

ZONING ORDINANCE UPDATE

ZONING ORDINANCE

DOUGLAS TOWNSHIP DAKOTA COUNTY, MINNESOTA

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Agricultural Preserves Eligibility Declared: February 22, 1982

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ARTICLE I: INTENT AND PURPOSE

Section 101: Title

This Ordinance shall be known, cited, and referred to as the “Douglas Township Zoning Ordinance.”

Section 102: Authority, Purpose, and Intent

- A) Pursuant to the authority conferred by the State of Minnesota in Section 462.357, Laws of 1965 as amended, and for the purposes of:
- 1) Promoting and protecting the public health, safety, and general welfare of the inhabitants of the area of Douglas Township.
 - 2) Protecting and conserving the character, social, and economic stability of agricultural, residential, commercial, industrial, and other areas.
 - 3) Securing the most appropriate use of land.
 - 4) Preventing the overcrowding of the land and undue congestion of population.
 - 5) Providing adequate light, air, and reasonable access.
 - 6) Facilitating adequate and economical provision of transportation, water supply and sewage treatment.
- B) This zoning ordinance is designed to implement the intent and purpose of the Douglas Township Comprehensive Plan, which is a component of the Dakota County Collaborative Comprehensive Plan (approved in December 2018). The zoning districts are based upon the future land use map in the Comprehensive Plan. Before any amendment to the boundary lines of the established zoning districts are made, any necessary amendments must first be made to the Comprehensive Plan.

Section 103: Application

- A) **Minimum Requirements.** The provisions of this Ordinance, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. The provisions of this Ordinance shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any powers granted the Township by law.
- B) **Stricter Regulations.** Where the standards, regulations or requirements imposed by any provision of this Ordinance are either more or less restrictive than comparable standards, regulations or requirements imposed by any other statute, ordinance, rule, or regulation of the Township, County, State, or Federal government, the statute, ordinance, rule, or regulation which imposes the more restrictive condition, standard, regulation, or requirement shall prevail.
- C) **Consistency.** Should any provision in this Ordinance conflict with, or be found inconsistent with Minnesota Statutes, Chapter 462, the provisions of the applicable section of Minnesota Statutes, Chapter 462 shall apply, and supersede the inconsistent or conflicting terms of this Ordinance. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
- D) **Separability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

Section 104: Compliance with this Ordinance

From and after the effective date of this Ordinance no structure may be erected, constructed, enlarged, reconstructed, or altered and no structure or land may be used or occupied for any purpose or in any manner that is not in conformity with this Ordinance. Construction of all structures and uses must be in accordance with the application, plans, permit, and any applicable variance. Permits issued on the basis of approved plans and applications authorize only the use and construction set forth in such approved plans and applications and no other use or construction. Any use or construction not in conformance with that authorized shall be deemed a violation of this Ordinance unless a new or amended permit or variance is first obtained from the Township.

Section 105: Prior Zoning Regulations

This Ordinance supersedes and replaces all previous land use and zoning ordinances adopted by the Town Board and all such previous land use and zoning ordinances are hereby repealed. The repeal of the Township’s previous land use and zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

Section 106: Effective Date

This Ordinance shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the official zoning map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Ordinance.

ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS

Section 201: Establishment of Zoning Districts

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

- AGP-I Agricultural Preservation District
- RR Rural Residential District
- PRP Park, Recreation or Preserve
- FP Floodplain Overlay District
- SL Shoreland Overlay District
- ARO Aggregate Resources Overlay District

Section 202: Zoning Map

- A) Zoning Map. The areas comprising these zoning districts and the boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the Township of Douglas, with all proper notations, references, and other information shown thereon.
- B) Interpretation of the Zoning Map. Where, due to the scale, lack of detail or illegibility of the zoning map attached hereto, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Douglas Town Board. The Zoning Administrator, and the Douglas Town Board, in interpreting the zoning map or deciding any appeal, shall apply to the following standards:
 - 1) Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the center lines of streets, rights-of-way, water courses, or elevational contour lines, unless such boundary lines are fixed by dimensions shown on the zoning map.
 - 2) Where zoning boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be constructed to be such boundary lines.
 - 3) 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.
 - 4) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Douglas Township as well as all other relevant facts.

ARTICLE III: ZONING DISTRICTS

Section 301: District AGP (1): Agricultural Preservation

- A) Purpose. The Agricultural Preservation district is intended to protect viable agricultural lands from non-farm influence; retain valuable areas for conservational purposes; prevent scattered nonfarm

growth; and preserve a secure economy in governmental expenditures and other natural resources of the community. The AGP (1) district may be applied to those areas guided for “Agricultural, Undeveloped, or Vacant” on the 2040 Comprehensive Plan Future Land Use Map.

- B) Permitted Uses.
 - 1) Agricultural Land Uses Including Livestock and Agricultural Buildings
 - 2) Single Family Residential Dwellings (limited to one home per quarter-quarter section)
 - 3) Forestry and Nurseries
 - 4) Historic Sites
 - 5) Public Recreation
 - 6) Mobile Homes on separately conveyed parcels of land
 - 7) Residential Clustering, subject to the requirements in Section 606 Single Family Residential Clustering
- C) Accessory Uses.
 - 1) Essential Services
 - 2) Fences
 - 3) Landscaping Features
 - 4) Garages
 - 5) Home Occupations in accordance with Section 607
 - 6) Machinery, structures, or buildings incidental to, but necessary for the conduct of agricultural operations or other permitted uses.
- D) Conditional Uses.
 - 1) Agricultural Service Establishments
 - 2) Utility Buildings and Structures
 - 3) Institutional Uses and other public recreational uses
 - 4) Greenhouses
 - 5) Commercial Recreation
 - 6) Equipment Storage and Maintenance
 - 7) Relocated Structures
- E) Interim Uses.
 - 1) Mobile Home/Temporary Housing Quarters
 - 2) Short-Term Rental
- F) Prohibited Uses and Structures. All other uses and structures which are not specifically allowed as permitted or conditional uses, or cannot be considered as an accessory use, shall be prohibited in the AGP-1 District.
- G) General Regulations. Additional requirements for parking, signs, sewage systems, and area and height regulations, including the one residence per quarter-quarter section maximum density requirements, are set forth in Articles III through VI.

Section 302: District RR: Rural Residential

- A) Purpose. The Rural Residential district is intended to preserve existing residential development and may be applied to those areas guided for “Rural or Large Lot Residential” in the 2040 Comprehensive Plan Future Land Use Map.
- B) Permitted Uses.
 - 1) Agricultural Land Uses Including livestock
 - 2) Single Family Residential Dwellings
 - 3) Forestry and Nurseries
 - 4) Historic Sites
 - 5) Public Recreation
 - 6) Agricultural Service Establishments
 - 7) Mobile Homes
- C) Accessory Uses.
 - 1) Essential Services
 - 2) Fences
 - 3) Landscaping Features
 - 4) Garages
 - 5) Home Occupations in accordance with Section 607
 - 6) Machinery, structures, or buildings incidental to, but necessary for the conduct of agricultural

- operations or other permitted uses.
- D) Conditional Uses.
 - 1) Utility Buildings and Structures
 - 2) Resorts
 - 3) Institutional Uses
 - 4) Greenhouses
 - 5) Commercial Recreation
 - 6) Equipment Storage and Maintenance
 - 7) Relocated Structures
 - E) Interim Uses.
 - 1) Short-Term Rental
 - F) Prohibited Uses and Structures. All other uses and structures which are not specifically allowed as permitted or conditional uses or cannot be considered as an accessory use shall be prohibited in the RR Rural Residential District.
 - G) General Regulations. Additional requirements for parking, signs, sewage systems, and area and height regulations, including the one residence per 10 acres maximum density requirements, are set forth in Articles III through VI.

Section 303: PRP: Park, Recreation or Preserve

- A) Purpose. The park, recreation or preserve district is intended to be applied to properties currently designated as a regional park and are under public ownership as parkland.
- B) Permitted Uses:
 - 1) Parks and Recreational Uses, including playground structures
 - 2) Open Space
 - 3) Parking
 - 4) Trails
 - 5) Public Park and Utility Buildings

Section 304: FP: Floodplain Overlay

- A) Purpose. The floodplain overlay district is intended to be applied to properties which lie within a primary floodplain which for the purposes of this ordinance shall be construed to be a stream channel and the portions of the adjacent floodplain as are required to efficiently carry the flood flow of the stream and on which properties special regulations are necessary for the minimum protection of the public health and safety, and of property and improvements from hazards and damage resulting from floodwater.
- B) Township Regulations. Land Use Regulations of the Agricultural Preservation District (AGP-1) shall apply for all lands in the Floodplain District (FP). The height, yard, area, and lot width and residential density regulations of the Agricultural Preservation District shall apply for all uses permitted in this District.
- C) County Regulations. The Dakota County Shoreland and Floodplain Management Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulation in the County Ordinance differs from any specific regulation contained herein, the most restrictive specific regulation shall apply.
- D) General Regulations. Requirements for signs, sewage treatment, and area and height regulations are set forth in Articles IV through IX.
- E) Disclaimer of Liability. The FP District herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This Ordinance does not imply that areas beyond the district limits will be free from flooding; nor shall this ordinance, or districts established therein, create a liability on the part of, or cause action against Douglas Township or any office, official, or employee thereof, for any flood damage that may result from reliance upon this ordinance or flood district so established.

Section 305: District SL: Shoreland Overlay

- A) Purpose. This SL District is intended to apply to properties which lie within 1,000 feet of the shoreline of public waters, which for the purpose of this ordinance shall be construed to be the stream channel

of Trout Brook Creek. Such properties require special regulations for the minimum protection of the quality of the shoreland area, and the health and safety of shoreland residents.

- B) Township Regulations. All regulations of the underlying zoning district shall apply for lands within the Shoreland Overlay District (SL).
- C) County Regulations. The Dakota County Shoreland and Floodplain Management Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulation in the County Ordinance differs from any specific regulation contained herein, the most restrictive specific regulation shall apply.
- D) General Regulations. Requirements for signs, sewage treatment, and area and height regulations are set forth in Articles III through VI.

