

HOUSING AND ZONING ORDINANCE

SCIOTA TOWNSHIP, MINNESOTA

Approved: October 9, 2001

Adopted: October 9, 2001

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Article I

Establishment of Zoning District

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 Sciota is hereby divided into the following districts, which shall be known by the following respective symbols and names:

| | |
|----|-----------------------------|
| CH | Cluster Housing |
| RR | Rural Residential |
| A | Agriculture District |
| 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 are made a part of this Ordinance, being designated as the Zoning Map of the Township of Sciota, 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 of legibility 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 Township Planning Commission 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 Sciota Town Board. The Sciota Town Board, in interpreting the zoning map or deciding any appeal, shall apply to the following standards:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of roads, rights-of-ways or lines fixed by dimensions shown on the zoning map, or to follow floodplain elevation contour lines.
2. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be constructed to be such boundary lines.
3. Contours lines of elevation.
4. 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.

5. 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 Sciota Township as well as all other relevant facts.

MAP (Needs to be procured from Dakota County)

Housing

Article II

Zoning Districts

SECTION 201: DISTRICT CH - CLUSTER HOUSING

SECTION 201.01: Cluster Housing Purpose

The purpose of the Cluster Housing District or Development is to allow single-family detached dwellings to be clustered together in a manner that will preserve land for continued agricultural use as districts of the township, experiencing pressure for residential growth:

SECTION 201.02: Cluster Housing General Regulation

1. The overall density of the Cluster Housing Development shall not exceed a density of four dwelling units per quarter section (160 acres.)
2. All lots within the Cluster Housing Development shall be contiguous to each other or shall be separated only by a road right-of-way.
3. The proposed Cluster Housing Development shall comply with all applicable requirements of this zoning ordinance.
4. The need for a private roadway within the Cluster Housing shall be minimized but in no case shall a new drive road necessary for a Cluster Housing Development exceed one half mile.
5. The minimum lot size for Cluster Housing shall be two acres
6. All dwellings within the Cluster Housing shall have a minimum separation of 400 feet from an existing feedlot.
7. The boundaries of the two designated areas Agricultural and Clustering shall be permanent unless all the land (160 acres) is rezoned to a different zoning district.

SECTION 202: DISTRICT RR - RURAL RESIDENTIAL

SECTION 202.01: Rural Residential Purpose

The purpose of Rural Residential District Development is to allow single-family detached dwellings of medium density development and on-lot utilities in areas where agricultural/residential mix land use patterns exist.

SECTION 202.02: Rural Residential General Regulation

1. The overall density of the Rural Residential District Development shall not exceed a density of five residential lots (1 single-family dwelling) per one quarter, quarter sections (1/4-1/4section 40 acres.)
2. Maximum of eight residential lots (1 single-family lot) within one quarter, quarter sections (1/4-1/4section 40 acres.) in areas specified by and approved by Town Board on recommendation of the Planning Commission.

3. The proposed Rural Residential District Development shall comply with all applicable requirements of this zoning ordinance and shall be subdivided in accordance with Sciota Township's Subdivision Ordinance.
4. All lots within the Rural Residential District Development shall be contiguous to each other or shall be separated by a road right-of-way.
5. The existing roads to a Rural Residential District Development shall not need to be upgraded by the township in order to handle additional traffic generated by the Rural Residential District Development.
6. All dwelling within the Rural Residential District Development shall have a minimum separation of 400 foot from an existing feed lot.
7. The animal density of grazing animals shall not be greater than one animal unit per acre of pastureland. In no case shall any structure used for animal housing be located any closer than fifty feet from any property line.
8. All covenants, restructure covenants or other restrictions to be placed against real property within the Rural Residential District Development at the time of platting or subdivision, or within two years thereof, shall be submitted for approval to the Sciota Town Board, and upon approval.

Section 203: DISTRICT A - AGRICULTURE

Section 203.01: Agriculture Purpose

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

Section 203.02: Agriculture Permitted Uses

1. Agricultural Uses, Including Livestock
2. Single-Family Dwellings
3. Forestry and Nurseries
4. Historic Sites
5. Public Recreation

Section 203.03: Agriculture Accessory Uses

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

Section 203.04: Agriculture Conditional Uses

1. Private Roads
2. Home Occupations
3. Agricultural Service Establishments

4. Utility Buildings and Structures
5. Resorts
6. Institutional Uses
7. Greenhouses
8. Commercial Recreation
9. Mining Operations
10. Equipment Storage and Maintenance
11. Mobile Homes
12. Retail, Wholesale Commercial

Section 203.05: Agriculture Prohibited uses and Structures

1. 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 Agriculture District (A).

Section 203.06: Agriculture General Regulations

Additional requirements for parking, signs, sewage systems, and area and height regulations, -including the 4 residence per quarter section maximum density requirement, are set forth in Articles III through VI.

Section 204: DISTRICT FP - FLOODPLAIN OVERLAY DISTRICT

Section 204.01: Floodplain Overlay Purpose

The Floodplain Overlay District is intended to be applied to properties in the Agricultural District (A) 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 of the Cannon River and Chub Creek as are required to efficiently carry the flood flow of the stream. On such properties, special regulations are necessary for the minimum protection of the public health and safety and for the protection of property and improvements from hazards and damage resulting from floodwaters.

Section 204.02: Floodplain Overlay Township Regulations

Land use regulations of the Agricultural District (A) 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 District (A) shall apply for all uses permitted in this District.

Section 204.03: Floodplain Overlay 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.

Section 204.04: Floodplain Overlay General Regulations

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

Section 204.05: Floodplain Overlay 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 Sciota 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 205: DISTRICT SL - SHORELAND OVERLAY DISTRICT

Section 205.01: Shoreland Overlay District Purpose

This SL District is intended to apply to properties in the Agricultural District (A) which lie within 1000 feet of the shoreline of public waters, which for the purposes of this Ordinance shall be construed to be the Cannon River, Chub Creek, and the North Branch of Chub 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.

Section 205.02: Shoreland Overlay District Township Regulations

Land uses regulations of the Agricultural District (A) 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

Section 205.03: Shoreland Overlay District County Regulations

The County Shoreland and Floodplain Management Ordinance prescribes additional land use and placement regulations for the Shoreland Overlay District. County regulations include provisions for a minimum building setback of 200 feet from the rivers, with a minimum lot size of two (2) acres required for residences. Any specific regulation in the County Ordinance that has been adopted by Sciota Township that differs from any specific regulation contained herein, the most restrictive specific regulation shall apply. Building permits must be acquired from both Sciota Township and Dakota County prior to beginning any construction projects that require a building permits.

Section 205.04: Shoreland Overlay District General Regulations

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

Housing

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 Structures

| <u>Uses</u> | <u>Setback Limit</u> | | <u>Height Limits*</u> | |
|--------------------|----------------------|---------------------|-----------------------|----------------------|
| | <u>Side Setback</u> | <u>Rear Setback</u> | <u>Farm uses</u> | <u>Non-farm uses</u> |
| Agriculture | 10 ft. | 10 ft. | 200 ft. | 30 ft. |
| Floodplain Overlay | 10 ft. | 10 ft. | 200 ft. | 30 ft. |
| Shoreland Overlay | 10 ft. | 10 ft. | 200 ft. | 30 ft. |
| Rural Residential | 10 ft. | 10 ft. | | 30 ft. |
| Cluster Housing | 10 ft. | 10 ft. | | 30 ft. |

Conditional use permits or variances for any non-farm structure over 25 feet may be granted after review by the Planning Commission and the Town Board.

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 HCAR 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.

*See Section 302 for front setbacks

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.

Maximum Density Single-Family Residential

| <u>Residential District</u> | <u>Minimum Lot Area</u> | <u>Minimum Lot Width at Front Setback Line</u> | <u>Minimum Lot Depth</u> | <u>Maximum Density Single-Family Per Quarter Section</u> |
|-----------------------------|-------------------------|--|--------------------------|--|
| Agriculture | 2 acre | 150 ft. | 200 ft. | 4 per Quarter Section |
| Rural Residential | 2 acre | 150 ft. | 200 ft. | * 5 per Quarter Quarter Section |
| Floodplain Overlay | 2 acre | 150 ft. | 200 ft. | |
| Shoreland Overlay | 2 acre | 150 ft. | 200 ft. | |

*Rural Residential 5 per quarter section - 8 per quarter section with approval of planning commission and town board

All undeveloped lots of record prior to the date of this ordinance adoption may be entitled to a single-family residential unit, provided that the parcel or parcels meets all other provisions of this Ordinance.

