ordinance and that delineate the boundaries adopted or amended by the Town from time to time of all Zoning Districts within the corporate limits of the Town.

# ARTICLE 3. GENERAL ADMINISTRATION.

**Section 1. Zoning Administrator.** The Zoning Administrator shall be responsible for administering and enforcing this Chapter.

Specific duties of the Zoning Administrator shall include the following:

- A. Enforcement and administration of this Ordinance;
- B. Issue Land Development Permits and maintain records thereof;
- C. Receive and forward to the Planning Commission all applications for Conditional Use Permits and Interim Use Permits;
- D. Receive and forward to the Board of Appeals all applications for variances, appeals, or interpretations;
- E. Receive and forward to the Planning Commission all applications for amendments to this Ordinance;
- F. Maintain the Official Zoning Map;
- G. Conduct inspections as necessary to assure compliance with this Ordinance; and
- H. Accept and review Land Use Development Applications and determine when they are complete and in compliance with this Chapter.
- I. Accept and review land division applications.

**Section 2.** Fees, Costs and Expenses. The Board shall establish fees by resolution as necessary for the administration of this Ordinance. The fees shall be collected by the Zoning Administrator as part of the application process. No land use application shall be deemed complete until such time as all required fees have been collected by the Zoning Administrator.

- **A. Responsibility for Fees and Costs.** The property owner of the property subject to the land use application shall be responsible for all costs incurred by the Township in processing said land use application.
- **B. Escrow.** When a land use application has been submitted, the applicant shall deposit funds in an escrow account with the Township from time to time an amount determined by the zoning administrator to be necessary to cover such costs prior to commencement of the review stage of the application. The applicant shall reimburse the escrow account for any deficits caused if the amount actually expended or billed to the Township by the consultants exceeds the fund balance. The Township shall refund any amount deposited in the escrow account not expended within thirty (30)

calendar days after final action on the application. The Township shall not pay interest on such security fund deposits.

C. Certification of Unpaid Costs and Expenses. All unpaid expenses incurred by the Township under this Chapter and this Ordinance not covered by the escrow will be charged against said parcel and will be the responsibility of the property owner pursuant to M.S.A Chapter 462 and M.S.A § 366.012 and any other relevant statutes. The property owner shall be invoiced for the Township's costs to where property tax statements are sent by the County. The invoice shall advise the property owner of their right to request a hearing by the Board regarding said costs. Unless a hearing is granted by the Board, the invoice shall be paid within 30 days of the date of the invoice, should property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the property owner's property taxes. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Ordinance.

**Section 3. Planning Commission.** A Planning Commission is hereby established per the Joint Resolution for Orderly Annexation and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes 462, as amended.

- A. **Duties.** The Planning Commission, shall review, and either recommend approval or denial, the following:
  - 1. Conditional Use Permits
  - 2. Interim Use Permits
  - 3. Plans for subdivisions of land.
  - 4. Comprehensive plans, official controls and amendments thereto.
  - 5. Variance, Appeal, and Interpretation Requests
  - 6. Amendments to the Zoning Ordinance or Official Zoning Map
- Section 4. Board of Appeals. A Board of Appeals is hereby established and vested with such authority as is hereinafter provided and as provided by Minnesota Statutes 462, as amended. The Board of Appeals shall consist of the Board.
  - A. **Duties**. The duties of the board of appeals shall be:
    - 1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement, interpretation or application of this Ordinance.

- 2. To hear and decide requests for variances from the requirements of this Ordinance including restrictions placed on nonconformities.
- 3. To hear and decide requests for permits that have been denied on properties that have been identified as being needed for public purposes on an official map adopted in accordance with M.S.A. § 462.359. Appeals for this reason shall be conducted as provided in M.S.A. § 462.359 as amended from time to time.
- B. **Proceedings**. The Board of Appeals may adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Board Chair and at such other times as the board may determine. The Chair, or in his/her absence, the acting Chair, may request the attendance of witnesses. All meetings shall be open to the public.
- C. **Records**. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Town Clerk.
- **Section 5. Appeals**. Appeals to the Board of Appeals may be taken by any person aggrieved by any decision of the zoning administrator related to the enforcement, interpretation or application of this Ordinance. Such appeals shall be taken within 60 days of such decision by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken. New or additional information may not be submitted. The Planning Commission shall make a recommendation to the board. The board shall fix a reasonable time for the hearing of appeal, given public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

#### Section 6. Variances

- A. When granted. Variances from the provisions of this Ordinance may be granted by the Board of Appeals where practical difficulties in complying with such provisions are determined to exist. The board may impose such restrictions and conditions upon the premises benefited by a variance as it considers necessary so that the public health, safety and general welfare may be secured and substantial justice done.
- B. **Exhibits**. Application for variances shall be accompanied by the certificate of survey and land development permit application.
- C. **Procedure**. The procedure for applying for a variance from the regulations of this Ordinance shall be as follows:

- 1. The person applying for a variance shall fill out and submit to the zoning administrator the variance application form signed by the owner, site plan, and other such information necessary to review the application for compliance with this Ordinance, and such submittal shall include all information as required on the application form unless a waiver of certain information is granted by the zoning administrator.
- 2. The zoning administrator shall determine if the application is complete and, if complete, refer the application to the Planning Commission.
- 3. The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be published in the official newspaper designated by the Township at least ten days prior to the hearing. All property owners of record within one-half (1/2) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. The notice shall include a description of the land and the proposed variance.
- 4. The report of the Planning Commission shall be placed on the agenda of the Board of Appeals following referral from the Planning Commission. In the event that the Planning Commission does not make a recommendation on an application within 60 days of the date that the application was determined to be complete under M.S.A. § 15.99, then the application shall automatically be referred to the Board of Appeals for a public hearing if a public hearing was not previously completed and a recommendation made.
- 5. No application for a variance shall be resubmitted for the same property and for the same type of variance for a period of one year from the date of a decision of the Board of Appeals to deny an application. Failure by the owner or applicant to complete the improvements for which the variance was sought, or to comply with the conditions attached to the variance within twelve (12) months of the date of its approval shall void the variance. The Board of Adjustment, solely at its discretion, may extend the date for variance compliance.
- 6. Variances shall be recorded with the Blue Earth County Recorder or if Torrens property with the Registrar of Titles.
- D. **Standards for granting a variance**. The Board of Appeals may grant a variance from this Ordinance when supporting evidence in each specific case indicates that:
  - 1. The proposed variance is in harmony with the general purposes and intent of the Ordinance.
  - 2. The proposed variance is consistent with the comprehensive plan, as amended from time to time.

- 3. The applicant or owner establishes that there are practical difficulties in complying with this Ordinance. Practical difficulties, as used in connection with the granting of a variance, requires an affirmative finding of the following criteria:
  - a. The property owner or applicant proposes to use the property in a reasonable manner not permitted by this Ordinance;
  - b. The plight of the property owner or applicant is due to circumstances unique to the property and not created by any persons presently or formerly having an interest in the parcel of land.
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.
- 4. No variance may be granted that would allow a use that is not permitted in the zoning district in which the property is located.
- E. **Other considerations**. Per M.S.A. § 462.359, the following shall also be considered:
  - 1. Inadequate access to direct sunlight for solar energy systems does constitute a practical difficulty.
  - 2. Variances shall be granted for earth sheltered construction as defined in M.S.A. § 216C.06, subdivision 14, when in harmony with this Ordinance.

#### Section 7. Amendments.

A. **Criteria for granting zoning amendments**. The Board may adopt amendments to this Ordinance and zoning map. Such amendments shall not be issued indiscriminately but shall only be used as a means to reflect change in the goals and policies of the community as reflected in the comprehensive plan, Orderly Annexation Agreement or changes in conditions in the Township.

#### B. **Procedure**.

1. An amendment to the text of this Ordinance or the Official Zoning Map may be initiated by the Board, the Planning Commission, zoning administrator or by application of a property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for review and may not be acted upon by the Board until it has received the Planning Commission recommendations. Individuals wishing to initiate an amendment to this Ordinance or to the Official Zoning Map shall fill out a zoning amendment application form and submit it to the zoning administrator.

- 2. A public hearing on the rezoning application shall be held by the Planning Commission. Notice of said hearing shall be published in the official newspaper designated by the Board at least ten days prior to the public hearing. A notice shall be mailed by the zoning administrator at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within one-half (1/2) mile of the property to which the amendment relates. The notice shall include the description of the land and the proposed changes in zoning. In the event that the Planning Commission does not make a recommendation on an application within 60 days of the date that the application was determined to be complete under M.S.A. § 15.99, then the application shall automatically be referred to the Board for a public hearing and decision if a public hearing was not previously completed and a recommendation made.
- 3. The Board must take action on the application following referral by the Planning Commission. The person making the application shall be notified of the action taken. The zoning administrator shall maintain records of amendments to the text and official zoning map.
- 4. No application of a property owner for an amendment to the text of this Ordinance or the Official Zoning Map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

#### Section 8. Land Development Permit.

- A. Land Development Permit Required. After the effective date of this Ordinance no person or entity shall conduct any development activity as defined or regulated by this Ordinance without securing a Land Development Permit. No Land Development Permit shall be issued until the Zoning Administrator determines that the proposed use of property complies with the provisions of this Section.
- **B. Application.** A Land Use Development Application shall be submitted to the Zoning Administrator on forms to be furnished by the Zoning Administrator. Each application to construct or alter a Structure, shall be accompanied by the following information, unless deemed unnecessary for the purpose of this Chapter by the Zoning Administrator:

# 1. General Information.

- a. The applicant's name, address, telephone number, and interest in the property.
- b. The owner's name, address, and telephone number if different than the applicant, and the owner's signed consent to the filing of the

application.

- c. The street address and legal description of the subject property.
- d. The zoning classification and present use of the property.
- e. The proposed title of the project, and the names, addresses, and telephone numbers of the architect, landscape architect, planner or engineer for the project.

#### 2. Site Plan.

- a. The location, dimensions, and total area of the site.
- b. The location, dimensions, floor area, type of construction, and use of each proposed structure.
- c. Floor plan showing specific uses within the Structure.
- d. The number, the size and type of dwelling units in each Structure, and the overall dwelling unit density.
- e. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures.
- f. Architectural graphics, including typical floor plans, elevations, profiles, and cross-sections.
- g. The number, location, and dimensions of parking spaces and loading docks, with means of ingress and egress.
- h. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements.
- i. The location of all fire hydrants on the property and the location of all fire hydrants within one-hundred fifty (150) feet of the property.
- j. The location and dimensions of all accesses for fire and emergency vehicles.
- k. Statement of whether or not the Structure will be sprinkled and fire flow availability for the sprinkler system and fire hydrants.
- 1. The location and intensity of safety and security lighting.

- m. The location and purpose of any existing or proposed dedication or easement.
- n. The general drainage plan for the development tract prepared and signed by a registered engineer in the State of Minnesota.
- o. The location and dimensions of adjacent properties, abutting public right-of-ways and easements, and utilities serving the site.
- p. Significant topographical or physical features of the site, including bluff zones, existing vegetation, and topographic contours.
- q. Shoreland and floodplain designations.
- r. Wetland delineation for all wetlands present on the site.
- s. The location and proposed treatment of any historical structure or other historical design element or feature.
- t. Location of existing and proposed individual sewage treatment areas or municipal sanitary sewage treatment facilities.
- u. Location of existing and proposed water wells or other water supply.
- v. The applicant for a Conditional Use Permit which, in the opinion of the Zoning Administrator may result in a material adverse effect on the environment, may be required to demonstrate the nature and extent of the effect.
- 3. Additional Information. The site plan shall also contain the following information and be accompanied by the following submissions, as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or Board, if determined necessary or appropriate for a full and proper consideration and disposition of the application.
  - a. A certificate of disclosure of ownership interest.
  - b. When a proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by an entity other than a government authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.

- c. Copies of any restrictive covenants that are to be recorded with respect to property in a proposed planned development or subdivision.
- d. When the development is to be constructed in stages, a schedule for the development of such stages shall be submitted stating the approximate beginning and completion time for each stage. When the development provides for common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the stages completed or under development bear to the entire development.
- e. If requested by the Blue Earth County Sheriff, a personal safety risk assessment for employees, visitors, and customers of the development.
- f. For development in the bluff zone, a plan showing existing topography, proposed topography, and erosion and sedimentation controls. The plan shall be prepared and signed by a registered engineer in the State of Minnesota.
- g. A traffic study showing the impact of the development on public streets which serve the development. A registered professional traffic operations engineer shall undertake the study.
- h. If the Planning Commission or Zoning Administrator determines that the proposed development or activity may result in a material adverse environmental effect, the applicant may be requested by the Township to demonstrate the nature and extent of the effect.
- i. Pursuant to the terms of Section 10, if State Law or the Planning Commission requires an Environmental Assessment Worksheet (EAW) or Environmental Impact Statement (EIS); the applicant shall be responsible for all costs associated with EAW or EIS.
- **C. Issuance of Permit.** The Zoning Administrator shall issue the Land Development Permit only after determining that the application is complete, all necessary information has been submitted, the lot is buildable, and that the plan complies with the provisions of this Ordinance and that all of the Township's costs in processing the permit request has been paid.
- **D. Double Permit Fee.** Hereafter any person who shall erect, alter, or move any Structure or part thereof without first securing a Land Development Permit shall pay two times the regular Land Development Permit fee.

- **E. Structures to be Moved.** Any structure which has been wholly or partially erected on any premises, located either within or outside of the Township shall not be moved to a lot within the Township until a land development permit has been issued. Any such structure shall conform to all the provisions of this Ordinance, in the same manner as a new structure.
- **F. Exemption.** No Land Development Permit shall be required for the erection of a structure that is 120 square feet or less in area. The erection of a such a structure shall comply with all the other provisions of this Ordinance.

No Land Development Permit is required for the demolition of a structure unless otherwise required by law or permit.

#### Section 9. Conditional and Interim Use Permits.

- A. **Purpose**. Certain uses identified as Conditional Uses for a particular zoning district, while generally not suitable in a particular zoning district, may under some circumstances be suitable if conditions are attached. When such circumstances exist, a Conditional Use Permit or an Interim Use Permit may be granted. Conditions may be applied to issuance of the permit and a periodic review of the permit may be required. The permit shall be granted for a particular use and not for a particular person.
- B. **Criteria for granting Conditional Use or Interim Use Permits**. In granting a Conditional Use or Interim Use Permit, the Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands. Among other things, the Board shall make the following findings where applicable:
  - 1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
  - 2. The Conditional Use or Interim Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
  - 3. The establishment of the Conditional Use or Interim Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
  - 4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

- 5. Adequate measures have been or will be taken to provide ingress or egress so designated as to minimize traffic congestion in the public streets.
- 6. The use of the property shall, in all respects other than the Conditional Use or Interim Use, conform to the applicable regulations of the district in which it is located.
- 7. That the proposed use does not create a potential pollution hazard.
- 8. That the establishment of the Conditional Use or Interim Use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
- 9. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance, and to control lighted signs and other exterior lights in such a manner that no disturbance to neighboring properties will result.
- 10. That the Conditional Use or Interim Use conforms to the Joint Resolution for Orderly Annexation.
- 11. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals, and general welfare.
- C. Additional conditions. In permitting a new Conditional Use or Interim Use or the alteration of an existing Conditional Use or Interim Use, the Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Board considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited, to the following:
  - 1. Increasing the required zoning lot size and setback dimension.
  - 2. Limiting the height, size or location of structures.
  - 3. Controlling the location and number of vehicle access points.
  - 4. Increasing the street width.
  - 5. Increasing the number of required off-street parking spaces.
  - 6. Limiting the number, size, location or lighting of signs.
  - 7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - 8. Designating sites for open space.
  - 9. Placing hours of operation restrictions on the proposed use.

- 10. In the case of an Interim Use Permit, a date at which the Interim Use Permit expires shall be established which shall not be longer than five (5) years from the date of issuance.
- D. **Amendment, when required**. Any change involving structural alterations, enlargement, intensification of use, or similar changes not specifically permitted by the Conditional Use or Interim Use Permit issued shall require an amended Conditional Use or Interim Use Permit and all procedures shall apply as if a new permit were being issued. Any change to the expiration date of an Interim Use Permit shall require an amended Interim Use permit and all procedures shall apply as if a new permit were being issued. The zoning administrator shall maintain a record of all Conditional Use Permits and Interim Use Permits issued including information on the use, location, and conditions imposed by the Board, time limits, review dates, and such other information as may be appropriate.

