

RESOLUTION FOR ADOPTING DOUGLAS  
TOWNSHIP ORDINANCE # 3

WHEREAS, Douglas Township adopted a Comprehensive Plan for Douglas Township on February 2, 1981; and

WHEREAS, said Comprehensive Plan was prepared and adopted in accordance with the Metropolitan Land Planning Act of 1976; and

WHEREAS, in 1982, Douglas Township prepared a Zoning Ordinance to implement said Comprehensive Plan; and

WHEREAS, the Douglas Township Planning Commission conducted a public hearing on said Zoning Ordinance on February 22, 1982.

THEREFORE, BE IT RESOLVED, that the Douglas Township Board of Supervisors does hereby adopt Ordinance # 3; and

BE IT FURTHER RESOLVED, that the Metropolitan Council be sent a copy of the Zoning Ordinance, in accordance with the Metropolitan Land Planning Act.

Ronald Lewis  
Town Board Chairman

2-22-82  
Date

Attest:

Ralph Schneider  
Township Clerk

2/22/82  
Date





# ZONING ORDINANCE

Douglas Township  
Dakota County, Minnesota

DOUGLAS TOWNSHIP BOARD OF SUPERVISORS

Donald Serres, Chairman  
Henry Peine, Jr., Supervisor  
Bernard Eckert, Supervisor  
Ralph Schweich, Clerk  
Gerald Weber, Treasurer

DOUGLAS TOWNSHIP PLANNING COMMISSION

Kenneth Brage, Chairman  
Lawrence Teuber  
Robert McCoy, Sr.  
Wayne Kieffer  
Sylvester Bauer  
James Peine

Technical Assistance Provided By:  
Dakota County Planning Services

Adopted by Douglas Town Board:

February 22, 1982

Agricultural Preserves Eligibility Declared:

February 22, 1982

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## INTRODUCTION

This zoning ordinance is designed to implement the intents and purposes of the Douglas Township Comprehensive Plan.

The zoning districts are based upon the Comprehensive Plan which has the purpose of protecting the public health, safety, convenience and general welfare. Before any amendment to the boundary lines of the established zoning districts are made, any necessary amendments must first be made to the Comprehensive Plan.

The zoning ordinance proposed here attempts to provide a number of tools to Douglas Township while at the same time being simple enough to be administered by part time officials. As a result, there may arise in the future some problem which is not covered in the Ordinance. If this occurs, sections can be added to deal with those areas.

There are several reasons for administering a zoning ordinance in a community. As already stated, an ordinance can guide the development of a township in such a way that land uses are compatible and public facilities can be provided efficiently. This is particularly important in a community where financial resources are limited.

Secondly, a zoning ordinance can protect an individual's property rights by ensuring that development on adjacent lots will not cause harm to his property value.

This Ordinance achieves the two objectives listed above through two main types of regulations. The first type separates like and compatible land uses into zones. This eliminates undesirable land use "mixes", such as a noisy industrial use in a residential area.

In this particular Zoning Ordinance, four zones are created: Agricultural Preservation (AGP-1), Rural Residential, Floodplain Overlay (FP), and Shoreland Overlay (SL). Unlike some other ordinances, these zones allow several different types of uses in each. For example, single family residences, and many compatible non-farm uses are allowed in the Agriculture Zone. This makes the Ordinance quite flexible while still effectively separating non-compatible uses.

The second type of control used in the Zoning Ordinance regulates the uses in each district. The controls include requirements for a maximum density of residential units, the front, side, and rear setbacks of buildings, the maximum height of buildings, and requirements having to do with maintenance, screening, driveways, drainage and so on. These regulations encourage a high standard of residential, and commercial and agricultural development, in addition to assisting in making land uses compatible.

The enforcement of the Zoning Ordinance is somewhat difficult in a small community because of the lack of full-time staff. However, the Ordinance should be able to be enforced without too much trouble by the Planning Commission with a little help from the Township Clerk, and Town Board. Dakota County Planning Services is available on a continuing basis to provide technical planning assistance.



## PREAMBLE

Pursuant to the authority conferred by the State of Minnesota in Section 462.357, Laws of 1965 as amended, and for the purpose of:

1. Promoting and protecting the public health, safety and general welfare of the inhabitants of the area of Douglas Township.
2. Protecting and conserving the character, social, and economic stability of agricultural, residential, commercial, industrial and other areas.
3. Securing the most appropriate use of land.
4. Preventing the overcrowding of the land and undue congestion of population.
5. Providing adequate light, air and reasonable access.
6. Facilitating adequate and economical provision of transportation, water supply and sewage treatment.

The Township of Douglas Ordains:

This Ordinance which shall be known and cited as the Douglas Township Zoning Ordinance, Number 3, an ordinance repealing ordinances Number 1 and 2 in their entirety, setting minimum and maximum standards for the height and size of buildings, the size of yards, courts and other open spaces, the density of population, the location and use of buildings and land for trade, commerce, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries of such districts; defining certain terms used herein; providing for enforcement and administration, and imposing penalties for the violation of this Ordinance.



# A R T I C L E I

## ESTABLISHMENT OF ZONING DISTRICTS

### Section 101: Establishment of Zoning Districts

The following zoning districts are provided in order to promote and encourage the efficient economic development of land, buildings, and all usable structures. The urban Township of Douglas is hereby divided into the following districts which shall be known by the following respective symbols and names:

AGP-I Agricultural Preservation District  
RR Rural Residential  
FP Floodplain Overlay District  
SL Shoreland Overlay District

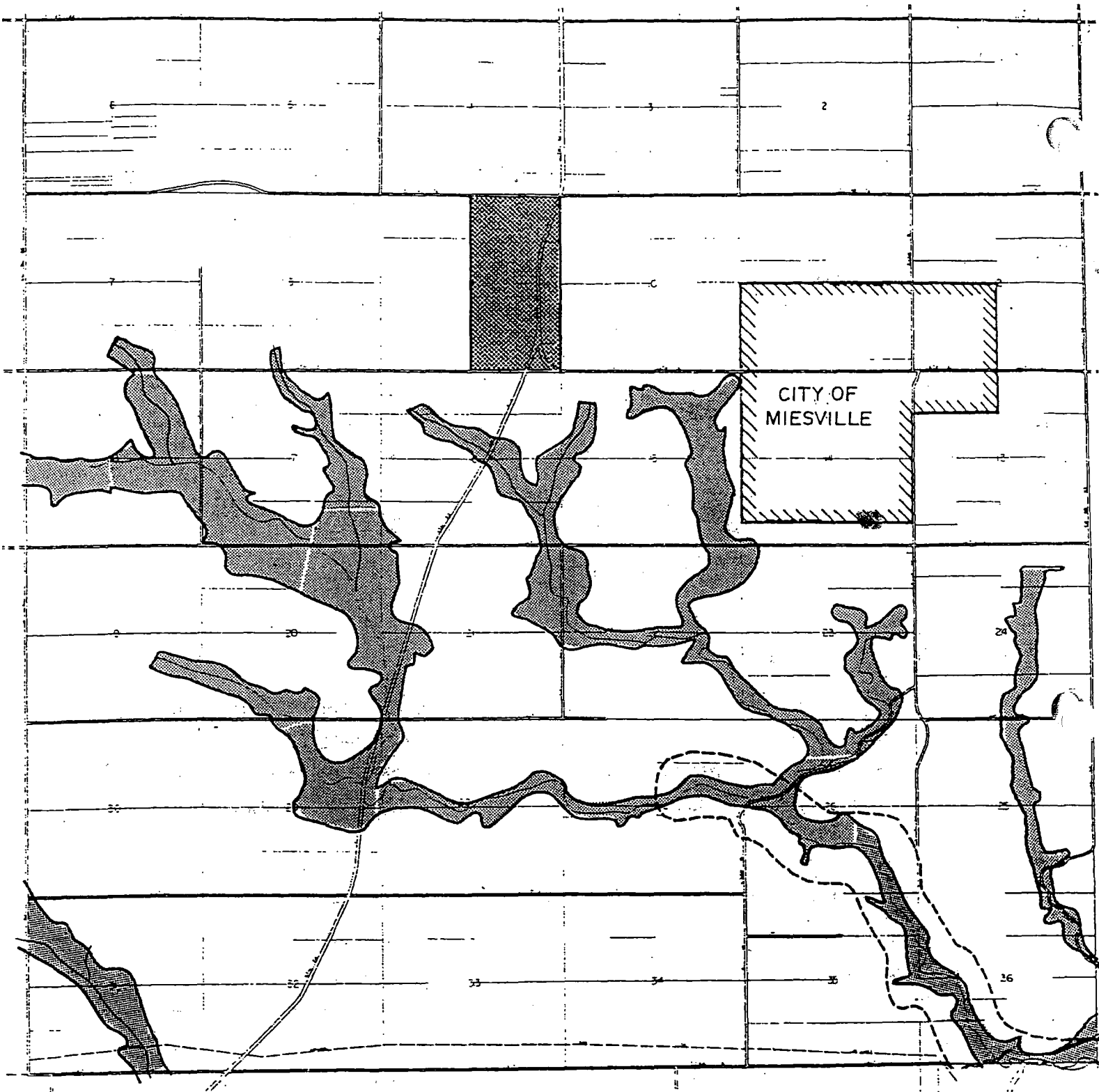
### Section 102: Zoning Map

The areas comprising these zoning districts and the boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the Township of Douglas, with all proper notations, references and other information shown thereon.

### Section 103: Interpretation of the Zoning Map



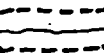

Where, due to the scale, lack of detail or illegibility of the zoning map attached hereto, there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Douglas Town Board. The Zoning Administrator, and the Douglas Town Board, in interpreting the zoning map or deciding any appeal, shall apply to the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of streets, rights-of-way, water courses, or elevational contour lines, unless such boundary lines are fixed by dimensions shown on the zoning map.
- B. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be constructed to be such boundary lines.