Section 303: SETBACKS FROM ROAD CENTERLINE

Minimum Front Setback

The minimum distance of a driveway entrance from the intersection of two or more roads shall be at least 100 feet.

| <u>Road Classification</u> | <u>Minimum Front setback from Road Centerline</u> |
|----------------------------|---|
| Minor Arterial | 140 ft. |
| Collector | 120 ft. |
| Local | 100 ft. |

| | |
|--------------------------|-------------------------|
| Private | 100 ft. |
| Cul-de-sac (turn around) | 60 ft. (From road edge) |
| Dead-End (turn around) | 100 ft. |

Section 304: SOLAR ACCESS PROVISION

Pursuant to Minnesota Statute 500.30, easements to obtain access to solar energy may be obtained as follows:

Section 304.01:

Any property owner may grant a solar easement in the same manner and with the same effect as a conveyance of an Interest in real property. The easements shall be created in writing and shall be filed, duly recorded, and indexed in the Office of the Recorder of the County in which the easement is granted. No duly recorded solar easement shall be unenforceable on account of lack of privity of estate or privity of contract; such easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that a solar easement may terminate upon the conditions stated therein or pursuant to the provisions of State law.

Section 304.02:

Any deed, will, or other instrument that creates a solar easement shall include, but the contents are not limited to:

1. A description of the real property subject to the solar easement and a description of the real property benefiting from the solar easement.
2. A description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar easement extends over the real property subject to the solar easement, or any other description which defines the three dimensional space, or the place and times of day in which an obstruction to direct sunlight is prohibited or limited.
3. Any terms or conditions under which the solar easement is granted or may be terminated.
4. Any provisions for compensation of the owner of the real property benefiting from the solar easement in the event of interference with the enjoyment of the solar easement, or compensation of the owner of the real property subject to the solar easement for maintaining the solar easement.
5. Any other provisions necessary or desirable to execute the instrument.

Section 304.03:

A solar easement may be enforced by injunction or proceedings in equity, or other civil action.

Section 304.04:

Any depreciation caused by any solar easement, which is imposed upon designated property, but not any appreciation caused by any solar easement which benefits designated property, shall be included in the valuation of the property for property tax purposes.

HOUSING

Article IV

Non-Conforming Use 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 USE, 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 to 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, 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, DAMAGES

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, 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 BUILDINGS

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 of a less restricted district.

Section 407: NON-CONFORMING USE, DISCONTINUANCE

In the event that a non-conforming use of any building, or building and land's 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 County Recorder, upon or prior to the effective date of this Ordinance, shall be deemed a buildable lot, provided it:

- 1) Is at least 35,000 sq.ft. in size;
- 2) Was under separate ownership from abutting lands upon or prior to the effective date of the 1982 Sciota Township Ordinance;
- 3) Has frontage on a public or private road; 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.

Section 410: NON-CONFORMING HOME OCCUPATIONS

All non-conforming home occupations legally existing prior to the adoption of this ordinance shall be allowed to continue. But shall not be allowed to expand, be rebuilt, replaced or altered without being brought into compliance with all requirements to this subdivision.

HOUSING

Article V

Performance Standards

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. 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: BUILDING PERMITS

Section 502: Building Permits portion of the Sciota Township Housing and Zoning Ordinance, adopted October 9, 2001, is hereby repealed and replaced with the following, approved and adopted on September 13, 2021.

For the purposes of enforcing this ordinance, a building permit shall be required of all persons intending to erect, remodel, move, or structurally change any building. In addition, repairs and maintenance that require a permit include window or door replacement; roofing or siding replacement; heating, air conditioning, and mechanicals; plumbing; and electrical work. The Township Board will establish the building permit fees and review them annually.

All new construction must comply and conform to Minnesota State Building Code, the Minnesota Uniform Fire Code, and the Sciota Township Ordinances, and all required fees would be collected prior to the approval and issuance of a building permit.

1. Persons requesting a building permit shall fill out a building permit form available from the planning commission or clerk. In the event construction is started before a building permit is obtained, fees will be doubled.
2. Any construction started before a building permit is obtained will require compliance to all ordinance requirements. Any construction not in compliance with ordinance requirements must be moved or removed at the expense of the owner.
3. Completed building permit forms on building valuation shall be returned to the Planning Commission. The Planning Commission will review the permit forms to insure that the request is in compliance with standards and regulations of the Zoning Ordinances and all other applicable township

Ordinances. Town Board will review the Planning Commissions recommendations.

4. Any construction occurring within a shoreland or floodplain Overlay District also requires a permit from Dakota County. All appropriate permits must be acquired from all applicable governmental agencies prior to beginning any construction.

Section 503: DETERMINATION OF CONFORMITY

Before any building permit is approved, the Township Clerk and the Planning Commission will determine whether the proposed use will conform to the performance standards. The developer or landowners 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 504: RESIDENTIAL STRUCTURES

Section 504.01: Dwelling Units

Housing performance standards are established for the purpose of promoting residential energy conservation; preserving and protecting desired architectural and aesthetic characteristics of housing in the community, and protecting the health, safety, and welfare of residents of the community.

1. All residential dwellings shall be firmly anchored to a wood or concrete block or other suitable materials providing continuous foundation below frost line. The structure must be attached with anchor bolts in accordance with the State of Minnesota Building Code in effect at the time the building permit is granted, as required by the manufacturer's installation instructions.
2. All residential dwellings shall have 1400 square feet of livable floor space. The square footage requirements shall not include bay windows, roof overhangs, or eaves under which there is no interior space. Full description and definition of requirements for livable floor space is located in the Definition section of the Township Ordinance Primary Document.
3. All residential structures shall have a minimum width of 26 feet.
4. All residential structures, except earth-sheltered homes, shall have pitched roofs with a minimum pitch of 3:12, except in cases of unique architectural design reviewed by the planning commission and town board. All roof designs must be designed and constructed to meet requirements of the State Building Code for snow load capacity.

5. Residential dwellings of unique architectural design may be considered by the Planning Commission and Sciota Town Board to meet Zoning Ordinance requirements.

Section 504.02: Residential Accessory Building

Section 504.02: Residential Accessory Building portion of the Sciota Township Housing and Zoning Ordinance, adopted November 1, 2001, is hereby repealed and replaced with the following, approved May 12, 2008, and adopted May 12, 2008.

Section 504.02: Residential Accessory Building portion of the Sciota Township Housing and Zoning Ordinance, adopted May 12, 2008 is hereby repealed and replaced with the following, approved and adopted on September 13, 2021.

The combined foundation square footage of non-agricultural buildings and structures (residences, including garages, plus accessory buildings) on parcels of less than seven acres will be subject to a maximum of 7.5% of the area of the parcel, as described by the Dakota County Tax Assessor. The maximum sidewall of non-agricultural accessory buildings will be 14 feet.

Outside wall dimensions will be used to determine maximum building area, except where a roof extends more than two feet horizontally from the sidewall, the area covered by the roof (dripline) will be used to determine maximum building area.

Owners of tracts of land of seven contiguous acres or more may construct non-agricultural structures occupying more than 7.5% of the parcel area, subject to the approval of the Town Board prior to issuance of a building permit.

Agricultural accessory buildings require a building permit but no permit fee is charged.

Aesthetic coordination between the house and accessory building(s) is encouraged (i.e., color, style, siding, roof pitch, location of accessory building(s) in relationship to the house, landscaping).

Variances may be granted for building height restrictions for certain circumstances after request to the Planning Commission and Town Board. Circumstances may include specialty buildings such as airplane hangars or storage for health-related equipment such as vans with wheelchair lifts. Building height variances may include restrictions, such as greater than usual setbacks from property lines, to mitigate impacts on neighboring properties.

Sciota Township assumes no responsibility for the presence or location of covenants, easements, rights-of-way, utilities, or other land use restrictions that may limit the size or location of any structures, residential or accessory, that may be constructed on a parcel of land.

Section 504.03: 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:

At least (50%) fifty percent of the structure is covered with the earth or earthen materials.

The structure is waterproofed to sufficiently provide a low-humidity interior environment.

The structure is not designed to provide for an upper floor in the future.

The structure meets or exceeds all building code standards for fire safety, window area, and other requirements.

Section 504.04: Agricultural Structures

Section 504.04: Agricultural Structures portion of the Sciota Township Housing and Zoning Ordinance is hereby approved and adopted on September 13, 2021.

Agricultural structures require an administrative permit. The Township Board will establish the building permit fees and review them annually.