## E. **Procedure**.

- 1. The person applying for a Conditional Use Permit or Interim Use Permit shall fill out and submit to the zoning administrator the Conditional Use Permit or Interim Use Permit application form signed by the owner, the information required for a land development permit, and other such information necessary to review the application for compliance with this Ordinance, and such submittal shall include all information as required on the application form unless a waiver of certain information is granted by the zoning administrator.
- 2. The zoning administrator shall determine if the application is complete and, if complete, refer the application to the Planning Commission.
- 3. The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be published in the official newspaper designated by the Township at least ten days prior to the hearing. All property owners of record within one-half (1/2) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. The notice shall include a description of the land and the proposed Conditional Use or Interim Use.
- 4. The report of the Planning Commission shall be placed on the agenda of the Board following referral from the Planning Commission. If the Planning Commission does not make a recommendation on an application within 60 days of the date that the application was determined to be complete under M.S.A. § 15.99, then the application shall automatically be referred to the Board for a public hearing if a public hearing was not previously completed and a decision.
- 5. An amended Conditional Use Permit or Interim Use Permit application shall be administered in a manner similar to that required for a new Conditional Use Permit or Interim Use Permit. Amended Conditional Use Permits or

Interim Use Permits shall include request for changes in conditions, and as otherwise described in this chapter.

- 6. No application for a Conditional Use Permit or Interim Use Permit shall be resubmitted for the same property and for the same type of Conditional Use or Interim Use for a period of one year from the date of a decision of the Board to deny an application. Failure by the owner or applicant to complete the improvements for which the Conditional Use Permit or Interim Use Permit was sought, or to comply with the conditions attached to the permit within twelve (12) months of the date of its approval shall void the permit. The Board, solely at its discretion, may extend the date for permit compliance.
- 7. Conditional Use Permits and Interim Use Permits shall be recorded with the Blue Earth County Recorder or if Torrens property with the Registrar of Titles.
- 8. If a time limit or periodic review is included as a condition by which a Conditional Use Permits or Interim Use Permit is granted, the Conditional Use Permit or Interim Use Permit may be reviewed at a hearing with notice of said hearing provided to the current property owner of record by first class mail at least ten days prior to the hearing; it shall be the responsibility of the zoning administrator to schedule such hearings and the owner of land having a Conditional Use Permit or Interim Use Permit shall not be required to pay a fee for said review. A hearing for annual review of a Conditional Use Permit or Interim Use Permit may be required at the discretion of the Board.
- 9. In the event that any of the conditions of the Conditional Use Permit or Interim Use Permit are violated, the Township has authority to revoke the Conditional Use Permit or Interim Use Permit.
  - a. A violation of any condition set forth in a Conditional or Interim Use Permit shall be a violation of this Ordinance. If within 30 days of written notice from the zoning administrator the violation has not been corrected, the Township may pursue the following procedure to terminate the permit:
    - (i) Written notice of revocation shall be served upon the owner at least ten working days prior to the Conditional or Interim Use Permit being revoked.
    - (ii) Notice to the owner on record shall be served personally or by first class mail addressed to where property tax statements are sent by the County. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation constituting the basis of the revocation, the facts which support the conclusions that a violation has occurred and a statement that if the Owner desires to appeal, the appeal

must, within ten working days, exclusive of the day of service, file a request for a hearing.

- (iii) The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first class mail by the zoning administrator not later than 4:30 p.m. of the tenth working day following notice of revocation.
- (iv) Following the receipt of a request for hearing, the Board shall set a time and place for the hearing within thirty days of receipt of the hearing request.
- 10. Any use permitted under the terms of any Conditional Use Permit or Interim Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith. The Township may, at its discretion, review the property periodically to determine compliance with the terms of the Conditional Use Permit or Interim Use Permit. Conditional Use Permits and Interim Use Permits shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the Board from enacting or amending official controls to change the status of Conditional Uses or Interim Uses.

#### Section 10. ENVIRONMENTAL REVIEW

- A. **Responsible Governmental Unit.** For proposed projects affected by Minnesota Rules 4410-4410.7800, the Board shall act as the Responsible Governmental Unit (RGU) when the local government is determined to be the RGU under Minnesota Rules 4410.0500.
- **B.** Adoption of Model Ordinance. The model ordinance as outlined in Minnesota Rules, Chapter 4410.3700 is hereby adopted by reference, as amended from time to time.

#### C. <u>General Provisions.</u>

- 1. No decision on granting a permit or other approval required to commence a project may be issued until the environmental review process is completed. Procedures for Environmental Assessment Worksheet (EAWs) and Environmental Impact Statement (EISs) are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program authorized by Minnesota Statute 116D.04 and 116D.04S and specified in Minnesota Rules Parts 4410.0200 to 4410.7800.
- 2. The Board at its discretion may contract with outside consultants for the

preparation and review of projects for which environmental review is required. The applicant for a permit for any action for which an environmental review is ordered shall pay all costs incurred for the preparation and review of the environmental documents and project application. When an EAW or EIS is undertaken, the applicant shall deposit funds in an escrow account with the Township from time to time an amount determined by the Township to be necessary to cover such costs prior to commencement of the review stage of the Environmental Review. The applicant shall reimburse the escrow account for any deficits caused if the amount actually expended or billed to the Township by the consultants exceeds the fund balance. The Township shall refund any amount deposited in the escrow account not expended within thirty (30) calendar days after final action on the application. The Township shall not pay interest on such security fund deposits.

#### D. Environmental Assessment Worksheets (EAWs):

- 1. Mandatory EAWs. The preparation of an EAW shall be mandatory for those projects that meet or exceed the thresholds contained in the State Environmental Review Program regulations, Minnesota Rules 4410.4300, as may be amended. Upon identification of a project that requires a mandatory EAW, the Board shall order the preparation of an EAW.
- 2. Discretionary EAWs. A discretionary EAW may be required when it is determined that, because of the nature or location of a proposed project, the project may have the potential for significant environmental effects. The Zoning Administrator may recommend and/or the Board may order the preparation of a discretionary EAW if it is determined that a development project may have some significant environmental impact or when there is a perception of such, provided that the project is not specifically exempted by Minnesota Rules 4410.4600, as may be amended.
- **3.** Procedures.
  - a. Preparation and Distribution. Procedures for Environmental Assessment Worksheet (EAWs) are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program specified in Minnesota Rules Parts 4410.0200 to 4410.7800.
  - b. Neighboring Property Owner Notification. Upon completion of the EAW for distribution, the Township shall provide mailed notice of the availability of the EAW and date of the meeting at which the Planning Commission will consider the matter to all property owners within at least one-half (1/2) mile of the boundaries of the property which is the subject of the EAW. Said notice shall be mailed at minimum ten (10) days before the date of the Planning Commission

meeting during which the EAW will be considered. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.

- c. Review by Planning Commission. During the thirty (30) day comment period that follows publication of the notice of availability of the EAW in the EQB Monitor, the Planning Commission shall review the EAW. The Planning Commission shall make recommendations to the Board regarding potential environmental impacts that may warrant further investigation before the project is commenced and the need for an EIS on the proposed project.
- d. Decision by the Board. The Board shall make its decision on the need for an EIS for the proposed project at its first meeting more than ten (10) days but not more than thirty (30) days after the close of the comment period. The Board shall base its decision on the need for an EIS and the proposed scope of an EIS on the information gathered during the EAW process and on the comments received on the EAW.
- e. Mitigation Measures. Any measures for mitigation that are considered by the Board in making their EIS need decision shall be incorporated as conditions for approval of Conditional Use Permits, Interim Use Permits, variances, and/or land development permits requests as required by this Ordinance unless otherwise determined by the Board.

## E. <u>Environmental Impact Statements (EISs):</u>

- 1. Mandatory EISs. An EIS shall be prepared for any project that meets or exceeds the thresholds of any of the EIS categories listed in Minnesota Rules 4410.4400, as may be amended.
- 2. Discretionary EISs. An EIS shall be prepared when the Board determines that, based on the EAW and any comments or additional information received during the EAW comment period, the proposed project has the potential for significant environmental effects, or when the Board and the proposer of the project agree that an EIS should be prepared.
- **3.** Procedures.
  - a. Preparation and Distribution. Procedures for Environmental Assessment Worksheet (EAWs) are set forth in the Minnesota Environmental Quality Review Board (EQB) regulations for the Environmental Review Program specified in Minnesota Rules Parts 4410.0200 to 4410.7800.
  - b. Neighboring Property Owner Notification. Upon completion of the EAW for distribution, the Township shall provide mailed notice of the availability of the EAW and date of the meeting at which the Planning Commission will consider the matter to all property owners within at least one-half (1/2) mile of the boundaries of the property which is the subject of the EAW. Said notice shall be mailed at

minimum ten (10) days before the date of the Planning Commission meeting during which the EAW will be considered. Failure of a property owner to receive notice shall not invalidate any such proceedings as set forth within this Chapter.

- c. Review by Planning Commission. During the thirty (30) day comment period that follows publication of the notice of availability of the EAW in the EQB Monitor, the Planning Commission shall review the EAW. The Planning Commission shall make recommendations to the Board regarding potential environmental impacts that may warrant further investigation before the project is commenced and the need for an EIS on the proposed project.
- d. Mitigation Measures. Mitigation measures identified in the EIS shall be incorporated as conditions for approval of Conditional Use Permits, Interim Use Permits, variances, and/or land development permits requests as required by this Ordinance unless otherwise determined by the Board.

#### Section 11. Violations, Penalties and Enforcement.

- **D. Enforcement.** Any person, firm or corporation who shall violate any of the provisions of this Ordinance and fails to comply within thirty (30) days after receiving written notice shall be charged with a misdemeanor under Minnesota Statutes. Each day that a violation continues shall constitute a separate offense. It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels. The owner or tenant of any structure, premises, or part thereof, and any builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- E. Work Stop Order. If the Zoning Administrator determines that a use or alteration of property is not in compliance with this Chapter, the Zoning Administrator may issue a Work Stop Order to the owner of the property. The Work Stop Order may be delivered by certified mail, personal service, or posted on the property. For the purpose of giving mailed notice under this chapter, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. The owner or operator shall cause the use or alteration of property to cease and desist immediately after the Work Order is delivered or posted on the property. Failure to immediately cease and desist shall result in the owner or operator being charged with a misdemeanor.
- **F. Immediate Violation**. In the event that the violation is deemed by the Zoning Administrator to constitute an immediate danger, the Zoning Administrator may initiate immediate removal of such hazard without prior notification of the owner or occupant of such property. As soon thereafter as practical the Zoning Administrator shall provide written notice to the owner or occupant of the premises of the actions

taken. Notice is deemed served when posted on the property or deposited in the U.S. Mail addressed to where property tax statements are sent by the County.

- **G.** Violation or a Threatened Violation of this Ordinance. In the event of a violation or a threatened violation of this Ordinance, the Zoning Administrator, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney and/or the Township Attorney to institute or assist in such action.
- **H.** Writ of Mandamus. Any taxpayer or taxpayers of the Lime Township may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
- **G. Judicial review.** Any person aggrieved by a decision or order of the Board or Board of Appeals acting pursuant to this Ordinance may have such decision or order reviewed by an appropriate court, subject to the provisions of state law.
- H. Certification of Costs. All unpaid expenses incurred by the Township under this Chapter and this Ordinance will be charged against said parcel and will be the responsibility of the property owner pursuant to M.S.A Chapter 462 and M.S.A § 366.012 and any other relevant statutes. The property owner shall be invoiced for the Township's costs to where property tax statements are sent by the County. The invoice shall advise the property owner of their right to request a hearing by the Board regarding said costs. Unless a hearing is requested and granted by the Board, the invoice shall be paid within 30 days of the date of the invoice, should property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the property owner's property taxes. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Ordinance.

# **ARTICLE 4. ZONING MAP AND DISTRICTS.**

#### Section 1. CLASSIFICATION OF DISTRICTS.

**A. Districts.** For the purpose of this Ordinance, Lime Township is hereby divided into classes of districts, which shall be designated as follows:

Agriculture District

**A** Agriculture District

Conservation Districts

RC Rural Conservation DistrictRC-R Rural Conservation - Residential District

**Residential Districts** 

- **RR** Rural Residential District
- **RF** Residential Fringe District
- **RT** Residential Transition District

Commercial

**C** Commercial District

Industry District I Industry District

- **B. Zoning Map.** The location and boundaries of the districts established by this Ordinance are hereby set forth on the Official Zoning Map. Amendments shall be recorded on the Official Zoning Map within thirty (30) days of official publication of amendments. The Official Zoning Map shall be kept on file with the Zoning Administrator.
- C. District Boundaries. The boundaries between districts are, unless otherwise indicated on the Official Zoning Map, the centerline of highways, roads, streets, alleys, railroad right-of-ways or such lines extended, parallel or perpendicular thereto; or the section, half-section, quarter-section, quarter-quarter section or other fractional section lines of United States Public Land Survey.

Where numerical figures are shown on the Official Zoning Map between a road and a district boundary line, they indicate that the district boundary line runs parallel to the road centerline at a distance indicated.

**D. Future Detachment.** Any land detached from an incorporated municipality and placed under the jurisdiction of this Ordinance in the future shall be placed in the Agriculture District until rezoned in another district by the Board.

- **E. Vacation of Roads.** When any road, highway, street or other public right-of-way is vacated, the land use classification of land abutting the centerline of the public right-of-way shall not be affected by such proceedings, nor shall the district boundary be affected thereby.
- F. Uses not Provided for in Zoning Districts. Whenever a use is not listed as a permitted, Conditional Use or Interim Use in a zoning district, the use shall be considered prohibited in the zoning district. The Board, on their own initiative or upon the request of a property owner, may conduct a study to determine if the use is acceptable and, if so, what zoning district, conditions and standards relating to the development of said use would be appropriate. The Board, upon receipt of the study shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Township. All amendments and decisions of the Board shall conform to the purpose of the Joint Resolution for Orderly Annexation.
- **G. Appeal of District Boundaries.** The Board shall hear appeals of any administrative officer's determination of the exact location of the district boundary lines.

# SECTION 2. AGRICULTURE DISTRICT.

- A. **Purpose.** The Agriculture District is intended to allow extensive areas of Lime Township as depicted on the Official Zoning Map to remain in agricultural use and to prevent scattered, non-farm development.
- **B. Permitted Uses.** The following uses shall be permitted within the **A** Agriculture District:
  - 1. Agriculture and incidental agriculture related uses, including farm dwellings and agricultural Structures; non-farm dwellings as regulated in this Section.
  - 2. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by government agencies.
  - 3. Flood control and watershed structures.
  - 4. Single family, non-farm dwellings as regulated in this Section.
  - 5. Level I home occupations as regulated in Article 5 of this Ordinance.
  - 6. Feedlots of less than one hundred (100) Animal Units as regulated by the Blue Earth County Feedlot Ordinance.
  - 7. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.

- 8. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- **B. Conditional Uses.** The following uses may be permitted in the Agriculture District as a Conditional Use:
  - 1. One bonus dwelling per quarter quarter Section, as regulated in this Section.
  - 2. Cemeteries and/or memorial gardens.
  - 3. Essential services
  - 4. Garden nurseries and green houses.
  - 5. Community Solar Energy Systems per Section 15 of this Ordinance.
- **C.** Interim Uses. The following uses may be permitted in the Agriculture District as an Interim Use:
  - 1. Level II home occupations as regulated in Article 5 of this Ordinance.
  - 2. Private landing fields and associated facilities.
  - 3. Manufactured homes used for temporary housing, not to exceed two years, during the construction or repair of a permanent dwelling.
  - 4. Manure storage lagoons for existing feedlots, as regulated by the Blue Earth County Feedlot Ordinance.
  - 5. Kennels, provided any retail sales of related products shall be clearly accessory and secondary to the principal use.
- **D. Permitted Accessory Uses.** The following Accessory Uses shall be permitted within the Agriculture District:
  - 1. Accessory Structures or uses which are clearly incidental to any of the uses listed above, located upon the same property and as regulated in Article 5 of this Ordinance.
  - 2. Solar Energy System, clearly incidental to the principal use of the property.
  - 3. Wind Energy Conversion Systems, Non-Commercial, clearly incidental to the principal use of the property.
- E. Height, Yard and Lot Regulations. Structure height, yards and lots shall conform

to the regulations herein:

1. **Height.** No height restrictions outside of the Airport Zones.