**DOUGLAS TOWNSHIP**  
 DAKOTA COUNTY, MINNESOTA

**ZONING**

-  AGRICULTURAL PRESERVATION
-  RURAL RESIDENTIAL
-  SHORELAND OVERLAY DISTRICT
-  FLOOD PLAIN OVERLAY DISTRICT



Prepared by: DAKOTA CO. PLANNING DEPT.



- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Douglas Township as well as all other relevant facts.



ARTICLE II

ZONING DISTRICTS

Section 201: District AGP (1): Agricultural Preservation

A. PURPOSE

Agricultural Districts are established in rural areas for the purpose of; protecting viable agricultural lands from non-farm influence; retaining valuable areas for conservational purposes; preventing scattered non-farm growth; preserving a secure economy in governmental expenditures and other natural resources of the community.

B. PERMITTED USES

Agricultural Land Uses, including livestock  
Single-Family Residential Dwellings  
Forestry and Nurseries  
Historic Sites  
Home Occupations  
Public Recreation  
Mobile Homes on separately conveyed parcels of land

C. ACCESSORY USES

Essential Services  
Fences  
Landscaping Features  
Garages  
Machinery, structures, or buildings incidental to, but necessary for the conduct of agricultural operations or other permitted uses.

D. CONDITIONAL USES

Agricultural Service Establishments  
Utility Buildings and Structures  
Resorts  
Institutional Uses  
Greenhouses  
Commercial Recreation

Equipment Storage and Maintenance  
Feedlots of over 40 animal units on farms of less than 80 acres  
Mobile Homes, as an integral part of a farmstead, with such mobile homes used as dwellings for farm laborers

E. INTERIM USES - Mineral Extraction

F. PROHIBITED USES AND STRUCTURES

All other uses and structures which are not specifically allowed as permitted or conditional uses, or cannot be considered as an accessory use, shall be prohibited in the AGP-1 Agricultural Preservation District.

## GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and area and height regulations, including the 1 residence per quarter/quarter section maximum density requirement, are set forth in Articles III through VI.

Section 202: District RR	Rural Residential
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### A. PURPOSE

This district is intended for application in those areas of the Township where whole sections of untillable, vacant land have become subject to increased amounts of single family residential development; and, because of convenient highway access, neighborhood commercial development. Poor soils, rough topography and insufficient irrigation make these lands uneconomical for agricultural purposes, there are some suitable sites for single family home construction. However, because there are severe and environmental constraints on residential development in this area, and because urban services such as central sewer and water will not be provided, and because significant amounts of residential development will adversely affect surrounding agricultural operations, residential development in this district must be kept to a reasonably rural density.

### B. PERMITTED USES

- Agricultural Land Uses, Including Livestock
- Single Family Residential Dwellings
- Forestry and Nurseries
- Historic Sites
- Home Occupations
- Public Recreation
- Agricultural Services Establishments
- Mobile Homes

### C. ACCESSORY USES

- Essential Services
- Fences
- Landscaping Features
- Garages
- Machinery, structures, or buildings incidental to, but necessary for the conduct of agricultural operations or other permitted uses.



D. CONDITIONAL USES

Utility Buildings and Structures  
Resorts  
Institutional Uses  
Greenhouses  
Commercial Recreation  
  
Equipment Storage and Maintenance

E. PROHIBITED USES AND STRUCTURES

All other uses and structures which are not specifically allowed as permitted or conditional uses, or cannot be considered an accessory use, shall be prohibited in the RR, Rural Residential *District*.

F. GENERAL REGULATIONS

Additional requirements for parking, signs, sewage systems, and area and height regulations, including the one residence per (10) ten acres maximum density requirements, are set forth in Articles III through IV.

Section 203: District FP: Floodplain Overlay

A. PURPOSE

The Floodplain Overlay District is intended to be applied to properties in the Agricultural Preservation (AGP-1) District which lie within a primary floodplain, which for the purposes of this Ordinance shall be construed to be a stream channel and the portions of the adjacent floodplain as are required to efficiently carry the flood flow of the stream, and on which properties special regulations are necessary for the minimum protection of the public health and safety, and of property and improvements from hazards and damage resulting from flood waters.

B. TOWNSHIP REGULATIONS

Land Use regulations of the Agricultural Preservation District (AGP-1) shall apply for all lands in the Floodplain Overlay District (FP).

The height, yard, area, and lot width and residential density regulations of the Agricultural Preservation District shall apply for all uses permitted in this District.

C. COUNTY REGULATIONS

The Dakota County Shoreland and Floodplain Management Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulation in the County Ordinance differs from any specific regulation contained herein, the most restrictive specific regulation shall apply.

D. GENERAL REGULATIONS

Requirements for signs, sewage treatment, and area and height regulations are set forth in Articles III through VI.

E. DISCLAIMER OF LIABILITY

The FP District herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This Ordinance does not imply that areas beyond the district limits will be free from flooding; nor shall this Ordinance, or districts established therein, create a liability on the part of, or cause action against Douglas Township or any office, official, or employee thereof, for any flood damage that may result from reliance upon this Ordinance or flood district so established.

Section 204: District SL: Shoreland Overlay

A. PURPOSE

This SL District is intended to apply to properties in the Agricultural Preservation District (AGP-1) which lie within 1000 feet of the shoreline of public waters, which for the purpose of this Ordinance shall be construed to be the stream channel of Trout Brook Creek. Such properties require special regulations for the minimum protection of the quality of the shoreland area, and the health and safety of shoreland residents.

B. TOWNSHIP REGULATIONS

Land use regulations of the Agricultural Preservation District (AGP-1) shall apply for all lands in the Shoreland Overlay District (SL).

The height, yard, area, and lot width and depth regulations of the Agriculture District shall apply for all uses permitted in this District.

C. COUNTY REGULATIONS

The Dakota County Shoreland and Floodplain Management Ordinance prescribes additional land use and placement regulations for the Shoreland Overlay District. If any specific regulation in the County Ordinance differs from any specific regulation contained herein, the most restrictive specific regulation shall apply.

D. GENERAL REGULATIONS

Requirements for signs, sewage treatment, and area and height regulations are set forth in Articles III through VI.

ARTICLE III  
HEIGHT AND PLACEMENT REGULATIONS

Section 301: Height and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no structure shall be erected or maintained which exceeds the height limit specified below. Where a lot fronts on two streets within 30 degrees of being parallel but not at their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear nor side lot line. The required side yard on the street side of a corner lot shall be the same as the required front yard on such street.

Placement and Heights of Building Structures

<u>District</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Height Limit (a)</u>	
			<u>Farm Uses</u>	<u>Non-Farm Uses, and Conditional Uses</u>
Agricultural Preservation	10 ft.	10 ft.	200 ft.	35 ft.
Rural Residential/	10 ft.	10 ft.	200 ft.	35 ft.
Floodplain Overlay	10 ft.	10 ft.	200 ft.	35 ft.
Shoreland Overlay	10 ft.	10 ft.	200 ft.	35 ft.

- a) Any sponsor who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site shall notify the Commissioner of the Minnesota Department of Transportation at least 30 days in advance as required by Aeronautics Rule 14 MCAR 1.3015, Subdivision C; and shall present a certified copy of such notification to the township at least 10 days before any building permit is issued.

**Section 302: Land Use Density and Intensity Regulations**

Except as otherwise specifically provided in this Ordinance, no development, use or structure shall exceed the density and intensity limit specified below. Minimum lot width shall be measured at the front line.

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width At Frontage Line</u>	<u>Minimum Lot Depth At Frontage Line</u>	<u>Maximum Density Per 1/2 Section</u>
Agricultural Preservation	1 acre	150 ft.	175 ft.	1
Rural Residential/	1 acre	150 ft.	175 ft.	6
Floodplain Overlay District	1 acre	150 ft.	175 ft.	1
Shoreland Overlay District	1 acre	150 ft.	175 ft.	1

**Section 303: Road Frontage Requirements**

Residences and commercial establishments in all Districts shall be located on lots that abutt a public road. Each lot shall have such public road frontage of no less than 150 feet. On corner lots, at least 1 of the lot lines abutting the public road must be at least 150 feet long.

<u>Road Classification</u>	<u>Minimum Road Frontage Required</u>	<u>Minimum Front Setback from Road Centerline (a)</u>
Township Road	150 ft. of frontage	80 ft.
County Highway	150 ft. of frontage	110 ft.
State Highway	150 ft. of frontage	130 ft.

a) In the case where existing farm buildings are located closer than 110 feet to the centerline of a County Road, or 130 feet to the centerline of a State Road, new farm buildings may be allowed to be built in line with existing buildings provided:

- 1) That in no case will such a building be allowed closer than 100 feet to the centerline of said County or State Road, and
- 2) That the land owner has no other reasonable location for the proposed building.

## ARTICLE IV

### NON-CONFORMING USES AND SUBSTANDARD LOT PROVISIONS

#### Section 401: Intent

It is the intent of this Ordinance to permit legal non-conforming uses and structures existing on the effective date of this Ordinance or amendment thereto, to continue until they are removed, but not to encourage their survival.

#### Section 402: Non-Conforming Uses, Buildings

The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the district provisions herein.

#### Section 403: Non-Conforming Use, Extension

A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made therein, except those required by law or Ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued use of the building during its natural life.

#### Section 404: Non-Conforming Use, Damaged

Any non-conforming building or structure damaged by fire, collapses, explosion or acts of God or public enemy, may be restored or reconstructed and used as before such happening; provided that it is done within twelve (12) months of such happening and that it be built of like or similar materials, and the architectural design and building materials are approved by the Planning Commission.