Section 505: TRAFFIC CONTROL

Section 505.01: Private Roads

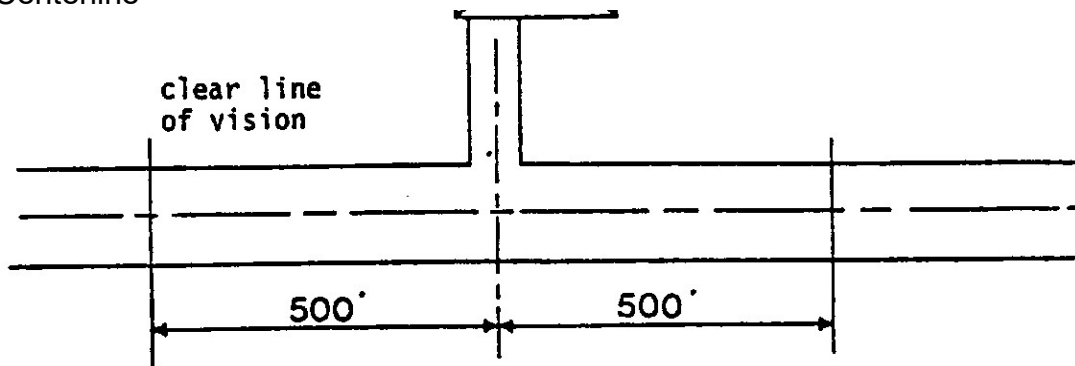
1. A private road may be constructed in order to provide access to a parcel or parcels that do not abut a public road.
2. The Town Board for conformity with the standards that govern Township roads shall review all plans for a private road.
3. Under no circumstances shall the Township be obligated to provide maintenance for a private road.
4. Any private road which intersects with a County highway shall require a permit from the County Highway Department

Section 505.02: DRIVEWAYS and CUL-DE-SAC

1. Driveways and cul-de-sacs shall join at right angles to a public road and provide a clear and unimpeded view at the intersection of the driveway with any public road.
2. In special circumstances, a cul-de-sac may intersect a private drive.

3. Minimum cul-de-sacs diameter shall be 120 ft.
4. The gradient of any driveway or cul-de-sacs extending from a public road or right-of-way shall not be less than 3% nor exceed 15%. The approach to the public road should be lower in elevation than the elevation of the public road. If the approach to the public road is higher in elevation than the public road, the approach shall be designed such that storm water from the roadway does not run onto the public road. Any maintenance that is required to correct a drainage problem associated to improper installation of a roadway shall be the responsibility of the owner.
5. Prevention of erosion is required and the responsibility of owner in the installation of a driveway or cul-de-sac. Control measures are necessary to assure the safety to public roadways and right-of ways.
6. A driveway or cul-de-sac shall have an elevation of six (6) inches below the road elevation, at a point of 15 ft. from the edge of the road.
7. All roadways that require a culvert shall be at least 15 inches diameter and 20 foot length and at approved load strength. Larger and /or longer culverts to handle the water flow may be required by the township if deemed necessary.

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 301. 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 505.03: Private Parking

1. It is unlawful for anyone to park, or allow to be parked, any non-licensed or any un-licenseable semi trailer on private, non-farming property within the Rural residential district.
2. It is unlawful for any person to park, store or leave any abandoned motor vehicle on any public or private property within the township, or for any property owner or occupant to permit parking, storing or leaving of any

abandoned motor vehicle upon such private property, unless such vehicle is within an enclosed building or structure or out of public view.

Section 506: HOME OCCUPATIONS

In any zoning district where home occupations are authorized, the following regulations governing said home occupations must comply with:

1. The home occupation must be registered and on file with the Township.
2. Said user shall not occupy an area more than (25%) twenty five percent of the total floor area of the dwelling.
3. Said use shall not create excessive odor, dust, noise, electrical glare, or vibrations noticeable outside of dwelling that cause or create a public nuisance.
4. Employ less than three employees at the site at one time, other than the occupants of the dwelling.
5. No such home occupant shall require substantial interior or exterior alterations of the dwelling.
6. There shall be no outside storage of material or equipment or display of merchandise.
7. Advertising sign regulations will be addressed in the general sign ordinances.
8. No extra traffic generated of an estimated four vehicle trips per day.
9. No home occupation shall cause an increase in the use of utilities (water, sewer, electricity, garbage) so that the combined total use for the dwelling and home occupation purposes exceed the average for the residence in the neighborhood.
10. Produce no special or hazardous waste that require special treatment.
11. A home occupation may be carried out in an accessory building with all applicable standards for the designated home occupation level. Meaning occupation may only use 25% of accessory building size.

Section 507: MOBILE HOMES

All mobile homes shall meet the construction, plumbing, electrical, and mechanical standards as prescribed by the State of Minnesota and American Standards Association Code. All mobile homes shall also be certified to these

standards by a manufacturer seal or certificate. Copies of the seal or certificate will be submitted to the township for permanent record.

Mobile homes shall not be allowed to be used for rental income.

Section 507.01: Mobile Homes for Full Time Farm Employment

A mobile home may be allowed in the Agricultural Districts as a conditional use providing the following:

- 1) The farm has a minimum of 80 acres and is being actively farmed.
- 2) The mobile home shall be located on the farm with the principal residence.
- 3) The mobile home shall be removed from the site within sixty (60) days after it ceases to be farm related under criteria of the above criteria.
- 4) The mobile home shall not be made a permanent structure.
- 5) Sewage Treatment System shall be installed in accordance with Dakota County Individual Sewage Treatment System Ordinance.
- 6) The applicant shall demonstrate the need for the farm related mobile home.
- 7) The Town Board for compliance shall review the permit on a yearly basis.
- 8) The Town Board shall evaluate and decide if the intent of the Conditional Use Permit is being met.
- 9) The Planning Commission and the Town Board may impose additional conditions

Section 507.02: Mobile Home for an Infirm Family Member

A mobile home may be located as a conditional use in any zoning district under the following conditions:

1. The parcel of property shall be a minimum of ten (10) acres in size and must have a permanent residence existing on the property. Variances may be granted for smaller parcel area after the Planning Commission and the Town Board reviews circumstances.
2. An infirmed family member of the owners and residents of the parcel property shall occupy the mobile home. For the purpose of this section, the term

“infirmed” shall mean “being of such state of mind or body as to require assistance in maintaining oneself.”

3. The mobile home shall be removed from the property within six (6) months after the person or persons for whom the conditional use was granted vacate the mobile home.
4. The owners of the property on which the conditional use has been granted shall pay any funds expended by the Township in the removal of the mobile home.
5. A letter shall be signed and submitted by a licensed medical doctor certifying that the person or persons who will be occupying the mobile home are infirmed or is 65 years of age or older.
6. Occupation of the mobile home by live-in caregivers will be allowed in cases when the primary dwelling owner/resident is classified as infirmed or is 65 years of age or older.
7. The mobile home shall meet all setback requirements of the zoning district, including sewage treatment system setbacks. A common sewage treatment system and common water system may be used upon proof to the Building Inspector that these systems are adequate for the additional use proposed.
8. The Planning Commission and the Town Board may impose additional conditions.

Section 507.03: Mobile Home while Building A Home

A mobile home may be allowed as a conditional use in a zoning district where residential buildings are allowed for a period of six (6) months under the following conditions:

1. The issuance of a building permit for a permanent residential home has been issued.
2. Property owner of the building site parcel during construction shall occupy the mobile home.
3. The mobile home shall be located on the same tract as approved for the building permit.
4. The mobile home shall be connected to the Individual Sewage Treatment System as approved in the building permit application.

5. The Planning Commission and the Town Board may impose additional conditions

Section 508: DWELLING UNITS

Section 508.01: 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 Sciota Township, except that travel and motor home coaches can be used for such purposes for a period not to exceed four weeks. Residing in basement or foundation structures before the completion of the total structure shall be permitted, providing that one wall is exposed to the outside. No garage, tent, or accessory building shall at any time be used as a separate dwelling. The basement portion of a finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-roofed, has suitable fire protection and exits, and it's otherwise approved by the Building Inspector.

Section 509: RELOCATING STRUCTURES

A building permit shall be required for all permanent relocation of residential structures. All new or used permanent structures moved into or within the Township shall meet the following minimum requirements.

1. Every existing structure to be relocated into Sciota Township will be inspected and approved by the Building Inspector prior to said structure being moved in.
2. Every structure being moved into this jurisdiction must meet the requirements of the Minnesota State Building Code.
3. A building permit will be required for all permanent relocation of residential structures.
4. Every dwelling moved into this jurisdiction must have a basement or foundation meeting the requirements as defined in Residential Structure Section 504.01.1, which complies with requirement of the Minnesota State Building Code.