# 2. Front Yard.

- a. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State Aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.
- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of a township or incorporated municipal public right-of-way and all private roads.
- c. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- d. There shall be a front yard setback of 30 feet from the frontage on a cul-de-sac.
- e. Detached Accessory Structures shall not be allowed within the required front yard.

#### 3. Side Yard.

- a. There shall be a side yard having a width of not less than fifty (50) feet on each side of a principal dwelling.
- b. The detached Accessory Structure shall be setback at least ten (10) feet from a side property line.

# 4. **Rear Yard.**

- a. There shall be a rear yard having a depth of not less than fifty (50) feet from a Principal Structure.
- b. Detached Accessory Structures shall be setback at least ten (10) feet from the rear property line.
- c. Where a lot is classified as a through lot, a required front yard setback shall be required along the rear frontage.

# 5. Bluff Zone.

1. All Structures shall be setback at least 30 feet from the bluff line.

# F. Lot Requirements.

- 1. For single-family dwellings conforming to the dwelling density regulations of this Section, a lot may be subdivided to contain the dwelling, provided the area of the lot is not less than one (1) acre and conforms to all other provisions of this Chapter.
- 2. Every lot or plot of land on which there shall be a habitable structure shall have a contiguous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- 3. Every lot or plot of land on which a dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five (175) feet.
- 4. No more than twenty-five (25) percent of the lot area shall be covered by principal and Accessory Structures.
- 5. Every lot or plot of land on which a dwelling is erected shall have an approved access to a public right-of-way.
- 6. Every lot on which a structure is erected shall contain sufficient buildable area to satisfy the bulk and density regulation of this Ordinance.

#### G. Dwelling Density Regulations.

- 1. Not more than one (1) principal dwelling shall be allowed per quarterquarter section.
- 2. One bonus dwelling may be located on a parcel that has not been farmed (tilled) within the past (5) years prior to the date of the application for Conditional Use Permit. Not more than one (1) bonus dwelling shall be allowed per quarter-quarter section.
- **H. Structural Standards.** Except as provided for the temporary use of manufactured homes, permitted single-family dwellings shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of concrete block, poured concrete, or wood.

#### I. Feedlot Regulations.

- 1. No feedlot exceeding 100 Animal Units shall be allowed in the Agriculture District. Feedlots existing on the effective date of this Ordinance which exceed 100 Animal Units and are permitted under the Blue Earth County Feedlot Ordinance shall be considered legally nonconforming uses and may continue but shall not expand in a manner that will increase the number of Animal Units existing in the feedlot on the effective date of this Ordinance.
- 2. The Planning Commission through the issuance of a Conditional Use Permit may authorize improvements to legally nonconforming feedlots for the purpose of mitigating a potential or imminent pollution threat. The improvements shall not result in an increase in the number of Animal Units in the feedlot.
- 3. All feedlots shall conform to the provisions of the Blue Earth County Feedlot Ordinance as amended from time to time.

**J. General Regulations.** Additional regulations and requirements for the Agriculture District are set forth in Section 14 of this Ordinance.

# SECTION 3. RURAL CONSERVATION & RURAL CONSERVATION - RESIDENTIAL DISTRICTS.

- A. **Purpose.** The Rural Conservation District is intended to preserve the rural character of certain areas in Lime Township which are not classified as prime agricultural and are characterized by scattered non-farm development, bluff zones, floodplains, and limiting development factors because of soil conditions and shallow bedrock depths. Permitted and Conditional Uses in the district should seek to preserve the rural character of the district and conserve natural ground cover and resources. Agricultural uses, residential development, and mineral extraction are allowed, but should seek to minimize adverse secondary effects and reclaim disturbed lands.
- **B. Permitted Uses.** The following uses shall be permitted in RC, Rural Conservation, and RC-R, Rural Conservation Residential Districts:
  - 1. Agriculture and incidental agriculture related uses, including agricultural Structures and farm dwellings, excluding feedlots.
  - 2. Public parks, recreational areas, wildlife areas, game refuges and forest preserves.
  - 3. Flood control and watershed structures.
  - 4. Single family non-farm dwellings as regulated in this Section.
  - 5. Level I home occupations as regulated in Article 5 of this Ordinance.

- 6. Feedlots of less than 10 Animal Units provided that a feedlot permit is not required under the Blue Earth County Feedlot Ordinance and the State of Minnesota.
- 7. Horse barns, riding academies and commercial stables provided the number of Animal Units is less than 10 and a feedlot permit is not required under the Blue Earth County Feedlot Ordinance and the State of Minnesota.
- 8. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
- 6. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- **C. Conditional Uses.** The following uses may be permitted in the RC, Rural Conservation, and RC-R, Rural Conservation Residential Districts, as a Conditional Use:
  - 1. Essential public utilities and service Structures, not including storage yards.
  - 2. One bonus dwelling per quarter-quarter in the Rural Conservation District.
  - 3. Community Solar Energy Systems in the Rural Conservation District, subject to Section 15 of this Ordinance.
- **D. Interim Uses**. The following uses may be permitted in the RC Rural Conservation and RC-R Rural Conservation-Residential District as an Interim Use:
  - 1. Horse barns, riding academies, and commercial stables with a total number of Animal Units in excess of 10 but less than 25. These uses may be approved as Interim Uses for a parcel containing at least 40 acres.
  - 2. Garden nurseries and green houses.
  - 3. Manufactured homes used for temporary housing, not to exceed two years, during the construction or repair of a permanent dwelling.
  - 4. Level II home occupations, in the Rural Conservation District only.
  - 5. Mining and mining Accessory Uses in the Rural Conservation District only, as regulated in Article 5 of this Ordinance.
- **E. Permitted Accessory Uses.** The following Accessory Uses are permitted within the RC, Rural Conservation, and RC-R, Rural Conservation Residential Districts:

- 1. Accessory Structures or uses which are customarily incidental to any of the uses listed above and are located on the same property, as regulated in Article 5 of this Ordinance.
- 2. Solar Energy System, clearly incidental to the principal use of the property.
- 3. Wind Energy Conversion Systems, Non-Commercial, clearly incidental to the principal use of the property.
- **F. Height, Yard and Lot Regulations.** Structure height, yards and lots shall conform to the regulations herein and as regulated in Article 5 of this Ordinance.

#### 1. Height.

- a. No height limitation for agricultural Structures.
- b. Dwellings shall not exceed thirty-five (35) feet in height.
- c. Detached Accessory Structures in the Rural Conservation Residential District shall not exceed twenty (20) feet in height.

#### 2. Front Yard.

- a. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State Aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.
- b. There shall be a front yard setback of not less than sixty-five (65) feet front the centerline of all other public right-of-ways and private roads.
- c. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- d. There shall be a front yard setback of 30 feet from the frontage on a cul-de-sac.
- e. Detached Accessory Structure shall not be allowed within the required front yard.

#### 3. Side Yard.

a. There shall be a side yard having a width of not less than fifty (50)

feet on each side of a principal dwelling.

b. Detached Accessory Structures shall be setback at least ten (10) feet from the side property line.

# 4. Rear Yard.

- a. There shall be a rear yard having a depth of not less than fifty (50) feet from the principal dwelling.
- b. Detached Accessory Structures shall be setback at least ten (10) feet from the rear property line.
- c. Where a lot is classified as a through lot, a required front yard setback shall be required along the rear frontage.
- 5. Bluff Zone. All Structures shall be setback at least 30 feet from the bluff line.

#### 6. Lot Requirements.

- a. For single family dwellings conforming to density regulations of this Section for the Rural Conservation District, a lot may be subdivided to contain a dwelling, provided the area of the lot is not less than 2.5 acres and the lot conforms to all other provisions of this Ordinance.
- c. Every lot or plot of land on which there shall be a habitable structure shall have a contiguous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- d. Every lot or plot of land on which a dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five (175) feet.
- e. No more than twenty-five (25) percent of the lot area shall be covered by principal and Accessory Structures.
- f. Every lot or plot of land on which a dwelling is erected shall have an approved access to a public right-of-way.
- g. Every lot on which a structure is erected shall contain sufficient buildable area to satisfy the bulk and density regulation of this Ordinance.

# G. Dwelling Density Regulations.

**1. RC, Rural Conservation District.** Not more than one (1) principal dwelling shall be allowed per quarter-quarter section.

One bonus dwelling may be located on a parcel that has not been farmed (tilled) within the past (5) years prior to the date of the application for Conditional Use Permit. Not more than one (1) bonus dwelling shall be allowed per quarter-quarter section.

- 2. RC-R, Rural Conservation Residential District. Existing lots of record located in the RC-R, Rural Conservation Residential District, may be developed for single-family purposes, provided an approved access is provided and all the other requirements of this Ordinance and Blue Earth County Individual Sewage System Ordinance are satisfied. Further subdivision of the parcels located in the RC-R, Rural Conservation Residential District, shall be prohibited for the purpose of creating additional parcels for residential development.
- **H. Structural Standards.** Except as provided for the temporary use of manufactured homes, permitted single-family dwellings shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of concrete block, poured concrete, or wood.

# I. Feedlot Regulations.

- 1. No feedlot shall be established that would exceed the Animal Units listed under the permitted or Conditional Uses in this section. Feedlots existing on the effective date of this Ordinance which exceed 100 Animal Units and are permitted under the Blue Earth County Feedlot Ordinance shall be considered legally nonconforming uses and may continue but shall not expand in a manner that will increase the number of Animal Units existing in the feedlot on the effective date of this Ordinance.
- 2. Improvements to legally nonconforming feedlots for the purpose of mitigating a potential or imminent pollution threat may be authorized by the Board via the issuance of a Conditional Use Permit. The improvements shall not result in an increase in the number of Animal Units in the feedlot.
- 3. All feedlots shall conform to the provisions of the Blue Earth County Feedlot Ordinance as amended from time to time.
- J. General Regulations. Additional regulations and requirements for the RC, Rural Conservation District, and RC-R, Rural Conservation Residential District are set forth in Article 5 of this Ordinance.

#### SECTION 4. RURAL RESIDENCE DISTRICT.

- A. **Purpose.** The Rural Residence District is intended to allow for the continued development of existing low-density residential developments in unincorporated areas of Lime Township as depicted on the Official Zoning Map.
- **B. Permitted Uses.** The following uses shall be permitted in the R-R Rural Residence District:
  - 1. Single family, non-farm dwellings as regulated in this Section.
  - 2. Parks, recreational areas, wildlife areas, game refuges and forest preserves.
  - 3. Flood control and watershed structures.
  - 4. Level I home occupations as regulated in Article 5 of this Ordinance.
  - 5. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
  - 6. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- **C. Conditional Uses.** The following uses may be permitted in the Rural Residence District as a Conditional Use as regulated in Section 20 of this Ordinance:

None.

- **D. Interim Uses**. The following uses may be permitted in the Rural Residence District as an Interim Use, as regulated in Section 20.1 of this Ordinance:
  - 1. Level II home occupations, in the Rural Conservation District only.
  - 2. Manufactured homes used for temporary housing, not to exceed two years, during the construction or repair of a permanent dwelling.
- **E. Permitted Accessory Uses.** Accessory Structures or uses are permitted provided the use is clearly incidental to any of the uses listed above, located upon the same property, as regulated in Article 5 of this Ordinance.
  - 1. Accessory Structures or uses which are customarily incidental to any of the uses listed above and are located on the same property, as regulated in Article 5 of this Ordinance.

- 2. Solar Energy System, clearly incidental to the principal use of the property.
- 3. Wind Energy Conversion Systems, Non-Commercial, clearly incidental to the principal use of the property.
- **F. Height, Yard and Lot Regulations.** Structure height, yards and lots shall conform to the regulations herein and as regulated in Article 5 of this Ordinance.
  - 1. **Height.** Dwellings shall not exceed thirty-five (35) feet in height. Detached Accessory Structures to residential uses shall not exceed twenty (20) feet in height.

# 2. Front Yard.

- a. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State Aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.
- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of a township or incorporated municipal public right-of-way and all private roads.
- c. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- d. There shall be a front yard setback of 30 feet from the frontage on a cul-de-sac.
- e. Detached Accessory Structures shall not be allowed within the required front yard.

#### 3. Side Yard.

- a. There shall be a side yard having a width of not less than fifteen (15) feet on each side of a principal dwelling.
- b. Detached Accessory Structures shall be setback at least ten (10) feet from the side property line, provided they occupy not more than thirty (30) percent of any required side yard.

#### 4. Rear Yard.

a. There shall be a rear yard having a depth of not less than thirty (30)

feet.

- b. Detached Accessory Structures shall be setback at least ten (10) feet from the rear property line, provided they occupy not more than thirty (30) percent of any rear yard.
- c. Where a lot is classified as a through lot, a required front yard setback shall be required along the rear frontage.
- 5. **Bluff Zone.** All Structures shall be setback at least 30 feet from the bluff line.

#### 6. Lot Requirements.

- a. The minimum lot area for a principal use is one (1) acre.
- b. Every lot or plot of land shall have a continuous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- c. Every lot or plot of land on which a dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five (175) feet.
- d. No more than twenty-five (25) percent of the lot area shall be covered by principal and Accessory Structures.
- e. Every lot or plot of land on which a dwelling is erected shall have an approved access to a public right-of-way.
- f. Every lot on which a structure is erected shall contain sufficient buildable area to satisfy the bulk and density regulation of this Ordinance.
- 7. Structural Standards. Permitted single-family dwellings shall have a minimum width of twenty (20) feet on its narrowest dimension, and shall be affixed to a continuous permanent perimeter foundation of concrete block, poured concrete, or wood.
- H. Feedlot Regulations. No feedlots are allowed in the Rural Residential District.
- I. General Regulations. Additional regulations and requirements for the Rural Residence District are set forth in Article 5 of this Ordinance.

#### SECTION 5. RESIDENTIAL FRINGE DISTRICT.

- A. **Purpose.** The Residential Fringe District is intended to allow for the continued development of existing low density residential developments in unincorporated areas of Lime Township which may be annexed into the City of Mankato per the Joint Orderly Annexation Agreement, as amended from time to time. These properties will be serviced with municipal water and sanitary sewer services after annexation.
- **B. Permitted Uses.** The following uses shall be permitted in the RF Residential Fringe District:
  - 1. Single family, non-farm dwellings as regulated in this.
  - 2. Parks, recreational areas, wildlife areas, game refuges and forest preserves.
  - 3. Flood control and watershed structures.
  - 4. Level I home occupations as regulated in Article 5 of this Ordinance.
  - 5. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
  - 6. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- C. **Conditional Uses.** The following uses may be permitted in the Residential Fringe District as a Conditional Use:
  - 1. Municipal administration Structures, police and fire stations, community centers, public libraries, museums, post offices and other municipal service Structures such as water supply Structures, reservoirs and elevated tanks, except those customarily considered industrial in use, provided that no Structure shall be located within fifty (50) feet of any lot line of any abutting lot in any residence district.
- **D.** Interim Uses. The following uses may be permitted in the Residential Fringe District as an Interim Use:

None.

#### E. Permitted Accessory Uses.

1. Private garages.

- 2. Accessory Structures or uses are permitted provided the use is clearly incidental to any of the uses listed above and located upon the same property as regulated in Article 5 of this Ordinance.
- **F. Height, Yard and Lot Regulations.** Structure height, yards and lots shall conform to the regulations herein and as regulated in Article 5 of this Ordinance.
  - 1. **Height.** Dwellings shall not exceed thirty-five (35) feet. Detached residential Accessory Structures shall not exceed twenty (20) feet in height.

# 2. Front Yard.

- a. There shall be a setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State Aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.
- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of public right-of-way and all private roads. In no case shall the front yard be less than 30 feet from the right-of-way line of all other roads or streets.
- c. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- d. There shall be a front yard setback of 30 feet from the frontage along a cul-de-sac.
- e. Detached Accessory Structures shall not be located in the front yard.

#### 3. Side Yard.

- a. There shall be a side yard having a width of not less than six (6) feet on each side of a principal dwelling.
- b. Detached Accessory Structures shall not be located in the side yard.