#### Section 405: Non-Conforming Use, Land With No Building

A non-conforming use of land, which has no non-conforming building or buildings existing at the time that this Ordinance becomes effective, may be continued provided:

- (1) The non-conforming use of land shall not in any way be expanded or extended either on the same or adjoining property.

Section 406: Non-Conforming Use Change

A non-conforming use may be changed to a different non-conforming use in the same zoning classification only upon approval of a conditional use permit for said change by the Town Board. Wherever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use.

Section 407: Non-Conforming Use, Discontinuance

In the event that a non-conforming use of any building or building and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 408: Non-Conforming Use, Zone Change

The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses which hereafter become non-conforming due to classification or reclassification of districts under this Ordinance.

Section 409: Substandard Lot Provisions

A substandard lot or parcel of land for which a deed has been recorded in the office of the Dakota County Register of Deeds upon, or prior to the effective date of this Ordinance shall be deemed a buildable lot provided it:

- 1) Is at least 1 acre in size;
- 2) Was under separate ownership from abutting lands upon or prior to the effective date of this Ordinance.
- 3) Has suitable frontage on a public right-of-way; and
- 4) Its development for single family residential purposes will not violate the general intents and purposes of this Ordinance including, but not limited to the prevention of pollution of applicable waters and surrounding lands and the preservation of the health, safety and welfare of the general public.

A R T I C L E V  
P E R F O R M A N C E S T A N D A R D S

Section 501: Intent

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are designed to prevent and eliminate those conditions that cause blight. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. The Town Board shall be responsible for enforcing the standards.

Section 502: Determination of Conformity

Before any building permit is approved, the Building Inspector will determine whether the proposed use will conform to the performance standards. The developer or land owners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

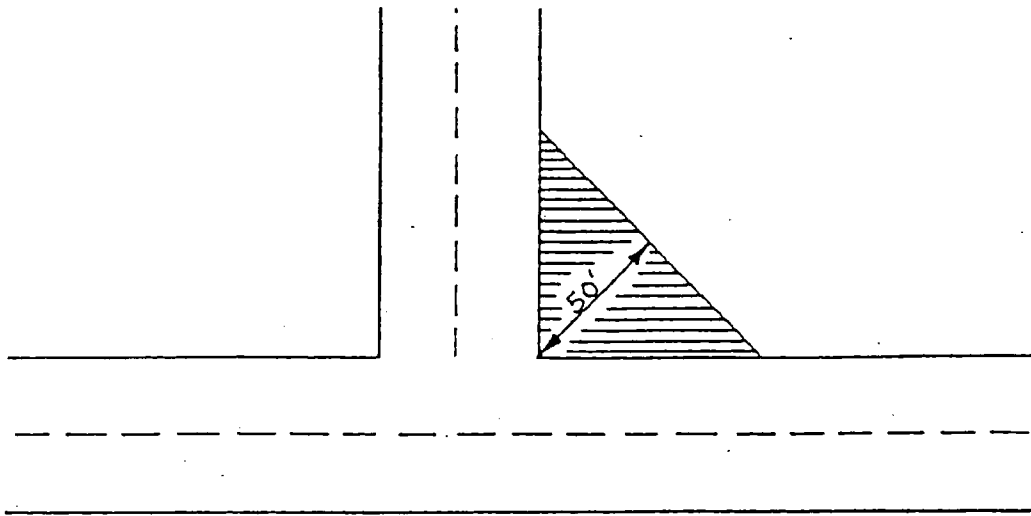
Section 503: Traffic Control

Internal Traffic Control

The traffic generated by any use shall be channelized and controlled in a manner that will avoid: a) congestion on the public streets, b) traffic hazards, and c) excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow.

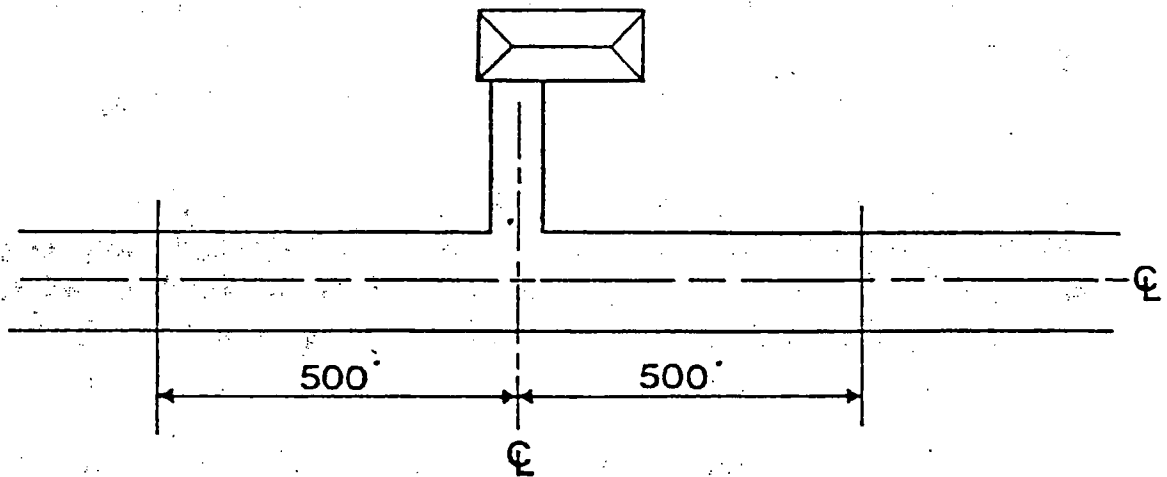
Intersections

On corner lots, nothing shall be placed or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right-of-way lines.



### Driveways

For residential driveways, clear and unimpeded vision shall be provided at the intersection of the driveway with any public road. Vision must be unimpeded between a height of two and one-half and ten feet above the centerline grade of the public street such that a clear line of vision from the entrance of the driveway is possible in either direction for a distance of 500 feet along the public road centerline.



Driveways for residential use shall be located to conform with the side yard requirements of Section 501. All dwellings shall be so located as to permit an eight-foot wide driveway to be placed from either a public street or a public alleyway to the rear house line.

### Section 504: Parking

Parking spaces accessory to one and two-family dwellings shall be located on the same lot. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes.



#### Section 505: Home Occupation

In any zoning district where home occupations are authorized, the following regulations governing said home occupations shall be complied with:

- (1) Said user shall not occupy an area of more than twenty-five (25) percent of the total floor area of the dwelling.
- (2) No such home occupations shall require substantial interior or exterior alterations of the dwelling.
- (3) Said use shall not create odor, dust, noise, electrical glare or vibrations noticeable outside of the dwelling.
- (4) No sign shall be allowed other than one (1) unilluminated name plate measuring not more than twelve (12) square feet in area attached near the building entrance.
- (5) The occupation is to be conducted solely by permanent occupants of the dwelling in which it is located except that one (1) accessory persons necessary to the occupation may be employed.

#### Section 506: Mobile Home

In order that a mobile home may be harmonious with the surrounding area, the following performance shall be required:

- (1) In the Agricultural Preservation District, separate quarters for farm help (i.e., employees earning ninety (90) percent or more of their income from farming operations) may be provided by the use of a mobile home. Such home shall be located so as to be an integral part of the permanent farm buildings. A conditional use permit is required for said mobile home and will terminate when farm employment ceases.
- (2) A minimum floor area of five hundred (600) feet shall be required for mobile homes to be used as a residential dwelling.
- (3) Each mobile home base shall have a suitable hardstand of durable material capable of supporting the vehicle wheels, stands or jacks.

## Section 507: Dwelling Units

### Earth Sheltered Homes

Earth sheltered homes for use as a primary single-family residential structure shall be allowed a building permit if such structures possess the following characteristics:

- 1) The roof of the structure is covered with earth or earthen material to the depth of at least two (2) feet.
- 2) The structure is waterproofed to sufficiently provide a low-humidity interior environment.
- 3) The structure is not designed to provide for the future installation of an upper floor.
- 4) The structure meets or exceeds all building code standards for fire safety, window area and other requirements.

### Certain Dwelling Units Prohibited

It shall not be lawful for any persons to erect or occupy a temporary dwelling on any lot or parcel of land in Douglas Township except that travel and motor home coaches can be used for such purposes for a period of not over four (4) weeks. No garage, tent, or accessory building shall at any time be used as a separate dwelling. The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

### Relocating Structures

A conditional use permit shall be required for all permanent relocation of structures. Relocation of construction sheds and other temporary structures to be located on a lot for less than 18 months requires no permit. For relocation of structures requiring a permit, the applicant shall submit photographs showing all sides of the structure to be moved and photographs of the lot on which the structure is to be located. The Planning Commission may also require photographs of surrounding lots and structures. The Planning Commission shall consider the compatibility of the structure to be relocated with structures and uses on surrounding lots. The Planning Commission shall report its conclusions to the Town Board. If the Town Board decides that relocation of the structure would depreciate the value of structures or lots surrounding the lot upon which it is to be moved, then the permit shall be denied.

## Section 508: Sewage Disposal Standards

### General Provisions

1. Raw Sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged onto the ground surface, into abandoned wells, or water bodies of surface water, or into any soil or rock formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the other requirements of this Ordinance.
2. Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.
3. In areas with a high groundwater table the final disposal unit shall be a tile field. The bottom of the trenches shall be not less than 3 feet above the highest known or calculated water table.
4. The portions of any buried sewer more than 50 feet from a well shall be of adequate size and constructed of cast iron, vitrified clay, cement-asbestos, concrete or other pipe material acceptable to the State Board of Health. Clay pipe and clay pipe fittings shall conform to A.S.T.M. specifications for standard strength or extra strength clay pipe and clay pipe fittings. No building drain or building sewer shall be less than 4 inches in diameter.
5. The system shall consist of a building sewer, a septic tank, and a soil absorption unit. The soil absorption unit shall consist of a sub-surface disposal field. All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the treatment field.
6. Septic tank effluent shall not be discharged into an agricultural tile line or drainage system.