Section 306: District ARO: Aggregate Resources Overlay District

- A) Purpose. In addition to the purposes stated in the Introduction and Preamble of this Ordinance, it is the purpose of this section to establish regulations for mineral extraction which accomplish the following objectives:
 - 1) Protect and preserve the agricultural economy and social characteristics of the agricultural community.
 - 2) Protect agricultural land from premature conversions to non-farm uses.
 - 3) Prevent the permanent conversion of productive farmland to non-farm uses.
 - 4) Protect residents from potential negative impacts associated with mineral extraction.
 - 5) Protect the natural environment from unnecessary and irreversible impacts from mineral extraction activities.
 - 6) Preserve the natural landforms from uncomplimentary or incompatible alterations from mineral extraction activities.
 - 7) Protect Township roads and local highways from unsafe conditions, overuse and potential damage from mineral extraction activities.
 - 8) Establish regulations and standards that clearly manage mineral extraction as a use incidental to long term agriculture.
 - 9) Establish regulations and standards that manage mineral extraction as a short-term use of agriculture land.
 - 10) Establish regulations and standards that restore or enhance extracted areas to suitable farmland conditions.
 - 11) Encourage the extraction of minerals from hills, knobs or steeply sloped areas that will allow for site rehabilitation that flattens the natural landscape and makes the land more conducive to agricultural uses.
 - 12) Restrict mineral extraction activities that create permanent depressions in the natural landscape, which are not conducive to agricultural uses because of poor drainage, permanent ponding problems or unworkable slopes.
 - 13) Establish financial assurances that guarantee operational performance and compliance with the provisions of this Ordinance.
 - 14) Ensure compatibility of mineral extraction activities with the goals, policies, environmental protection and agricultural preservation emphasis of the Douglas Township Comprehensive Plan.
- B) Permit Required. It shall be unlawful for any person, firm or corporation to extract or process minerals in the Township without first obtaining a permit required in this Ordinance.
- C) Exceptions. Exceptions to the permit requirement for mineral extraction in the Township include:
 - 1) Excavation for a foundation, cellar or basement of a building if a building permit has been issued.
 - 2) Excavation by state, county, city, or township authorities in connection with construction or maintenance of roads, highways, or utilities, conducted solely within permanent easement areas or rights-of-way.
 - 3) Curb cuts, utility crossings or street openings for which another permit has been issued by the Township.
 - 4) Excavation less than one hundred (100) square feet in area or one foot in depth.
 - 5) Excavation or grading for agricultural purposes but excluding the removal of extracted minerals for commercial purposes.
 - 6) Other activities, in which a permit has been issued, site grading is allowed, and mineral extraction is clearly an incidental activity.
- D) Mineral Extraction Permit Application. An application for a mineral extraction permit shall be

submitted to the Township on a form supplied by the Township. Information shall include but not be limited to the following:

- 1) Name, address, phone number, contact person for the operator.
 - 2) Name, address, phone number of the landowner.
 - 3) Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners.
 - 4) Acreage and complete legal description of the property on which the mineral extraction permit will apply.
 - 5) Estimated type and quantity of material to be extracted.
 - 6) Estimated time frame to operate the facility.
 - 7) A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.
 - 8) A description of the estimated average daily and peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles.
 - 9) A description of the haul routes within the Township to be used in the operation of the facility.
 - 10) A description of the soil, vegetation, mineral content and topography of the subject property.
 - 11) A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property.
 - 12) A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property.
 - 13) Existing topography of the subject property, illustrated by contours not exceeding ten-foot intervals.
 - 14) Proposed topography of the subject property after mineral extraction been completed, illustrated by contours not exceeding two-foot intervals.
 - 15) Copies of MPCA application documents and operating permits.
 - 16) A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
 - 17) A description of the plan to mitigate potential impacts resulting from mineral extraction.
 - 18) A description of the method in which complaints about any aspect of the facility operation or off-site transportation are to be received and the method in which complaints are to be resolved.
- E) Mineral Extraction Permit Process.
- 1) Mineral extraction shall be reviewed, considered and processed as an interim use.
 - 2) Applicants must obtain an Interim Use Permit application for mineral extraction from the Township Clerk.
 - 3) Applicants are encouraged to appear before the Planning Commission and Town Board for conceptual presentations of the proposed mineral extraction activity.
 - 4) A copy of the application and required supporting information shall be forwarded to the Township or its designee. 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 which must be submitted before formal review may commence.
 - 5) 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 Interim Use Permit, according to the procedures identified in Section 612.
 - 6) The Planning Commission shall hold the public hearing for the Interim Use Permit; make findings on the consistency of the application with the terms and conditions of this Ordinance; and make recommendations to the Town Board on the issuance of a permit.
 - 7) If the application cannot be acted upon by the Town 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 cannot 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.
 - 8) The Town Board shall act on the permit after receiving a recommendation from the Planning Commission and within the timeframe specified above; however, the Town Board shall act on the permit regardless of a recommendation, if the Planning Commission has not made a

- recommendation within (90) days of receipt of the completed application.
- 9) The permit review timeline may be extended by written authorization from the applicant.
 - 10) The Town 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.
 - 11) The term of the Interim Use Permit shall be for a maximum operational period of three (3) years and a maximum one (1) year period to complete site rehabilitation. The Town Board may, at its sole discretion, consider a one-time extension of the operational term. The maximum term of the extension shall be three (3) years. Factors to be considered in any extension shall include, but not be limited to, the size of the permit area, the amount of material already extracted, the effect on site rehabilitation and agricultural end use, the effect on physical features of the site and potential impacts on neighboring properties.
 - 12) An application for mineral extraction on the same site or abutting property for which an Interim Use Permit has been issued shall not be accepted or processed for a period of two (2) years from the date of expiration of that permit.
 - 13) Reapplication for an Interim Use Permit which has been denied by the Town Board shall not be accepted or processed for a period of one (1) year from the date of denial.
- F) Performance Standards. Mineral Extraction facilities shall operate and conform with the following performance standards and requirements:
- 1) Maximum Extraction Area. The maximum extraction area to be included in the facility permit shall be five (5) acres. The Town Board may consider expanding the permit area, if it is found that existing site conditions and the rehabilitation plan warrant a larger extraction area to fulfill the intent and comply with the conditions of this Ordinance.
 - 2) Maximum Density of Extraction Facilities. The maximum density of active permitted facilities or the maximum number of permitted facilities within a geographic area shall be one permitted facility per section (640 acre area) of land in the Township.
 - 3) Minimum Separation of Extraction Facilities. The minimum separation between active permitted facilities in the Township shall be a straight line distance of one mile.
 - 4) Mineral Extraction Permit Term. The maximum term for mineral extraction, processing of material and the removal of material shall be three (3) calendar years. The Town Board may, at its sole discretion, consider a one time extension of the operational ten The maximum term of the extension shall be three (3) years. Factors to be considered in any extension shall include, but not be limited to, the size of the permit area, the amount of material already extracted, the effect on site rehabilitation and agricultural end use, the effect on physical features of the site and potential impacts on neighboring properties. Site rehabilitation must be completed by August 15 of the following year.
 - 5) Seasonal Duration. Mineral extraction operations shall only occur between May 1 and November 15 of the operational permit year. Final site grading and rehabilitation must be completed between May 1 and August 15 of the final permit year. The Town Board may authorize the removal of material stockpiled on the site during the non- operational months (November 16 to April 30), provided all other provisions of this ordinance are met and the Interim Use Permit is amended consistent with the procedures in Section 612.
 - 6) Hours of Operation. Mineral extraction facilities shall operate only between the hours of 7:00am to 6:00pm Monday through Friday and 7:00am to 12:00pm on Saturday.
 - 7) Access. Mineral extraction facilities shall have direct property access to a 9-ton or greater design road. The Town Board may require financial guarantees from facility operators to ensure that potential damages to local roads or bridges from facility vehicles will be repaired. The facility operator and Town Board may agree to minimum roadway improvements or maintenance obligations as a condition of the permit.
 - 8) Haul Routes. Haul routes for mineral extraction facilities shall be identified by the operator. In general, the haul routes designated shall minimize the use of gravel roads.
 - 9) Roadway Dust Control. The permit shall specify the manner in which the operator will control dust on gravel roads used in hauling facility materials. In lieu of other approved remedies, water trucks must be used on gravel roads when the number of facility vehicles exceeds three (3) one-way trips per hour.
 - 10) Facility Dust Control. The permit shall specify the manner in which the operator proposes to control potential airborne dust generated within the facility.
 - 11) Authorized Use. The Interim Use Permit for the mineral extraction facility shall allow mineral

extraction equipment, crushing equipment, screeners, conveyors, loading equipment, site rehabilitation equipment and material hauling vehicles for authorized activities and use of the facility. All other use, equipment or activities shall be considered accessory uses. Mineral extraction excludes the removal of topsoil from the site, unless specifically authorized in the permit.

- 12) Accessory Uses. Accessory uses are those uses not included as authorized use of the mineral extraction facility. The Town Board may consider accessory uses as part of the Interim Use Permit or an amended Interim Use Permit, provided the review and consideration for accessory uses is consistent with Section 612 of this Ordinance. All other accessory uses are prohibited.
- 13) Backhauling. No material may be hauled or backhauled from an off-site location to the mineral extraction facility unless specifically authorized in the Interim Use Permit. Examples of authorized backhauling may include importation of clay for roadway mix or topsoil for site rehabilitation.
- 14) Setbacks. No extraction activity shall be allowed within fifty (50) feet of any adjacent property, roadway easement or utility, unless the Town Board finds that a lesser setback will result in more appropriate site rehabilitation. Facility equipment shall not be located closer than one thousand (1000) feet from a residence, unless a written waiver is received from the owner of the residence for a lesser setback. The Town Board may reduce the setback to five hundred (500) feet if it finds that the natural topography or artificial berming and screening are sufficient to protect the residence from facility impacts. No waiver or setback reductions shall be construed as a waiver of noise standards affecting the facility.
- 15) Depth to Groundwater. No excavations or extraction shall occur within ten (10) feet of the historical high groundwater elevation on the site.
- 16) Noise. Maximum noise levels associated with the mineral extraction facility shall be consistent with the daytime noise standards established by the Minnesota Pollution Control Agency.
- 17) Air Quality / Water Quality. All activities associated with the mineral extraction facility shall be conducted in a manner consistent with Minnesota Pollution Control Agency rules and operating permits.
- 18) Vibration. Operators must use all practical methods to minimize impacts of equipment vibration on adjacent properties.
- 19) Explosives. The use of explosives is prohibited, unless specifically authorized in the Interim Use Permit.
- 20) Weed Control. The facility operator shall be required to control noxious weeds on the site and mow or harvest other vegetation as needed or required by the Township.
- 21) Fencing. The Town Board may require the facility or portions of the facility to be fenced during operation or during the off-season. The Town Board may also require that fencing or a gate be placed at the facility entrance to prevent unauthorized access.
- 22) Site Rehabilitation. The rehabilitation plan must include final grade contours, topsoil replacement, seeding and fertilizing, erosion control and sedimentation control details and specifications. The plan must also identify seasonal erosion and sedimentation control measures during facility operation. Final site rehabilitation shall conform to the following minimum requirements:
 - a) Final grades shall not exceed twelve (12) per cent. During final site restoration, grading may occur within the fifty (50) feet extraction setback area, if such allowance enhances overall site grading and the relationship with adjacent properties.
 - b) All of the topsoil on the site prior to extraction, must be retained on the premises and re-spread on the surface of the final grade. Retained topsoil shall be spread at an even depth over the final graded surface.
 - c) The exposed topsoil shall be seeded with alfalfa or pasture grasses consistent with specifications recommended by the Dakota County Soil and Water Conservation District, Minnesota Extension Service or National Resources Conservation Service. The Town Board may waive the above seeding requirement if the area is prepared for crop production in the same or following growing season.
 - d) Soil erosion and sedimentation control practices during and after site rehabilitation shall be consistent with minimum recommendations of the Dakota County Soil and Water Conservation District.
 - e) All equipment, machinery, vehicles, materials and debris shall be removed from the site prior to final site rehabilitation.