Section 510: SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS) AND WATER SUPPLY

Section 510.01: Subsurface Sewage Treatment Systems (SSTS)

- A. All buildings intended for human habitation shall be served by a subsurface sewage treatment system designed, installed and maintained to meet the requirements of this section.
- B. No person shall install, repair or alter an on-site sewer system without first obtaining a permit from the Township.
 - 1. Applications, on a form provided by the Township must be completed in writing by the applicant prior to issuance of a permit.
 - 2. A fee, as established by the Township Board of Supervisors shall accompany the application.
 - 3. A permit is not required for emergency repairs or maintenance.
- C. Subsurface sewage treatment systems shall be designed, installed, and maintained in accordance with Dakota County Ordinance No. 113 and Minnesota Rule Chapters 7080-7083 published by the Minnesota Pollution Control Agency, which are incorporated into this ordinance by reference. The stricter provisions of Dakota County Ordinance No. 113 shall apply.
- D. Licensing for the installation, repair, inspection, pumping and hauling of private on-site sewer systems shall be in accordance with the requirements of the Minnesota Pollution Control Agency.
- E. Enforcement of this ordinance, in accordance with Dakota County Ordinance No. 113 and Minnesota Rule Chapters 7080-7083 shall be the responsibility of the Township Board of Supervisors and their duly appointed Septic System Inspector.

Enacted by Sciota Twp Board on July 11, 2011
Attested: Shannon Olson, Clerk

Section 511: WATER WELLS

Section 511.01: Water Well 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. Such well shall be:

- 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.

Section 511.02: Water WELLS Specific Standards

The installation of water wells shall be in accordance with the regulations contained within the Dakota County Ordinance No 114 – “Well and Water Supply Management”, which is hereby adopted by Sciota Township by reference declared to be a part of this Ordinance, and any subsequent amendments thereto.

Section 512: 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, watercourse, pond area, or other public facility.

Section 513: SOIL EROSION AND SEDIMENTATION CONTROL

Section 513.01: Soil Erosion and Sedimentation Control 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. Slopes over eighteen percent in grade shall not be developed.
3. Development on slopes with a grade between twelve and eighteen percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation and structural damage.
4. The construction site shall be permanently vegetated within twelve (12) months after the construction begins.

Section 513.02: Soil Erosion and Sedimentation Control Exposed Slopes

1. The following control measures should be taken to control erosion during construction.
2. No exposed slope should be steeper in grade than five- (5) feet horizontal to one (1) foot vertical.
3. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimize direct runoff of water.
4. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channeled water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.
5. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the berm, appropriate measures should be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron

and drop chute laid down the slope, or a flexible slope drain. At the base of the slope drain flow apron, a gravel energy dissipater should be installed to prevent erosion at the discharge end.

6. Exposed slopes should be protected by whatever means will effectively prevent erosion, considering the degree of slope, soil material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast-growing grasses, or temporary seeding of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with a liquid asphalt, stakes and netting or should be worked into the soil to provide additional slope stability.
7. Control measures, other than those specifically stated above, may be used in place of the above measures, if it can be demonstrated that they will as effectively protect exposed slopes.

Section 514: PRESERVATION OF NATURAL DRAINAGEWAYS

Section 514.01: Soil Erosion and Sedimentation Control Waterways

1. The use of storm sewers for runoff control is not an acceptable alternative to the use of a natural aboveground drainage system. Storm sewers may only be used where it can be demonstrated that the use of the aboveground natural drainage system will inadequately dispose of runoff. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.
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 permanent turf vegetation.
5. The banks of the waterways: 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 sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone, fieldstone (if random riprap is used), or construction materials provided said construction materials are limited to asphalt, cement and concrete. The riprap 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 sidewall. Either gravel or riprap would be allowed to prevent erosion at these points.

Section 514.02: Soil Erosion and Sedimentation Control 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 structures.

Section 514.03: Soil Erosion and Sedimentation Control 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.

Section 514.04: Soil Erosion and Sedimentation Control 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 de-silting 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 515: TREE AND WOODLAND REGULATIONS

1. The following regulation shall apply to all residential development occurring in wooded areas. Structures shall be located in such a manner that the maximum number of trees shall be preserved. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site, and that if trees are cut, proper reforestation will occur upon or before completion of the development.
2. Forestation, reforestation, or landscaping shall utilize a variety of tree species, and shall not utilize any species presently under disease epidemic. Species

planted shall be hardy under local conditions and compatible with the local landscape.

3. Grading and contouring shall take place in such a manner that the root zone aeration and stability of existing trees shall not be affected, and shall provide existing trees with a watering area equal to one-half of the crown area. Development in woodlands shall not reduce the existing crown cover greater than fifty-percent, and shall be conducted in such a manner that the forest understory is preserved.
4. Notwithstanding the above, the removal of trees seriously damaged by storms or other acts of God, or diseased trees, shall not be prohibited.

Section 515.01: Tree and Woodland Regulations Landscaping

Except as otherwise specifically provided in this Ordinance, no trees shall be planted between any lot line, which abuts an agricultural field and the pertinent setback distance listed below.

| <u>District</u> | <u>Setback Limit</u> |
|--------------------|----------------------|
| Agriculture | 50 ft. |
| Floodplain Overlay | 50 ft. |
| Shoreland Overlay | 50 ft. |
| Cluster Housing | 50 ft. |
| Rural Residential | 50 ft. |

The Town Board may grant variances after recommendation of the Planning Commission. Variances will only be considered after written agreement has been granted and agreed by all effected landowners of adjoining lands.

Section 516: 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 issuance of permits for construction:

1. The Town Board shall be notified, at least one (1) year in advance of all non-local power lines and pipelines, which are proposed to be installed in the Township. The appropriate road authority shall approve each utility road crossing.
2. Primary consideration shall be given to underground utility placement when feasible in order to minimize visual impact.
3. Placement of overhead transmission lines should take into consideration the impact on views and the appearance of the structures as much as practicable.
4. Cleared portions of right-of-way for proposed transmission lines shall be minimized. Where vegetation has been removed, new native vegetation, which does not restrict use or pose a hazard, shall be allowed to grow in the right-of-way.
5. River crossing for utilities shall be minimized and concentrated at existing crossings where possible.
6. In case of repair or improvements of a road, the line owner shall pay for necessary movement and replacement of the line.
7. In the event of necessary repairs or improvements of drainage ditches, the line owner shall pay for necessary movement and repair of the utility line.
8. Drain tile lines shall be repaired or replaced where cut or damaged by construction, for at least 5 feet from the damaged sections.
9. Utility lines and associated structures (except service lines from a main to a customer) shall be at least 250 feet from residential dwelling units.
10. Whenever 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 routed as approved by the Town Board.

11. 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.

Section 516.01: Utility Construction and Maintenance for Underground Utility Lines

For underground utility lines:

1. All underground lines shall be bored and cased through public and private roads unless the road authority cases and backfills the crossing.
2. All underground lines shall be at least five feet below the bottom of drainage ditches, and not impeded the flow of water.
3. All underground lines shall be at least one foot below existing and proposed drain tile lines. The utility line owner shall be responsible for:
 - The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line
 - Additional expenses for installation of future drain tile caused by existence of the line
 - Cost of repair of drain tile and crop loss due to settling after utility line construction
4. Where feasible, underground utility lines shall be at least 20 feet from parallel drain tile.
5. Except as otherwise stated, underground utility lines shall be at least 4 feet below the ground surface.

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.

The Town Board may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

Section 517: SIGN REGULATIONS

The regulations established in this chapter are designed to protect the property values, create a more attractive business climate, 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.

Section 517.01: Sign Regulation - Public Right-of-Way

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

Section 517.02: Sign Regulation – On-Site Advertising Signs

All signs larger than fifty square feet shall require a Conditional Use Permit.

Section 517.03: Sign Regulation – Off-Site Advertising Signs

Off-site advertising signs may be permitted in all districts as conditional uses.

Section 517.04: Sign Regulation – Change in Advertising Message

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

Section 517.05: Sign Regulation – Poorly Maintained Signs

Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises on order of the Town Board.

Section 517.06: Sign Regulation – 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.

Section 517.07: Sign Regulation – Announcement Signs

Signs for the following purposes not exceeding ten square feet in area and placed back twenty feet from front lot lines 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. 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.

Section 517.08: Sign Regulation – 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 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.

Section 517.09: Sign Regulation Non-Conforming Signs

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

Section 518: REFUSE/DISPOSAL/RECYCLING OPERATIONS

Section 518.01: Refuse/Disposal/Recycling Operation – Containment

All waste material, debris, refuse or garbage, except animal manure, shall be kept in an enclosed building or properly contained in an enclosed container designed for such purpose

Section 518.02: Refuse/Disposal/Recycling Operation – Vacant Land

The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds.

Section 518.03: Refuse/Disposal/Recycling Operation - Enactment

Existing uses shall comply with this provision within six months following enactment of this ordinance.