#### 4. Rear Yard.

- a. There shall be a rear yard having a depth of not less than thirty (30) feet from a Principal Structure.
- b. Detached Accessory Structures shall be setback at least three (3) feet from the rear property line, provided they occupy not more than thirty (30) percent of any required rear yard.

- c. Where a lot is classified as a through lot, a required front yard setback shall be required along the rear frontage.
- 5. **Bluff Zone.** All Structures shall be setback at least 30 feet from the bluff line.

#### 6. Lot Requirements.

- a. The minimum lot area for a principal use is one (1) acre.
- b. Every lot or plot of land on which there shall be a habitable structure shall have a contiguous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- c. Every lot or plot of land on which a dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five (175) feet.
- d. No more than twenty-five (25) percent of the lot area shall be covered by principal and Accessory Structures.
- e. Every lot or plot of land on which a dwelling is erected shall have an approved access to a public right-of-way.
- f. Every lot on which a structure is erected shall contain sufficient buildable area to satisfy the bulk and density regulation of this Ordinance.
- **G. Structural Standards.** Permitted single-family dwellings shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of concrete block, poured concrete, or wood.
- **H.** Feedlot Regulations. No feedlots are allowed in the Residential Fringe District.
- I. General Regulations. Additional regulations and requirements for the RF, Residential Fringe District are set forth in Article 5 of this Ordinance.

# SECTION 6. RESIDENTIAL – TRANSITION DISTRICT.

A. **Purpose.** The Residential Transition District is intended to allow for the continuation of residential uses in areas of the Township designated for industrial or commercial in the Land Use Plan. It is the intent of this district that future rezoning

in conformance of the Land Use Plan will occur as the properties are redeveloped and municipal water and sanitary sewer services become available.

- **B. Permitted Uses.** The following uses shall be permitted in the RT, Residential Transition District:
  - 1. Single-family, non-farm dwellings as regulated in this Section and Section 28 of this Ordinance.
  - 2. Parks, recreational areas, wildlife areas, game refuges and forest preserves owned by government agencies.
  - 1. Flood control and watershed structures.
  - 2. Level I home occupations as regulated in Section 14 of this Ordinance.
  - 3. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
  - 4. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
- **C. Conditional Uses.** The following uses may be permitted in the Residential Transition District as a Conditional Use:
  - 1. Municipal administration Structures, police and fire stations, community centers, public libraries, museums, post offices and other municipal service Structures such as water supply Structures, reservoirs and elevated tanks, except those customarily considered industrial in use, provided that no Structure shall be located within fifty (50) feet of any lot line abutting lot in any residence district.
- **D. Interim Uses**. The following uses may be permitted in the Residential Transition District as an Interim Use:
  - 1. Level II home occupations as regulated in Article 5 of this Ordinance.
- **E. Permitted Accessory Uses.** Accessory Structures or uses are permitted provided the use is clearly incidental to any of the uses listed above, located upon the same property, as regulated in Article 5 of this Ordinance.
- **F. Height, Yard and Lot Regulations.** Structure height, yards and lots shall conform to the regulations herein and as regulated in Article 5 of this Ordinance.

1. **Height.** Dwellings shall not exceed thirty-five (35) feet in height. Detached Accessory Structures to residential uses shall not exceed twenty (20) feet in height.

# 2. Front Yard.

- a. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State Aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.
- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of a township or incorporated municipal public right-of-way and all private roads.
- c. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- d. There shall be a front yard setback of 30 feet from the frontage on a cul-de-sac.
- e. Detached Accessory Structures shall not be allowed within the required front yard.

#### 3. Side Yard.

- a. There shall be a side yard having a width of not less than fifteen (15) feet on each side of a Principal Structure.
- Detached Accessory Structures shall be setback at least ten (10) feet from the side property line, provided they occupy not more than thirty (30) percent of any required side yard.

# 4. Rear Yard.

- a. There shall be a rear yard having a depth of not less than thirty (30) feet from a Principal Structure or Accessory Structure.
- b. Detached Accessory Structures shall be setback at least ten (10) feet from the rear property line, provided they occupy not more than thirty (30) percent of any required rear yard.
- c. Where a lot is classified as a through lot, a required front yard shall be required along the rear frontage.

5. **Bluff Zone.** All Structures shall be setback at least 30 feet from the bluff line.

# 6. Lot Requirements.

- a. The minimum lot area for a principal use is one (1) acre.
- b. Every lot or plot of land on which there shall be a habitable structure shall have a contiguous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- c. Every lot or plot of land on which a dwelling is erected shall have a minimum width of not less than one hundred fifty (150) feet at the building setback line and a minimum depth of not less than one hundred seventy-five (175) feet.
- d. No more than twenty-five (25) percent of the lot area shall be covered by principal and Accessory Structures.
- d. Every lot or plot of land on which a dwelling is erected shall have an approved access to a public right-of-way.
- e. Every lot on which a structure is erected shall contain sufficient buildable area to satisfy the bulk and density regulation of this Ordinance.
- **G. Structural Standards.** Permitted single-family dwellings shall have a minimum width of twenty (20) feet at the structure's narrowest dimension and the structure shall be affixed to a continuous permanent perimeter foundation constructed of concrete block, poured concrete, or wood.
- **H.** Feedlot Regulations. No feedlots are allowed in the RT, Residential Transition District.
- I. General Regulations. Additional regulations and requirements for the RT Residential Transition District are set forth in Article 5 of this Ordinance.

#### SECTION 7. BUSINESS DISTRICT.

- **A. Purpose.** The Business District is intended to allow for commercial uses within Lime Township on properties as denoted on the Official Zoning Map.
- **B. Permitted Uses.** The following uses shall be permitted in the Business District:

- A. Any legally established commercial use or occupancy prior to the enactment of this Ordinance.
- B. Antique store.
- C. Apparel and accessory store.
- D. Appliance and accessory store.
- E. Art supply store.
- F. Art gallery.
- G. Artist studio or school.
- H. Bank, including drive-in bank.
- I. Business machines store.
- J. Clinic, dental or medical.
- K. Dairy store.
- L. Drugstores.
- M. Floral sales.
- N. Furniture store and home furnishings.
- O. Garden supplies store.
- P. Gift, novelty or souvenir store.
- Q. Government or municipal Structures.
- R. Grocery store.
- S. Hardware store.
- T. Hobby shop.
- U. Laboratory, dental or medical.
- V. Office of any type.
- W. Optician and optical goods.

- X. Photographic studio.
- Y. Repair, rental and servicing of any item if the sale is permitted in this district.
- Z. Sporting goods store.
- AA. Variety store.
- BB. Warehouses.
- C. Conditional Uses. The following uses may be permitted in the Business District as a Conditional Use:
  - 1. Community Solar Energy Systems, subject to Section 15 of this Ordinance.
- **D. Interim Uses.** The following uses may be permitted in the Business District as an Interim Use:

None.

- **E. Permitted Accessory Uses.** The following Accessory Uses shall be permitted within the Business District:
  - 1. Accessory Structures or uses which are clearly incidental to any of the uses listed above, located upon the same property, as regulated in Article 5 of this Ordinance.
  - 2. Solar Energy System, clearly incidental to the principal use of the property.
  - 3. Wind Energy Conversion Systems, Non-Commercial, clearly incidental to the principal use of the property.
- **F. Height, Yard and Lot Regulations.** Structure height, yards and lots shall conform to the regulations herein and as regulated in Article 5 of this Ordinance.
  - 1. **Height Regulations.** No height limitations shall be imposed for commercial Structures except as regulated by Airport Zoning.
  - 2. Front Yard.
    - a. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.

- b. There shall be a front yard setback of not less than sixty-five (65) feet from the centerline of a township or incorporated municipal public right-of-way and all private roads.
- c. In no case shall the front yard be less than 30 feet from the right-ofway line of any road or street.
- d. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- e. There shall be a front yard setback of 30 feet from the frontage along a cul-de-sac.
- f. Detached Accessory Structures shall not be allowed within the required front yard.

#### 3. Side Yard.

- a. There shall be a side yard having a depth of not less than fifteen (15) feet on each side of a Principal Structure.
- b. Detached Accessory Structures shall not be located in the side yard.
- c. No Structure shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

#### 4. Rear Yard.

- a. There shall be a rear yard having a depth of not less than thirty (30) feet from a Principal Structure.
- b. Detached Accessory Structures shall be setback at least ten (10) feet from the rear property line, provided they occupy not more than thirty (30) percent of any required rear yard.
- c. Where a lot is classified as a through lot, a required front yard setback shall be required along the rear frontage.
- d. No Structure shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

# 5. **Lot Requirements.**

a. Every zoning lot on which a commercial Structure is erected shall have a width of not less than one (1) acre.

- b. Every lot or plot of land on which a Structure is erected shall have a contiguous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- c. Every zoning lot on which a commercial Structure is erected shall have a width of not less than one hundred fifty (150) feet at the building setback line and a depth of not less than one hundred fifty (150) feet.
- d. No more than fifty (50) percent of the zoning lot shall be occupied by Structures, parking spaces or driveways.
- e. Every zoning lot on which a structure is erected shall have an approved access to a public right-of-way.
- **G. General Regulations.** Additional regulations and requirements for the Business District are set forth in Article 5 of this Ordinance.

#### SECTION 8. INDUSTRY DISTRICT.

- **A. Purpose.** The Industry District, as denoted on the Official Zoning Map, is intended to allow for industrial uses within Lime Township on properties as denoted on the Official Zoning Map.
- **B. Permitted Uses.** The following uses shall be permitted in the I, Industry District
  - 1. Any legally established industrial use or occupancy prior to the enactment of this Ordinance.
  - 2. Bottling establishments.
  - 3. Building materials sales and storage.
  - 4. Crop production (no livestock).
  - 5. Farm implement sales and storage.
  - 6. General light manufacturing, assembly plants and facilities.
  - 7. Wholesale business facilities.
  - 8. Warehousing and storage facilities.

- **C. Conditional Uses.** The following uses may be permitted in the Industry District as a Conditional Use:
  - 1. Automotive, truck and other internal combustion engine equipment and repair.
  - 2. Cabinet and woodworking establishments.
  - 3. Community Solar Energy Systems, subject to Section 15 of this Ordinance.
  - 4. Electrical products, manufacture and assembly.
  - 5. Electrical substations.
  - 6. Grain elevators.
  - 7. Highway maintenance shops and yards.
  - 8. Mini-storage.
- **D. Interim Uses**. The following uses may be permitted in the Industry District as an Interim Use:
  - 1. Mining and mining Accessory Uses, as regulated in Article 5 of this Ordinance.
- **E. Permitted Accessory Uses.** The following Accessory Uses shall be permitted within the Industry District:
  - 1. Accessory Structures or uses which are clearly incidental to any of the uses listed above, located upon the same property, as regulated in Section 12 of this Ordinance.
  - 2. Solar Energy System, clearly incidental to the principal use of the property.
  - 3. Wind Energy Conversion Systems, Non-Commercial, clearly incidental to the principal use of the property.
- **F.** Height, Yard and Lot Regulations. Structure height, yards and lots shall conform to the regulations herein and as regulated in Article 5 of this Ordinance.
  - 1. **Height.** No height limitations shall be imposed for industrial Structures, except as regulated by Airport Zoning.
  - 2. Front Yard.

- a. There shall be a front yard setback of not less than one hundred thirty (130) feet from the centerline of all Federal, State, County and County-State Aid highways, except for divided highways which shall require a setback of one hundred (100) feet from the highway right-of-way line.
- b. There shall be a front yard setback of not less than sixty-five (65) feet front the centerline of a township or incorporated municipal public right-of-way and all private roads. In no case shall the front yard be less than 30 feet from the right-of-way line of all other roads or streets.
- c. Where a lot is classified as a corner lot, there shall be a front yard setback from each road or highway abutting the corner lot.
- d. There shall be a front yard setback of 30 feet from the frontage along a cul-de-sac.
- e. Detached Accessory Structures shall not be allowed within the required front yard.

# 3. Side Yard.

- a. There shall be a side yard having a depth of not less than fifteen (15) feet on each side of a Principal Structure.
- b. Detached Accessory Structures shall not be located in the side yard.
- c. No Structure shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

# 4. **Rear Yard.**

- a. There shall be a rear yard having a depth of not less than thirty (30) feet from a Principal Structure.
- b. Detached Accessory Structures shall be setback at least ten (10) feet from the rear property line, provided they occupy not more than thirty (30) percent of any required rear yard.
- c. Where a lot is classified as a through lot, a required front yard setback shall be required along the rear frontage.
- d. No Structure shall be located within fifty (50) feet of any lot line of an abutting lot in any residence district.

# 5. Lot Area, Width and Depth.

- a. Every zoning lot on which an industrial Structure is erected shall have an area of not less than one (1) acre.
- b. Every lot or plot of land on which an industrial Structure is erected shall have a contiguous lawn area free of limiting factors sufficient for the construction of a primary and secondary standard soil treatment septic system in conformance with Blue Earth County's Individual Sewage Disposal System Ordinance.
- c. Every zoning lot on which an industrial Structure is erected shall have a width of not less than one hundred fifty (150) feet abutting a public right-of-way.
- d. No more than fifty (50) percent of the zoning lot shall be occupied by Structures, parking spaces or driveways.
- e. Every lot on which a structure is erected shall have an approved access to a public right-of-way.
- **G. General Regulations.** Additional regulations and requirements for the Industry District are set forth in Article 5 of this Ordinance.

# Article 5. GENERAL REGULATIONS.

#### Section 1. Parking and Loading.

- A. **Application of Parking and Loading Regulations.** Parking and loading regulations shall apply to all Structures and uses of land established or expanded from or after the enactment of this Ordinance.
- B. **Land Development Permit.** All plans submitted for a land development permit or change of use requiring more than four (4) parking spaces or loading facilities shall include the information contained in Article 3.
- C. **Size.** A width of not less than nine (9) feet and a depth of not less than twenty (20) feet is required for each parking stall. Each space shall be adequately served by access drives of at least 24 feet in width. All loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for the storage and maneuvering of the vehicles intended to be served.
- D. **Reduction and use.** On-site parking facilities existing at the enactment of this Ordinance shall not subsequently be reduced to an amount less than required under this Ordinance for a similar new Structure or use. On-site parking facilities provided to comply with the provisions of this Ordinance should not subsequently be reduced to an amount less than required under this Ordinance. Such required parking or loading space shall not be used for storage or sale of any items or for storage of vehicles that are inoperable or for sale or rent.
- E. **Computing.** In the computation of the number of such parking spaces required, the following rules shall govern:
  - 1. Floor space shall mean the usable floor area of the specific use.
  - 2. Where fractional spaces result, the parking spaces required shall be construed to be the next whole number.
  - 3. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- F. **Yards.** On-site parking and loading facilities shall not be allowed in any required yard. In the business and industrial districts, no parking or loading space shall be located within fifty (50) feet of any property line that abuts any residential property.
- G. Screening and Landscaping. All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened from view on each side adjoining or affronting any property situated in a residence district or any institutional premises by a wall, fence or densely planted compact edge not less than four (4) feet

in height. The screening and landscaping plan shall show plant materials, bed location and other necessary information. The Board may waive this requirement if the closest point of such parking area is at least seventy-five (75) feet from the nearest residential or institutional property line.

H. Access. Any parking and loading space shall have access from a public right-of-way or other approved access. The number and width of access drives shall be so located as to minimize traffic congestion and abnormal traffic hazard.

Motorized vehicular access to business or industrial uses across a primarily residential area is prohibited.

- I. **Location of Parking Facilities.** Required off-street parking space shall be provided on the same lot as the Principal Structure or use, with the following exceptions:
  - 1. Combined or joint parking facilities may be provided for one (1) or more Structures or uses in the Business and Industry Districts, provided that the total number of spaces shall equal the sum of the requirements for each Structure or use.
- J. **Construction and Maintenance.** Commercial and industrial parking areas and access drives shall be covered with a dust-free, all weather surface with proper surface drainage. Chemical dust control applied not less than monthly on gravel surfaces may be permissible at the discretion of the Board.

Parking and driving areas constructed after the effective date of this Ordinance shall be hard surfaced with bituminous or concrete for a distance of 200 feet from the point of access to a bituminous or concrete street.

Parking and loading areas, access drives and yard areas shall be maintained in a sightly and well-kept condition and have proper surface drainage.

K. **Lighting.** Any lighting intended for illumination of off-street parking areas shall be directed away from residential properties and public right-of-ways so as not to create a nuisance.