### Specific Standards

The installation of individual sewage treatment systems shall be in accord with the regulations contained within the Minnesota Pollution Control Agency guidelines entitled "6 MCAR 4.8040 Individual Sewage Treatment Systems Standards". Such standards, including sections A through K and Appendices A through E of 6 MCAR 4.8040 are hereby incorporated into this zoning ordinance by reference.

## Section 509: Water Wells

### General Provisions

A well shall be located consistent with the general layout and surrounding area giving due consideration of the size of the lot, contour of the land, slope of the water table, rock formation, porosity and absorbency of the soil, local ground water conditions, and:

1. Located on a site which has good surface drainage, at a higher elevation than, and at a sufficient distance from, cesspools, buried sewers, septic tanks, privies, barnyards, and feedlots,

or other possible sources of contamination so that the supply cannot be affected thereby, either underground or from the surface of the ground.

2. Located so that the well and its surrounding area can be kept in a sanitary condition.
3. Adequate in size, design and development for the intended use.
4. Constructed so as to maintain existing natural protection against pollution of water bearing formations and to exclude all known sources of pollution from entering the well.

#### Specific Standards

The installation of water wells shall be in accord with the regulations contained within the Minnesota Department of Health, Rules Relating to Licensing of Water Well Contractors and the Construction of Water Wells, 7 MCAR 1.210-1.224 that were effective October 29, 1979. Such standards are hereby incorporated into this Zoning Ordinance by reference.

#### **Section 510: Drainage**

No land shall be developed and no use shall be permitted that results in additional water run-off that causes flooding or erosion on adjacent properties. Run-off shall be properly channeled into a storm drain, water course, ponding areas, or other public facility.

#### **Section 511: Soil Erosion and Sedimentation Control**

##### A. General Standards

1. All development shall conform to the natural limitations presented by the topography and soil as to create the least potential for soil erosion.
2. Land shall be developed in increments of 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 any one period of time.
3. Whenever possible, natural vegetation shall be retained and protected.
4. All land surfaces disturbed by construction activity shall be seeded, sodded, or planted such that a healthy vegetative cover exists on the land no later than twelve months after the construction activity begins.

Section 512: Preservation of Natural Drainageways

A. Waterways

1. The use of storm sewers is not an acceptable alternative to the use of the natural above ground-drainage system to dispose of runoff. Storm sewers may only be used where it can be demonstrated that the use of the above ground natural drainage system will inadequately dispose of runoff. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. The natural and constructed waterways may be coordinated with an open space trail system. The trail system shall be confined to the edges and not the bottom of the waterway.
2. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
4. The banks of the waterway shall be protected with a permanent turf vegetation.
5. The banks of the water should not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
6. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
7. The bed of the waterway should be protected with turf, sod or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt, cement and concrete. The rip rap shall be no smaller than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
8. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

#### B. Waterway Velocity

1. The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.
2. Flow velocity should be controlled through the installation of diversions, berms, slope drains and other similarly effective velocity control structure.

#### C. Sediment Control

1. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
2. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing or other structures shall be restricted from the area on either side of the waterway required to channel a twenty five (25) year storm.
3. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

#### D. Maintenance of Erosion Control System

1. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.
2. Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
3. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.
4. Prior to the approval of any plat for development, the developer shall make provision for continued maintenance on the erosion and sediment control system.

### Section 513: Tree and Woodland Preservation

Structures built in wooded areas should be located in such a manner that the maximum number of trees are preserved.

## Section 514: Agricultural Operations and Irrigation Systems

### A. Agricultural Operations

All farms in existence upon the effective date of this Ordinance and all farms which are brought into the Township by annexation shall be a permitted use where the operator can conduct a farming operation. (However, all regulations contained within Article VIII and other Township Ordinances in effect shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character.) Setback and other regulations shall apply to farming operations just as they do to residential developments. Any structure exceeding one thousand dollars in value to be erected on a farm shall require a building permit and conform to all requirements of the building code. The Town Board may require any farm operation to secure a Conditional Use Permit to expand or intensify said operations in the event of the following:

The proposed expansion or intensification of the Agricultural operation is adjacent to, or within four hundred feet of any dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or the like.

The Agricultural operations are so intensive as to constitute an industrial type use consisting of the compounding, processing and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot be terminated as can a normal farming operation.

### B. Irrigation Systems

No crop irrigation system shall be positioned and operated in such a manner so as to cause water to be sprayed onto a public road in amounts that cause excessive erosion of the road or softening of the road bed.

## Section 515: Utility Construction and Maintenance

The following standards shall apply to the construction and maintenance of utility lines and public service structures; and shall be considered as requirements for the issuance of permits for construction:

1. Each road crossing shall be approved by the appropriate road authority.
2. In the event of repair or improvement of a road, the line owner shall pay for necessary movement and replacement of the line.
3. In the event of necessary repairs or improvements of drainage ditches, the line owner shall pay for necessary movement and replacement of the line.

4. Drain tile lines shall be repaired or replaced where cut or damaged by construction, for at least 5 feet from the damaged sections.
5. Utility lines and associated structures (except service lines from a main to a customer) shall be at least 250 feet from residential dwelling units.
6. Wherever feasible, utility lines shall be located within or along existing railroad or highway rights of way, section lines, or other established boundaries and/or easements, or other such routes as approved by the Town Board.
7. The owner and/or builder of the utility line shall be responsible to pay for such inspection procedures incident to the line's construction and maintenance as the Town Board determines necessary to protect the public interest.
8. For underground utility lines:
  - a. All underground lines shall be bored and cased through public and private roads unless the road authority cases and back fills the crossing.
  - b. All underground lines shall be at least five feet below the bottom of drainage ditches and not impede the flow of water.
  - c. All underground lines shall be at least one foot below existing and proposed drain tile lines. The utility line owner shall be responsible for:
    - (1) The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line; and
    - (2) Additional expenses for installation of future drain tile caused by existence of the utility line; and
    - (3) Cost of repair of drain tile and crop loss due to settling after utility line construction.
  - d. Where feasible, underground utility lines shall be at least 20 feet from parallel drain tile.
  - e. Except as otherwise stated, underground utility lines shall be at least 4 feet below the ground surface.
9. The owners of utility lines shall be held strictly liable for any and all damages that may arise out of the operation or malfunction of any utility line or facilities incidental to the operation of the utility line.
10. The Town Board may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

#### Section 516: Commercial Operations

In addition to those standards outlined in Article IV of this Ordinance, the following requirements shall apply to commercial uses in all districts.



#### A. Off-Street Parking

Adequate off-street parking areas are required for all commercial operations. In figuring the needed area, one parking space shall equal 300 square feet of area.

#### B. Drive-In Business Development Standards

These standards shall apply to all drive-in business except auto service stations.

##### General Standards

1. No person shall construct, operate or maintain a drive-in business within the community without first obtaining a license.
2. The hours of operation shall be a condition for the granting of any drive-in business license.
3. In the process of reviewing a license application, the Town Board of the community may review the reputation of the applicant and the desirability of a drive-in business at the proposed location with reference to whether there will be an unreasonable disturbance of the neighborhood or interference with rights of the surrounding property owners.

##### Location

1. No drive-in business shall be located within 200 feet of a school, hospital or public recreation area.
2. No drive-in shall be located within 400 feet of any residentially zoned property.
3. No drive-in shall be located on any street other than one designated as thoroughfare or business service road.
4. No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.

##### Landscaping

The landscaping plan must be approved by the Town Board of the community prior to issuance of a license and said plan shall include complete specifications for plant materials and other features.

At least 30% of the gross lot area shall be landscaped.

##### Site Plan

1. The site plan shall clearly indicate suitable storage containers for all waste material.
2. The parking area shall be paved with asphalt or concrete to specifications approved by the Town Board of the community.
3. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.

4. A suitable screening fence shall be erected along all property lines except those which are also public right-of-way lines.
5. The design of any structure shall be compatible with other structures in the surrounding area.
6. No drive-in business shall be located on a lot of less than 30,000 square feet.
7. A plan shall be submitted showing adequate provision for surface water drainage.
8. Electronic devices such as loudspeakers, automobile service devices, drive-in theater car speakers and similar instruments shall not be located within 400 feet of any residentially zoned or used property nor within 200 feet of any adjacent lot regardless of use or zoning district.
9. No service shall be rendered, deliveries made or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
10. No permanent or temporary signs visible from the public street shall be erected without approval from the Town Board of the community.
11. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within forty feet of intersection street curb lines.

#### Revocation of License

The Town Board of the community shall have the authority to revoke or suspend the license issued when it is found:

1. That the license is operating in violation of any governing law, ordinance or regulation;
2. That the licensee has not complied with all standards and provisions;
3. That the licensee has failed to properly maintain all landscaped areas, structures, waste disposal containers, access drives, parking areas, lighting, screening and other features in a state of good repair and appearance;
4. That the drive-in business constitutes a nuisance by reason of noise, disorderly conduct or immoral activity on the premises.

## C. Service Station Standards

### Lot Size

New service station sites shall be a minimum of 1 acre.

### Setbacks

The building or buildings shall be set back at least thirty-five feet from the street right-of-way. Near residential districts, the service station buildings, signs and pumps shall be a minimum of twenty-five feet from adjoining property. In commercial areas, the structures shall be set back at least ten feet from adjoining property.

### Fencing and Screening

When adjacent or near to residential property, there shall be a screening fence. When adjacent to commercial property, there shall be a bumper-type fence about eighteen inches high between the station and the adjacent commercial property.

### Pedestrian Circulation

Sidewalks or other designated pedestrian ways shall be clearly indicated and provided for the safety of pedestrians passing by the station.

### Surfacing

At least 5% of the site shall be landscaped; all areas not landscaped or covered by structures should be paved or blacktopped so that there will be proper storm water drainage and a dust-free operation.