Section 518.04: Refuse/Disposal/Recycling Operation - Establishment

No person, firm, partnership, corporation, or other entity shall establish, locate, relocate, and undertake within the Township of Sciota any:

1. Demolition Landfill
2. Salvage yard
3. Junkyard
4. Sanitary landfill
5. Compost facility, excluding residential or agricultural facilities for waste product on-site.
6. Landfilling, spreading or storing, or creation of any depository site of sewage or sewage sludge is prohibited
7. Commercial or municipal waste treatment facilities, plants, or operations.

Section 518.05: Refuse/Disposal/Recycling Operation – Distance

Stockpiles or deposits of manure, organic compost, silage, wastewater, or other similar substances or material shall be located or maintained not closer than 300 feet from another property owner's dwelling or structure.

HOUSING

Article VI

Subdivision Regulation

Subdivision Regulation section is contained within Township Ordinance Primary Ordinance documents.

HOUSING

Article VII

Administration and Enforcement

Administration and Enforcement section are contained within Township Ordinance primary ordinance document.

ARTICLE IX

SCIOTA TOWNSHIP MINING ORDINANCE

Section 900: MINING ORDINANCE

An ordinance establishing mining regulations to provide for orderly, economic and safe removal and processing of sand, gravel, rock, soil and other material and to promote the public health, safety, and general welfare in Sciota Township.

Section 901 TITLE AND PURPOSE

Section 901.1: Short Title.

This Ordinance shall be known, cited, and referred to as the Sciota Township Mining Ordinance.

Section 901.2: Purpose

This Ordinance is adopted for the purposes of providing for the economic availability and removal of sand, gravel, rock, soil, and other materials vital to the continued growth of Sciota Township.

1. Establishing regulations, safeguards, and controls in the unincorporated areas of the Township regarding noise, dust, traffic, drainage, groundwater quality, and other factors which will minimize the environmental and aesthetic impacts on mined or adjacent property.
2. Reducing the potential for pollution caused by wind, soil erosion, and sedimentation.
3. Establishing locations, orderly approval process, and operating conditions under which mining operations will be allowed in the Township and to establish conditions which ensure the restoration of mined areas consistent with the existing and planned land use patterns.
4. Ensuring compliance with the regulations established in this ordinance on those mining operations presently operating in Sciota Township.
5. To establish the process of designating lands suitable as Mining areas.
6. To establish a process to regulate operating processes during the mining act of extraction.

Section 902: SCOPE

Section 902.1: Adoption of the Sciota Township Mining Ordinance

There is hereby adopted, for purposes of regulating the removal and processing of sand, gravel, rock, soil or other deposits, the Sciota Township Mining Ordinance. This Ordinance applies to all lands within Sciota Township. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this Ordinance shall control. In the event of conflicting provisions in the text of this Ordinance, or any other Township Ordinance, the most restrictive shall apply.

Section 903: GENERAL PROVISIONS

Section 903.1: Permit Required

It is the intent of Sciota Township to recognize the Mining Ordinance as containing separate permitting processes involved with permission to mine. The first step of the permit process involves the land owner designating areas permitted for mining and it will be called the MINING PERMIT. The second step designates permitted practices involved with the act of mining extraction at a particular mine and will be called the EXTRACTION PERMIT. The separate permits will hereafter be referred to as the MINING PERMIT, and the EXTRACTION PERMIT

A MATERIAL PROCESSING PERMIT is required for 1) any permitted Mining operation that does not have an active permitted Extraction operation but for which the operator desires to add on-site processing equipment, or 2) for any processing not explicitly noted in an existing extraction permit, or 3) in association with specific construction projects. Material processing is defined under Section 905.

The operation of a mine without a valid Mining Permit, or Extraction Permit, or Material Processing Permit or an operation in violation of Section 903 is declared to be a nuisance and it shall be unlawful for any person, partnership, company or corporation to engage in mining in violation of this section. It is not permissible for any owner to permit a person to extract or mine on his property in violation of this section.

It will be permissible for a single party to hold both permits for extraction on a mining site. In such instances, all mining ordinance policies and requirements will still apply.

Section 903.2.1: Mining Permit

Any landowners possessing lands containing mining operations within Sciota Township require a Mining Permit. A separate application shall be made to the Township Clerk for each parcel of land on which mining operations will be conducted. The application shall include appropriate identifying information of the location where all activities incidental to the mining will be conducted. The application shall include the property owner's plan of operating conditions and standards impose on the extraction contractors, and complete plan for land reclamation. The application shall include any other information that the Township may require in order to determine the effects of such development upon affected and adjacent land and water uses

(Example: soil borings to determine water table, mineral content, water table barriers, etc...).

1. A Mining Permit shall only be issued to the registered landowner of the identified parcel, and it is non-transferable.
 - A. Land/property must not be enrolled in AG Preserve or subject to any covenants prohibiting mining.
 - B. Lands enrolled in AG Preserve must be removed according to the provisions set forth in the AG Preserve statute prior to the issuance of any mining related permit.
 - C. A new permit must be applied for within 60 days following the effective date of the ownership transfer.
 - D. Any permitted extraction operator who may be conducting extraction on the effective date of ownership transfer shall be restricted to the same type of operation and the same amount of material that may be removed, and must comply with the Extraction Permit in effect at the time of transfer.
2. The Mining Permit shall stipulate that the operational standards of the landowner may allow up to five thousand (5,000) cubic yards of material to be extracted in any single calendar year without the requirement of an Extraction Permit. The Mining Permit will not restrict the movement or placement of material on the permitted parcel as long as the movement or placement of materials is related to the reclamation plan as describe in the permit application.
3. A Mining Permit shall allow for the stock piling of processed aggregate material.
 - A. The stockpile must originate from an extraction process as specified in an Extraction Permit.
 - B. Stock piling of any materials that did not originate on the mining permitted parcel in excess of one thousand (1,000) cubic yards for a period in excess of 5 years shall be prohibited.
 - C. Stock piling material of a hazardous, a debris/waste, or unsanitary nature are strictly prohibited.
4. The Mining Permit shall be subject to renewal every 15 years, with review of the project and reclamation plan every 5 years.
5. Mining operations established after the effective date of this Ordinance must encompass at least 20 acres of land area under permit. The Township Board may issue a permit for mining on less than 20 acres by issuing a variance.

Section 903.2.2: Mining Permit Application

The application for a Mining Permit for a mining operation must be filed with the Sciota Township Planning Commission. The Planning Commission shall follow procedures prescribed in the Sciota Township Zoning Ordinance. Application for renewal of a permit must be made 90 days prior to the termination of the previous permit. The application must be made in the name(s) of the owner of the mine and owner of the land to be mined.

Section 903.2.3: Mining Permit Application Process

Mining Permit Applications shall be reviewed, considered and processed per the following process.

1. Applicants are encouraged to appear before the Planning Commission and Township Board for conceptual presentations of the proposed mine location and extraction activity.
2. A copy of the application and required supporting information shall be forwarded to the Township clerk. The applicant must attend the next regular Planning Commission meeting or may request a special meeting. The applicant must be present for the application to be considered or the application will be tabled. The Planning Commission will review the application and determine if the application is complete. If the application is incomplete the Planning Commission will identify the information that must be submitted before formal review may commence.
3. At the next regular Planning Commission after the application has been found to be complete, the Planning Commission will review the application and request that the Township Board schedule a public hearing. The Township Board will schedule a public hearing, to be conducted by the Planning Commission, to receive public comments on the application.
4. Taking into consideration the comments received, the Planning Commission shall make findings on the consistency of the application with the terms and conditions for this Ordinance, and make recommendations to the Township Board on the issuance of a permit.
5. If the application can not be acted upon by the Township Board within sixty (60) days of receipt of the completed application, the Township clerk, or designee, shall notify the applicant in writing that the permit can not be processed within that time frame because of the frequency of Township meetings and that action on the permit will be completed within one hundred twenty (120) days of receipt of the completed application.
6. The Township Board shall act on the permit after receiving a recommendation from the Planning Commission and within the timeframe specified above; however the Township Board shall act on the permit regardless of a recommendation, if the Planning Commission has not made a recommendation within ninety (90) days of receipt of the completed application.
7. The permit review timeline may be extended by written authorization from the applicant.
8. The Township Board shall make findings on the permit application and shall either approve the permit application, approve the permit application with modification or deny the permit application.

Section 903.2.4: Mining Permit Application Requirements

The application shall contain the following:

1. The name and address of the owner of land.
2. An accurate legal description of the property where the mining shall occur.
3. Survey indicating property boundaries.
4. A map of the property where the mining is to occur that clearly indicates the property

- lines and the limits of the proposed excavation. Topographic data, including contours at 2-foot vertical intervals. Watercourses, marshes, wooded areas, rock outcrops, shall also be shown. U.S.G.S. datum shall be used for all topographic mapping. Interpolated data from U.S.G.S. Quadrangle maps is not permitted.
5. A map of the property where the mining is to occur that clearly indicates natural land features: show locations of watercourses and drainage way, flood of record, wetlands, sinks, basins, and wooded areas.
 6. A map of the property where the mining is to occur that clearly indicates man-made features showing buildings, and other structures, dams, dikes, and impoundments of water, power transmission poles and lines, and other significant features.
 7. A general location map showing the proposed mining site in relation to the community
 8. General location maps showing adjacent land features: all of the standards above shall apply to delineation of the area within 300 feet of the perimeter of the mined area. In addition, show all homes within 1/2 mile of the property boundaries.
 9. A map showing access routes between the property and the nearest arterial road.
 10. Names of the adjacent landowners including all those within a one-half (1/2)-mile radius of the property perimeter.
 11. A narrative outlining the type of material to be excavated, mode of operation, estimate of amount of material to be removed, plans for blasting, and other pertinent information to explain the request in detail.
 12. Easements showing widths and identifying utility type or purpose.
 13. Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation material. In the same manner overburden storage areas shall be identified and noted.
 14. Fences and gates shall be shown on the site map.
 15. Site drainage features shall also be shown and flow directions indicated.
 16. Reclamation plan in conformance of this Ordinance.
 17. A description of the method for receiving and resolving any complaints about the operation of the facility or off-site transportation of extracted material, including but not limited to any possible road damages.
 18. A fee as established by resolution of the Township Board.

Section 903.3: Extraction Permits

The Extraction Permit issued by Sciota Township shall be valid for 1 year and shall never exceed a maximum of 5 years. If the operator seeks to continue beyond expiration, an application for a new permit must be applied for at least 90 days prior to the expiration of the current permit. An annual permit issued by the Township is required each year as specified below. An annual report must be submitted to the Sciota Township Clerk each year specifying the amount of material removed, area in which mining-took place, restoration performed, area proposed to be mined within the next year, and evidence the required financial assurance and insurance is valid.

Section 903.3.1: Granting of Extraction Permits

In order for Sciota Township to grant a Extraction Permit for a new mining operation or the expansion or change in use of an existing operation, whether under permit or not, a valid Mining

Permit must already be issued before any extraction permit will be considered. All of the following criteria must be met:

1. The subject property is permitted with a Mining Permit as defined in section 903.1;
2. The property is at least 20 acres in size;
3. The land involved is not considered wetland as defined by the Natural Resources Conservation Service;
4. All other standards for approval of a Extraction Permit as contained in the Sciota Township Zoning Ordinance are met;
5. The operation is consistent with the Sciota Township Comprehensive Plan; and;
6. Compliance with all provisions of this ordinance.

Section 903.3.2: Modifications

Only the Sciota Township Board may issue the Mining permit, or Extraction Use Permit.

Prior to the issuance of the annual permit, a copy thereof shall be submitted to the Sciota Township Clerk. The Clerk will then forward the Application to the Township Planning Commission who will review it to see that it complies with the requirements of this Ordinance and the Township permit issued. If the permit conforms to the requirements of this Ordinance and any more restrictive conditions set forth by the Township, the Township Planning Commission shall then make appropriate recommendations to the Township Board.

Section 903.3.3: Binding Financial Assurance

The Extraction Permit applicant shall provide binding financial assurance, such as a surety performance bond or letter of credit, naming the Township as the Beneficiary. When the applicant's extraction activities are completed and the land has been reclaimed according to the Reclamation Plan and section 906, the financial assurance shall be void. If the extraction activities are completed and the land has NOT been reclaimed according to the Reclamation Plan and section 906, the Township shall have the right to use the financial security proceeds to the extent necessary to reclaim the parcel. The Township cannot use any financial assurance funds for any purpose other than for reclamation of permitted parcel to meet the reclamation intent of section 906. The applicant shall keep this binding financial assurance in effect until the parcel has been restored as required by this Ordinance and permit and the Township and its contractors are granted a license to go on the applicant's premises to fulfill the bond requirements.

When fixing the amount of the binding financial assurance, the Planning Commission and Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of reclamation, and other factors that might be relevant in determining the sum reasonable. The amount will be determined by the Planning Commission or Township Board;

however, in no case will the sum of the binding financial assurance be less than One Thousand (\$1,000.00) Dollars for each acre or fraction thereof of land.

The applicant shall notify the bonding company and provide proof that the Township will be notified in the event of any lapse in the effectiveness of the financial assurance. For each acre restored and reclaimed in accordance with the permit and ordinance, the financial assurance may be reduced pro-rata as determined by the Township Board. Any Extraction Permittee who willfully neglects reclamation responsibility and intentionally leaves this to be accomplished via the financial assurance, shall be considered negligent, and this action shall be considered grounds for denial of any Extraction Permit applications in the future.

Section 903.3.4: Extraction Permit Application

The application for an Extraction Permit for a mining operation must be filed with the Sciota Township Planning Commission. The Planning Commission shall follow procedures prescribed in the Sciota Township Zoning Ordinance. Application for renewal of a permit must be made 90 days prior to the termination of the previous permit. The application must be made in the name(s) of the operator of the mine and owner of the land to be mined.

Section 903.3.5: Extraction Application Process

Mineral Extraction Permit Applications shall be reviewed, considered and processed per the following process.

1. Applicants are encouraged to appear before the Planning Commission and Township Board for conceptual presentations of the proposed mineral extraction activity.
2. A copy of the application and required supporting information shall be forwarded to the Township clerk. Within ten (10) business days of receipt of the information a determination of the completeness of the application and supporting documentation will be made. If the application is incomplete, the Township will identify the information that must be submitted before formal review may commence.
3. Upon a determination of completeness, the application will be forwarded to the Planning Commission for Formal review. The Township clerk or Planning Commission shall set a public hearing for consideration of the Extraction Permit.
4. The Planning Commission shall hold the public hearing for the Extraction Permit Application. The Planning Commission shall make findings on the consistency of the application with the terms and conditions for this Ordinance, and make recommendations to the Township Board on the issuance of a permit.
5. If the application can not be acted upon by the Township Board within sixty (60) days of receipt of the completed application, the Township clerk, or designee, shall notify the applicant in writing that the permit can not be processed within that time frame because of the frequency of Township meetings and that action on the permit will be completed within one hundred twenty (120) days of receipt of the completed application.
6. The Township Board shall act on the permit after receiving a recommendation from the Planning Commission and within the timeframe specified above; however the Township Board shall act on the permit regardless of a recommendation, if the Planning

Commission has not made a recommendation within ninety (90) days of receipt of the completed application.

7. The permit review timeline may be extended by written authorization from the applicant.
8. The Township Board shall make findings on the permit application and shall either approve the permit application, approve the permit application with modification or deny the permit application.

Section 903.3.6: Extraction Permit Application Requirements

The application shall contain the following:

1. The name and address of the operator.
2. The name and address of the owner of land.
3. An accurate legal description of the property where the mining shall occur.
4. A map of the property where the mining is to occur that clearly indicates the property lines and the limits of the proposed excavation. Topographic data, including contours at 2-foot vertical intervals. Watercourses, marshes, wooded areas, rock outcrops, shall also be shown. U.S.G.S. datum shall be used for all topographic mapping. Interpolated data from U.S.G.S. Quadrangle maps is not permitted.
5. A map of the property where the mining is to occur that clearly indicates man-made features showing buildings, and other structures, dams, dikes, and impoundments of water, power transmission poles and lines, and other significant features.
6. General location maps showing adjacent land features: all of the standards above shall apply to delineation of the area within 300 feet of the perimeter of the mined area. In addition, show all homes within one-half (1/2) mile of the property boundaries.
7. Names of the adjacent landowners including all those within a one-half (1/2) mile radius of the property perimeter.
8. A map showing access routes between the property and the nearest arterial road.
9. A narrative outlining the type of material to be excavated, mode of operation, estimate of amount of material to be removed, plans for blasting, and other pertinent information to explain the request in detail.
10. Easements showing widths and identifying utility type or purpose.
11. Groundwater: a plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of 3 borings showing depth to groundwater. If groundwater is not encountered at a depth of 15 feet below the bottom of the proposed pit floor, the applicant need not extend borings any further.
12. Cross-sections: a minimum of 3 cross-sections showing the extent of overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past. The Planning Commission reserves the right to require additional borings if necessary.
13. Processing areas shall be identified and boundaries shown to scale.
14. Access road to processing and mining areas shown to scale.
15. Sequences of operation showing approximate areas involved shall be shown to scale and serially numbered with a description of each.
16. Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation material. In the same manner

- overburden storage areas shall be identified and noted.
17. Fences and gates shall be shown on the site map.
 18. Proposed location of principal service or processing buildings or enclosures shall be shown, as well as location of settling basins and process water ponds.
 19. Site drainage features shall also be shown and flow directions indicated.
 20. Lighting. The planned lighting of the area and any other equipment or structures that will be installed or built.
 21. Reclamation plan in conformance of this Ordinance.
 22. The operator must indicate if blasting is proposed as part of the mining operation.
 23. Copies of any permit applications to the Minnesota Department of Natural Resources or Minnesota Pollution Control Agency regarding the proposed mineral extraction and any other information or reports the Planning Commission deems necessary for purposes of evaluating environmental or aesthetic impacts.
 24. A description of the method for receiving and resolving any complaints about the operation of the facility or off-site transportation of extracted material.
 25. A fee as established by resolution of the Township Board.