Lighting fixtures installed after the effective date of this Ordinance shall be full cutoff and shall not allow light to be projected above the elevation of the fixture.

- L. **Parking of Commercial Vehicles or Equipment.** No commercial vehicles or equipment exceeding 9,000 pounds gross weight shall be parked, stored or otherwise contained in a residential or conservation district unless it is within a completely enclosed structure or unless they are being used in conjunction with a legitimate service being rendered for the benefit of the residential premises.
- M. Required Number of On-Site Parking Spaces. On-site parking areas of sufficient

size to accommodate patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. The expansion or alteration of existing uses requiring additional on-site parking spaces shall be calculated based upon the existing floor area to parking space ratio for said use, or the ratio of number of employees to parking spaces. Uses established after the effective date of this Ordinance shall comply with the on-site parking requirements outlined in the table below.

	<u>USE</u>	PARKING SPACES REQUIRED	
A.	<b>RESIDENTIAL:</b>		
	One-Family, Two-Family and Multiple-Family	Two (2) spaces per dwelling unit.	
В.	COMMERCIAL:		
General		One (1) space per two hundred (200) sq. ft. of retail or sales floor area, unless specifically noted.	
	Special Commercial		
	Banks	One (1) space per two hundred fifty (250) sq. ft. of gross floor area.	
	Furniture and Appliance	One (1) space per four hundred (400) sq. ft. of gross sales floor area, and one (1) space per employee on major shift.	
	Mini-Storage	One (1) parking stall for every two (2) storage units. A parking space adjacent to a storage unit may be counted as one (1) parking space.	
D.	OFFICES AND RELATED USES:		
	General Standards	One (1) parking space per each two hundred fifty (250) sq. ft. of gross floor area.	
	Other Office Uses		
	Medical and Dental Offices	One (1) parking space per each two hundred (200) sq. ft. of gross floor area.	
E.	RECREATIONAL USES:		
	General Standards	One (1) space per four (4) persons of the maximum occupancy load.	

F.	INDUSTRIAL USES:		
Research or Lab on the major shift, or one (1) space for each th		Four (4) off-street parking spaces, plus one (1) space per employee on the major shift, or one (1) space for each three hundred (300) sq. ft. of floor area. (Ord. of 2-9-2004)	
	Warehousing and Wholesale Business	Three (3) off-street parking spaces, plus one (1) space per employee on the largest working shift.	
G.	INSTITUTIONAL:		
	Church and Other Religious Institutional	One (1) space per four (4) seats of maximum seating capacity in largest congregation area.	
H.	LIBRARIES / MUSEUMS:		
	General Standards	One (1) space per two hundred fifty (250) sq. ft. of floor area or one (1) space per four (4) seats at the maximum occupancy load, whichever is greater, plus one (1) space per employee on the largest work shift.	
I.	SCHOOLS:		
	Elementary and Junior High	One (1) space per staff member, plus one (1) space per each two (2) classrooms.	
	Senior High School One (1) space per staff member, plus one (1) space per students.		
	Post Secondary	One (1) space per staff member, plus one (1) space per two (2) students. In an instance where the school restricts the number of vehicles used by students and faculty, the parking requirement shall be based on the number of vehicles allowed under the restriction and other uses found on school property.	
J.	CLINICS:		
	General Standards	One (1) space per each two hundred fifty (250) sq. ft. of floor area plus, one (1) space per staff member.	

N. **Required Number of On-Site Loading Spaces.** The minimum number of on-site loading and unloading spaces shall be determined by existing floor area to loading space ratios for an existing use.

Uses established after the effective date of this Ordinance shall comply with the on-

USE	GROSS FLOOR AREA (Sq. Ft.)	NO. OF BERTHS & SIZE		
Auditoriums, Cultural, & Conference	10,000 - 20,000	One (1) short		
Facilities	20,001 - 100,000	One (1) short		
each additional	100,000	One (1) long		
	5,000 - 40,000	One (1) long		
Freight Facilities	40,001 - 100,000	Two (2) long		
each additional	100,000	One (1) long		
Hotels & Institutional	10,000 - 200,000	One (1) short		
each additional	100,000	One (1) short		
	5,000 - 10,000	One (1) short		
Industrial & Manufacturing Uses	10,001 - 40,000	One (1) long		
	40,001 - 100,000	Two (2) long		
each additional	100,000	One (1) long		
Office Uses	10,000 - 200,000	One (1) short		
each additional up to 500,000	100,000	One (1) short		
each additional	500,000	One (1) short		
each additional	200,000	One (1) long		
	5,000 - 10,000	One (1) short		
Dete: 1/Commercial	10,001 - 25,000	Two (2) short		
<b>Retail/Commercial</b>	25,001 - 60,000	Two (2) long		
	60,001 - 100,000	Three (3) long		
Transportation Facilities (Air/Bus/Rail)	10,000 - 40,000	One (1) short		
each additional	40,001 - 100,000	One (1) long, One (1) short		
	100,000	One (1) long		
	10,000 - 40,000	One (1) short		
<b>Utilities &amp; Communication Facilities</b>	40,001 - 100,000	One (1) long, One (1) short		
each additional	100,000	One (1) long		
Gross Floor Area refers to structures on premises. Berth (loading dock): Short - 10 ft. wide $\times$ 35 ft. deep				

site loading space requirements shown in the table below.

#### Section 2. Utilities.

#### A. Subsurface Sewage Treatment Systems.

- 1. All sewage and water systems hereafter constructed or maintained shall conform with the provisions of this Section, the Blue Earth County Subsurface Sewage Treatment Systems Ordinance as may be amended from time to time, and any other applicable County or State regulation.
- 2. A permit from Blue Earth County shall be required for each individual sewage treatment system installed in the Township. Such a permit shall be issued only when the Blue Earth County Sanitarian has determined that the system will conform to the applicable State and County regulations.
- 3. Compliance checks for each existing individual sewage treatment system are required for each new land development permit. If a system is found to be non-compliant, then the system shall be upgraded as a condition precedent to the issuance of a land development permit.

#### B. Water Wells.

- 1. All new water wells construction in the Township, whether public or municipal, shall be constructed in accordance with State of Minnesota Rules Chapters 4720 and 4725, and Blue Earth County's Water Well Code as amended from time to time.
- 2. A permit from Blue Earth County will be required for the construction, reconstruction, abandonment or sealing of a well on any land within Lime Township.
- Section 3. Performance Standards. To create a compatible relationship of land uses within and between the various zoning districts, certain standards shall be maintained. Permitted Uses, Conditional Uses, Interim Uses and Accessory Uses shall conform to these standards.
  - A. **Landscaping.** All required yards shall be landscaped or left in a natural state. Any areas left in a natural state shall be properly maintained in a well-kept condition. Commercial and industrial yards adjoining any residence district shall be landscaped with buffer planting screens or fencing. Planting screens or fencing shall effectively screen the commercial or industrial use from the residential property.

- B. **Noise.** Noise shall be measured on the property line of the lot on which the operation is located and shall not exceed the standards as regulated in Minnesota Rules, Chapter 7030. Agricultural Uses shall be exempt from such provisions.
- C. **Odors.** Any use hereafter established, enlarged or improved shall be so operated as to prevent the emission of odorous matter of such quantity as to be readily detectable at any point beyond the property line of the lot on which such use is located. Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a land development permit. Agricultural Uses shall be exempt from such provisions.
- D. **Exterior Lighting.** Any lights used for exterior illumination shall be directed away from adjoining properties. Glare, whether directed or reflected, such as from floodlights, shall not be directed at or illuminate adjacent properties.

Exterior lighting fixtures erected after the effective date of this Ordinance on commercial or industrial property shall be Full Cutoff Fixtures. Security lighting required by state or federal regulation is exempt.

- E. **Vibration.** Any use creating periodic earth-shaking vibrations perceptible beyond lot boundaries on which the use is located shall be prohibited. This provision shall not apply to vibrations due to construction or mining activities.
- F. **Smoke and Particulate Matter.** Any use hereafter established, enlarged or improved shall be operated so as to control the emission of smoke or particulate matter to the degree that it is not detrimental or an endangerment to the public health, safety comfort or general welfare. All smoke and particulate matter emission shall comply with standards adopted by the State of Minnesota.
- G. **Dust.** Solid or liquid particulate shall not be emitted in concentrations in excess of standards established by the State of Minnesota.
- H. **Toxic or Noxious Matter.** Any use hereafter established, enlarged or improved shall be operated so as to not discharge across lot boundaries or through percolation into the subsoil toxic or noxious matter exceeding standards established by the State of Minnesota.
- I. **Explosives.** Any use requiring the storage, utilization or manufacturing of explosive products which could degrade or become unstable, shall comply with the State of Minnesota Fire and Safety Rules and shall not be located within five hundred (500) feet of any Residence District.
- **Section 4. Home Occupations.** To prevent competition with business and industrial districts and to maintain the character of the residential districts, this Section establishes specific standards and procedures by which home occupations can be conducted in residential districts without jeopardizing the health, safety, and general welfare of

surrounding uses. Permitted agricultural activities shall be exempt from such provisions.

- A. **Level I Home Occupations.** Where specifically allowed in a zoning district, a Level I Home Occupation shall comply with the following:
  - 1. Prohibited Level I home occupations include the repair of internal combustion engines, automobile repair, welding, ammunition manufacturing, building contractors, and other similar uses as determined by the Board.
  - 2. Level I home occupations shall be conducted entirely within the dwelling or Accessory Structure to the extent permitted in paragraph 5, carried on by the inhabitants thereof with no more than one employee not residing on the premises.
  - 3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
  - 4. The home occupation shall not exceed 500 square feet of the floor space of the dwelling.
  - 5. Accessory Structures and/or attached garages may be used as part of the home occupation, provided not more than 30 percent of the floor area is devoted to the occupation.
  - 6. There shall be no outside storage or display of materials, equipment, or merchandise.
  - 7. Signage shall be limited to one (1) sign, not more than six (6) square foot in area, and non-illuminated.
  - 8. The home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond on the property line.
  - 9. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.
  - 10. Only one vehicle shall be allowed which is devoted primarily to the home occupation. The vehicle shall not exceed 9,000 pounds.
- B. Level II Home Occupations. Where specifically allowed in a zoning district, a Level II home occupation shall comply with the following:
  - 1. Level II home occupations shall be conducted entirely within the dwelling or Accessory Structure carried on by the inhabitants thereof with no more than

three (3) employees not residing on the premises.

- 2. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes. Total maximum floor area for the occupation shall be 2,500 feet.
- 3. Signage shall be limited to one (1) sign, not more than 32 square feet in area, and non-illuminated.
- 4. The home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond on the property line.
- 5. The hours of operation shall be limited from 7:00 a.m. to 6:00 p.m.
- 6. Materials, equipment, and merchandise shall be stored in an enclosed Structure or screened outside area on the property.
- 7. All vehicles or trailers or other equipment shall be parked on the property in a designated area, which is constructed with a dust-free, all-weather surface with proper surface drainage.
- 8. Junk/scrap yards and restaurants or other eating and drinking establishments are prohibited.
- C. **General Standards.** All home occupations shall comply with the standards of the Blue Earth County's Individual Sewage Disposal System Ordinance.

#### Section 5. Water Retention, Erosion and Sedimentation Control.

A. **Impervious Surfaces.** New development covering or replacing surface vegetation with an impervious surface equal or greater than one (1) acre must provide a storm water management plan in order to maintain the pre-development storm water drainage characteristics of the area.

Linear projects such as sidewalks, paths, trails and the reconstruction, repair or resurfacing of existing roads or other impervious surfaces shall be exempt.

- B. **Bluff Zones.** All development shall conform to the natural limitations presented by the topography and soil as to prevent soil erosion, and according to the following standards:
  - 1. No structure shall be erected in any bluff impact zone as defined in Article 5 of this Ordinance. Essential services shall be exempt from this restriction.
  - 2. Grade alterations in excess of five (5) cubic yards in any bluff impact zone shall be considered a Conditional Use, requiring a permit as regulated in

Article 3 of this Ordinance.

- 3. No structure shall be erected within thirty (30) feet of a bluff line. If the adjacent bluff impact zone is actively eroding, the Board may at its discretion, increase the setback requirement.
- C. **Erosion and Sedimentation Controls.** Erosion and sedimentation control measures shall be installed to insure appropriate control measures are installed prior to development when necessary. Storm water drainage and erosion control plans provided by a certified registered professional engineer may be required.

Best management practices shall conform to the following standards:

- 1. Land shall be developed in increments of a workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at one time.
- 2. Drainage systems shall be constructed and operational as quickly as possible during construction.
- 3. Natural vegetation shall be retained and protected whenever possible.
- 4. If the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality equal or greater than that of the soil prior to development.
- 5. When soil is exposed, the exposure shall be for the shortest period possible. Exposure shall not exceed sixty (60) days. Said time period may be extended only if the Planning Commission is satisfied that adequate control measures have been established and will remain in place.
- 6. Natural drainage systems shall be used whenever feasible for storage and flow of runoff. Storm water drainage may be discharged to marshlands, swamps, retention basins or other treatment facilities. Temporary storage areas or retention areas shall be scattered throughout developed areas to reduce peak flow and erosion damage.
- 7. Where wetlands are used for storm water retention, sedimentation controls shall be required per the standards of Minnesota Rules 8420.
- D. **Exposed Slopes.** The following shall be met to control erosion during construction or development on or near slopes steeper in grade than three (3) feet horizontal to one (1) foot vertical:
  - 1. A channel and berm shall be constructed at the foot of exposed slopes to

control runoff. All runoff shall be diverted to a sedimentation basin before being returned to the natural drainage system.

2. A berm shall be constructed at the top of exposed slopes to prevent runoff from flowing over the edge. Where runoff collection behind said berm cannot be diverted, appropriate measures shall be taken to prevent erosion. The Township may require drop structures to conform to Soil and Water Conservation District construction standards.

Exposed slopes shall be protected by the most effective method considering the degree of slope, soils and expected length of exposure. Protection shall consist of a combination of the following:

- a. Mulch (hay, straw, wood chips, corn stalks, bark, etc.).
- b. Plastic sheets.
- c. Burlap, erosion mats or jute netting.
- d. Sod blankets, fast growing grasses or temporary seeding of annual grasses.

Other control measures if they shall protect the exposed slope as effectively as the methods listed hereto.

- **Section 6. Environmental Hazard Abatement.** Land development permits shall not be approved until all known environmental hazards situated on the property have been abated in a manner prescribed by law. Environmental hazards include:
  - A. Unused or improperly sealed wells, cisterns, pits and tanks.
  - B. Unapproved sites where man made articles are stored, abandoned or discarded.
  - C. Abandoned, dilapidated or burned out structures.
  - D. Other items similar in nature to those listed herein.

### Section 7. Public Nuisance.

A. **Nuisance Declared.** Unless otherwise allowed in this section, the parking, storage or leaving of Junked Motor Vehicles upon private or public property within the Township shall be within an enclosed structure, or on property lawfully zoned and permitted as a junkyard. Junked Motor Vehicles not stored in this manner shall constitute a public nuisance, which may be abated by the Zoning Administrator as such. Properties used for Agricultural Development in the Agricultural zoning district may contain up to twelve Junked Motor Vehicles, provided the vehicles are

not stored in any required yard or setback and are screened from view from adjoining properties and roads.

The deposit or accumulations of refuse not stored in an approved container or containers shall constitute a hazard to public health and safety, which may be abated by the Township as such. Approved storage containers shall be weather and animal resistant and shall be completely emptied at least every two (2) weeks; except for the Agricultural District where they shall be completely emptied every four (4) weeks.

- B. **Nuisance Abatement.** In the event that a public nuisance is located on any private or public property, The Zoning Administrator shall provide a notice ordering the real property owner or personal property owner to remove such nuisance within ten (10) days of said notice. The notice shall be mailed to the address to which property tax statements are sent by the County. The invoice shall advise the property owner that in the event the owner does not comply, the necessary work to abate and/or remove the nuisance may be authorized by Zoning Administrator and the cost will be billed to the owner of the property. If the property owner does not pay for such expense, the cost of work shall be certified against the real property pursuant to this Chapter.
- C. Certification of Costs. All unpaid abatement expenses incurred by the Township under this Chapter will be charged against said parcel and will be the responsibility of the property owner pursuant to M.S.A Chapters 429, 462 and M.S.A § 366.012 and any other relevant statutes. The property owner shall be invoiced for the Township's costs to where property tax statements are sent by the County. The invoice shall advise the property owner of their right to request a hearing by the Board regarding said costs. Unless a hearing is requested and granted by the Board, the invoice shall be paid within 30 days of the date of the invoice, should property owner not reimburse the Township within said time, the Township shall be authorized to certify said unreimbursed costs to the County Auditor for payment with the property owner's property taxes. This cost recovery shall be in addition to any penalty or legal or equitable remedy the Township may seek or receive for the violation of this Chapter.