### Trash Enclosures

A receptacle shall be provided for trash which should be a minimum of six feet by four feet and be constructed of a solid, non-combustible material. Trash enclosures should present a good appearance to the public. The station should be well-maintained so as not to be unsightly.

### Signs

An overabundance of signs is to be avoided. Special caution shall be taken to avoid signs which blow away and present safety hazards during high winds.

### Access Drives

In the absence of local regulations, the drives shall conform to Minnesota Highway Department Technical Manual 5-292, Plate No. 715. In general, however, driveways shall not exceed twenty four feet in width or be spaced closer than thirty feet apart. No more than two access drives to any street should be permitted. Off-street parking should not be such that permits backing onto any street.

### Architecture

If possible, the station should be of a type that is reasonably compatible with the surroundings. Most national oil companies have a variety of building types which could be viewed for selection of the most suitable.

### Outdoor Displays

The storage of used tires, batteries and other such items for sale outside the building should be controlled; such items should be displayed in specially designed containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans and other unsightly materials should not be permitted in areas subject to public view.

## Section 517: Mineral Extraction

The Township of Douglas finds that the extraction of minerals by surface mining cannot take place without disruption to the surface of the earth and the production of waste materials, the very character of which may create undesirable land and water conditions which can be detrimental to the health, safety, and welfare and property rights of the citizens of the Township; however, the Township finds that such operation, if properly regulated and if reclamation of surface mined land is required, can take place within the township in such a manner that the disspoling and polluting effects of the operation may be restricted to an acceptable level. Therefore, the purposes of these performance standards are; to provide for the economical availability of sand, gravel, rock, soil and other materials vital to the continued growth of the Township, to establish reasonable and uniform limitations, safeguards and controls upon the production of said materials, to control the effect of dust, and hazards upon adjacent property and other areas of the Township, to control pollution caused by erosion or sedimentation, and to provide for the restoration of the mining area after termination of the removal operation, all in furtherance of the health, safety and general welfare of the citizens of Douglas Township.

A. Application

Except as hereinafter provided in this Ordinance, no operation shall engage in the extraction or mining of minerals without first having obtained a written permit from the Town Board authorizing the same.

B. Exceptions

The permit requirements established by this Ordinance shall not apply to:

1. Any public agency or its contractor or any person performing work in a right-of-way of any public agency pursuant to a permit issued by such public agency.
2. Emergency work necessary to preserve life or property.

C. Application for and Processing of Permit

1. A separate application for a permit shall be made to the Town Clerk for each extraction activity for which a permit is required except that only one application need be made for each parcel. The application shall include appropriate maps, surveys, and photographs and shall set forth an operations plan specifying the area of extraction and a description of the operation together with an identification of the location of where all activities incidental to the extraction shall be conducted, and a restoration plan setting forth the operators plan for the orderly and continuing restoration of excavated land, including the planned contour and vegetative cover of the land after restoration. (In addition, the application shall include such other engineering data, surveys and other information and materials as the township may require in order to determine the effects of such development upon affected and adjacent land and water uses.)
2. The mining extraction area permit application shall be processed in accordance with the same procedures specified for the processing of conditional or special use permits and the extraction permit may be processed at the same time and in conjunction with an application for a building permit or any other permit required to be granted by ordinances of the Township.

D. Issuance of Permit

No extraction permit shall be issued unless the Town Board finds and determines that the proposed work complies with the following requirements.

1. The following reclamation standards must be met upon completion of the extraction operation:
  - (a) No substantial water areas shall have a depth of less than three feet measured at the low water mark.
  - (b) All banks shall be sloped to the water line in a slope not steeper than four feet horizontal to one foot vertical.

- (c) Where a cliff forms the bank of a water body the operator shall provide for an escape route from the water.
- (d) All exposed soil shall be surfaced with topsoil of a quality at least equal to the topsoil of land areas immediately surrounding the operation to a depth of at least three inches.
- (e) Topsoil shall be planted with trees, shrubs or grasses and such planting shall be tended until selfsustaining.
- (f) No organic material (except topsoil) or toxic material shall be used for backfilling.
- (g) Reclaimed landscape shall be graded to such character as blends with the topography.

2. Water and air quality standards:

- (a) The extraction operation shall be operated in such a manner that the storm water runoff rate does not exceed that of the site in its natural state.
- (b) The operator shall take appropriate actions to insure that the water quality of storm water runoff is not materially diminished.
- (c) Temporary accumulations of overburden shall be seeded or otherwise treated such that the introduction of dust particles into the air and soil erosion is kept to an absolute minimum, not to exceed two (2) tons per acre per year.
- (d) All operations involving the use of water, including washing operations shall provide for the reuse of said water and shall appropriately treat said water before releasing it into streams, rivers, or other water bodies or water courses. In no case should all the discharge of waste water be allowed to diminish the water quality of the receiving body.

E. Conditions.

An extraction permit may be approved subject to compliance with conditions reasonable and necessary to insure compliance with the requirements contained in this Ordinance which are specifically set forth in the permit. Such conditions may, among other matters, limit the size, kind or character of the proposed operation, require the construction of structures, require the staging of extraction over time, require the alteration of the site design to insure compliance with the standards and/or require the provision of a performance bond by the operator to insure compliance with these regulations.

F. Time of Permit - Extensions; Renewals

- (1) The extraction authorized by the permit shall begin within ninety (90) days of the issuance of the permit unless a different date for the commencement of the operation is set forth in the permit. The operator shall notify the Town Clerk at least one week prior to the commencement of the extraction. Should the operation not be commenced as specified herein, this permit shall become void; provided, however, that if prior to the date established for the commencement of the operation, the permittee makes a written request to the Town Clerk for an extension of time to commence the operation, setting forth the reasons for the required extension, the Town Clerk may grant such extension. A permit which has become void may be renewed at the discretion of the Town Clerk upon payment of renewal fee. If the Town Clerk does not grant such renewal, a permit for such work may be granted only upon compliance with the procedures herein established for an original application.
- (2) Renewal of Permit. The extraction permit shall be issued for two calendar years. Upon satisfactory adherence to the operation and restoration plans, the permit may be renewed by the Town Board on a year-to-year basis. Requests for renewal of the permit shall be made sixty (60) days prior to the expiration date, however, on request and for cause, the Town Board may extend the time for application for renewal to thirty (30) days. If application for renewal is not made within the required time, all operations shall be terminated, and reinstatement of the permit may be granted only upon compliance of the procedures set forth herein for an original application.
- (3) Inspection. The Township may cause inspections of the operation to be made periodically during the course thereof. The operator shall assist the Town Clerk in making such inspections.

Section 518: Signs

A. Intent

The regulations established in this chapter are designed to protect property values, create a more attractive environment, enhance and protect the physical appearance of the community, prevent and reduce potential traffic hazards caused by distracting and obstructing signs, and to remove safety hazards to pedestrians that may be caused by signs projecting over public right-of-way.

B. Public Right-of-Way

Only official identification, directional, or traffic control signs shall be allowed within the public right-of-way.

C. On-Site Advertising Signs

All new signs larger than 50 square feet in area shall require a conditional use permit.

D. Off-Site Advertising Signs

Off-site advertising signs shall be allowed in all districts as conditional uses.

E. Change in Advertising Message

The change in advertising message maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing advertising structure shall not be considered an enlargement, extension structure, or structural alteration provided that thereby the advertising structure is not caused to exceed any size limitation by this Ordinance.

F. Poorly-Maintained Signs

Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises on order of the official responsible for enforcement.

G. Symbolic Signs

Symbolic signs such as a barber pole which are traditional in nature and size shall be permitted. Small identifying signs under canopies or on retractable awnings shall also be permitted.

H. Announcement Signs

Signs for the following purpose not exceeding ten (10) square feet in area and placed back twenty (20) feet from front lot line shall be permitted in all districts:

- 1) A sign advertising only the sale, rental, or lease of the building or premises on which it is maintained.
- 2) An announcement sign or bulletin board for the use of a public, charitable, or religious institution occupying the premises.
- 3) An advertising sign in connection with a lawfully maintained non-conforming use.
- 4) Political signs

I. Lighting

Signs may be illuminated by flashing, intermittent rotating or moving light or lights as a conditional use.

In all districts, any lighting used to illuminate a lot or structure (including signs) thereon shall be arranged so as to deflect light away from adjacent lots and streets. The source of light shall be hooded or shielded so as to prevent beams or rays of light from being directed at any portion of adjoining properties or streets.



## J. Non-Conforming Signs

Signs erected prior to the date of enactment of this Ordinance, which do not conform with the sign regulations contained herein, shall not be expanded, modified or changed in any way except in conformity with these sign regulations. Non-conforming signs must be removed or modified to conform to this Ordinance by

### Section 519: Refuse

All waste materials, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

In all districts the Town Board may require a Conditional Use Permit for any exterior storage if it is demonstrated that such storage is a hazard to the public health, safety, welfare, convenience, or has a depreciating effect upon nearby property values, or impairs scenic views, or constitutes a threat to living amenities.

### Section 520: Sewage Sludge

No sewage sludge from a municipal or regional sewage treatment plant shall be deposited on, or applied to, land within Douglas Township, unless the proposed sludge application procedure meets all of the following requirements and standards:

- A. A permit to apply sewage sludge on specified parcels of land shall be obtained from the Minnesota Pollution Control Agency. The Douglas Township Clerk shall be notified of the proposed permit at least 30 days prior to the date which the permit is approved and issued by the MPCA. Proof of receipt of the proposed letter of approval concerning the proposed permit shall be required. Such proof of receipt by Douglas Township shall consist, at a minimum, of the written signature of the Douglas Clerk, acknowledging his receipt of particulars concerning the proposed permit. The failure to produce, upon request, the Township Clerk's acknowledgment of receipt of information concerning a proposed permit shall invalidate the permit, even if the permit is otherwise approved by the Minnesota Pollution Control Agency.
- B. The Township shall charge a fee of \$150.00 for a Township Evaluation of a Proposed Sewage Sludge Permit. The fee shall include all expenses incurred by Douglas Township for site inspection by Township Officers, and legal advice concerning a proposed permit, and shall be paid by the permit applicant. The completed Township Evaluation of a Proposed Sewage Sludge Permit shall be sent to the MPCA within 30 days after the Township is notified of the proposed permit.