- 23) Additional Regulations. The Town Board may impose additional regulations and requirements necessary to protect the public health, safety and welfare.
- 24) General Compliance. The mineral extraction facility shall be operated in compliance with all federal, state and local regulations and laws.
- 25) Inactivity. In the event less than five thousand (5000) cubic yards of material are removed from the facility in any permit calendar year, the Town Board may declare the facility inactive, terminate the Interim Use Permit and require site rehabilitation.
- G) Enforcement.
- 1) The operator grants the Township's officers and representatives access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this Ordinance.
 - 2) The operator shall be responsible for the repair and maintenance of public and private property in the Township which is acknowledged by the operator to be or proven to be damaged by it, its agents or employees in conducting business or any other activity associated with the mineral extraction facility.
 - 3) A development agreement will be required for all mineral extraction permits.
 - 4) The operator shall hold the Township harmless against all claims by third parties for damage or costs incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.
- H) Termination. The Township shall have the authority to terminate the mineral extraction permit on the happening of any of the following events:
- 1) The date of termination specified in the interim use permit.
 - 2) Upon a violation of a condition under which the permit was issued, but only after the Township has first provided written notice to the operator (and the landowner, if different from the operator), describing with particularity the specific violation(s) and the steps necessary to cure the violation(s). Excepting threats to public health, safety and welfare or violations with simple remedy, the operator shall have a period not exceeding sixty (60) consecutive days to cure the specific violation(s). If the 60-day remedy period overlaps with or occurs within a period of seasonal shutdown, and the violation(s) are not easily remedied or do not pose a threat to public health, safety and welfare, the 60-day period may be extended to include the seasonal shutdown period. Upon notice of violation(s) which may threaten the public health, safety and welfare or are easily remedied, the operator shall respond promptly and cure the violation(s) in the shortest reasonable timeframe.
 - 3) Upon a change in the Township's zoning regulations which renders the use non-conforming.
 - 4) Upon a determination that the facility has been inactive.
- I) Financial Guarantee. The Township shall require a cash escrow or a letter of credit, in a form acceptable to the Township, to guarantee compliance with this Ordinance and the terms and conditions of the development agreement. The Township shall have the right to use the financial guarantee to remove stockpiles and complete site rehabilitation and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the permit obligations. The amount of financial guarantee shall be equal to Four Thousand Dollars (\$4000.00) for every acre authorized in the permit. The financial guarantee shall remain in full force and effect for a minimum period of one and one-half (1 1/2) years beyond the expiration date of the permit.
- J) Liability Insurance. The operator shall, at all times procure and maintain at the operator's expense general public liability insurance and automobile 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) in respect to injuries or death to a single person, to a limit of not less than One Million Dollars (\$1,000,000) in respect to any one accident or occurrence, and to a limit of not less than Two Hundred Thousand Dollars (\$200,000) in respect to property damage. The Township shall be named an additional insured on all such policies of insurance. The operator shall file with the Township a certificate evidencing 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.
- K) Violation and Penalties. Any person who violates or fails to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished to the

maximum extent authorized by law. Each day the violation continues shall constitute a separate offense.

L) Fees.

- 1) The applicant shall pay an application fee and the estimated expenses for processing the Interim Use Permit before the application will be considered complete.
- 2) The applicant shall reimburse the Township for all out-of-pocket expenses incurred by the Township in the review and processing of the mineral extraction permit, facility inspections and the enforcement of this Ordinance.

ARTICLE IV: HEIGHT, AREA, SETBACK, AND DENSITY REGULATIONS

Section 401: Height, Area, Setback, and Density Regulations

- A) Except as otherwise specifically provided in this Ordinance, no development, use or structure shall exceed the area, depth, height, setback, or density standards listed below.
- B) The required side yard on the street side of a corner lot shall be the same as the required front yard on such street.
- C) Any applicant who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site shall notify the Commissioner of the Minnesota Department of Transportation at least 30 days in advance as required by Aeronautics Rule 14 MCAR 1.3015, Subdivision C, and shall present a certified copy of such notification to the township at least 10 days before any building permit is issued.

Table 1: Lot Area, Height, and Density

District	Lot Area	Min. Lot Depth	Min. Lot Width ¹	Front (Street) Setback	Side / Rear Setback	Max. Height ² (Farm)	Max. Height Limit ³	Max Density ⁴
AG (1)	1 acre	175 feet	150 feet	See Table 2	10 feet	100 feet	35 feet	1
RR	1 acre	175 feet	150 feet		10 feet	100 feet	35 feet	6
FP	1 acre	175 feet	150 feet		10 feet	100 feet	35 feet	1
SL	1 acre	175 feet	150 feet		10 feet	100 feet	35 feet	1
¹ Minimum lot width shall be measured at the front lot line ² Farm uses only ³ Nonfarm and Conditional Uses ⁴ Maximum per quarter-quarter Section								

Section 402: Road Frontage Requirements

- A) All new principal structures must have vehicular access to or abut a public road.
- B) In the case where existing farm buildings are located closer than 110 feet to the centerline of a County Road or 130 feet to the centerline of a state road, new farm buildings may be allowed to be built in line with existing buildings provided:
 - 1) That In no case will such a building be allowed closer than 100 feet to the centerline of said County or State Road; and
 - 2) That the landowner has no other reasonable location for the proposed building.
- C) On Douglas Township Roads, an alternative setback of 50 feet from the centerline of the township road may be used for structures housing operation controls for irrigation wells. Said structures shall not exceed 100 square feet.

Table 2: Minimum Frontage and Street Setbacks

Road Classification	Min. Road Frontage Required ¹	Min. Front Setback from Road Centerline
Township Road	150 feet of frontage	80 feet
County Highway	150 feet of frontage	110 feet
State Highway	150 feet of frontage	130 feet
¹ On corner lots, at least one of the lot lines abutting the public road must be at least 150 feet long; that front will be considered the front yard for setback purposes		

ARTICLE V: NONCONFORMITIES AND SUBSTANDARD LOT PROVISIONS

Section 501: Nonconforming Use, Building and Structure Provisions

- A) As provided by Minnesota Statutes, section 462.357, subd. 1e, a lawful nonconforming use, structure, or occupation of land or premises existing at the time of the adoption of this Ordinance may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion unless:
- 1) The nonconformity or occupancy is discontinued for a period of more than one year; or
 - 2) The nonconformity is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. In this case, a municipality may impose reasonable conditions upon a zoning or building permit in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shoreland district with less than 50 percent of the required setback from the water is destroyed by fire or other peril to greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon a zoning or building permit to mitigate created impacts on the adjacent property or water body.

Section 502: Substandard Lot Provisions

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

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

ARTICLE VI: PERFORMANCE STANDARDS

Section 601: Intent and Applicability

These standards are established to ensure a high standard of development and compatibility of land uses, and to prevent and eliminate those conditions that cause blight. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. The Town Board shall be responsible for enforcing the standards.

Section 602: Determination of Conformity

Before any building permit is approved, the Building Inspector will determine whether the proposed use or structure 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 standard criteria.

Section 603: Residential Development Standards

- A) Single Family Dwellings. See also Section 606, Single Family Residential Clustering.
- B) Earth Sheltered Homes. Earth sheltered homes as a principal single family residential structure shall be allowed a building permit if such structures possess the following characteristics:
- 1) The roof of the structure is covered with earth or earthen material to the depth of at least 2 feet.
 - 2) The structure is waterproofed to sufficiently provide a low-humidity interior environment.
 - 3) The structure is not designed to provide for the future installation of an upper floor

- 4) The structure meets or exceeds all building code standards for fire safety, window area and other requirements.
- C) Mobile Home/Temporary Housing Quarters. In order that a mobile home/temporary housing quarters may be harmonious with the surrounding area, the following performance standards shall be required:
 - 1) In the AG (1) District, separate quarters for farm help (i.e., employees earning ninety (90) percent or more of their income from farming operations) may be provided by the use of a mobile home/temporary housing quarters. Such mobile home/temporary housing quarters shall be located so as to be an integral part of the permanent farm buildings. An interim use permit is required for said housing and shall terminate when employment ceases.
 - 2) All housing in this section must be constructed in accordance with all applicable building codes in effect at the time of construction and shall be permitted and inspected. No occupancy shall occur without the proper Certificate of Occupancy being issued.
 - 3) All housing in this section shall be serviced by its own Subsurface Sewage Treatment System (SSTS) properly designed, permitted, and inspected.
- D) Accessory Structures. Structures that are subordinate to the principal structure on the lot are regulated as follows:
 - 1) No accessory structure shall be placed on a lot prior to construction of the principal structure.
 - 2) All accessory structures shall meet the setbacks for the principal structure or be placed behind the principal structure whichever is less.
 - 3) Building permits are required for all accessory structures greater than 200 square feet.
- E) Prohibited Dwelling Units.
 - 1) Certain Dwelling Units Prohibited. It shall not be lawful for any persons to erect or occupy a temporary dwelling on any lot or parcel of land in Douglas Township except that travel and motor home coaches can be used for such purposes for a period of not over 4 weeks with permission of the property owner.
 - 2) No garage or accessory building shall at any time be used as a separate dwelling except as provided for in Section 301 and Section 603 (C).
 - 3) The basement portion of finished home or apartment may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

Section 605: Relocating Structures

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

Section 606: Single Family Residential Clustering

- A) Transfer of Building Rights.
 - 1) The transfer of building rights is permitted in the AGP-1 District in accordance with the provisions of this section and other requirements in this Ordinance. Such transfer of building rights may result in more than one residence located in a quarter-quarter section through single family residential clustering. In no case, however, shall the overall allowable residential density in the AGP-1 District of one home per quarter-quarter section be exceeded. Restrictive covenants shall be recorded with the property to ensure required development densities.
- B) Single Family Clustering Eligibility.
 - 1) Property owned by a single party or entity located in the AGP-1 District, containing two or more quarter-quarter sections and one or more building rights, may be eligible for single family residential clustering.
 - 2) A building right that may be eligible for a residential transfer shall be considered only in those quarter-quarter sections that are entirely owned by a single party or entity and have not been subdivided in any way except by road right-of-way or easement.