### Section 8. Additional Requirements, Exceptions and Modifications.

- A. Additional Requirements, Exceptions and Modifications. The height of all structures shall conform to the provisions of Airport Zoning. Height limitations set forth elsewhere in this Ordinance may be increased with no limitation for the following uses:
  - 1. Church spires, belfries or domes, which do not contain useable space.
  - 2. Water towers.
  - 3. Chimneys or smokestacks.
  - 4. Radio, television or cellular transmission towers.

- 5. Essential service structures.
- 6. Windmills
- 7. Flag Poles
- B. **Yard Regulations.** Measurements shall be taken from the nearest point of the wall of a Structure to the lot line, subject to the following qualifications:
  - 1. Steps, landing places, or uncovered porches may extend into the required front yard to a distance not greater than eight (8) feet if the landing place or porch has a floor elevation no higher than the entrance floor of the Structure. The architectural features listed above may also extend into any rear yard to the same extent.
  - 2. A wall, fence or hedge may occupy the front, side or rear yard. Boundary line fences shall be entirely located upon the private property of the person, firm or corporation constructing such fence, unless the adjoining property owner agrees in writing that such fence may be erected on the division line of the respective properties. No setback requirements shall apply.
  - 3. All fences shall not exceed six (6) feet in height, except in the Business and Industry Districts security fences which shall not exceed eight (8) feet in height including barbed wire toppings.
  - 4. The required front yard of a corner lot shall be unobstructed above a height of three (3) feet from the established street grades within the triangular area formed at the intersection of any streets right-of-way lines and a straight line drawn between the right-of-way lines at a point located on each right-of-way line that is twenty-five (25) feet from the point of intersection.
  - 5. Not more than 35 percent of the required front or corner side yard area in the residential zoning districts shall be used for parking or driving surfaces.
- C. **Dog Houses or Dog Runs.** Accessory dog runs or doghouses in residential zoning districts shall not be allowed in the required front or side yards. Accessory dog runs or doghouses may be located in the rear yard, provided all portions are setback at least three (3) feet from the property line(s).
- D. Lot Area Regulations. No lot shall be so reduced that the buildable lot area or dimensions of the open spaces shall be smaller than herein prescribed.

### E. Lot Access Standards.

1. Every lot or plot of land on which a dwelling is erected shall have an

approved access to a public right-of-way.

- 2. A permit shall be required for all new driveways. The Board prior to any development or construction shall approve the location and specification of access for a driveway or field access to any Township Road.
- 3. The County Highway Department prior to any development or construction shall approve the location and specification of access for a driveway or field access to any County Road.
- 4. The location and specification of access for a driveway or field access to any city street shall be approved by the City Council prior to any development or construction.
- 5. The location and specification of access for a driveway or field access to any State Highway shall be approved by the Minnesota Department of Transportation prior to any development or construction.
- F. Accessory Structures. When an Accessory Structure is attached to the Principal Structure, it shall be made structurally a part of the Principal Structure and shall comply in all respects with the requirements of this Ordinance applicable to the Principal Structure.
- **Section 9.** Swimming Pools. Accessory swimming pools containing more than three thousand (3,000) gallons or with a depth of water over three and one-half (3-1/2) feet shall conform to the following standards. In addition, such pools shall be subject to site plan review.
  - A. No pool shall be located within at least ten (10) feet of any side or rear lot line nor within six (6) feet of any principal structure or frost footing. No pool shall be located within any front yard.
  - B. No pool shall be located beneath overhead electrical lines or over underground utility lines of any type.
  - C. No pool shall be located within any private or public utility, walkway, drainage, or other easement.
  - D. All accessory mechanical apparatus shall be located at least thirty (30) feet from any adjacent residential structure and no closer than five (5) feet to any lot line.
  - E. Lighting for the pool shall be oriented so as not to cast light onto adjacent properties.
  - F. A security fence of at least six (6) feet in height shall completely enclose the pool area.

### Section 10. Signs.

A. **Purpose.** The regulation of signs in Lime Township is intended to protect and promote the health, safety and general welfare of the Township through the establishment of comprehensive and uniform standards, regulations and procedures for the governing of the type, number size, structure, location, height, lighting, erection, use or display of devices within or upon public rights of way or private properties. Hereafter, no sign shall be erected, constructed, altered or modified except as regulated by the provision of this Section.

### B. Scope of regulations.

- 1. It shall be unlawful for any person to erect, construct, enlarge, move, alter or convert any sign or cause the same to be done within the Township except in accordance with the provisions of this Ordinance.
- 2. Any sign provided for in any zoning district may contain non-commercial messages. To the extent any conflict arises between this provision and any other language found in this Ordinance, this provision shall control.
- 3. For purposes of this Ordinance, a "non-commercial message" or "noncommercial speech" shall mean any message or speech that does not meet the definition of "commercial message or commercial speech" as set forth in this zoning ordinance. Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the Township or other duly constituted government authority or a civil action by the Township or other private person or entity.

### C. General Sign Requirements.

- 1. **Maintenance.** The owner shall maintain all signs in a safe condition. A sign shall be repainted whenever its surface begins to fad, chip or discolor.
- 2. **Right-of-Way.** No signs other than governmental signs shall be erected or temporarily placed within any public right-of-way.
- 3. **Obsolete Signs.** The owner of such property shall remove on-premises signs from a Structure and property within thirty (30) days of the termination of the use for which it was intended.
- 4. **Unsafe Signs.** No sign or sign structure shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window or fire escape. If the Zoning Administrator finds any sign unsafe, a detriment to the public, not maintained, constructed, erected or maintained in violation of the provisions of this Section, the Zoning Administrator shall give written notice

to the property owner thereof.

- 5. **Required Signs.** All signs required by Township, County, State or Federal law shall be permitted in all Districts.
- 6. **Illumination.** All external illumination of signs shall be conducted so as to direct light sources away from adjacent properties.
- D. Sign Permits. No sign shall be erected, re-erected or altered unless a permit has been obtained, unless exempt as regulated in this Section. Application for sign permits shall be made in writing on forms furnished by the Zoning Administrator. The Zoning Administrator may require the filing of plans where such information is necessary to ensure compliance with this Ordinance.

All signs for which a permit is required shall be subject to inspection by the Zoning Administrator. The Zoning Administrator may enter upon property or premises to ensure that the provisions of this Ordinance are being met. All permitted signs shall display in a conspicuous manner the permit number and such information as required by law.

E. Non-Conforming Signs. Any sign legally existing on the effective date of this Section, which does not conform, to the requirements set forth in this Section shall be considered a non-conforming sign.

Legally non-conforming signs shall not be moved or altered except for the changing of copy, repair of moveable parts or the repainting and general maintenance of the sign without being brought into compliance with the requirements of this Section.

- F. **Exempt Signs.** The signs listed herein require no permit, but shall conform to the following standards:
  - 1. One non-illuminated free-standing sign per property having an aggregate sign area of not more than six (6) square feet, provided that said sign shall not exceed three (3) feet in height or be set back less than ten (10) feet from the public right-of-way.
  - 2. Signs for one (1) or two (2) family dwellings identifying the occupant, street address, provided that such signs are less than one (1) square foot in area.
  - 3. Non-governmental traffic control devices that do not contain commercial messages provided that the sign shall not be larger than four square feet. The maximum height of the sign shall not exceed five feet from the ground. The placement of the directional signs shall be so located such that the sign does not adversely affect adjacent properties (including site lines or confusion of adjoining egress or ingress) or the general appearance of the site from the right-of-way. Such signs shall not be included in calculating allowable

signage.

- 4. Public signs, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of safety.
- 5. Signs placed upon construction sites denoting the architect, engineer, contractor or owners. Such signs shall be removed within ten (10) days of completion.
- 6. Signs in compliance with the Fair Campaign Practices Act contained in M.S.A. § 211.B.045, as amended from time to time.
- 7. Signs or posters attached or painted upon the inside of a display window, including illuminated signs, excluding flashing signs.
- 8. Flags, badges or insignias of any government, governmental agency or any civic, religious, fraternal or similar organization.
- 9. Emergency signs as required by any government agency.
- 10. Temporary real estate signs pertaining only to the sale, rental or development of the lot upon which the sign is displayed. Such signs shall not exceed six (6) square feet for residential property and twenty-four (24) feet for other property. One (1) sign shall be permitted for each lot and must be removed within ten (10) days of the sale, rental or development of said lot.
- 11. One Banner temporarily placed upon private property for advertisement of a special sales event or grand opening not exceeding thirty-two (32) square feet. Such signs may be displayed for a period not exceeding thirty (30) days.
- 12. Holiday signs or displays which contain or depict messages pertaining to a national or state holiday. Such signs may be displayed for a period not exceeding thirty (30) days.
- 13. Home occupation signs as regulated in Article 5 of this Ordinance.
- G. **Prohibited Signs.** The following signs are prohibited in any District:
  - 1. Signs that by reason of position, shape, color or language would interfere with the proper function of a traffic sign, signal or be misleading to vehicular traffic.
  - 2. Signs within a public right-of-way or easement, except for signs installed by government agencies.
  - 3. Off-premises signs, except for traffic directional signs not exceeding 32

square feet in area.

- 4. Signs affixed to trees or utility poles.
- 5. Signs with rotating beams or flashing illumination.
- 6. Signs advertising by letters, words or figures painted upon any road or sidewalk within the Township.
- 7. Advertising painted upon any exterior Structure surface, except those conforming to historical precedent as determined by the Board.
- 8. Trademark signs in excess of two (2) per business.
- 9. Signs painted or attached to a vehicle that is not intended to be moved.
- H. **Agriculture, Rural Preservation and Residence Districts.** The following signs are permitted in the Agricultural District, Rural Preservation District and all Residence Districts:
  - 1. One (1) non-illuminated nameplate or professional identification of not more than one and one-half (1/2) square feet in size identifying the owner or occupant.
  - 2. Signs temporarily advertising the sale of seasonal agricultural products not exceeding thirty-two (32) square feet in size. Such signs may be displayed for a period not exceeding thirty (30) days.
  - 3. Signage for the identification of religious uses, public institutions, nonresidential and residential development sites not exceeding thirty-two (32) square feet in size. Such signage may be wall or ground mounted or a combination thereof. A Ground Sign shall not exceed fifteen (15) feet in height. A second sign may be permitted if the lot abuts two (2) or more public roadways.
- I. **Highway Business and Industrial Districts.** The total areas of all permitted signs shall not exceed two (2) times the lineal frontage of the lot. Lots abutting two (2) or more public roadways shall be permitted one hundred fifty (150) percent of the total allowable sign area, with no more than one hundred (100) percent on any one street.

No more than four (4) signs shall be permitted on any lot, one (1) being a Ground Sign.

The following signs are permitted in the Highway Business and Industrial Districts:

1. Exempt signs as regulated in this Section.

- 2. Wall or Ground Signs identifying the name or type of business.
- 3. Parking signs as regulated in this Section.
- 4. On premises signs meeting the following requirements:
  - a. Ground Signs not exceeding forty (40) feet in height, setback not less than five (5) feet from the lot line.
  - b. Wall signs not projecting more than twelve (12) inches above the roof line.
  - c. Not more than one (1) projecting sign, not more than six (6) feet from the face of the Structure, with not less than fourteen (14) feet of clearance beneath.
  - d. Cluster or planned developments located on a single lot shall be permitted one (1) joint identification Ground Sign identifying the name of the development and/or the businesses located within, in addition to one (1) wall sign per business. The combined area of these signs shall not exceed the total allowable signage for the lot.

### SECTION 11. SHORELAND REGULATIONS.

- **A. Purpose.** The Shoreland Regulations are intended to provide for the use and development of the shorelands of public waters in Lime Township, while preserving and enhancing the quality of surface waters, maintaining the economic and environmental value of shorelands and conserving water and related land resources.
- **B. Classification of Shoreland.** Shoreland shall be classified as the land area abutting public waters within:
  - 1. 1,000 feet of the normal high-water mark of a lake, pond, or wetland.
  - 2. 300 feet of a river or stream, or the landward extension of a designated flood plain, whichever is greater.

The public waters listed herein have been classified according to the criteria of State of Minnesota Rules Section 6120.3300, and appear as identified herein upon the Official Zoning Map.

Public Waters Identification Number

### Natural Environment Lakes

Wita	7-77
<b>Recreational Development Lakes</b>	
Eagle North	7-60
Wetlands	
Unnamed	7-76
<b>Rivers and Streams</b>	Location
Transition Rivers	
Minnesota River	Sec. 36, T109N, R27W to Sec. 24, T109N, R27W
Tributary Streams	Sec. 24, 1109N, K27W
Unnamed to Minnesota River	Sec. 34, T109N, R26W to Sec. 25, T109N, R27W
Unnamed to Minnesota River	Sec. 23, 1109N, R27W Sec. 22, T109N, R26W to Sec. 19, T109N, R26W

**C. Shoreland Ordinance.** The Blue Earth County Shoreland Ordinance, as amended from time to time, is hereby adopted by reference.

**SECTION 12. FLOODPLAIN ORDINANCE.** The Blue Earth County Floodplain Ordinance, as amended from time to time, is hereby adopted by reference.

**SECTION 13. AIRPORT REGULATIONS.** The airport zoning regulations adopted by the Joint Airport Zoning Board of Mankato, Blue Earth County, St. Peter, Nicollet County, and Le Sueur County, and as may be amended from time to time, are hereby adopted by reference and referred to herein as Airport Regulations.

# SECTION 14. EXTRACTION, STOCKPILING AND PROCESSING OF MINERALS AND MATERIALS.

- **A. Purpose.** This Section is adopted for the purposes of:
  - 1. Identifying areas in the Township where mineral extraction is most appropriate and minimizes conflicts with agricultural, commercial, industrial, residential and other land uses.
  - 2. Establish standards which prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the community as a whole.
  - 3. Providing for the economic availability and removal of sand, gravel, rock, soil and other materials.
  - 4. Establishing regulations, safeguards and controls regarding noise, dust, traffic, drainage, groundwater quality and other factors which will minimize the environmental and aesthetic impacts on mined or adjacent property.
  - 5. Reducing the potential for pollution caused by wind, soil erosion and sedimentation.
  - 6. Establishing locations, orderly approval process and operating conditions under which Mining Operation will be allowed in the Township and to establish conditions which ensure the restoration of mined areas consistent with the existing and planned land use patterns.
  - 7. Ensuring compliance with the regulations established in this ordinance on those Mining Operations presently operating in Lime Township.

Excavations for the purposes of residential, commercial or industrial development and land alterations for agricultural purposes shall be exempt from the provisions of this Section.

6. Scope and Applicability. No person, firm or corporation shall hereafter engage in mining on any land within Lime Township without first obtaining an Interim Use Permit as regulated in Article 3 of this Ordinance. For the purpose of this Section, mining consists of the mining and/or processing of sand, gravel, limestone or other minerals on any land within Lime Township, and includes any excavating, clearing, sodding, dirt moving, berm construction, pond construction, overburden removal, mining, drilling, stripping, filling, digging, dredging, crushing, screening, processing of mined aggregate, material loading, movement of materials, mobilization of equipment, or sale of sand or aggregate that is the subject of

an Interim Use Permit. All activities proposed on a site that is subject to an Interim Use Permit for Mining Operations whether or not they are integral to the Mining Operations shall be identified within the Interim Use Permit and the approved site plans, and if not identified within the Interim Use Permit they shall be a violation of the Interim Use Permit. Prior to utilizing the property in a manner that is not consistent with the approved Interim Use Permit (or Conditional Use Permit as may be applicable for existing mines in operation prior to the enactment of this Ordinance), an application for an amendment to the Interim Use Permit must first be approved by the Board.