- C. No sewage sludge shall be stockpiled or otherwise placed on the surface of the ground within 1,000 feet of any residence, for time periods which exceed 72 hours. If sewage sludge is stockpiled within 1,000 feet of any residence, the sewage sludge shall be spread and incorporated into the soil by moldboard plow or other suitable implements that result in the sewage sludge being mixed with the soil to a soil depth of at least six inches, before the 72-hour time period elapses.
- D. If any specific regulation contained within Section 520 differs from any specific regulation established by Dakota County, the Metropolitan Council, the Minnesota Pollution Control Agency, or any other regulatory/policy-making body, the most restrictive specific regulation shall apply to the application of sewage sludge within Douglas Township.

#### Section 521: Nuisances

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety nor will damage public waste transmission to disposal facilities.

##### A. Odors and Exhaust Emission

Odors shall not be allowed to exceed the standards stated in the Minnesota State Air Pollution Control Regulations, numbers 9 and 10.

No exhaust pipe, flue, chimney or whatever shall emit an emission that exceeds those standards set forth in Minnesota State Air Pollution Control Regulations, numbers 1, 5 and 6.

##### B. Toxic Matters

All toxic matters emitted from a use shall conform to those standards set forth by the Minnesota State Air Pollution Control Regulations. In the event the toxic matter being considered is not specifically regulated by Minnesota State Air Pollution Control Regulations, the following standards and procedures shall be followed.

The measurement of toxic matter shall be at the lot boundary line and measured at ground level or habitable elevation and shall be the average of any 24 hour period. The release of any airborne toxic matter shall not exceed 1/30th of the Threshold Limit Values adopted

by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the governing body that the proposed levels will be safe to the general population.

C. Animals

Any open or roofed enclosure in which animals are kept shall be a distance of one hundred (100) feet or more from any occupied residential lot. The governing body may order the owner of any animals to apply for a special use permit as it is deemed to be in the interest of the public health, safety or general welfare.

D. Nuisances to Public Health

The following are declared to be nuisances affecting public health:

1. The effluence from any cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized in Section 520.
2. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substance.
3. Carcasses of animals not buried or destroyed or otherwise disposed of within 24 hours after death.

E. Nuisances to Peace and Safety

The following are declared to be nuisances affecting public peace and safety:

1. The placing or throwing on any street, alley, road, highway, sidewalk or other public property of any glass, tacks, nails, bottles or other nuisance which may injure any person or animal or damage any pneumatic tire when passing over the same.
2. The ownership, possession or control of any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient size to retain any person to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

F. Miscellaneous Nuisances

1. It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building in residential or agricultural districts.
2. It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard except as provided herein.
3. It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.



A R T I C L E V I  
ADMINISTRATION AND ENFORCEMENT

Section 601: Separability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses thereof are hereby declared to be separable. If any part, sentence, paragraph, section or clause is adjudged to be unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

Section 602: Effective Date

This Ordinance shall take effect and be in force on and after \_\_\_\_\_

Section 603: Relationship to Other Laws

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

Section 604: Administrative Standards

Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are in this Ordinance provided, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

Section 605: Application of this Ordinance

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within Douglas Township except as specifically, or by necessary implication, authorized by Ordinance. Conditional uses are allowed only on permit granted by the Douglas Town Board upon finding that the specified conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication.

Section 606: Rules

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

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses, and the future the present.
3. The word "shall" is mandatory, and the word "may" is permissive.
4. The masculine gender includes the feminine and neuter genders.
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in the Ordinance, the Board of Appeals shall interpret and define any work or section of the Ordinance.
6. All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.

Section 607: Enforcement

*See Addendum 00-1 Section XII.*

The Town Board of Douglas Township shall:

Undertake the necessary actions to enforce and administer the provisions of this Ordinance.

Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.

Instruct the Township Building Inspector to issue occupancy and building permits, and make and maintain records thereof; also to conduct inspections of structures and uses of land to determine compliance with the terms of this Ordinance.

Assure the maintenance of permanent and current records of this Ordinance, including but not limited to, all maps, amendments and special uses, variance, appeals and applications.

Section 608: Maintenance of Records

The Town Board of Douglas Township shall instruct either the Town Clerk or Planning Commission Secretary to perform the following duties:

Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments and special uses, variances, appeals and applications therefore.

Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

Section 609: Appeals and the Board of Adjustment and Appeals

The Town Board of Douglas Township shall, through the passing of a resolution, provide for the establishment of a Board of Adjustment and Appeals.

The Board of Adjustment and Appeals shall consist of three members whose appointment, term of office or removal from the Board shall be provided in the resolution creating the Board of Adjustment and Appeals. No elected officer of the community nor any employee of the community shall serve as a member of the Board of Adjustment and Appeals. The members of the Board of Adjustment and Appeals shall serve without compensation, but may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board.

The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

The Board of Adjustment shall have the following powers:

- 1) The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state.

The Board of Adjustment and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be

- 2) The Board of Adjustment and Appeals shall grant variances in accordance to the procedures outlined for such in Section of this Ordinance.

The meetings of the Board of Adjustment and Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify.

Hearings by the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

The decision of the Board of Adjustment and Appeal shall not be final and any person having an interest effected by such decision shall have the right to appeal to district court in the County in which the land is located on questions of law and fact.

## Section 610: Zoning Amendments

### Procedure

1. An amendment to the text of the Ordinance or the zoning may be initiated by the Town Board, the Planning Commission or by application of a property owner. Individuals wishing to initiate an amendment to the zoning ordinance shall fill out an application and submit it to the Secretary of the Planning Commission or Town Clerk, together with a fee payable to the Township Clerk in the amount listed in the fee schedule.
2. When an amendment involves changes in district boundaries, affecting an area of five acres or less, property owners within 350 feet of the subject property shall be notified, although failure of any property owner to receive such notification will not invalidate the proceeding. Notification shall be by mail.
3. A public hearing on the rezoning application shall be held by the Planning Commission during the month following such request after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the Town Board at least 10 days prior to the hearing. The Planning Commission shall make its report to the Town Board at the next regular meeting of the Town Board following the hearing, recommending approval, disapproval or modified approval of the proposed amendment.



4. The Town Board must take action on the application within sixty days following referral by the Planning Commission. The person making the application shall be notified of the action taken. The Town Board shall maintain records of amendments to the text and zoning map of the Ordinance.
5. No application of a property owner for an amendment to the text of the Ordinance or the 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 change of circumstances warrant it.

### Section 611: Conditional Use Permits

#### Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Town Board shall consider the advice and recommendations of the Planning Commission and effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding areas, and the effect of the proposed use on the Comprehensive Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which they consider 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 lot size or yard dimension.
2. Limiting the height, size or location of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the 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.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Town Clerk shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the Town Board, time limits, review dates and such other information as may be appropriate.

## Procedure

1. The person applying for a conditional use permit shall fill out and submit to the Planning Commission Secretary or Town Clerk an application together with a fee payable to the Township Clerk in the amount listed in the fee schedule.
2. The application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. Notification shall be made to property owners of record within one quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would allow for the greatest number of owners. However, failure of any property owner to receive notification shall not invalidate the proceedings. Notification shall be made by mail.
3. The Planning Commission shall hold a public hearing on the proposal during the month following the receipt of such request.
4. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
5. The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission.
6. The Town Board must take action on the application within sixty days after receiving the report of the Planning Commission. If it grants the conditional use permit, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
7. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit except that the fee shall be five dollars; amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
8. No application for a conditional use permit shall be resubmitted for a period of six months from the date of said order of denial.
9. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten days prior to the review; it shall be the responsibility of the Clerk to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted at the discretion of the Town Board.

Section 612: Interim Use Permits See addendum 90

Section 613 Variances

Criteria for Granting Variances

A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions or circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to others of other lands, structures or buildings in the same district; and
5. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicants land is located.

Procedure

1. The person applying for a variance shall fill out and submit to the Town Clerk an application together with a fee made payable to the Township Clerk in the amount listed in the fee schedule.
2. The application shall be forwarded to the Zoning Board of Adjustment and Appeals. A notice of time, place, and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. Property owners within 500 feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.
3. The Zoning Board of Adjustment and Appeals shall hold a public hearing on the proposal during the month following receipt of such request.
4. The petitioner or his representative shall appear before the Zoning Board in order to answer questions concerning the proposed variance.
5. The Zoning Board must take action on the application within sixty (60) days of the public hearing. If it grants the variance, the Zoning Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

## Section 614: Building Permits

### Procedure

For the purposes of enforcing this Ordinance, a building permit shall be required of all persons intending to erect, alter, wreck or move any building the cost of which action would exceed one thousand dollars.

1. Persons requesting a building permit shall fill out a building permit form available from the Town Clerk. A permit fee shall be charged as according to the fee schedule kept on file by the Township Clerk. In the event construction is started before a building permit is obtained, the fee shall be doubled.
2. Completed building permit forms and a fee based on building valuation shall be returned to the Town Board.
3. The Town Board within 45 days must take action to either approve or reject the building permit request. The Town Board may request the application and to make a recommendation regarding its passage or denial.

## Section 615: Fees

The Town Board maintains a schedule of fees and collection procedure for zoning permits, building permits, subdivision plats and conditional use permits as required by this Ordinance. The schedule of fees is available from the Building Inspector, and may be altered or amended only by the Town Board.