- 3) No building right shall exist in any quarter-quarter section from which a building rights transfer has previously been approved.
 - 4) No building right shall exist on land approved for mineral extraction, land included in an orderly annexation agreement, land owned by a public entity, or land which is unbuildable due to surface water, wetlands, shoreland or floodplain designation.
- C) Single Family Residential Clustering Standards.
- 1) The maximum density for single family residential clustering is based on one eligible building right per quarter-quarter section.
 - 2) The Township must approve the building eligibility for a building right to be transferred before single family clustering is allowed.
 - 3) The Township must approve the quarter-quarter section and subdivision on which a building right is intended for transfer and clustering.
 - 4) All quarter-quarter sections from which a building right is transferred shall be encumbered by an easement or covenant approved by the Township and recorded against the property clarifying development on the property is prohibited.
 - 5) A quarter-quarter section containing an existing dwelling may be approved for the building rights transfer and clustering.
 - 6) No more than four single family dwellings shall be permitted in any quarter-quarter section, including existing dwellings and new dwellings resulting from clustering.
 - 7) All subdivisions approved for clustering shall be consistent with all other Ordinance requirements, including but not limited to dimensional standards, frontage requirements, private sewer system requirements, and private water system requirements for all newly created lots.
 - 8) The Township may require shared access easements in order to meet highway access spacing guidelines, provided a permanent maintenance agreement is approved by the Township and recorded against the affected property(ies).
 - 9) No new public roads shall be created as a result of clustering.
- D) Review Procedure.
- 1) Applicants for clustering shall submit an application to the Township including existing legal descriptions of properties included in the cluster development and proposed legal descriptions of the property proposed to be subdivided. The application to the Township shall include signatures of all owners of the property. A Certificate of Survey shall be prepared which illustrates all quarter-quarter sections encumbered by a building rights transfer and all lots created by the proposed cluster development. Exception parcels shall also be identified.
 - 2) Applicants for clustering shall be required to obtain access permits from the jurisdiction owning the roadway abutting the property that is subject to subdivision and clustering approval.
 - 3) A nonrefundable application fee and a consultant review escrow shall be paid with the application for the amounts established in the Township fee schedule. The applicant shall be responsible to pay for all out-of-pocket expenses incurred by the Township.
 - 4) The Township shall not approve a building rights transfer and cluster development until all required documents have been received and approved and all fees and reimbursements have been paid.
 - 5) The Township shall record all easements, covenants, and agreements required in this Section with Dakota County.

Section 607: Home Occupation

Home occupations are permitted uses in the AGP and RR districts so long as they comply with all listed performance standards. Examples of potential home occupations include incidental agricultural use, home office, professional service, minor retail with sales occurring off site, daycare, teaching/tutoring limited to individual lessons. Home occupations are not limited to this list and occupations on this list do not automatically comply:

- 1) No such home occupation shall require substantial internal or external alterations of the dwelling.
- 2) No home occupation shall create odor, dust, noise, electrical glare, or vibrations noticeable outside of the dwelling.
- 3) No sign shall be allowed other than one unilluminated name plate measuring not more than 12 square feet in area attached near the building entrance.
- 4) The occupation is to be conducted solely by permanent occupants of the dwelling in which it is located except that one other person necessary to the occupation may be employed.

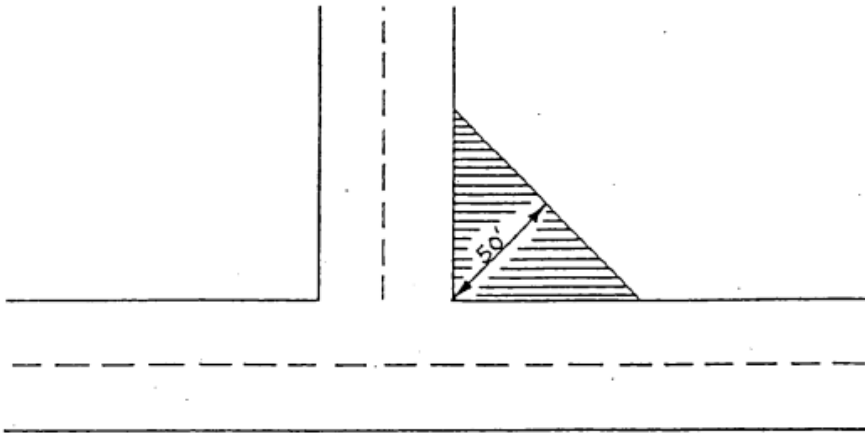
- 5) No outdoor display of goods or outdoor storage is permitted for the home occupation.
- 6) The home occupation shall not generate sewage of a nature or type that cannot be treated by a standard on-site sewage system.

Section 608: Parking and Driveway Standards

- A) Parking. Parking spaces accessory to one and two-family dwellings shall be located on the same lot.
- B) Driveways. Driveways for residential use shall be located to conform with the side yard requirements of Section 401 Table 1. All dwellings shall be so located as to permit a 12-foot-wide driveway to be placed from the public street to the rear house line.

Section 609: Traffic Control and Vision Obstructions

- A) Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that will avoid congestion on the public streets, traffic hazards, and excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow.
- B) Visibility Triangle.
 - 1) On corner lots, nothing shall be placed, or allowed to grow in such a manner as materially to impede vision between a height of 2 ½ and 10 feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the right-of-way lines.



- 2) Clear and unimpeded vision shall be provided at the intersection of a driveway with any public road to the greatest extent possible. .

Section 610: Utility Construction and Maintenance

- A) The following standards shall apply to the construction and maintenance of utility lines and public service structures and shall be considered as requirements for the issuance of permits by the Town Board for construction, relocation, replacement or enhancement:
 - 1) Each road crossing shall be approved by the appropriate road authority.
 - 2) In the event of repair or improvement of a road, the line owner shall pay for necessary relocation and replacement of the line.
 - 3) In the event of necessary repairs or improvements of drainage ditches, the line owner shall pay for necessary relocation and replacement of the line to ensure appropriate drainage.
 - 4) Drain tile lines shall be repaired or replaced where cut or damaged by construction for at least 5 feet from the damaged sections.
 - 5) Utility lines and associated structures (except service lines from a main customer) shall be at least 250 feet from residential dwelling units.
 - 6) Wherever feasible, utility lines shall be located within or along existing railroad or highway rights of way, section lines, or other established boundaries or easements and other such routes as approved by the Town Board.
 - 7) The owner and/or builder of the utility line shall be responsible to pay for such inspection procedures incidental to the line's construction and maintenance as the Town Board determines

necessary to protect the public interest. Inspection logs and documentation shall be made available to the Town Board upon request.

- 8) For underground utility lines:
 - a) All underground lines shall be bored and cased through public and private roads unless the road authority cases and backfills the crossing.
 - b) All underground lines shall be at least five feet below the bottom of drainage ditches and not impede the flow of water.
 - c) All underground lines shall be at least one foot below existing and proposed drain tiles. The utility owner shall be responsible for:
 - (1) The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line; and
 - (2) Additional expenses for installation drain tile needed in the future caused by existence of the utility line; and
 - (3) Cost of repair of drain tile and crop loss due to settling after utility lien construction.
 - d) Where feasible, underground utility lines shall be at least 20 feet from parallel drain tile.
 - e) Except as otherwise stated, underground utility lines shall be at least 4 feet below the ground surface.
- 9) The owners of utility lines shall be held strictly liable for any and all damages that may arise out of the operation or malfunction of any utility line or facilities incidental to the operation of the utility line.
- 10) The Town Board may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

Section 612: Refuse and Exterior Storage

- A) All waste materials, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds.

Section 613: Nuisances

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

- A) Odors and Exhaust Emission.
 - 1) Odors shall not be allowed to exceed the standards stated in the Minnesota State Air Pollution Control Regulations.
- B) No exhaust pipe, flue, chimney, or whatever shall emit an emission that exceeds those standards set forth in Minnesota State Air Pollution Control Regulations, Toxic Matters.
 - 1) All toxic matters emitted from a use shall conform to those standards set forth by the Minnesota State Air Pollution Control Regulations. In the event the toxic matter being considered is not specifically regulated by Minnesota State Air Pollution Control Regulations, the following standards and procedures shall be followed.
 - 2) The measurement of toxic matter shall be at the lot boundary line and measured at ground level or habitable elevation and shall be the average of any 24-hour period. The release of any airborne toxic matter shall not exceed 1/30th of the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the governing body that the proposed levels will be safe to the general population.
- C) Animals. Any open or roofed enclosure in which animals are kept shall be a distance of 100 feet or more from any occupied residential lot line. The governing body may order the owner of any animals to apply for a conditional use permit as it is deemed to be in the interest of the public health, safety, or general welfare.
- D) Nuisances to Public Health. The following are declared to be nuisances affecting public health:
 - 1) The effluence from any cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized in Section 703.
 - 2) The pollution of any public well or cistern, stream or lake, canal, or body of water by sewage,

- industrial waste or other substance.
- 3) Carcasses of animals not buried or destroyed or otherwise disposed of within 24 hours after death.
- E) Nuisances to Peace and Safety. The following are declared to be nuisances affecting public peace and safety:
- 1) The placing or throwing on any street, alley, road, highway, sidewalk or other public property of any glass, tacks, nails, bottles, or other nuisance which may injure any person or animal or damage any pneumatic tire when passing over the same.
 - 2) The ownership, possession or control of any unused refrigerator or other container, with doors that fasten automatically when closed of sufficient size to retain any person to be exposed and accessible to the public without removing the doors, lids, hinges, or latches or providing locks to prevent access by the public.
- F) Miscellaneous Nuisances.
- 1) It shall be unlawful for any person to store or keep more than two vehicles of a type requiring a license to operate on the public highway, but, without a current license attached thereto, whether such vehicles are dismantled or not, outside of an enclosed building in residential or agricultural districts.
 - 2) It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard.
 - 3) It shall be unlawful to create a nuisance affecting the health, peace, or safety of any person.
 - 4) It shall be unlawful to sell, display or store more than one piece of equipment, one vehicle or a household item on a parcel for more than four months a year. More than one item for sales, display or storage will be considered an unlawful enterprise.
 - 5) It shall be unlawful to store a junked vehicle upon private or public property within the town unless stored within a building.

ARTICLE VII: AGRICULTURAL AND NATURAL RESOURCE PROTECTION STANDARDS

Section 701: Agricultural Operations and Irrigation Systems

- A) Agricultural Operations. All farms in existence on 2/22/1982 and all farms which are brought into the Township by annexation shall be a permitted use where the operator can conduct a farming operation. Upon expansion or increase of operations intensity, all applicable regulations contained within the Zoning Ordinance and other Township Ordinances in effect shall be applied to the changes in the farming operation. Setback and other regulations shall apply to farming operations just as they do to residential developments. Any structure exceeding \$1,000 in value to be erected on a farm shall require a building permit and conform to all requirements of the building code.