For the purposes of this Section, mining shall not include the removal of materials for a foundation, cellar or basement associated with the construction of a Structure, the removal of excess materials in accordance with approved plats, utility or highway construction, agricultural improvements within the property, sod removal and minor wetland impacts under 20,000 square feet of cumulative impacts (previous and proposed) that have received an approved "no loss" or "exemption" determination from the local government unit administering the Wetland Conservation Act, and excavation of less than 100 square feet in area or one foot in depth.

- 7. **Application**. In addition to the Interim Use Permit application required under Article 3, the following information shall be provided:
- 1. The name, address and phone number of the owner of the land.
- 2. The name, address and phone number of the operator of the land.
- 3. Complete legal description of the subject property suitable for recording the Interim Use Permit if granted by the Township.
- 4. Existing conditions survey indicating property boundaries, topographic data, including contours at 2-foot vertical intervals, water courses, marshes, wetlands, wooded areas, rock outcrops, power transmission poles and lines, existing structures, easements, encumbrances, and other significant features shall be shown.
- 5. Proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding 2-foot intervals.
- 6. A narrative outlining the type of material to be excavated, mode of operation and processing, estimate of amount of material to be removed, plans for blasting, mode of transportation of materials including, but not limited to, a description of all vehicles and equipment expected to be used by operator in the operation of the facility, a description of the estimated daily and peak daily number of vehicles accessing the facility, including operator owned and non-operator owned vehicles, the use of explosives, and other pertinent information to explain the request in detail.
- 7. Site Plan showing details of the Mining Operation and any other uses of the site, Structures, screening, stockpile locations and heights, setbacks, landscaping, parking, storage and all other pertinent details to review the application. Activities that are not identified on the approved Site Plan that is incorporated into an Interim Use Permit, whether or not they are integral to

the Mining Operation proposed, shall be a violation of the Interim Use Permit.

- 8. Grading plan.
- 9. A description of the haul routes within the Township to be used in the operation of the facility including a map showing access routes between the property and the nearest arterial road.
- 10. A traffic study showing the impact of the development on public streets which serve the development. A professional traffic operations engineer shall undertake the study.
- 11. Groundwater: A plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of 3 borings showing depth to groundwater. If groundwater is not encountered at a depth of 15 feet below the bottom of the proposed pit floor, the applicant need not extend borings any further.
- 12. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property.
- 13. A general description of any wells or private sewer systems of record, pipelines, power lines; and other utilities or appurtenances on the subject property and adjacent properties.
- 14. Cross-sections: a minimum of three cross-sections showing the extent of Overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past.
- 15. Processing areas including Structures and enclosures, settling basins and process water ponds shall be identified and boundaries shown to scale. A narrative description of the processing activities and plans for any processing shall be included in the application.
- 16. A phasing plan which illustrates the sequencing of mineral extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes including an estimate of duration of the Mining Operation, location and approximate acreage of each stage, and time schedule for reclamation.
- 17. Copies of MPCA all application documents and all operating permits, including but not limited to NPDES and air emission permits.
- 18. A description of the site hydrology and drainage characteristics during extraction for each phase. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff.
- 19. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
- 20. A description of the plan to mitigate potential impacts resulting from mineral extraction including, but not limited to, a plan for dust and noise control.
- 21. A description of site screening, landscaping and security fencing.
- 22. A description of site reclamation in each phase of operation and upon completion of mineral extraction on the subject property.

- 23. A description of the method in which complaints about any aspect of the facility operation or off-site transportation are to be received and the method which complaints are to be resolved.
- 24. Viewshed analysis.
- 25. Photometric plan.
- 26. Blast monitoring plan.
- **D. Permit Application Procedure.** Mineral extraction permits shall be considered and processed by the Township as interim use permits. The procedures are defined in the Zoning Ordinance.
  - 1. Applicants are encouraged to contact the Township for an administrative interpretation of the compatibility of the proposed mineral extraction activity with the Zoning Ordinance.
  - 2. Applicants are encouraged to appear before the Planning Commission to make a preliminary presentation on the conceptual nature of the proposed extraction activity.
  - 3. A copy of the application and required supporting information shall be forwarded to the Township or its designee. Within fifteen (15) business days of receipt of the information a determination of the completeness of the application and supporting documentation will be made. If the application is complete, the environmental review process will begin unless it has already been completed. If the application is incomplete, the Township will identify the information which must be submitted before formal review may commence.
  - 4. Any application which is inconsistent with the Zoning Ordinance will be denied. The applicant has the right to submit an application to the Township to amend the Zoning Ordinance, according to procedures established by the Township.
  - 5. Within thirty (30) days of receipt of a complete mineral extraction permit application, the Township will order an Environmental Assessment Worksheet to be prepared, according to Minnesota Rules, Chapter 4410.
  - 6. Upon completion of the environmental review process, the Township will process the mineral extraction permit. The Township may require that the applicant submit additional information to address or clarify any issues raised in the environmental review. The formal review process will commence after completion of the environmental review or upon receipt of additional information required.
  - 7. Upon receipt of all required information and upon completion of the environmental review process, the Planning Commission shall hold a public hearing for the mineral extraction permit. The hearing will satisfy the hearing requirements of the interim use permit.
  - 8. After the public hearing, the Planning Commission shall make findings on the permit application and submit recommendations to the Town Board.

- 9. If the Planning Commission and the Town Board cannot act upon the permit application within sixty (60) days of the receipt of all required information and completion of the environmental review process, the Township shall notify the applicant in writing of the delay and extension of review. The Planning Commission and Town Board must act upon the application within one hundred twenty (120) days of the date the final application was submitted unless an extension of time is granted by the applicant.
- 10. The Town Board shall approve the permit application, deny the permit application or approve the permit application with modification.
- 11. A mineral extraction permit application denied by the Town Board may not be reapplied for, whether the same or modified application, for a period of twelve (12) months from the date of denial.
- 12. If there are any conflicts between this subsection and either Article 3, Sections 9 or 10, then Article 3, Sections 9 or 10 shall apply.

# E. Term of Permit.

- 1. Each Interim Use Permit approved shall be effective for a period of five (5) years from the date of approval, provided the requirements of operation and reclamation as set by the Interim Use Permit are met. An examination of the premises by Board, the Planning Commission, and/or staff shall be allowed at any reasonable time during the term of the Interim Use Permit.
- Each Interim Use Permit shall be renewable for a period of not more than five
  (5) years upon written application.
- 3. Upon determination by the Planning Commission, Board, and/or staff that the operation is in violation of the provisions of the Interim Use Permit or other Township Ordinances, a hearing shall be held to review the existence of any alleged violations pursuant to Article 3, Section 9E9 of this Ordinance.

# F. Annual Report, Inspections and Certificate of Compliance.

- 1. Annual Report. An annual report of mining operations and reclamation shall be submitted to the Board no later than March 31st of each calendar year. At a minimum, the annual report must specify the following:
  - a. The amount of material removed from the mine site in the previous year.
  - b. Current survey prepared by a registered land surveyor showing the areas in which mining is complete and areas in which mining is ongoing, and areas of the mine which have been reclaimed or are ready to be reclaimed.
  - c. If mining into the groundwater, actual pumping rates and times, and actual groundwater discharge locations and quantities.

- d. Groundwater and surface water monitoring results.
- e. Restoration performed and restoration yet to be performed.
- f. Area proposed to be mined within the next year.
- g. Evidence that any required bond and/or insurance requirements remain valid.
- h. All reports given to State or Federal agencies within the past year.
- i. Operators shall also furnish the Township with the company's annual material sales reports for the permit facility.
- j. Operators shall also furnish the Township with a record of any complaints received at the facility during the previous year and a summary of each complaint resolution.
- k. Operators shall provide the Township with a list of violation notices and the current status or final outcome of each violation.
- 1. Any other items as necessary to demonstrate compliance with the Interim Use Permit, or as determined necessary for review by the Mine Review Committee.
- 2. Annual Inspection. Upon receiving the annual report, the Mine Review Committee and/or the Board may complete an annual inspection of the subject property at the discretion of the Board.
- 3. Certificate of Compliance. If the operation is in compliance with the Interim Use Permit based on the annual report and inspection, the Town Board will issue a Certificate of Compliance. Operating without a Certificate of Compliance is grounds for termination of an Interim Use Permit.

### G. Reclamation Plan.

- 1. A Reclamation Plan shall be prepared to restore the property containing the Mining Operation to a condition whereby it can be utilized for the types of land use typical of those permitted within the zoning district in which the Mining Operation is located. Proposed land uses shall be consistent with the Comprehensive Plan, zoning requirements, sanitary waste disposal and other Ordinance requirements in effect at the time the reclamation plan is submitted. A detailed plan at a scale of one (1) inch equals one hundred (100) feet or greater shall be included and must contain the following elements:
  - a. Intent of reclamation.
  - b. Methods and processes of reclamation.
  - c. Condition of site before mining operations commence.
  - d. Limits of various operational areas.
  - e. Phasing and timing of operations and reclamation.
  - f. Description of areas to be stripped of overburden.
  - g. Final condition of site, including proposed contours, depth of topsoil, type of fill, and potential development plan.
  - h. Relation of final site condition to adjoining land forms and drainage features.
  - i. A plan for maintenance of reclaimed area.
  - j. A detailed cost estimate of reclamation, including equipment costs,

labor rates, and reclamation materials costs.

- k. Showing future land uses, vegetation and proposed contours. A written statement shall be included containing an explanation of proposed depth of topsoil, type of fill and a time line for reclamation activities.
- 2. Proposed grading, back-fill areas or banks shall be covered with sufficient topsoil to provide for vegetation. When back sloping is proposed, the rate of slope shall be not less than three (3) feet horizontal to one (1) foot vertical. Proposed banks shall be seeded, except where such bank provides a sand beach area to a proposed recreational lake. Unless otherwise agreed to by the Town Board, seeding and mulching shall be consistent with the Minnesota Department of Transportation specifications for rights-of-way with a preference in utilizing seed mixes that are beneficial to pollinators.
- 3. Fill material specification. All fill material imported onto the site must meet the following requirements unless a different requirement is approved in writing by the Mine Review Committee.
  - a. All fill material brought to the site for placement in any location or depth shall be free of contamination. Recycled or salvaged aggregate, asphaltic pavement, crushed concrete, or scrap shingles shall not be used.
  - b. Fill materials shall only be used that are free of debris, rubbish, frozen clumps, boulders over 256 mm (10 inches) in size, organic soils, vegetation, or other materials. Do not use fill material that contains stumps, roots and branches 40 mm (1.5 inches) in diameter or larger, logs, wood chips, or other objectionable material.
  - c. Use only fill material with a moisture content near the optimum moisture content (OMC) based on the Proctor moisture density relationship test. Dry the fill material, or add water as required.
  - d. Backfill Material: Only non-organic compactable material shall be used as fill and backfill materials. Soils shall qualify under the Unified Soil Classification System (USCS) (ASTM D2487) as lean clay (CL), clayey sand (SC), silty sand (SM or SP-SM); poorly graded sand (SP), well graded sand/poorly graded gravel (SW-GP), poorly graded sand/poorly graded gravel (SP-GP), or poorly graded gravel/well graded gravel (GP-GW).
  - e. Placement and Compaction: Place backfill and fill materials in horizontal layers not exceeding 12 inches in loose depth. Fill material shall be placed in lifts of 12 inches or less and compacted to achieve a minimum 95% Standard Proctor Density using ATM D698.
- 3. Reclamation activities shall progress on a phased basis. The acreage that is

open for Mining Operation (including vegetation and overburden removal but not including Mining Accessory Uses) shall not exceed ten acres at any one time, unless otherwise specified in the approved Reclamation Plan. For every ten (10) acres of additional Mining area open (not including Mining Accessory Uses), the previously exhausted ten (10) acres must be reclaimed, unless otherwise specified in the approved Interim Use Permit. In order to open additional Mining area, including Overburden removal, progress toward the completion of the Reclamation Plan shall have been carried on as excavation progresses. Mining Accessory Uses may occupy up to an additional five (5) acres of the property but shall only be located in areas as shown in the approved Interim Use Permit. Reclamation that is in progress of being completed may occupy an additional five (5) acres of the property. The total area of the site that may be utilized for Mining, Mining Accessory Uses, and reclamation that is in progress shall not exceed twenty (20) acres at any one time unless otherwise permitted in the conditions of an Interim Use Permit. The site must be completely vegetated, except those portions of the site contained within the twenty (20) acres that are currently being utilized for either Mining, Mining Accessory Uses, or reclamation that is in progress.

- 4. Unless otherwise agreed to by the Town Board, soil erosion and sedimentation control measures shall be consistent with MPCA's "Protecting Water Quality in Urban Areas."
- 5. All equipment, machinery, structures, and plants incidental to the Mining Operation shall be dismantled and removed by, and at the sole expense of, the operator last operating the facility within six months after the expiration of the Interim Use Permit.
- 8. In the event that the operator finds characteristics of the mining area differing from that previously determined, changes may be made to the original Reclamation Plan by mutual written consent of the operator and the Town Board.
- 9. Unless otherwise amended or approved by the Township, all final grades and site restoration efforts shall be consistent with the Reclamation Plan.
- 10. All site reclamation must be completed within twelve (12) months after completion of mineral extraction or after termination of the Interim Use Permit.
- **H. Operational Standards.** Each person, firm or corporation to whom an Interim Use Permit for mining is issued may engage in mining upon lands as described in the Interim Use Permit, subject to the following conditions:
  - 1. Mining Operations shall be conducted in compliance with applicable Township, County, State and Federal ordinances, statutes, rules, regulations,

agreements, best management practices and permits including, but not limited to, those of the U.S. Army Corps of Engineers, the United States Environmental Protection Agency, the U.S. Bureau of Mines, the Mine Safety and Health Administration, the Minnesota Pollution Control Agency, the Minnesota Department of Health, the Minnesota Department of Natural Resources, the Minnesota Department of Transportation and other regulations and standards applicable to use of the property and the Mining Operations.

- 2. Clearing of the mining site shall conform to the plans approved within the Interim Use Permit. Existing vegetation shall remain in a natural state whenever possible.
- 3. Screening Barrier. To minimize problems of dust and noise and to shield Mining Operations from public view, a screening barrier shall be required between the Mining Operations and adjacent properties. A screening barrier shall also be required between the Mining Operations and any public road. The screening barrier shall be installed on the property that is the subject of the Interim Use Permit, and any berms shall be located not less than one hundred (100) feet from the property line unless permitted otherwise by the discretion of the Board. A viewshed analysis shall be submitted with the application and shall include the development of a model of site specific conditions such as topography, vegetation, equipment, stockpiles, proposed site structures and other features of the Mining Operation. Key view areas as determined at the sole discretion of the Board shall be represented through drawings, photos, cross-sections or other imaging methods. The viewshed analysis shall determine the height and location of berms and screening necessary to effectively screen the Mining Operations from the key view areas, provided that no berm shall be less than ten feet in height. The key view areas shall be as determined by the Board, and during review of an application for an Interim Use Permit the Board may identify additional key view areas to be modeled. To the extent that specific heights of stockpiles, Structures, or other aspects of the Mining Operations were analyzed as a part of the viewshed analysis, those items shall be restricted to a height not greater than that analyzed in the viewshed analysis as a condition within the Interim Use Permit. The screening barrier shall consist of berms which shall be planted with a species of fast growing vegetation. The species must be approved by the Board.
- 4. Access:
  - a. All mineral extraction facilities shall have direct access to a 10-ton or greater paved road.
  - b. All trucks traveling to or from the facility shall utilize 10-ton or greater paved roads within the Township. Operators may be granted a special permit to utilize roadways temporarily under 10-tons provided

operator enters into an agreement with the Township and adequate security is provided to cover costs of repairing any damage to roadways. Both the agreement and the security are subject to the approval of the Town Board and Town Attorney.