No building permit, or conditional use permit shall be issued unless or until such application fees have been paid in full to the Building Inspector, nor shall any action be taken on proceedings before the Town Board unless or until the following application fees have been paid in full.

## Section 616: Violations and Penalties

Any person who violates any provision of this Ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, shall be punished by a fine of not more than \$500 or imprisonment in the County Jail for not more than 90 days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

ARTICLE VII

DEFINITIONS

Section 701: Definitions

- (1) Accessory Use - A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.
- (2) Agricultural Service Establishments - Land uses primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling and thrashing; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; boarding and training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agricultural produce grown on the site, and other similar uses.
- (3) Agricultural Structure - Shall include all non-residential structures specifically designed and utilized for agricultural purposes. Such structures shall include, but not be limited to pole barns, grain storage structures, storage structures for agricultural equipment, animal shelters, and irrigation systems.
- (4) Agricultural Use - The management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of domestic and non-domestic farm animals, including but not limited to horses, cattle, sheep, swine and poultry, in enclosed buildings, pastures, or feedlots. Feedlots with more than thirty (30) animal units found on farms of less than eighty (80) acres shall be considered conditional uses.
- (5) Animal Unit - A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents shall apply:

Bees and  
Apiaries

Animal	Unit
one mature dairy cow	1.4 animal unit
one slaughter steer or heifer	1.0 animal unit
one horse	1.0 animal unit
one swine over 55 pounds	.4 animal unit
one duck	.2 animal unit
one sheep	.1 animal unit
one swine under 55 pounds	.05 animal unit
one turkey	.018 animal unit
one chicken	.01 animal unit

For animals not listed above, the number of animal units shall be defined as the average weight of the animal divided by 1,000 pounds.

- (6) Basement - A portion of a building located partly underground with more than half of its floor to ceiling height below the average grade of the adjoining ground.
- (7) Berm - A shelf or raised flat area that breaks the continuity of the slope of the land.
- (8) Building - See "Structure".
- (9) Commercial Use - See "Retail Commercial" and "Wholesale Commercial".
- (10) Conditional Use - Any use of land which is not a permitted use, but which may be allowed if special conditions can be met so as to render the conditional use compatible with the surrounding land uses and not be contrary to the intents of this Ordinance. A conditional use requires a special permit to be granted by the local governmental body following a public hearing.
- (11) Drainage System - Any natural or artificial means used to drain or store water, including but not limited to streams, rivers, creeks, and ditches and including structures such as culverts, drainage tiles, and dams, and water storage basins such as lakes or ponds, either natural or man-made.
- (12) Duplex - A detached dwelling unit designed or modified for occupancy by two families.
- (13) Essential Services - Means underground or overhead gas, electrical, steam, or water distribution system: collection communication supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, street signs, hydrants or other similar equipment and accessories in conjunction therewith: but not including structures or transmission services.
- (14) Exterior Storage - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a structure.
- (15) Family - An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
- (16) Feedlot, Animal - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. All animal feedlots must meet the Minnesota Pollution Control Agency's rules for the control of pollution from animal feedlots contained in 6MCAR 4.8051.
- (17) Floor Area - The sum of the gross horizontal area of the several floors of a building or portion thereof devoted to a particular use. However, the floor area calculation shall not include basement floor area.

(18) Historic Site - Structure or body of land or water of historic archeological, paleontological, or architectural content or value which has been designated as an historic site in the Federal Register of Historical Landmarks or by the Minnesota Historical Society or by resolution of a local governmental unit.

(19) Home Occupation - Any gainful occupation or profession engaged in by the occupant of the dwelling when carried on within the dwelling unit, but not within an accessory structure. Entrance to the home occupation is gained from within the structure. Additional performance standards for the home occupation may be required by the Planning Commission.

(20) Industry - All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials.

(21) Institutional Uses - The use of land under public or semi-public ownership which provides a benefit or service to the public. These uses shall include, but not be limited to schools, hospitals, churches, cemeteries, and fraternal organization meeting places.

(21A) Interim Use See Section XIV. of addendum

(22) Junk Yard - Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including but not limited to scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. It does include uses established entirely within enclosed buildings. It does not include sanitary landfills that are licensed by Dakota County and meet all the requirements of the Dakota County Solid Waste Ordinance.

(23) Lot - is a parcel or portion of land in a subdivision or plat of land separated from other parcels or portions by description as on a subdivision or record of survey map; for the purpose of sales or lease or separate use thereof.

(24) Lot Area - The area of a lot in a horizontal plane bounded by the lot lines.

(25) Lot, Corner - A lot situated at the junction of, and abutting on two or more intersecting streets, the interior angle of the street being less than one hundred thirty five degrees.

(26) Lot Depth - The mean horizontal distance between the front lot line and the rear lot line of a lot.

(27) Lot Line - The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

(28) Lot of Record - Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a Deed of Contract for Deed, Auditor's Subdivision or Registered Land Survey has been recorded in the office of the Register of Deeds or Registrar of Titles for Dakota County, Minnesota, prior to the effective date of this Ordinance.

- (29) Lot, Through - A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
- (30) Lot Width - The maximum horizontal distance between the side lot lines of a lot.
- (31) Mineral Extraction -  
See Section XV. of addendum 00-1
- (32) Mobile Home - A factory built structure equipped with the necessary service connections and made so as to be readily movable as a unit of its own running gear and designed to be a relocatable structure used for any occupancy without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.
- (33) Mobile Home Park - Any premises larger than ten acres on which lots are rented for the placement of at least ten nontransient occupied mobile homes.
- (34) Motel/Hotel - A structure or group of structures used primarily for the temporary residence of motorists or travelers.
- (35) Multiple Family Dwelling/Apartment Building - Three or more dwelling units in one structure.
- (36) Non-Conforming Use - See "Use, Non-conforming".
- (37) Noxious Weed - Any plant whose presence is deleterious to the agricultural community as determined by the County weed inspector.
- (38) On-Site Sign - Any sign located on the lot of the use it advertises.
- (39) Off-Site Sign - Any sign not located on the lot of the use it advertises.
- (40) Principal Structure or Use - The purpose or activity for which the land structure or building thereon is designed, arranged or intended or for which it is occupied or maintained.
- (41) Quarter Quarter Section - An approximately 40 acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter section in the United States Government System of rectangular land survey.
- (42) Recreation, Commercial - A privately owned business offering recreational facilities, services, or equipment for a fee, including but not limited to private golf courses, theaters, bowling alleys, boat launches, etc.



- (43) Recreation, Public - Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- (44) Retail, Commercial Use - Any use of land and incidental structures used for the display and sale of goods and services including eating and drinking establishments.
- (45) Setback - Means the minimum horizontal distance between a structure and a road, highway, or lot line as established in this Ordinance.
- (46) Sewage Sludge - The organic and inorganic residue that settles on the bottom of sedimentation tanks during primary, secondary, or tertiary treatment of sewage.
- (47) Single Family Dwelling - A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family, but not including motels/hotels.
- (48) Structural Alteration - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- (49) Structure - Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.
- (50) Substandard Lot - A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this Ordinance.
- (51) Use, Non-conforming - A use of land, building or structure lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any use of land, building, or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.
- (52) Use, Permitted - A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.
- (53) Variance - A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or unfeasible under the circumstances.

- (54) Warehouse - An enclosed building used principally for the storage of equipment and materials and including packing and crating.
- (55) Wholesale, Commercial Use - Any use of land or incidental structure used principally for the storage of equipment and materials.
- (56) Zoning Administrator - That individual designated by Douglas Township to administer this Ordinance.
- (57) Zoning District - An area or areas within the limits of the Douglas Township for which the regulations and requirements governing land use are uniform.

**ORDINANCE NO. 2012-01  
DOUGLAS TOWNSHIP**

**DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING ORDINANCE NO.3\_ZONING ORDINANCE TO ESTABLISH  
REGULATIONS FOR SMALL WIND ENERGY CONVERSION SYSTEM (WECS) WITHIN  
DOUGLAS TOWNSHIP**

THE BOARD OF SUPERVISORS OF DOUGLAS TOWNSHIP DOES ORDAIN:

**Section 1: Purpose**

This ordinance shall be known as the Small Wind Energy Conversion System (WECS) Ordinance within Douglas Township.

**Section 2: Definitions**

- 2.1 The purpose of this Ordinance is to provide an appropriate location for wind energy conversion systems or WECS in circumstances that the Town Board determines there is a need for such facilities.
- 2.2 Standards are included in this Ordinance to minimize the impact of wind energy conversion systems (WECS) on public health, safety and welfare, and protect adjacent properties from WECS failure and interference.
- 2.3 This Ordinance is designed to balance the use of energy conservation facilities in a manner that allows continued agricultural and rural activities, and protects the rural environment.

**Section 3: Definitions**

For the purpose of this ordinance, the following definitions shall apply and are in addition to the definitions found in Ordinance No. 3 - Zoning Ordinance:

- 3.1 Wind energy conversion system (WECS): Any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy.
- 3.2 Wind energy conversion system (WECS), large: A WECS with a combined nameplate capacity of five thousand (5,000) kilowatts or more.
- 3.3 Wind energy conversion system (WECS), small: A WECS with a combined nameplate capacity of less than five thousand (5,000) kilowatts.

**Section 4: Authority and Applicability**

- 4.1 The State of Minnesota has jurisdiction over the siting and regulation of large WECS. This jurisdiction may be deferred to a county that elects to regulate large WECS.
- 4.2 The requirements and standards in this Ordinance shall govern WECS that are not regulated by the State of Minnesota or Dakota County.
- 4.3 This Ordinance shall apply to all properties within Douglas Township.