Section 702: Preservation of Natural Drainageways

- A) Waterways.
- 1) The use of storm sewers is not an acceptable alternative to the use of a natural above ground drainage system to dispose of runoff. Storm sewers may only be used where it can be demonstrated that the use of the above ground natural drainage will inadequately dispose of runoff as determined by the Town Board. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. The natural and constructed waterways may be coordinated with an open space trail system. The trail system shall be confined to the edges and not the bottom of the waterway.
 - 2) The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
 - 3) No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
 - 4) The banks of the waterway shall be protected with a permanent turf vegetation.
 - 5) The banks of the water should not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
 - 6) The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
 - 7) The bed of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, 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 sidewalls. Either gravel or riprap would be allowed to prevent erosion at these points.
- B) Waterway Velocity.
- 1) The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.
 - 2) Flow velocity should be controlled through the installation of diversions, berms, slope drains and other similarly effective velocity control structure.
- C) Sediment Control.
- 1) To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
 - 2) Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control) features during the construction state of development. Development of housing or other structures shall be restricted from the area on either side of the Gateway required to channel a twenty-five (25) year storm.
 - 3) Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.
- D) Maintenance of Erosion Control System.
- 1) The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.
 - 2) Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
 - 3) The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped with natural vegetation and periodically maintained.
 - 4) Prior to the approval of any plat for development, the developer shall make provision for continued maintenance of the erosion and sediment control system.

Section 703: Sewage Sludge

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

- A) A permit to apply sewage sludge on specified parcels of land shall be obtained from the Minnesota Pollution Control Agency. The Douglas Township Clerk or Town Zoning Administrator shall be notified of the proposed permit at least 30 days prior to the date which the permit is approved and issued by the MPCA. Proof of receipt of the letter of approval concerning the MPCA permit shall be required. Such proof of receipt by Douglas Township shall consist, at a minimum, of the written signature of the Douglas Clerk or Town Zoning Administrator, acknowledging receipt of particulars concerning the proposed permit. The failure to produce, upon request, the Townships Clerk's or Town Zoning Administrator's acknowledgment of receipt of information concerning a proposed permit shall invalidate the permit, even if the permit is otherwise approved by the Minnesota Pollution Control Agency.
- B) The Township shall charge a fee of \$150.00 for a Township Evaluation of a Proposed Sewage Sludge Permit. The fee shall include all expenses incurred by Douglas Township for site inspection by Township Officers, and legal advice concerning a proposed permit, and shall be paid by the permit applicant. The completed Township Evaluation of a Proposed Sewage Sludge Permit shall be sent to the MPCA within 30 days after the Township is notified of the proposed permit.
- C) No sewage sludge shall be stockpiled or otherwise placed on the surface of the ground within 1,000 feet of any residence, for time periods which exceed 72 hours. If sewage sludge is stockpiled within 1,000 feet of any residence, the sewage sludge shall be spread and incorporated into the soil by moldboard plow or other suitable implements that result in the sewage sludge being mixed with the

soil to a soil depth of at least six inches, before the 72-hour time period elapses.

- D) If any specific regulation contained within Section 703 differs from any specific regulation established by Dakota County, the Metropolitan Council, the Minnesota Pollution Control Agency, or any other regulatory/policy-making body, the most restrictive specific regulation shall apply to the application of sewage sludge within Douglas Township.

Section 704: Sewage Treatment Standards

Standards for the installation and repair of individual sewage treatment systems (ISTS) or subsurface sewage treatment systems (SSTS) are established by the Minnesota Pollution Control Agency and implemented by Dakota County Ordinance No. 113 Subsurface Sewage Treatment Systems, which ordinance is hereby adopted by reference.

- A) No person shall install, repair, or alter ISTS/SSTS without first obtaining a permit as provided herein. Applications provided by the Township must be completed in writing prior to issuance of a permit. Permit fees are established by the Town Board.
- B) Installation, repair, pumping, and hauling of ISTS/SSTS requires licensing per Dakota County Ordinance No. 113.
- C) Soil percolation tests must be completed and must be favorable for the operation of ISTS/SSTS before a permit will be issued.
- D) Installations, alterations, repairs, maintenance, and inspections shall be performed in accordance with Dakota County Ordinance No. 113.
- E) No ISTS/SSTS shall be permitted on any site less than 1 acre.

Section 705: Tree and Woodland Preservation

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

Section 706: Water Supply

All private water supply systems constructed in the Township shall meet the standards established by the Minnesota Department of Health and regulations adopted by Dakota County in Ordinance No. 114 Well and Water Supply Management.

Section 707: Water Resources Management

The Douglas Township “Water Resources Management Ordinance” and “Erosion Control and Storm Water Management Requirements for Land Disturbances Ordinance” govern the permit requirements and standards for all land disturbances and construction, affecting drainage patterns, surface waters and wetlands.

ARTICLE IX: SIGNS

Section 901: Intent

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

Section 902: Sign Definitions

- A) Abandoned Sign. A sign that has been inactive for a period of at least one year.
- B) Awning Sign. A building sign attached to, affixed to, or painted on an awning.
- C) Building Sign. A building sign is attached to or supported by a building whether it is the wall, window, or roof of the building. This sign type includes awning, canopy, marquee, projecting, roof, and wall signs.
- D) Canopy Sign. A building sign attached to, affixed to, or painted on a canopy.
- E) Freestanding Sign. A sign on a frame, pole, or other, support structure not attached to any building. This sign type includes pylon, post and arm, and monument signs.
- F) Monument Sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

- G) Nonpermanent Sign. A sign structure or device that is easily installed and removed and is not intended or suitable for permanent display due to the construction, materials, placement, or installation.
- H) Off-Premise Sign. A sign whose message is unrelated to the premises or the activity and use occurring on the premises on which the sign is located.
- I) Permanent Sign. A sign structure or device that is intended for permanent display due to the construction, materials, placement, or installation.
- J) Post and Arm Sign. A type of freestanding sign supported by a post and arm.
- K) Pylon Sign. A type of freestanding sign that is usually supported by either one or two poles. They are commonly made with an aluminum or steel frame.
- L) Sign. A device, structure, or fixture which communicates a message using words, graphics, letters, figures, symbols, trademarks, or other visual representations. Painted wall designs or patterns are not considered signs.
- M) Sign Face. The area or display surface used for the message.
- N) Wall Sign. A building sign mounted flat against a wall or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

Section 903: Sign Permits

- A) Applicability. Permanent sign structures shall require a sign permit in all districts.
- B) Application.
 - 1) A sign permit application shall be submitted for all signs requiring a permit.
 - 2) All sign permit applications shall be accompanied by a permit fee according to the adopted fee schedule.
 - 3) A sign permit application shall be accompanied by the following items:
 - a) A site plan and/or building elevations showing the position, height, and dimensions of the sign(s) in relation to all nearby existing or proposed buildings, structures, and property lines.
 - b) Written consent of the property owner of the building or site upon which a sign is to be erected, constructed, or maintained.
 - c) Such other information as the zoning administrator requires to show full compliance with this and all other laws and ordinances.
- C) Review. Sign permits are reviewed administratively by the zoning administrator with a determination made within 30 days from the time an application has been deemed complete.
- D) Appeals.
 - 1) Applicants wishing to appeal a determination by the zoning administrator shall do so in writing within 30 days of said determination.
 - 2) Appeals from the zoning administrator's determination shall be heard by the Board of Appeals and a recommendation made to Town Board.
 - 3) The Board of Appeals shall consider the appeal within 45 days of filing of said appeal by the applicant.
- E) Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. A permit may be renewed, and no additional fee shall be collected for the renewal.
- F) Revocation. The city may revoke a permit when a sign is in violation of this Article or any other ordinance. Any signs installed under a revoked permit shall be removed within 10 days of written notice of the revocation.

Section 904: General Sign Regulations

- A) Applicability. All permanent and nonpermanent signs, except official traffic and street signs, shall conform to the provisions of this section and any other ordinance or regulations of the city.
- B) Sign Area Measurement.
 - 1) The area within the sign face shall be used to calculate the square footage.
 - 2) The area without a sign face shall be determined by drawing a box around the outermost periphery of letters or graphics. The square footage shall be that of the box surrounding the letters or graphics.
 - 3) Each side of a double-faced sign shall be considered in determining the total display surface area. The face shall be that portion of a sign upon which the message, advertisement or similar display is presented, as distinguished from the structural members.

- C) Sign Height Measurement.
 - 1) The height of a sign shall be measured from the existing grade, or, if elevations of the centerline of the nearest frontage street are provided by the sign applicant, this point of elevation may be used rather than the existing grade.

Section 905: Standards for Permanent Signs

- A) Permitted Permanent Sign Types.
 - 1) Awning sign.
 - 2) Canopy sign.
 - 3) Freestanding sign (includes monument, pylon, and post and arm sign types).
 - 4) Wall sign.
- B) Area and Height Limits.
 - 1) Permanent freestanding signs shall not exceed 50 square feet in area without a conditional use permit.
 - 2) Permanent wall signs shall not exceed 1/3 of the building face upon which the sign is attached.
 - 3) Permanent post and arm signs shall not exceed 5 feet in height above existing grade.
 - 4) Permanent monument signs shall not exceed 8 feet in height above existing grade.
 - 5) Permanent pylon signs shall not exceed 25 feet in height above existing grade.
- C) Placement.
 - 1) All permanent freestanding signs shall be setback 20 feet from the property line in all districts.
- D) Materials and Construction.
 - 1) All permanent signs shall be constructed of durable materials using noncorrosive fastenings.
 - 2) All permanent signs shall be constructed in such a manner and of such material to be considered safe and substantial.
 - 3) All permanent signs and supporting structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.
 - 4) Signs which utilize electricity must meet the following provisions.
 - a) Be installed in accordance with the current applicable electrical code.
 - b) All necessary electrical and building permits must be obtained prior to placement.
 - c) Electrical service to freestanding signs shall be underground.
 - d) Exposed wiring or conduit shall not be allowed.
 - e) All work shall be completed by an electrical contractor licensed by the State of Minnesota.
- E) External Lighting.
 - 1) Lighting must be directed at the sign and must be shielded (not be visible to pedestrians, motorists, or neighboring residents or businesses).
 - 2) Lighted signs shall be no closer than 20 feet from the nearest residential property and shall be illuminated only by white or amber light, unless specifically allowed elsewhere in this ordinance.
- F) Public Right-of-Way. Only official identification, directional, or traffic control signs shall be allowed within the public right-of-way.
- G) Off-Premise Signs. Off-premise signs may be allowed in all districts with a conditional use permit.
- H) Maintenance.
 - 1) All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition and in compliance with all applicable building code requirements.
 - 2) All permanent signs shall be properly painted including all parts and supports of the sign unless such parts or supports are galvanized or otherwise treated to prevent rust.
 - 3) Any sign which becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, shall be considered a public nuisance, and shall be repaired or removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within ten days after written notification from the zoning administrator.