- c. Operators shall be responsible for providing dust control measures as approved by the Town Board on all gravel roads utilized by trucks hauling to or from the facility unless waived by the Town Board in lieu of other dust control remedies.
- d. The applicant must obtain a permit from the road authority for all proposed new access points to public roads, or for the conversion of an existing access point. If the applicant is proposing access via an adjoining property, the applicant must submit an access agreement with the owner of the adjacent property for a term that is not less than the term of the Interim Use Permit
- e. The location of the intersection of access roads with any public roads shall be approved by the road authority.
- f. All access points shall be located so as to avoid the routing of vehicles to and from the Mining Operation over streets that primarily serve abutting residential development.
- g. The road authority may restrict the weight of vehicles allowed to use any permitted access.
- All access roads intersecting a paved public road shall be paved a minimum of two hundred (200) feet back from the public road.
  Failure to maintain the pavement in acceptable condition may result in closure of access.
- i. All access points from or onto any public road shall be clearly indicated and only those indicated access points shall be utilized.
- j. All access points shall, if possible, be located on a primary road. Turn lanes and acceleration or deceleration lanes may be required to be constructed at the sole expense of the project proposer.
- k. A lockable gate shall be required across all access roads to the Mining Operation.

Hours of Operation. Those portions of the Mining Operation consisting of excavating, stockpiling, processing, loading/unloading or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday excluding federal holidays, unless other hours or days of

operation are specifically authorized by the Township. Blasting shall only take place between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday excluding federal holidays. A pre-blast notification provided by phone call and email at least 24 hours prior to any blast shall be provided to the Board, staff, and those persons owning or utilizing property within one (1) mile of the Mining Operation.

When explosives are used, the operator shall take all necessary precautions not to endanger life or to inflict damage to property. The method of storage, use and handling of said explosives shall conform to Article 5 of this Ordinance in addition to all County, State and Federal regulations related thereto. Seismic blasting records shall be collected each time explosives are used and shall be submitted to the Zoning Administrator within ten (10) days of receiving the blast analysis.

5. No vehicles, equipment, aggregate, or other off-site materials shall be brought to the site unless approved as part of the Interim Use Permit or an approved Reclamation Plan included within the Interim Use Permit.

Upon replacement of the topsoil, trees, shrubs, grasses or other ground cover shall be planted upon the areas to prevent erosion, in accordance with the approved Reclamation Plan.

Upon completion of excavation activities, all Structures and equipment shall be removed within six (6) months unless such items shall be utilized in the reclamation process.

- 6. Operating procedures shall be utilized to control dust and noise to meet performance standards as regulated in Article 5 of this Ordinance.
- 7. There shall be no unauthorized storage of vehicles, equipment or materials unrelated to mining activities allowed on the subject property.
- 8. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment.
- 9. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency.
- 10. Operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain the reasonable appearance of the subject property.
- 11. The Township may impose additional regulations and requirements to the mineral extraction permit, including but not limited to mitigation and monitoring requirements to protect the public health, safety, and welfare.

- a. Mitigation plans outlined in any environmental assessment worksheet (EAW) or environmental impact statement (EIS) shall be required as minimum conditions in any Interim Use Permit for mineral extraction. Mine operators shall be required to adequately fund mitigation measures as a condition of any Interim Use Permit for mineral extraction.
- b. Monitoring plans outlined in any environmental assessment worksheet (EAW) or environmental impact statement (EIS) shall be required as minimum conditions in any Interim Use Permit for mineral extraction. Mine operators shall be required to adequately fund monitoring measures as a condition of any Interim Use Permit for mineral extraction.
- 12. Dust Control and Air Quality.
  - b. Remedies to control dust may include methods such as berming, landscaping, enclosures for processing equipment, and watering stockpiled materials and all roads within site.
  - c. The Township may require that all equipment used for extraction operations shall be constructed, maintained, and operated in such a manner as to minimize, as far as practical, dust conditions which are injurious or substantially annoying to persons owning properties within one thousand (1000) feet of the property containing the Mining Operations.
  - d. The Township may require air quality/particulate monitoring of a Mining Operation. Mining Operations that excavate, transfer, process, or stockpile silica sand shall be required to monitor air quality/air particulates as described herein. Monitoring equipment shall be in accordance with the Minnesota Pollution Control Agency's best practices standards. The operator shall begin air quality/air particulate and weather monitoring at least six months prior to the operation to create a baseline of the area. Stationary monitors shall be located at strategic locations along the Mining Operation site boundaries and within the site.
  - e. The Township may require continuous remote readings shall be taken and reported to the Township when requested. A summary report shall accompany the Annual Certificate of Permit Compliance.
  - f. All activities on the subject property shall be conducted at a minimum in a manner consistent with the Minnesota Pollution Control Agency's operating permits.

- 13. Blasting. A blast monitoring plan acceptable to the Township shall be submitted for approval with each application for an Interim Use Permit. The blast monitoring plan shall include the anticipated blast process, limits of ground and air blasts to provide protection to infrastructure and structures, and shall establish a monitoring program that will provide the framework for documentation of the existing condition of nearby structures. Methods of collecting and monitoring the ground vibration and air blast data and a plan for contingency actions to be followed in the event the blasting standards are not achieved or damage to infrastructure or structures occurs shall also be included in the plan. Pre-blast surveys shall be conducted
- 14. Violations. In the event that the premises containing the mining operation is cited for any violation under any permit or rule, the operator shall provide notice to the Mine Review Committee within ten business days of receipt of the notice of the violation.
- I. Setback and Location Requirements. Screening barriers and access driveways may be located in the setback, but the setback shall otherwise be vegetated. Mining Operations shall be contained entirely outside the setback and location requirements listed herein:
  - 1. Not less than one hundred (100) feet from the boundary of any adjoining zoning district where such operations are not permitted.
  - 2. Not less than five hundred (500) feet from the property line of any property that either contains a dwelling or is located in a residential zoning district, and not less than one hundred (100) feet from any other property.
  - 3. Not less than one hundred (100) feet from the property line of any public roadway.
  - 4. Not less than three hundred (300) feet from the ordinary high-water level of any public water.
  - 5. Not within any location identified as a Special Flood Hazard Area on the current Flood Insurance Rate Map.
- J. Bond Requirements. The bond herein required to be filed with the Board shall be in such form, as the Board shall prescribe, payable to the Township on a form approved by the Town Attorney. Such bond amount shall be set by the Board as a condition of the Interim Use Permit. The bond shall guarantee that upon termination of permit or operations, the property shall be restored in conformity with the approved Reclamation Plan. If and when reclamation of land in accordance with the Reclamation Plan is certified by the Board, said bond shall be returned.
- K. Mine Review Committee. A Mine Review Committee shall be established for the

purposes of ensuring the health and welfare of the Township and City residents, including, but not limited to, routinely reviewing the mining operations on the property, compliance with the Interim Use Permit, and recommending modification of the Interim Use Permit to the Board. The Committee shall consist of five (5) members, consisting of two (2) elected officials appointed by the Township, one (1) staff member appointed by the City, and two (2) representatives appointed by the mining operation for which the Interim Use Permit is issued. Committee members and staff shall be compensated at the rate determined by the Committee.

The Mine Review Committee is authorized to monitor the mining operations undertaken pursuant to the Interim Use Permit and to discuss health and safety issues presented by the mining operations including, but not limited to, ambient dust, operational noise, blasting, fencing and security at the mining site, end use Reclamation Plan, hours of operation, surface and ground water quality and air quality so as to make recommendations to the Township regarding the Interim Use Permit. The Committee is also authorized to cause reports, plans, studies, and recommendations to be prepared. All costs required to conduct the stated business of the Mine Review Committee shall be billed directly to the operator of the Mining Operation, which shall reimburse the Township for all reasonable costs incurred. If the operator fails to pay an invoice for costs incurred by the Township within sixty (60) days of mailing by the Township, the Township may, following ten (10) days prior notice to the operator, specially assess such unpaid invoices against the subject property, and/or take necessary legal action or utilize any other means available to recover costs incurred by the Township. Failure to timely pay any invoices provided by the Township may be deemed a violation of the Interim Use Permit and the Interim Use Permit may be revoked for this violation.

- L. Compliance. Upon failure by the person, firm or corporation to whom an Interim Use Permit for Mining Operations is issued, to fully comply with the provisions contained herein, notice shall be given to said permit holder setting forth those provisions of this Section being violated, and the time and place of a hearing before the Town Board to consider such violation shall be set. Permits may be suspended or terminated based upon the findings of the Town Board at such hearing.
- **M. Termination.** The Township shall have the authority to terminate the Interim Use Permit for mineral extraction on the happening of any of the following events:
  - 1. The date of termination specified in the interim use permit.
  - 2. Upon a violation of a condition under which the Interim Use Permit was issued, but only after the Township has first provided written notice to the operator (and the landowner, if different from the operator), describing with particularity the specific violation(s) and the steps necessary to cure the violation(s). Excepting threats to public health, safety and welfare or violations with simple remedy, the operator shall have a period not exceeding thirty (30) consecutive days to cure the specific violation(s). If the 30-day remedy period overlaps with or occurs within a period of

seasonal shutdown, and the violation(s) are not easily remedied or do not pose a threat to public health, safety and welfare, the 30-day period may be extended to include the seasonal shutdown period. Upon notice of violation(s) which may threaten the public health, safety and welfare or are easily remedied, the operator shall respond promptly and cure the violation(s) in the shortest reasonable timeframe.

3. Upon a determination that the facility has been inactive for a period of one (1) calendar year.

## N. Enforcement.

- 1. Upon reasonable notice, the operator shall grant the Township's officers and representatives access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this Ordinance. Any such inspection must be in the company of an employee of the operator following all site safety regulations.
- 2. The operator shall be responsible for the repair and maintenance of public and private property in the Township which is acknowledged by the operator to be or proven to be damaged by it, its agents or employees in conducting business or any other activity associated with the mineral extraction facility.
- 3. A development agreement shall be required for all mineral extraction permits.
- 4. The operator shall hold the Township harmless against all claims by third parties for damage or costs incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.

### Section 15. GENERAL REQUIREMENTS – Community Solar Energy Systems

This section is established to protect and promote health, safety and general welfare with the county through uniform standards, regulations and procedures governing the type, size, structure, location, height, erection and use of Community Solar Energy Systems.

- A. <u>Rooftop Community Solar Energy Systems</u>
  - 1. Land Development Permit. A rooftop Community Solar Energy System is a permitted Accessory Use in all zoning districts. All rooftop systems shall meet the standards of the Minnesota Building Code.
  - 2. Placement. A rooftop Community Solar Energy System shall be placed on the roof to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the owner to reasonably

capture solar energy. Rooftop systems shall not exceed the maximum height in any zoning district.

- 3. Pitched Roofs. On pitched roofs with a slope greater than 15%, solar panels shall be flush-mounted and shall not exceed above the peak of the roof.
- 4. Glare. All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or rooftop screening. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the Board determines that such glare constitutes a nuisance, the Board shall require a more detailed glare study prepared by a third-party consultant mutually acceptable to the Board and applicant to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.
- B. Ground Mounted Community Solar Energy Systems
  - 1. Use. A ground mounted Community Solar Energy System, as an accessory or a principal use, shall be allowed under a Conditional Use Permit (CUP) in applicable zoning districts.
  - 2. Prohibitions. Ground mounted Community Solar Energy Systems are prohibited in the following areas:
    - a. Shoreland and Floodplain Districts as designated by the Minnesota Department of Natural Resources (DNR) and the Blue Earth County Zoning Ordinance.
    - b. Within 600 feet of any property designated or protected from development by Federal, State or County agencies as wildlife habitat and wildlife management areas. Property designated as public parkland or park reserve shall not be subject to this setback requirement.
    - c. Within wetlands to the extent prohibited by the Minnesota Wetlands Conservation Act.
    - d. Within any safety zones identified in an Airport Zoning Ordinance.
    - e. Within any recorded easement such as but not limited to utility, ditch, conservation, or storm water unless authorized in writing by the easement holder.

- 3. Maximum Size and Capacity. No more than one (1) Community Solar Garden System per parcel shall be permitted, and the one (1) System or co-location of Systems shall have a maximum power capacity of one (1) megawatt AC and shall be no greater than ten (10) acres in size.
- 4. Site Access. The site must have an approved access to a public right-of-way.
- 5. Signage. No advertising signage is allowed. Manufacture and equipment information, warning, security or indication of ownership signage on the site shall comply with this Ordinance.
- 6. Power and Communication Lines. All on-site power and communication lines running between banks of solar panels and Structures, and all off-site lines running between the solar energy system to electric substations or interconnections, shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- 7. Waste Disposal. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- 8. Interconnection. The owner, developer or operator of the Community Solar Energy System must submit an executed interconnection agreement with the electric utility in whose service territory the system is located prior to the Board issuing any Conditional Use Permits associated with the System. Off-grid systems are exempt from this requirement. The interconnections shall require no more than two (2) utility poles and a ground utility cabinet or three (3) utility poles total.
- 9. Decommissioning Plan. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life and that the site is properly restored. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The Board will require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning, equal to 125% of the estimated amount.
- 10. Noise. All Community Solar Energy Systems shall comply with Minnesota Rules 7030 governing noise.
- 11. Electrical Codes and Standards. All Community Solar Energy Systems and accessory equipment shall comply with the National Electrical Code and other

applicable standards. Photovoltaic solar energy system components must have an Underwriters Laboratory (UL) listing or other third-party certification provided by an American National Standards Institute accredited organization.

- 12. Minnesota State Building Code. All Community Solar Energy System structures shall comply with the International Building Code as adopted by the State of Minnesota Building Code.
- 13. Maximum Height. Ground mounted systems shall not exceed fifteen (15) feet in height at maximum design tilt.
- 14. Glare. All solar energy systems shall minimize glare that affects adjacent or nearby properties. Steps to minimize glare nuisance may include selective placement of the system, selective orientation of the panels, or site screening, berming, or buffering. All proposed projects shall conduct and submit a glare study to identify potential impacts and mitigation strategies. To complete this glare study, the applicant can use the Solar Glare Hazard Analysis Tool (SGHAT). Once installed, if the solar energy system creates glare onto neighboring properties and/or streets and highways and the County determines that such glare constitutes a nuisance, the County shall require a more detailed glare study prepared by a third-party consultant mutually acceptable to the Township and applicant to identify additional actions and/or screening that may be required to substantially eliminate or block the glare from entering the neighboring property and/or street and highway.
- 15. Setbacks. All equipment and structures shall meet the front, side and rear yard setbacks for principal structures for the zoning district in which the system in located.
- 16. Security Fencing. All boundary line fencing shall be located entirely upon the property of the System. Fences shall consist of open fencing such as chain link or barbed wire. Fences shall not exceed eight (8) feet in height, which includes barbed wire toppings.
- 17. Screening. A berm (2:1 maximum slope with supplemental plant materials including trees, shrubs, and groundcovers) and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces (a.) public road right-of-way, b.) an existing residence or farmstead not on the subject parcel, or c.) residentially zoned or platted property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at time of planting shall be a minimum of four (4) feet in height and which shall be maintained at maturity at a height of eight (8) feet in height to screen the fence.

### C. SUBMITTAL REQUIREMENTS – Community Solar Energy Systems

- 1. The names of project applicant.
- 2. The name of the project owner.
- 3. The legal description and address of the project.
- 4. Documentation of land ownership or legal control of the property.
- 5. A description of the project including: ownership or lease arrangement, the proposed installed maximum capacity, in kilowatts, for the site, proposed type of mounting and racking systems, along with manufactures specifications or engineering designs for mounting and racking, the method of connecting the system to the electric load; the types of panels that will be installed.
- 6. Site Plan, drawn to scale, including:
  - a. existing and proposed structures;
  - b. property lines;
  - c. existing and proposed fencing;
  - d. surface water drainage patterns;
  - e. the location of county and private tile drainage systems;
  - f. floodplains;
  - g. wetlands;
  - h. shore land zones;
  - i. topography at two (two) foot intervals, and bluffs;
  - j. the location, size and spacing of solar panels,
  - k. the location of existing and proposed access roads,
  - 1. the location of underground or overhead electric line connections,
  - m. existing easements on the property,
  - n. in-use wells and sewage treatment systems,
  - o. abandoned wells, sewage treatment sites and dumpsites
  - p. all other characteristics requested by the County.
- 7. Existing vegetation (list type and percentage of coverage) and soils information for the proposed site.
- 8. Landscape and Screening Plan prepared by a licensed landscape architect and include a narrative describing the overarching landscape architecture elements and how the design and placement of plant types and materials will complement the form and function of the developed site and blend into the surrounding environment.
- 9. Erosion/Sediment Control Plan or Resource Management Plan, if required. Include details on any proposed native grasses or plantings on the site.
- 10. Glare Study, if required

- 11. A copy of the interconnection agreement with the local electric utility
- 12. Decommissioning Plan.