**Section 5: Permitted Accessory and Conditional Uses**

- 5.1 A small WECS less than seventy feet (70') in height is permitted as an accessory use in the Douglas zoning district(s). Height is measured from the ground to the highest point of the structure, including the maximum reach of the rotor blades or airfoils or any other attachment.
- 5.2 A small WECS greater than seventy feet (70') but less than two hundred feet (200') in total

height is a conditional use in all zoning districts. Height is measured from the ground to the highest point of the structure, including the maximum reach of the rotor blades or airfoils or any other attachment.

**Section 6: Performance, Accessory Use and Conditional Use Permit Standards**

- 6.1 The following performance standards shall apply to all WECS as permitted as an accessory use or as a conditional use:
- A. The WECS shall not be permitted unless there is a principal use on the property on which it is located.
  - B. No more than one (1) WECS shall be permitted on a property.
  - C. The WECS shall not exceed the State of Minnesota noise requirements (Minnesota Rules 7030).
  - D. Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any WECS structures or equipment.
- 6.2 The following performance standards shall apply to small WECS that are permitted as an accessory uses:
- A. The WECS height shall not exceed seventy feet (70').
  - B. The WECS setback from any property line or public road easement shall be equal to the height of the structure, or the setback of the zoning district in which it is located, whichever is greater.
  - C. The setback from a residential dwelling on adjacent property shall be no less than two (2) times the height of the WECS.
  - D. The lot size for placement of a WECS shall be no less than one (1) acre or the minimum lot size of the district in which it is located, whichever is greater.
  - E. The WECS shall comply with all building and electrical code requirements.
- 6.3 The following standards shall apply to small WECS that are conditional uses in a particular zoning district:
- A. The minimum setbacks from the WECS tower shall be as follows:
    - 1. The setback from any property line or public road easement shall be equal to the height of the structure, or the setback of the zoning district in which it is located, whichever is greater.
    - 2. The setback from a residential dwelling on adjacent property shall be no less than three (3) times the height of the WECS.
  - B. The WECS shall comply with the following design requirements.
    - 1. The WECS shall be designed and certified by a qualified engineer to be structurally sound and in conformance with the building, electrical and other applicable federal, state and local codes.
    - 2. The structural design, mounting and installation of the WECS shall comply with the manufacturer's specifications.
    - 3. The minimum clearance between the ground elevation and the lowest point of the rotor blades or airfoils of the WECS shall be twenty feet (20').
    - 4. The WECS shall not be illuminated unless required by a state or federal agency.
  - C. Obsolete or unused WECS must be removed within twelve (12) months after cessation of their use on the property.

1. WECS that are not removed within this time limit are declared to be public nuisances and may be removed by the township.
2. The township may assess its costs of removal against the property.

**Section 7: Administrative Requirements**

- 7.1 For WECS exceeding seventy feet (70'), the applicant shall submit an application for a conditional use permit to the Town Clerk which shall be accompanied by:
  - A. A site plan depicting the location of the WECS facility, elevations and construction details for the system to be located on a site.
  - B. All studies, analyses and certifications required by this Ordinance.
  - C. A fee as established by the Town Board.
- 7.2 The applicant shall reimburse the Township for all out-of-pocket expenses incurred by the Township for the review and approval of the WECS. These fees may include consultant fees for the Township planner, engineer, attorney, or other independent consultant, and recording fees.
- 7.3 The Township may require a cash escrow to guarantee the payment of expenses incurred by the Township to review and approve the WECS.

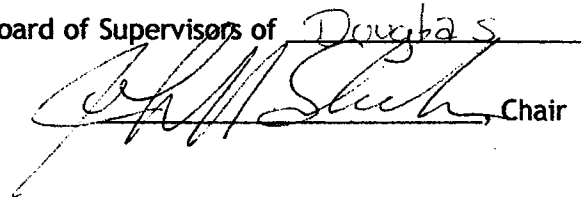
**Section 8: Violations and Penalties**

- 8.1 A violation of this ordinance is subject to the penalties and provisions of Section 616 of Ordinance No. 3- Zoning Ordinance.


**Section 9: Effective Date**

This Ordinance will take effect and be in force after its passage and official publication.

Adopted this 5<sup>th</sup> day of Nov, 2012 by the Town Board of Supervisors of Douglas Township, Minnesota.

 Chair

ATTEST:

, Town Clerk



**ORDINANCE NO. 2020-01**

**DOUGLAS TOWNSHIP  
DAKOTA COUNTY, MINNESOTA**

***AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 2016-01  
DOUGLAS TOWNSHIP ZONING ORDINANCE***

The Board of Supervisors of Douglas Township ordains the following amendments to the *Douglas Township Zoning Ordinance*:

**ARTICLE VII SECTION 701** Section 101 Definitions is amended by adding the following new definitions:

**Solar electric system, Retail** - A ground mount or flush roof mount solar electric system established for the primary purpose of meeting all or part of the electric energy needs of the host building, whether residential, commercial, industrial, or institutional.

**Roof Mount Retail Solar** – Solar systems that affix to brackets on the roof of a structure.

**Ground Mount Retail Solar** – Solar Systems that are built into a foundation in the ground level.

**ARTICLE II** Article II, Zoning District is amended in its entirety to read:

**SECTION 201 THRU 204 ZONING DISTRICTS**

Retail solar electric systems shall be allowed in all zoning districts; Wholesale solar electric systems shall be limited to the agricultural preserve zoning district.

**ARTICLE V** Article V Section 522 is amended to add Section 522 to add the following:

**SECTION 522 SOLAR ELECTRIC SYSTEMS**

In addition to those standards outlined in Article III of this Ordinance, the following requirements shall apply to solar electric systems in all districts. No permits may be issued prior to the Town Board's approval of the site plans.

- A. Site plans shall include the following minimum information, unless waived by the Zoning Administrator:
  1. Legal description and ownership of the property.

2. Name, address, phone number, contact person for the applicant.
3. Name, address, phone number of the property owner.
4. Acreage and complete legal description of the property on which the facility will be located including all contiguous property owned by the applicant.

<b>A site plan of existing conditions showing the following:</b>		<b>Roof Mount Retail</b>	<b>Ground Mount Retail</b>	<b>Solar Energy Farms</b>
1	Name, address, phone number, contact person for the applicant.	X	X	X
2	Name, address, phone number of the property owner.	X	X	X
3	Acreage and complete legal description of the property on which the facility will be located including all contiguous property owned by the applicant.			X
<b>A site plan of existing conditions showing the following:</b>		<b>Flush Roof Mount</b>	<b>Ground Mount</b>	<b>Solar Energy Farms</b>
1	Existing property lines and property lines extending 100 feet from the exterior boundaries of the facility.		X	X
2	Existing public and private roads and any easements.		X	X
3	Location and size of any abandoned wells and sewage treatment systems.		X	X
4	Existing buildings and any impervious surface.	X	X	X
5	Topography at 2 foot intervals and source of contour intervals.			X
6	Existing vegetation.			X
7	Waterways, water courses, lakes and wetlands.		X	X
8	The 100 year flood elevation and regulatory flood protection elevation.		X	X
9	Floodways, flood fringe and/or flood plain district boundaries.		X	X
10	Surface water drainage patterns.			X
<b>A site plan of proposed condition showing the following</b>		<b>Retail Solar</b>	<b>Ground Mount</b>	<b>Solar Energy Farms</b>



1	A narrative description of the proposed property uses.		X	X
2	A site grading plan, erosion and sedimentation control plan, and stormwater management plan.			X
3	Scaled delineations of any wetlands or floodplain areas.			X
4	Identification of any wetland or floodplain encroachments and detailed mitigation plans.		X	X
5	Dimensions, location and spacing of solar PV panels.	X	X	X
6	Description of racking method, including fixed or tracking technology.	X	X	X
7	Description and location of buildings, inverters, transformers, disconnects and combiners and other structures and equipment.	X	X	X
8	Scaled locations and descriptions of any proposed fencing, screening, landscaping, or site lighting.		X	X
9	Planned location of access roads.			X
10	Planned location of underground or overhead electric lines connecting the facility to the building, substation or other electric load.			X
11	Planned new electrical equipment other than at the existing building or substation that is the connection point for the facility.	X	X	X
12	Proposed erosion and sediment control measures for the facility.			X
13	Proposed storm water management measures.			X
14	Elevation of the facility accurately depicting the facility and its relationship to structures on adjoining properties.	X	X	X
15	Specifications and proposed installation methods for all planned major equipment including panels, mounting systems and foundations for poles or racks.	X	X	X
16	The planned number of panels to be installed.	X	X	X
17	Description of the method of connecting the array to a building or substation.	X	X	X
18	Proposed kilowatt generation capacity.	X	X	X
19	The Township may request additional information necessary to process the permit application. The Township may also waive information not deemed necessary to process the permit application.	X	X	X

- B. Wholesale Solar Electric Systems must submit a decommissioning plan and site restoration plan, including financial assurances
- C. Non-functioning Retail Solar electric systems must be removed from a property.
- D. It shall be unlawful for any person, firm or corporation to construct or operate a solar energy farm, solar energy system or retail solar system in Douglas Township without first obtaining a permit for the same as required in this Ordinance.

**ARTICLE II** Article II Section 201 B. is amended to add the following permitted land uses:

12. Retail solar electric systems.

**ARTICLE II** Article II Section 202 B. is amended to add the following permitted land uses:

12. Retail solar electric systems.

**SECTION VII Effective Date.** This Ordinance shall be effective on the first day of publication after adoption.

**ADOPTED** this 2 day of March, 2020, by the Board of Supervisors of Douglas Township.

ATTEST:

Peggy Varian  
Peggy Varian, Clerk

Jeff Reed  
Jeff Reed, Chair

Official Summary of Ordinance No. 2020-01 was published in the Cannon Falls Beacon and Hastings Star Gazette on MARCH 12, 2020 and MARCH 12, 2020.