Section 906: Standards for Nonpermanent (Temporary) Signs

- A) All permanent freestanding signs shall be setback 20 feet from the property line in all districts.
- B) No more than one nonpermanent signs may be placed on a site at any one time.
- C) Per Minn. Stat. 211B.045, all noncommercial signs of any size may be posted in any number beginning 46 days before the state primary in a state general election year until 10 days following the state general election. The same time limitations shall apply to local elections.
- D) Maintenance. All nonpermanent signs must be maintained and shall be removed if material shows

signs of wear such as fraying, fading, chipping, or other physical damage.

Section 907: Prohibited Sign Types

- A) Prohibited Sign Types.
 - 1) Billboards.
 - 2) Electronic message signs.
 - 3) Flashing lights.
 - 4) Inflatable signs.
 - 5) Marquee signs.
 - 6) Projecting signs.
 - 7) Roof signs.
 - 8) Rotating signs.
 - 9) Signs that produce sound or include a noisemaking device or instrument for any purpose other than regulatory.
 - 10) Signs on or attached to mobile equipment where the sign is a principal use of the equipment on either a nonpermanent or permanent basis.
 - 11) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
- B) Prohibited signs are subject to removal by the city at the owner's expense.

Section 908: Exemptions

- A) The following are not regulated by this ordinance.
 - 1) Building addresses.
 - 2) Historic plaques.
 - 3) Symbolic signs, such as a barber pole, which are traditional and nature and size.
 - 4) Governmental signs for control of traffic and other regulatory or notification purposes as governed under Manual on Uniform Traffic Control Devices (MUTCD) and Minnesota MUTCD.
 - 5) Notices required to be posted by law, including, but not limited to warning signs, dangerous dog, hazardous building, building permit, etc.

Section 909: Abandoned Signs.

- A) An abandoned sign shall be removed by the owner or lessee of the premises upon which the sign is located when the activity related to said sign is no longer conducted on the premises.
- B) If the owner or lessee fails to remove the sign, the zoning administrator shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the zoning administrator may have the sign removed at the owner's expense.

Section 910: Nonconforming Signs

Nonconforming Signs. A nonconforming sign is any sign that was legally established and maintained prior to the date of enactment of this Ordinance but that does not now comply with the provisions of this Section.

- A) A nonconforming sign may not be:
 - 1) Changed to another nonconforming sign.
 - 2) Expanded.
 - 3) Reestablished after a business discontinued for more than one year.
 - 4) Reestablished after damage or destruction of more than 50 percent of its value, as determined by the building official, and no building permit has been applied for within 180 days of when the damage occurred.
- B) Amortization. After the date of enactment of this chapter, nonconforming signs located within any zoning district shall be brought into compliance with this chapter if said sign is to be expanded.
- C) Maintenance and Repair. Nonconforming signs and sign structures may be maintained and repaired.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1001: Zoning Administrator

The Town Board may appoint a Zoning Administrator to perform the functions necessary to

carry out the purpose of this Ordinance. The Zoning Administrator's duties shall include, but are not limited to, the following:

- A) Enforce and administer the provisions of this Ordinance.
- B) Determine whether a permit application is complete and complies with the terms of this Ordinance.
- C) Receive, file, and distribute to the designated official bodies copies of all applications and related documents for appeals, variances, amendments, conditional use permits, as required hereunder and as such bodies deem necessary for them to be able to perform their functions set forth in this Ordinance.
- D) Provide the Town Clerk with information of upcoming meetings and hearings of the Planning Commission in sufficient time to post and/or publish notices of Planning Commission meetings and hearings.
- E) Conduct inspections of building sites and/or uses of land to determine compliance with this Ordinance or any permit granted pursuant to this Ordinance and advise the Town Board of Appeals and Adjustments of compliance.
- F) Issue permits once they have been approved as provided in this Ordinance.
- G) Issue notices of denial to applicants.
- H) Track the application of the 60-day rule to land use requests, provide notices of incomplete applications and deadline extensions to applicants as may be needed, and to keep the Township informed of the applicable deadlines for actions with respect to individual land use requests.
- I) File for record with the Dakota County Recorder or Registrar of Titles all documents required to be filed by law.
- J) To enforce this Ordinance, including through the issuance of violation notices, cease and desist orders, or corrective orders as determined appropriate, and to work with the Town Attorney as needed to administer and enforce this Ordinance.
- K) Make periodic reports to the Town Board of zoning issues and activity and make a report of annual activity at the annual March Town meeting.
- L) To perform such other duties and responsibilities as provided in this Ordinance or as assigned by the Town Board.

Section 1101: Interpretation

- A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are in this Ordinance provided, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B) The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:
 - 1) The singular number includes the plural and the plural the singular.
 - 2) The present tense includes the past and future tenses, and the future the present.
 - 3) The word "shall" is mandatory, and the word "may" is permissive.
 - 4) The masculine gender includes the feminine and neuter genders.
 - 5) Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in the Ordinance, the Board of Appeals shall interpret and define any work or section of the Ordinance.
 - 6) All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.

Section 1002: Enforcement

- A) The Town Board of Douglas Township shall:
 - 1) Undertake the necessary actions to enforce and administer the provisions of this Ordinance.
 - 2) Designate a secretary to receive, file, and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
 - 3) Instruct the Township Building Inspector, or designee, to issue occupancy and building permits, and make and maintain records thereof; also, to conduct inspections of structures and uses of land to determine compliance with the terms of this Ordinance.
 - 4) Assure the maintenance of permanent and current records of this Ordinance, including but not limited to, all maps, amendments and special uses, variance, appeals and applications.
 - 5) Instruct Township representatives and official bodies that permit applications and other zoning actions need to be processed and acted upon within sixty (60) days of the receipt of a completed

application of submittal, unless the Township notifies the applicant (before the 60-day period ends) in writing of the need and reason for a 60-day extension. In no case shall the Township take more than one-hundred twenty (120) days to approve or deny the action, unless a written waiver of time is received from the applicant.

B) Enforcement officer and citation powers.

- 1) Those individuals designated as the Zoning Administrator pursuant to this Ordinance shall be fully empowered to investigate any violations of the requirements or provisions of the various Chapters of the Douglas Township Zoning Ordinance and recommend appropriate enforcement action to the Town Board.
- 2) Upon approval of the Town Board, the Chair of the Town Board or his designee shall authorize, in writing, the appropriate enforcement action.
- 3) When approved by the Town Board and authorized by the Chair of the Town Board or his designee, the Dakota County Sheriff's Department shall be requested to serve all criminal citations upon any firm, person or corporation who violates any of the provisions of the various Chapters of the Douglas Township Zoning Ordinance.
- 4) When approved by the Town Board, any of the individuals designated as the Zoning Administrator pursuant to this Ordinance, shall be empowered to serve all administrative citations upon any firm, person, organization or entity who violates any of the provisions of the various Chapters of the Douglas Township Land Use Regulations.
- 5) Violation Notice Procedures
 - a) Courtesy Notice – The Township shall send the property owner an informational notice regarding Township ordinances and current violations.
 - b) First Notice of Violation – If the violation remains 30 days following the courtesy notice, the Township shall send the first notice of violation.
 - c) Second Notice of Violation – If the violation remains 30 days following the first notice, the Township shall send the second notice of violation.
 - d) Third Notice of Violation – If the violation remains 30 days following the second notice, the Township shall send the third notice of violation.
 - e) Fourth Notice of Violation – If the violation remains 30 days following the third notice, the Township shall send the fourth notice of violation as well as a civil citation in accordance with the Townships annual fee schedule.
 - f) Fifth Notice of Violation – If the violation remains 30 days following the fourth notice, the Township shall send the fifth notice of violation as well as a civil citation in accordance with the Townships annual fee schedule.
 - g) Sixth Notice of Violation – If the violation remains 30 days following the fifth notice, the Township shall send the sixth notice of violation as well as a civil citation in accordance with the Townships annual fee schedule.
 - h) Additional Notices of Violation – If the violation remains 30 days following the sixth notice, the Township shall send a monthly notice of violation as well as a civil citation in accordance with the Townships annual fee schedule until the violation is cleared.
 - i) Repeat Violation – If a property is found to have violated, cleared, and then again violated the same ordinance within a 12-month period then the Township shall begin its enforcement actions with the Fourth Notice of Violation and civil citation in accordance with the Township annual fee schedule.
 - j) The Township reserves the right to pursue any criminal penalty under Section 5.02 of this Chapter upon any firm, person, organization or entity who violates any of the provisions of the various Chapters of the Douglas Township Land Use Regulations.

C) Criminal Penalty

- 1) Any firm, person or corporation who violates any of the provisions of the various Chapters of the Douglas Township Land Use Regulations, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law.
- 2) Each day that a violation continues to exist shall constitute a separate offense.
- 3) All criminal citations issued pursuant to this Section shall be referred to the County Attorney for prosecution as provided under Minnesota Statutes Chapter 609.
- 4) In the event of a violation or threatened violation of any of the provisions of the various Chapters of the Douglas Township Zoning 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.

- 5) Upon motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs, and fees can be assessed against the property.

D) Administrative Penalty

- 1) Any firm, person or corporation who violates any of the provisions of the various Chapters of the Douglas Township Zoning Ordinance, shall be guilty of an administrative offense and shall be subject to the administrative penalties established in this Section.
- 2) Each day that a violation continues to exist shall constitute a separate offense.
- 3) Order to correct; administrative citation.
 - a) Upon the reasonable belief that an administrative offense has occurred, the Zoning Administrator shall serve on the violator an order to correct the violation.
 - b) If compliance is not achieved by virtue of an order to correct, the Zoning Administrator is authorized to issue an administrative citation pursuant to this Section.
 - c) An administrative citation shall be presented in person or by mail to the person responsible for the violation.
 - d) The citation shall state the date, time, and nature of the offense, the name of the official issuing the citation, the amount of the scheduled civil fine, and the manner for paying the fine or appealing the citation by requesting a hearing before the Board of Adjustment.