Section 904: OPERATING CONDITIONS

The following operating conditions and standards must be met for all mining and extraction operations.

Section 904.1: Setbacks

No mining, stockpiling or land disturbance shall take place within:

1. 50 feet of adjoining property lines unless specified by 904.1.5,
2. 200 feet of any occupied structures existing prior to establishment of the mining operation, not owned by the operator or owner;
3. 100 feet of any contiguous property subdivided into residential lots prior to establishment of the mining operation
4. 100 feet of any road right-of-way of any existing or platted street, except the amount of material stockpiled on the effective date of this Ordinance may continue but not be expanded. Mining may be allowed up to 50 feet of the road right-of-way so long as the property is restored to 100 feet within one mining season period as set forth in the approved reclamation plans.
5. If 2 or more mining operations are contiguous to one another, the common boundary may be mined if the Planning Commission approves the respective restoration plans, and both mine operations are in agreement of activity and timing.

Section 904.2: Hours of Operation

Those portions of the mining operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless other hours or days of operation are specifically authorized in the Extraction or Material Processing Permit. No such operations shall be allowed on Observed National Holidays unless approved by the Sciota Township Board.

Section 904.3: Dust Control

The operator must construct, and maintain any equipment in such a manner as to minimize on-site and off-site dust conditions. All operations shall meet the standards of the State Pollution Control Agency. The driveway access to the mining operation must be setback at least 25 feet from neighboring property lines. The operator shall provide such road surfacing or other treatment as may be deemed necessary by the Planning Commission, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. All mining pit access roads shall be provided and maintained with a dustless non-oiled surface not less than twenty-two (22) feet wide from the connection to a public road to a point within one hundred (100) feet of the road connection. The Planning Commission may require this to be a blacktop road if deemed necessary. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized.

Section 904.4: Noise

The operator must maintain sound suppression systems so that operation noise does not exceed 70dbA at the mine perimeter. Noise levels shall not exceed 60dba at any property boundary of adjoining occupied residential land. The Township Board may consider exemption or conditions to these noise levels upon request by the extraction operator.

Section 904.5: Depth of Excavation

The maximum depth of excavation may be regulated based on groundwater protection and/or the ability to restore the property. Dewatering for mineral access will not be allowed. Extraction below the historical high groundwater elevation on the site may be considered. Conditions for Extraction below groundwater elevation will be regulated by conditions of the Extraction or Mineral Processing Permit.

Section 904.6: Site Clearance

All stumps and other debris resulting from the excavation or related activities should be disposed of by approved and acceptable methods.

Section 904.7: Site Maintenance

The operator must maintain buildings and plants in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the

landscaped area. Existing trees and topsoil along existing public rights-of way shall be preserved, maintained and supplemented for the depth of the setback or as stipulated in the Extraction or Material Processing Permit.

Mining or weather conditions which result in standing water lasting for more than three continuous weeks shall be managed to minimize the opportunity for mosquito hatching. Acceptable control measures include backfilling low spots to eliminate ponding/puddling and / or the use of pesticide tablets. The Township Board may also approve other methods.

Section 904.8: Sewer

Any structure or building, either temporary or permanent, that is equipped with plumbing or running water, will require a septic system designed, installed, and inspected in accordance with Minnesota Rule 7080 and Dakota County Ordinance No. 113. Leak proof holding tanks may be allowed by permit for non-permanent buildings if the Planning Commission and Township Board consider holding tanks appropriate for short-term operations.

Section 904.9: Waste Disposal

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

Under no circumstances will waste generated off site be allowed to be stored or disposed of on the premises of the operation. This will include but not be limited to, mining equipment, automobiles, household waste, appliances, and furniture or construction materials.

Section 904.10: Water Quality Monitoring

Water quality monitoring when required shall conform to the following standards:

1. Water from monitoring wells and water collected or discharged from the mining area shall be analyzed until one year after reclamation is completed.
2. Monitoring wells shall be installed and sealed by state licensed well installers according to state and County regulations.
3. Quarterly samples from monitoring wells shall be taken and testing results submitted prior to the annual permit renewal.
4. The Planning Commission may require more frequent monitoring.
5. An independent testing laboratory or an agency chosen by the Planning Commission shall do sampling and testing.
6. The extraction operator may contest the Planning Commission's choice of laboratory on the grounds of expense or qualifications. The Township Board will then mediate any disagreement and make final judgment for choice of laboratory.
7. Monitoring wells shall be sealed one year after reclamation efforts are complete if the site is determined to be uncontaminated.
8. Water samples shall be analyzed to determine the level of nitrates, pesticides, and volatile organic compounds.

9. All water monitoring shall be conducted at the extraction operator's expense.

Section 904.11: Trucking Operations

All new mining operations must have access to the pit area from a 9 ton blacktop road unless the applicant can demonstrate to the Planning Commission that conditions are such in a particular area that access to a gravel road will not adversely affect the public health, safety, or welfare. The operator shall ensure all loads leaving any pit regulated by this Ordinance are loaded so as to comply with State Law. The conduct and driving safety of the trucking operator are revisable factors for the issuance and renewal of an Extraction or Material Processing Permit. Excessive wear or damage to Township roads shall be restored by extractor at extractor's expense.

Section 904.12: Fuel Storage

All on-site storage of fuel must meet Federal, State, and local standards. Fuel storage facilities or any equipment must be drained or removed during the off-season, or long periods (60 days) of inactivity.

Section 904.13: Explosives & Blasting Operations

The use of explosives is prohibited, unless specifically authorized in the Extraction Permit.

Section 904.15: Added Provisions

The operator must comply with such other requirements that Sciota Township, from time to time, may find necessary to adopt for protection of the health, safety, welfare, and prevention of nuisance in the area.

Section 905: MATERIAL AND ASPHALT PROCESSING

Section 905.1: Material and Asphalt Processing Activities

Processing of extracted material commonly coincides with specific extraction activities; however, it may occur on mine locations without association with a specific extraction permit. It may also occur in association with specific construction projects. Processing or processing activities can include but are not limited to:

1. Crushing, screening, or washing.
2. Addition of bituminous, cement or other bonding materials.
3. Material recycling.
4. Cutting of blocks and or slabs.

5. Activities to enhance the excavated or extracted product beyond normal extraction and hauling.
6. Asphalt processing.

Section 905.2: Material Processing Permits

For any mining operation in which processing is proposed, the processing activity must operate under provision of a valid Mining Permit, Extraction Permit, or Material Processing Permit.

1. A Material Processing Permit is required for any processing activity not explicitly noted in an existing extraction permit.
2. A Material Processing Permit is required for any permitted Mining operation that does not have an active permitted Extraction operation but for which the operator desires to add on-site processing equipment.
3. The Material Processing Permit application must include the nature of the processing and. equipment, location of the plant, source of water, disposal of water, and reuse of water.
4. A Material Processing Permit is an annual interim use permit that will expire on December 31 of the year for which it is issued, regardless of the date it was issued.

Section 905.3: Processing Provisions

1. Any mining operation in which processing is proposed must meet the following performance standards:
 - A. Only materials extracted on site may be processed. No materials may be hauled onto the property for processing, unless all material can be processed during that calendar year.
 - B. Setbacks as outlined in Section 904.1 must be met.
 - C. All Federal, State and local air, water, and noise standards must be met.
 - D. Crushing equipment must be placed in the bottom of the pit area if practical, otherwise located in such a manner as to have the least environmental and aesthetic impact.
 - E. Pollution Prevention: In the absence of a definitive plan to prevent surface and groundwater contamination, asphalt plants must be equipped with a bag house so there is no water discharge from the unit.
2. A temporary processing plant in conjunction with a specific road project, located in the right-of-way or very close proximity to the subject road, will be allowed subject to the following conditions:
 - A. All Federal, State, and local air, water, and noise quality standards must be met.
 - B. The processing equipment must be located so as to minimize the effect of surrounding

- property owners.
- C. Site selection shall not have a negative effect on the public health, safety, and welfare.
- D. The request will be subject to Planning Commission review and Township Board approval.
- E. The processing plant shall not be on the property for more than 120 calendar days.
- F. No materials originating in Sciota Township, outside of the designated right-of-way, may be excavated or removed from the site without an Extraction Permit for mining.
- G. Binding financial assurance, in an amount determined by the Township Board, must be posted to assure restoration of the site.
- H. Liability Insurance: The extraction operator shall, at all times procure and maintain at the extraction operator's expense general public liability insurance. This insurance shall cover claims for bodily injuries, wrongful death, and property damage occurring as a result of the operator's performance of its duties under this Ordinance. Such insurance shall afford protection to a limit of not less than Five Hundred Thousand Dollars (\$500,000.00) in respect to injuries or death to a single person, to a limit of not less than One Million Dollars (\$1,000,000.00) in respect to any one accident or occurrence, and to a limit of not less than Two Hundred Thousand (\$200,000.00) in respect to property damage. The Township shall be named an additional insured on all such policies of insurance.
- I. The extraction operator shall file with the Township a certificate evidencing insurance coverage before the commencement date of the term of the mineral extraction permit. The certificate shall provide that the Township must be given Thirty (30) days written notice of the cancellation of insurance.

Section 905.4: Recycling

The crushing/processing of used aggregate, concrete, asphalt, and other materials for road paving will be permitted subject to the following conditions:

1. Recycling not in a mine, but in conjunction with a specific road project and within the right-of-way or in very close proximity to the subject road shall be permitted for a maximum of 120 days subject to the following standards:
 - A. The processing equipment must be located so as to minimize the effect on surrounding property owners.
 - B. Site selection shall not have a negative effect on the public health, safety and welfare.
 - C. The request must be submitted to the Planning Commission for review and Township Board for approval.
 - D. All Federal, State, and local air, water, and noise quality standards must be met.
 - E. The project operator must remove all materials at the end of the project.

Recycling not in conjunction with a specific road project or with a permitted mining operation shall not be permitted.

Section 906: RECLAMATION

Section 906.1: Reclamation Plan

The reclamation process is primarily the responsibility of the landowner / holder of the Mining Permit. Sciota Township recognizes that in some situations the Mining Permit and Extraction Permit will be the same party, and in some situations they will be separate parties.

When the same party holds the permits, any extraction process must comply with the active Mining Permit plan, or the plan must be modified prior to consideration of extension of the Extraction Permit.

When separate parties hold the permits, all extraction processes must comply with the intent of the reclamation plan that exists in the Mining Permit. Any application for an Extraction Permit that deviates from the existing reclamation plan must be accompanied by an application by the holder of the Mining Permit acknowledging the changes to the reclamation plan.

The applicant for the Mining Permit AND the applicant for each Extraction Permit must submit a reclamation plan consisting of graphic representation and written text. The plan must contain the following elements:

1. Intent of reclamation.
2. Methods and processes of reclamation.
3. Initial condition of mining site.
4. Phasing and timing of operations and reclamation including areas to be stripped of overburden.
5. Final condition of site, including proposed contours and potential development plan.
6. Relation of final site condition to adjoining landforms and drainage features.
7. Relation of reclaimed site to planned or established uses of surrounding land.
8. A plan for maintenance of reclaimed area.
9. A detailed cost estimate of reclamation

Binding financial assurance, such as a performance bond or letter of credit, may be required. Such assurance may be required at the time of the issuance of the mining permit or at the time of the issuance of the extraction permit (if different), at the discretion of the Planning Commission and Township Board.

Section 906.2: Timing

Restoration should proceed according to the timeline established by the reclamation plan, in a continuous manner, and must be subject to review and approval at each annual inspection and at the end of the permit period.

Section 906.3: Excavation Requirements

Excavations resulting in the accumulation of substantial water areas after rehabilitation must meet the following requirements:

1. The water depth must not be less than three (3) feet measured from the historical low groundwater elevation, unless a plan for creation of a wetland or marsh has been approved.
2. All banks shall be sloped to the historical groundwater elevation at a slope that shall not be steeper than four (4) feet horizontal to one (1) foot vertical.
3. All banks shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding and to a depth of at least six (6) inches; sod or seeding and mulching is also required. Mulch must be properly anchored.
4. Such topsoil as required by Section 906.5 (Cover and Planting) shall be planted with trees, shrubs, legumes, or grasses.
5. Slopes on reclaimed areas shall not be steeper than four (4) feet horizontal to one (1) foot vertical, except in cases where non-erodible conditions are present and the Planning Commission approves the reclamation plan.
6. In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body a maximum slope of 6 feet horizontal to 1 foot vertical for at least 100 feet from the proposed shoreline toward the center of the water body. Beyond 100 feet in horizontal distance, the slope of the bottom contours may be no steeper than 3:1.
7. Department of Natural Resources guidelines for surface water creation shall be closely followed.

Excavations not resulting in water areas after rehabilitation but which must be graded or back filled, shall meet the following requirements:

1. Fill shall be inspected and certified as being clean (free of volatile organic compounds and heavy metals) before being used for reclamation. Organic soil shall be used only for topsoil.
2. Such grading or back filling shall be made with non-noxious, non-combustible solids.

- Trees, stumps, brush, and demolition materials are examples of unacceptable fill material.
3. The graded or back filled area shall not collect or permit stagnant water to remain therein.
 4. The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
 5. Such graded or back filled area shall be surfaced with soil of a quality at least equal to the topsoil of land areas immediately surrounding, and to a depth at least six (6) inches.
 6. Topsoil shall be used to plant trees, shrubs, legumes or grasses.
 7. Slopes on reclaimed areas shall not be steeper than four (4) feet horizontal to one (1) foot vertical, except in cases where non-erodible conditions are present and the Planning Commission approves the reclamation plan.
 8. All rehabilitation areas that are planned for building purposes shall have a final elevation at least 10 feet above the normal historical groundwater elevation. Plans for on-site septic systems must be considered.

Section 906.4: Drainage

Reclamation shall precede in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the least degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses, and must comply with the Sciota Storm Water Management ordinance.

Weather conditions or Mining practices that result in standing water lasting for more than three (3) weeks shall be managed to minimize the opportunity for mosquito hatching. Acceptable control measure include:

- Backfilling low spots to eliminate ponding or puddling.
- Use of pesticide or treatment tablets or pellets
- The Township Board may also approve other methods.

Section 906.5: Cover and Planting

The reclamation area shall be planted with grass, trees, shrubs, or other vegetation to prevent erosion and provide for screening and natural beauty. Technical assistance and soils data should be obtained from the Dakota County Soil and Water Conservation District, appropriate State and Federal officials, conservation districts, and the nearest soil conservation service office.

When topsoil is stripped or removed, it must be set-aside on the site for creating berms and for re-spreading over the excavated area. These overburden stockpiles must be used for reclamation. Excess removed topsoil may be removed from the property only after reclamation is completed according to the reclamation plan.

Section 907: VIOLATIONS & PENALTIES

In the event of a violation or threatened violation of any of the terms of this Ordinance, the Township may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon motion, the court may award costs, disbursement and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the land.

The operator grants the Township's officers and representative access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this Ordinance. If such access is refused, the Township shall have recourse to every remedy provided by law to secure entry, including judicial search warrants.

Section 908: TERMINATION OF PERMIT

Any permit granted pursuant to this Ordinance may be revoked for a violation of any provisions of this Ordinance or any conditions of the permit.

Revocation shall not occur earlier than ten (10) Township working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Township Board action has been served on the permittee. Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain:

1. The effective date of the revocation,
2. The nature of the violation or violations constituting the basis of the revocation,
3. The facts which support the conclusions that a violation or violations have occurred
4. a statement that if the permittee desires to appeal, the permittee must, within ten (10) working days, exclusive of the day of service, file a request for a hearing to the Sciota Township Clerk.

The permittee hearing request shall:

1. Be in writing,
2. State the grounds for appeal
3. Served personally or by registered or certified mail to the Sciota Township clerk by midnight of the tenth Township working day following service.

Following the receipt of a request for hearing, the Sciota Township Board shall set a time and place for the hearing, which shall be conducted in accordance with the procedures set forth in applicable Sciota Township Ordinance.

Mining operations must cease while the appeal is being considered. The hearing shall be held in conjunction with the next regularly scheduled Board meeting, unless a special meeting is requested by the applicant, to be held at the applicant's expense.