E. Civil Fine

- 1) An administrative offense shall be subject to a civil fine. The amount of a civil fine may not exceed the amount of the maximum fine allowed if each violation had been prosecuted as a misdemeanor.
- 2) The Township Board of Supervisors shall adopt by resolution a schedule of civil fines for administrative offenses for which a citation has been issued. The Zoning Administrator shall adhere to this schedule of fines in issuing administrative citations pursuant to this Section.
- 3) The person responsible for the violation shall either pay the scheduled civil fine or request a hearing before the Board of Adjustment within twenty-five (25) days after issuance of the administrative citation. The Board of Adjustment has sole authority to uphold the full enforcement of the citation and civil fine or dismiss the citation and/or waive the scheduled civil fine.
 - a) A late payment fee of ten percent (10%) of the civil fine amount shall be imposed if the person responsible for the violation fails to pay the civil fine within twenty-five (25) days after issuance of the administrative citation or fails to request a hearing pursuant to this Section.
 - b) If a civil fine is not paid within the time specified and no request for a hearing is received, the nonpayment of the civil fine shall constitute a personal obligation of the violator that may be collected by any appropriate legal means. If the action warranting the fine requires corrective measures to bring the action into full compliance with Douglas Township Zoning Ordinance, the Township may undertake such corrective measures on its own accord and assess the applicable property for the full cost of carrying out such measures.
- 4) Nothing in this Section shall be construed to limit the Township's other available legal remedies for any violation of the Douglas Township Land Use Regulations, including the prosecution of criminal, civil, or injunctive actions against the offender.

F) Prosecution of Violations

All criminal and administrative citations issued pursuant to the provisions of the various Chapters of the Douglas Township Zoning Ordinance and Sections 1002B and 1002C of this Ordinance shall be referred to the Township or County Attorney for prosecution as provided under Minnesota Statutes Chapter 609

Section 1003: Maintenance of Records

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

- A) Maintain permanent and current records of this Ordinance, including but not limited to, all maps, amendments and special uses, variances, appeals and applications, therefore.
- B) Receive, file and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

Section 1004: Planning Commission

- A)** Douglas Township Planning Commission. The Douglas Township Planning Commission shall have the following duties and responsibilities:
- 1) To study, report and make recommendations on all zoning applications, variance requests, rezoning requests, Subdivisions, and amendments to the Development Code and the Comprehensive Plan prior to approval or adoption of the amendment by the Township Board.
 - 2) Conduct the public hearings required or provided for under this Ordinance.
 - 3) Develop findings of fact and make recommendations to the Town Board on matters coming before it for consideration.
 - 4) To recommend the issuance of and amendments to Planned Unit Development Permits, Interim Use Permits, and Conditional Use Permits for one or more categories of conditional uses authorized by the Douglas Township Development Code. Such other duties as the Douglas Township Board may prescribe. The Planning Commission does not have the authority to hire professionals, contract, or to otherwise bind the Township to an obligation.
- B)** Planning Commission Membership and Meetings.
- 1) Planning Commission: The Planning Commission shall be composed of six (6) members, five (5) of whom shall be voting members.
 - 2) All voting members shall be registered voters who reside within the geographic boundaries of Douglas Township. One (1) member shall be a Township Board Supervisor, who shall be a non-voting, ex-officio member.
 - 3) Member Terms: Each citizen member serves for a period of three years with the terms being staggered such that no more than two (2) members' terms expire in any one (1) year. Members of the Planning Commission may be reappointed to the Commission at the end of their 3-year term without a limit on the number of terms. The Township Supervisor serving on the Planning Commission shall serve for a period of one (1) year but may be reappointed for another term without limits.
 - 4) Election of Officers and Meeting Proceedings: The Planning Commission shall elect a chair and vice-chair and secretary from among its voting members at the first regular Planning Commission meeting after the Township Annual Meeting. The secretary shall take minutes of all Planning Commission meetings and Public Hearings. Minutes of each meeting of the Planning Commission shall be maintained in the Office of the Township Clerk. The Planning Commission chair shall communicate all recommendations to the Town Board through the Township Clerk.
 - 5) Meetings and Quorum: A majority of the members shall constitute a quorum and a majority of the quorum is sufficient to conduct business and take action. The chairperson has full voting privileges at all times, may vote on any issue and need not confine his/her voting to break ties. The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings. The Planning Commission shall meet at such time and place as designated on an as-needed basis for the purpose of conducting its business. Said meetings shall be noticed in accordance with the open meeting law and applicable statutes and ordinances. The Planning Commission shall conduct the public hearings for all zoning applications that are required to be conducted by the Township. After input from the public and deliberation by the Planning Commission, the Planning Commission shall make a recommendation regarding the application to the Town Board. Said recommendation shall include appropriate findings of fact or conditions as may be necessary to process the application. The recommendation of the Planning Commission shall be forwarded to the Town Board to be acted upon at the next regularly scheduled meeting or at such time as the Town Board shall designate.

Section 1005: Zoning Amendments

- A)** Procedure
- 1) An amendment to the text of the Ordinance or a change to the Zoning Map may be initiated by the Town Board, the Planning Commission or by application of a property owner. Individuals wishing to initiate an amendment to the zoning ordinance shall fill out an application and submit it to the Secretary of the Planning Commission or Town Clerk, together with a fee payable to the Township Clerk in the amount listed in the adopted fee schedule.
 - 2) When a zoning map amendment involves changes in district boundaries or parcel zoning, property owners within 350 feet of the subject property shall be notified, although failure of any property owner to receive such notification will not invalidate the proceeding. Notification shall be

by mail.

- 3) The Planning Commission shall hold a public hearing at the next available meeting after receipt of application and appropriate publishing and mailing of notice. Notice of said hearing shall be published in the official newspaper designated by the Town Board at least 10 days prior to the hearing.
- 4) A decision of the Planning Commission as it relates to a Zoning Amendment is a recommendation to the Douglas Town Board. The matter will be placed on the next Douglas Town Board Regular Agenda and a final decision will be made by the Douglas Town at which time the decision will take effect and shall be considered final. An applicant may appeal such decision by filing an appeal as provided in Minn. Stat. § 462.361 or as may otherwise be provided in law.
- 5) The Town Board must take action on the application within sixty days following referral by the Planning Commission. The person making the application shall be notified of the outcome of the Town Board action. The Town Board shall maintain records of amendments to the text and zoning map of the Ordinance.
- 6) No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or change of circumstances warrant it.

Section 1006: Conditional Use Permits

- A) Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Town Board shall consider the advice and recommendations of the Planning Commission if it finds that such use at the proposed location:
 - 1) Will not be detrimental to or endanger the public health, safety, or general welfare of the neighborhood or the city.
 - 2) Will be harmonious with the objectives of the comprehensive plan and city code provisions.
 - 3) Will be designed, constructed, operated and maintained so as to be compatible or similar in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area, nor substantially diminish or impair property values within the neighborhood.
 - 4) Will be served adequately by existing (or those proposed in the project) essential public facilities and services, including streets, police and fire protection, drainage, structures, refuse disposal, water and sewer systems and schools.
 - 5) Will not involve uses, activities, processes, material equipment and conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - 6) Will have vehicular ingress and egress to the property which does not create traffic congestion or interfere with traffic on surrounding public streets.
 - 7) Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance and will comply with all local, state, and federal environmental quality standards.
 - 8) These standards apply in addition to specific conditions as may be applied throughout this code.
- B) In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:
 - 1) Limiting the height, size or location of buildings.
 - 2) Controlling the location and number of vehicle access points.
 - 3) Increasing the street width.
 - 4) Increasing the number of required off-street parking spaces.
 - 5) Limiting the number, size, location or lighting of signs.
 - 6) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
 - 7) Designating sites for open space.

Any change involving structural alterations, enlargement, intensification of use, or similar change not

specifically permitted by the conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Town Clerk shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the Town Board, time limits, review dates and such other information as may be appropriate.

B) Procedure

- 1) The person applying for a conditional use permit shall fill out and submit to the Planning Commission Secretary or Town Clerk an application together with a fee payable to the Township Clerk in the amount listed in the fee schedule.
- 2) The application shall be referred to the Planning Commission. A notice of the time, place and purpose of a public hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. Notification shall be made to property owners of record within one quarter mile of the affected property or to the ten properties nearest to the affected property, whichever would allow for the greatest number of owners. However, failure of any property owner to receive notification shall not invalidate the proceedings. Notification shall be made by mail.
- 3) The Planning Commission shall hold a public hearing at the next available meeting after receipt of application and appropriate publishing and mailing of notice.
- 4) The applicant or representative is strongly recommended to appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- 5) The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission.
- 6) A decision of the Planning Commission as it relates to a conditional use permit is a recommendation to the Douglas Town Board. The matter will be placed on the next Douglas Town Board Regular Agenda and a final decision will be made by the Douglas Town Board with conditions if found necessary to protect the public health safety and welfare of the community, at which time the decision will take effect and shall be considered final. An applicant may appeal such decision by filing an appeal as provided in Minn. Stat. § 462.361 or as may otherwise be provided in law
- 7) An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit except that a reduced fee as determined in the adopted fee schedule. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
- 8) No application for a conditional use permit shall be resubmitted for a period of six months from the date of said order of denial.
- 9) If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten days prior to the review; it shall be the responsibility of the Clerk to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted at the discretion of the Town Board.

Section 1007: Interim Use Permits

An Interim Use Permit shall be required for uses which are temporary in nature and are allowed for a specified period of time. Interim Uses must be identified as an interim use within the zoning district in which a permit is sought. The criteria for granting Interim Use Permits shall be similar to the criteria for issuing Conditional Use Permits, as outlined in Section 1006. The procedure for considering Interim Use Permits shall be the same as the procedure for Conditional Use Permits Section 1006, except where more restrictive provisions of other sections of this Ordinance may apply.

Section 1008: Variances

A) Criteria for Granting Variances. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- 1) "Practical difficulties," as used in connection with the granting of a variance, means:

- a) That the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
 - b) The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - c) If granted, the variance will not alter the essential character of the locality.
 - 2) Economic considerations alone do not constitute practical difficulties.
 - 3) Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
 - 4) Variances shall be granted for earth sheltered construction as defined in Minnesota Statute Section 216C.06, Subdivision 14, when in harmony with the ordinance.
 - 5) In evaluating all variances, the Board may require the property owner to address storm water runoff management, reducing impervious surfaces, increasing setback, restoration of wetlands, vegetative buffers, sewage treatment and water supply capabilities, and other conservation-designed actions.
- B) Procedure.
- 1) Application. The person applying for a variance shall fill out and submit to the Town Clerk an application together with a fee made payable to the Township Clerk in the amount listed in the fee schedule. The application shall be forwarded to the Town Board
 - 2) Public Hearing.
 - a) The Board shall hold a public hearing on the proposal during the month following receipt of such request.
 - b) A notice of time, place, and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. Property owners within 500 feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.
 - c) The petitioner or his representative shall appear before the Board in order to answer questions concerning the proposed variance.
 - 3) Final Decision. The Board must take action on the application within sixty (60) days of the public hearing. The Town Board is the Board of Appeals and Adjustment and shall decide whether to grant a variance and the conditions to be placed on the variances it issues. The decision of the Town Board regarding a variance is final, subject to judicial review. The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

Section 1009: Building Permits

- A) Procedure. For the purposes of enforcing this Ordinance, a building permit shall be required of all persons intending to erect, alter, demolish or move any building the cost of which action would exceed one thousand dollars.
- 1) Persons requesting a building permit shall fill out a building permit form available from the Town Clerk. A permit fee shall be charged as according to the fee schedule kept on file by the Township Clerk. In the event construction is started before a building permit is obtained, the fee shall be doubled.
 - 2) Completed building permit forms and a fee based on building valuation shall be returned to the Town Board.
 - 3) The Town Board within 45 days must take action to either approve or reject the building permit request. The Town Board may request the application and to make a recommendation regarding its passage or denial.

Section 1010: Fees and Escrow

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

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

The Town Board may, at the developer's expense, retain or call upon professionals for assistance in reviewing, processing, and determining compliance of application requests with this ordinance. If such review is determined necessary, an administrative fee and escrow will be required for deposit prior to commencement of review or processing of any application. The applicant shall submit the required amount for escrow to the Township at the time of submission of the application or the application shall be deemed incomplete and will not be processed. Any escrow funds not used to pay for the professional services will be returned to the applicant. Likewise, if the professional review process is more costly than the initial escrow deposit, the applicant will be required to pay the additional amount for services prior to receipt of the approval or permit.

ARTICLE XI: DEFINITIONS

Section 1101: Definitions

- 1) **Accessory Structure** – A structure or building, with or without a roof and/or walls, detached from a principal building located on the same lot and incidental and subordinate to the principal building
- 2) **Accessory Use** - A use of land or a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- 3) **Agricultural Service Establishments** - Land uses primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis including ; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services; training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agricultural produce grown on the site, and other similar uses. This does not include sale of farm equipment or implements on a regular basis.
- 4) **Agricultural Structure** – Shall include all non-residential structures specifically designed and utilized for agricultural purposes. Such structures shall include, but not be limited to pole barns, grain storage structures, storage structures for agricultural equipment, animal shelters, and irrigation systems.
- 5) **Agricultural Use** – The management of land for production of farm crops such as vegetables, fruit trees, grain and other crops, and their storage on the area, as well as for the raising thereon of domestic and non-domestic farm animals, including but not limited to horses, cattle, sheep, swine and poultry, bees and apiaries, in enclosed buildings, pastures, or feedlots. Feedlots with more than thirty (30) animal units found on farms of less than eighty (80) acres shall be considered conditional uses.
- 6) **Animal Unit** – A unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by slaughter steer or heifer. For purposed of this rule, the following equivalentents shall apply:

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

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

- 7) **Basement** – A portion of a building located partly underground with more than 50% of its floor to ceiling height below the average grade of the adjoining ground. Split level, split entry and earth sheltered homes shall be construed to satisfy basement requirements.
- 8) **Berm** – A shelf or raised flat area that breaks the continuity of the slope of the land.
- 9) **Building** – See “Structure”.
- 10) **Commercial Use** – See “Retail Commercial” and “Wholesale Commercial”.
- 11) **Conditional Use** – Any use of land which is not a permitted use, but which may be allowed if special conditions can be met so as to render the conditional use compatible with the surrounding land uses and not be contrary to the intents of this Ordinance. A conditional use requires granting to a conditional use permit by the local governmental body following a public hearing.
- 12) **Drainage System** – Any natural or artificial means used to drain or store water, including but not limited to streams, rivers, creeks, and ditches and including structures such as culverts, drainage tiles, and dams, and water storage basins such as lakes or ponds, either natural or man-made.
- 13) **Duplex** – A detached dwelling unit designed or modified for occupancy by two families.
- 14) **Essential Services** – Means underground or overhead gas, electrical, steam, or water distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, street signs, hydrants or other similar equipment and accessories in conjunction therewith, including associated equipment enclosure buildings (but not including any other buildings or commercial use antenna towers), which system are owned and operated by public utilities or by municipal or other governmental agencies for the purpose of providing an essential service to the public but not including antenna structures or transmission services.
- 15) **Exterior Storage** – The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a structure.
- 16) **Family** – An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
- 17) **Feedlot, Animal** – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. All animal feedlots must meet the Minnesota Pollution Control Agency’s rules for the control of pollution from animal feedlots contained in 6MCAR4.8051.
- 18) **Floor Area** – The sum of the gross horizontal area of the several floors of a building or dwelling unit, measured from the exterior walls, or from the centerline of a party wall separating buildings, excluding basements.
- 19) **Historic Site** – Structure or body of land or water of historic archeological, paleontological, or architectural content or value which has been designated as a historic site in the Federal Register of Historical Landmarks or by the Minnesota Historical Society or by resolution of a local governmental unit.
- 20) **Home Occupation** – Any gainful occupation or profession engaged in by the occupant of the dwelling when carried on within the dwelling unit, but not within an accessory structure. Additional

- performance standards for the home occupation may be required by the Planning Commission.
- 21) **Industry** – All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials.
 - 22) **Institutional Uses** – The use of land under public or semi-public ownership which provides a benefit or service to the public. These uses shall include, but not be limited to schools, hospitals, churches, cemeteries, and fraternal organization meeting places and public recreational uses.
 - 23) **Interim Use** – A temporary use, which is not a permitted use or conditional use, and requires a special use permit to be granted according to certain requirements and procedures outlined in this Ordinance. An Interim Use must be listed as such within the zoning district in which the use is requested.
 - 24) **Junk Yard** - Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baked, or packed, disassembled, kept, stored or handled, Including but not limited to scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. It does include uses established entirely within enclosed buildings. It does not include sanitary landfills that are licensed by Dakota County and meet all the requirements of the Dakota County Solid Waste Ordinance.
 - 25) **Junked Vehicle** - A vehicle which is not properly licensed for operation, or the condition of which is wrecked, dismantled, partially dismantled, used for sale of parts, or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, or has flat tires or is otherwise inoperative.
 - 26) **Lot** – is a parcel or portion of land established by plat, metes and bounds subdivision, or as otherwise permitted by law, and which is occupied by or intended to be developed for an occupied by a principal building or utilized for a principal use, including such open spaces and yards as are designed and arranged or required by this title for such building, use or development
 - 27) **Lot Area** – The area of a lot in a horizontal plane bounded by the front, side or rear lot lines.
 - 28) **Lot, Corner** – A lot situated at the junction of, and abutting on two or more intersecting streets.
 - 29) **Lot Depth** – The mean horizontal distance between the front lot line and the rear lot line of a lot.
 - 30) **Lot Line** – The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this ordinance.
 - 31) **Lot of Record** – Any lot which is one (1) unit of a plat heretofore duly approved and filed, or one (1) unit of an Auditor's Subdivision or a Registered Land Survey, or a parcel of land not so platted, subdivided or registered but for which a Deed of Contract for Deed, Auditor's Subdivision or Registered Land Survey has been recorded in the office of the Register of Deeds or Registrar of Titles for Dakota County, Minnesota, prior to the February 22, 1982
 - 32) **Lot, Through** – A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
 - 33) **Lot Width** – The width measured along the front yard setback line.
 - 34) **Mineral Extraction** – The excavation, crushing, screening, blending, stockpiling and removal of sand, gravel, rock, clay, and other non-metallic minerals from the ground.
 - 35) **Mobile Home** – A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on the site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; except that the term herein includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the state of Minnesota and complies with the standards established under this title.
 - 36) **Mobile Home Park** – Any premises larger than ten acres on which lots are rented for the placement of at least ten nontransient occupied mobile homes.
 - 37) **Motel/Hotel** – A structure or group of structures used primarily for the temporary residence of motorists or travelers.
 - 38) **Multiple Family Dwelling**– Three or more dwelling units in one structure.
 - 39) **Noxious Weed** – Any plant whose presence is deleterious to the agricultural community as determined by the County weed inspector.
 - 40) **On-Site Sign** – Any sign located on the lot of the use it advertises.
 - 41) **Off-Site Sign** – Any sign not located on the lot of the use it advertises.

- 42) **Principal Structure or Use** – The purpose or activity for which the land, structure, or building thereon is designed, arranged or intended or for which it is occupied or maintained.
- 43) **Quarter Quarter Section** – An approximately 40-acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter section in the United States Government System of rectangular land survey.
- 44) **Recreation, Commercial** – A privately owned business offering recreational facilities, services, or equipment for a fee, including but not limited to private golf courses, theaters, bowling alleys, boat launches, etc.
- 45) **Recreation, Public** – Includes all uses such as tennis courts, ball fields, picnic areas, and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.
- 46) **Retail, Commercial Use** – Any use of land and incidental structures used for the display and sale of goods and services including eating and drinking establishments.
- 47) **Setback** – Means the minimum horizontal distance between a lot line and a building line or use.
Single Family Dwelling – A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one familial unit, but not including motels/hotels
- 48) **Short-Term Rental:** Any dwelling or portion thereof that is available for use or is used for overnight accommodations or lodging to guests for compensation, for periods of less than 30 consecutive days.
- 49) **Sludge** – The organic and inorganic residue that settles on the bottom of sedimentation tanks during primary, secondary, or tertiary treatment of sewage.
- 50) **Structural Alteration** – Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
- 51) **Structure** – Anything constructed, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground.
- 52) **Structure, Non-conforming** – Any structure or building lawfully existing at the time of adoption of this Ordinance which does not comply with the performance standards of this Ordinance or any structure or building lawfully existing prior to the adoption of an amendment which would not comply with the amended regulations.
- 53) **Substandard Lot** – A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, length of water frontage, or other dimensional standards of this Ordinance.
- 54) **Temporary Housing Quarters** – Housing quarters supplied for agricultural workers that are incorporated into accessory structures and are an integral part of the farmstead.
- 55) **Use, Nonconforming** – A use of land, building or structure lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance or any use of land, building, or structure lawfully existing prior to the adoption of an amendment which would not comply with the amended regulations.
- 56) **Use, Permitted** – A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.
- 57) **Variance** – A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties.
- 58) **Warehouse** – An enclosed building used principally for the storage of equipment and materials and may include packing and crating.
- 59) **Wholesale, Commercial Use** – Any use of land or incidental structure used principally for the storage of equipment and materials
- 60) **Zoning Administrator** – That individual designated by Douglas Township to administer this Ordinance.
- 61) **Zoning District** – An area or areas within the limits of the Douglas Township for which the regulation and requirements governing land use are uniform.

ARTICLE XII: ZONING MAP

Section 1201 Zoning Map: