

RAVENNA TOWNSHIP ZONING ORDINANCE
ORDINANCE NUMBER 01-2021

RAVENNA TOWNSHIP
DAKOTA COUNTY, MINNESOTA

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**RAVENNA TOWNSHIP
DAKOTA COUNTY, MINNESOTA
Ordinance No. 01-2010**

THE BOARD OF SUPERVISORS OF THE TOWN OF RAVENNA ORDAINS:

The Town Board of Ravenna Township hereby adopts this ordinance pursuant to its authority under Minnesota Statutes, sections 462.351-.364, and such other law as may apply, to regulate the location, size, use and height of buildings, the arrangement of buildings on lots, the use of property, and the density of population and for the purpose of promoting the public health, safety, order, convenience, prosperity and general welfare in said Township, and for said purpose, to divide the Township into Districts, and make different regulations for different Districts. The authority provided townships in Minnesota Statutes, sections 366.10-.181 was not relied on for this ordinance and the procedures and requirements of those sections do not apply to this ordinance.

Section 010: Title and Repealer

This Ordinance shall be known, cited, and referred to as the Ravenna Township Zoning Ordinance and hereinafter referred to as this "Ordinance".

This Ordinance replaces the Township's previous zoning ordinance, and that prior ordinance is hereby repealed. The repeal of the Township's previous zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the Township's earlier ordinances. References in this Ordinance to its effective date are to the original effective date of the particular section or regulation to which the reference relates.

Section 020: Legislative Intent and Statement of Purpose

It is the intent of this Ordinance to identify and classify all lands within the boundaries of Ravenna Township, Dakota County, Minnesota (the "Township"), according to their most logical and appropriate long-term use, as established in the Ravenna Township Comprehensive Plan, and in accordance with Executive Order 79-19, designating the Mississippi River corridor as a Critical Area, and in accordance with the goals and intent of the Mississippi National River and Recreation Area, approved May 22, 1995.

It is the purpose of this Ordinance to:

- Preserve the rural character of the Township;
- Preserve the right to farm in the Township;
- Protect the public health, safety, comfort, convenience and general welfare;
- Protect and preserve lands for long-term agricultural use;
- Promote well-managed and staged development of residential, recreational and public areas;
- Conserve and manage the use of natural resources; and
- Provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.

Section 030: Rules and Application of this Ordinance

030.1 Rules

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

- 1) The singular 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 this Ordinance, the word or term shall be construed according to the rules of grammar and according to their common and approved usage. Any question as to the meaning of a word or term used in this Ordinance shall be determined by the Board of Adjustment and Appeals.
- 6) All measured distances expressed in feet shall be to the nearest 1/10 of a foot.
- 7) Land within the 100-year floodplain shall not be included in calculating the area available for development.
- 8) If a use is not listed as permitted in a zoning district or overlay district, it is not allowed.
- 9) General words are construed to be restricted in their meaning by preceding particular words.

030.2 Application of this Ordinance

- 1) In the interpretation and application of this Ordinance, the provisions contained herein shall be held to be the minimum requirements for the promotion of health, safety, morals and welfare.
- 2) Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, statute, rule, ordinance, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- 3) Except as specifically provided for in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner that does not conform to this Ordinance.
- 4) Land within the Township is also subject to the ordinances of Dakota County. Depending on the nature of a particular proposed use, it may be necessary to obtain permits or permissions from both the Township and the County, as well as the State. The granting of a permit from one governmental entity does not constitute approval for any other governmental entity unless the approval expressly provides otherwise.

030.3 Separability

It is hereby declared to be the intention that the several provisions of this Ordinance are separable in accordance with the following:

- 1) If any court of competent jurisdiction determines any provisions of this Ordinance is invalid, such determination shall not affect any other provisions of this Ordinance not specifically included in said determination.
- 2) If any court of competent jurisdiction determines any provision of this Ordinance is invalid as applied to any particular property, building or structure, such determination shall not affect the application of the provisions of this Ordinance to any other building, structure, or use on the property or to any other property, building, structure, or use in the Township.

030.4 Effect

The Township's issuance of a permit pursuant to this Ordinance, or a person's compliance with the provisions of any such permit or of this Ordinance, does not relieve any person from any responsibility or liability otherwise imposed by law for their actions. Furthermore, the Township's issuance of a permit does not guarantee the building, or structure is properly built or is otherwise suitable for any particular purpose. The Township and its officers, employees, and agents are not liable for any injury or damage to persons or property arising from the construction or use of any structure, building, or property whether undertaken in conformance with this Ordinance or otherwise. Every person is responsible for complying with all applicable federal, state, and local laws, rules, codes, and regulations and the Township's issuance of a permit does not relieve the permittee of the responsibility for securing and complying with any other permits or permissions which may be required by any other law, rule, code, ordinance or regulation.

030.5 County Regulations and Township SSTS Regulations

Dakota County has adopted shoreland regulations, floodplain regulations, and subdivision regulations. This Ordinance does not adopt, nor shall it be construed as adopting, any portion of those regulations and the Township is not assuming any responsibility for the administration or enforcement of those regulations.

- 1) Shorelands and Floodplains. Those portions of the Township designated as shoreland or floodplain areas by the County shall be treated as overlay districts for the purposes of this Ordinance and the land within them shall be subject to the regulations of both this Ordinance and of the applicable County ordinances.
- 2) SSTS. The County administers and enforces the state regulations related to subsurface sewage treatment systems ("SSTS") within shoreland and floodplain areas. The Township administers and enforces SSTS regulations within the Township consistent with Minnesota Rules, Chapters 7080-7083 outside of shoreland and floodplain areas. The County has established SSTS regulations that are stricter than those contained in state law. In order to be consistent with those more restrictive provisions, the Township hereby adopts by reference, and incorporates into this Ordinance, Dakota County Ordinance 113 (as amended), except the Township does not administer or enforce those regulations within designated shoreland or floodplain areas. The Minnesota Pollution Control Agency ("MPCA") requires SSTS inspectors to maintain adequate training and certification regarding installation techniques and regulations relating to SSTS. The MPCA licenses SSTS designers, installers, maintenance providers, and inspectors and maintains a list of those license professionals.

Section 050: Administration

050.1 Responsibilities of the Township

- 1) Receive and process applications submitted pursuant to this Ordinance.
- 2) Instruct the Building Inspector to issue occupancy and building permits, make and maintain records thereof, and conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- 3) Provide for the ongoing keeping and maintenance of this Ordinance and related documents including maps, amendments, permits, variances, appeals and applications thereof.

050.2 Planning Commission

The Town Board has established the Ravenna Township Planning Commission ("Planning Commission"), which is hereby reaffirmed by the adoption of this Ordinance.

050.2.1 Powers and Duties

The Planning Commission shall have the duties provided by Minnesota Statutes, Chapter 462 and as follows:

- 1) Conduct the public hearings required or provided for under this Ordinance, except those to be conducted by the Board of Appeals and Adjustments, as provided in this Ordinance;
- 2) Develop findings of facts and make recommendations to the Town Board on matters coming before it for consideration;
- 3) Periodically review and make recommendations regarding proposed amendments to the Township Comprehensive Plan and this Ordinance; and
- 4) Perform such other duties as may be provided in law, this Ordinance, or as directed by the Town Board.
- 5) The Planning Commission does not have the authority to hire professionals, contract, or to otherwise bind the Township to an obligation.

050.2.2 Composition

The Planning Commission shall consist of seven voting members. A majority of members constitutes a quorum to conduct the Planning Commission's business. Each Planning Commission member, including the Chair and Vice-Chair, shall have one vote on all matters acted upon by the Planning Commission. A member must be present at a meeting to vote.

050.2.3 Appointment and Vacancies

The Town Board shall appoint the Planning Commission members. Vacancies occurring on the Planning Commission shall be filled by Town Board appointment for the remainder of the term of the position.

050.2.4 Term

Planning Commission members serve at the pleasure of the Town Board and are appointed for a term of two years. Members serve until a successor is appointed and qualifies. The terms of the offices shall be staggered to the extent possible to minimize the number of members with terms expiring in the same year.

050.2.5 Officers and Duties

The Planning Commission shall appoint from among its members a Chair and Vice-Chair. The Township Clerk-Treasurer shall serve as Secretary to the Planning Commission and shall not have a vote. The Chair shall be the presiding officer for Planning Commission meetings as needed and shall perform such other duties as designated by this Ordinance or assigned by the Town Board. The Vice-Chair shall conduct the duties of the Chair in the Chair's absence. The Secretary shall provide notices, keep records of the Planning Commission's proceedings, and countersign the Chair's signature on Planning Commission documents.

050.2.6 Compensation

The Town Board shall determine if members will be compensated for their service on the Planning Commission, determine the amount of compensation if provided, and the policy for reimbursing necessary expenses incurred in carrying out the Planning Commission's duties.

050.2.7 Rules and Procedures

The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings.

050.2.8 Meetings

The Planning Commission shall hold regular meetings as needed. The Chair or Vice-Chair, together with the consent of at least one other Planning Commission member and with permission of the Town Board, may call special meetings as needed to conduct the Planning Commission's business. The Planning Commission shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order. Members of the Planning Commission shall be in attendance at a minimum of 75% of regular meetings. Any member who attends fewer than 75% of the regular meetings may be removed by the Town Board.

050.2.9 Conflict of Interest. Any Planning Commission member who has a conflict of interest on any issue before the Planning Commission shall not be allowed to participate as a commission member on that issue.

050.3 Board of Appeals and Adjustments

The Ravenna Board of Appeals and Adjustment is hereby established, and the Town Board supervisors shall serve as the Board of Appeals and Adjustments. The Board of Appeals and Adjustments shall elect a Chair and Vice-Chair from among its members and shall appoint a Secretary who may or may not be selected from the members of the Board. The Board of Appeals and Adjustments shall develop a public record of its proceedings which shall, to the extent practicable, include its findings and rational in support of the actions it takes on matters it hears.

050.3.1 Powers and Responsibilities of the Board of Appeals and Adjustments

The Board of Appeals and Adjustments shall have the following power and duties:

- 1) To review, hold hearings on, and take final action on all applications for variances;
- 2) To hear and decide appeals from any order, requirement, decision, or determination made by any administrative officer of the Township, excluding final decisions of the Town Board, in the enforcement of this Ordinance; and
- 3) To make a final determination on questions concerning the interpretation of this Ordinance and of the zoning map.

050.4 Building Inspector

The Town Board shall designate a Building Inspector who shall serve at the pleasure of the Town Board. The Building Inspector shall assist the Township in the application, administration, and enforcement of the building code and to perform such other duties as provided in this Ordinance or as directed by the Town Board.

050.5 Zoning Administrator

The Town Board may appoint a Zoning Administrator to assist in the administration and enforcement of this Ordinance. The Zoning Administrator shall serve at the pleasure of the Town Board. If the Town Board does not appoint a Zoning Administrator, the Township Clerk-Treasurer shall serve as the Zoning Administrator and that person shall be assisted by the Building Inspector, Town Engineer, Town Attorney, and such other persons as needed in order to properly administer and enforce this Ordinance.

050.6 Township Forms

All applications and petitions made pursuant to this Ordinance must be made on forms provided by the Township. Incomplete applications or petitions, or those made on forms other than those provided by the Township, shall be rejected. An application or petition shall be considered incomplete and will not be processed if it is not accompanied by the required fee and administrative fee deposit (if applicable) or does not contain such other information as the Township may reasonably require in order to properly consider the request.

050.7 Taxes and Fees Paid

No application for a permit or permission required by this Ordinance shall be considered complete, and no application will be processed, unless there are no delinquent property taxes, special assessment, service charges, penalties, or interest on any property the applicant owns within the Township, and the applicant has no unpaid zoning related application fees, administrative fees, fines, or penalties due to the Township.

050.8 General Procedure

Applications made pursuant to this Ordinance shall be filed with the Township Clerk-Treasurer along with any required documents and fees. The Township Clerk-Treasurer and Town staff shall review the application to make sure that it is complete. If an application is not complete, written notice explaining what information is missing will be sent to the applicant within 15 business days of the Township's receipt of the application. After the Township Clerk-Treasurer receives a complete application and, if required by this Ordinance or state statute, the Planning Commission shall hold a public hearing on the application as provided in this Ordinance. If a hearing is required, the Planning Commission will generally attempt to schedule it within 30 days from receipt of a completed application. A notice of the public hearing shall be published and mailed as required by state statute and this Ordinance. The public hearing shall be preceded by a notice that shall be published and mailed for the applicable time period as required by state statute or this Ordinance. Failure of any property owner to receive a notice shall not invalidate the proceedings. After the Planning Commission has reviewed the application, it shall forward its recommendation to the Town Board. The Town Board shall take action on the application within the time period required by state statute, which is generally within 60 days of receipt of a completed application, unless the time frame is extended, or the application is withdrawn. These timelines are intended to be general guidelines for processing requests and are not necessarily binding on the Township. The Township shall comply with the timelines required by law and nothing in this Ordinance shall be intended, or shall be construed, to alter the law as it applies to land use applications or to extend the law to requests not within the scope of Minnesota Statutes, section 15.99 as interpreted by the courts. Requests for subdivisions shall be processed in accordance with the timelines provided in Minnesota Statutes, section 462.358, subdivision 3b to the extent they are applicable to the particular request.

050.9 Permit Expiration

- 1) Unless a different expiration date is expressly established in law or in this Ordinance, every permit issued for a use pursuant to this Ordinance shall expire and be rendered null and void if the use authorized by the permit is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. Upon written request, the Town Board may grant one written extension for up to one year for the substantial start of a use.
- 2) Unless a different expiration date is expressly set out in the Township's approval or in an applicable development agreement, an approval issued for any form of subdivision identified in

this Ordinance shall expire within 12 months of the Town Board's final approval if all documents required to complete the subdivision are not completed and recorded in the office of the County Recorder or Registrar of Titles. Upon written request, the Town Board may grant one written extension for up to one year to complete the preparation and recording of all required documents.

A permit issued for the construction, alteration, or expansion of a structure shall expire and become invalid if the work authorized by the permit is not commenced within 180 days from the date of issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work commenced. Upon written request, the Building Inspector may grant, in writing, one or more extensions of time, for periods not to exceed 180 days each.

Section 053: Appeals

053.1 Procedure

- 1) An appeal may be taken by any person aggrieved from an alleged error in any order, requirement, decision or determination made by a Town administrative officer in the enforcement of this Ordinance. An appeal must be initiated by filing a petition with the Township Clerk-Treasurer within 60 days from the date of the order, requirement, discussion or determination being appealed. Any appeal of a final decision of the Town Board is to be brought to district court as provided in Minnesota Statutes, section 462.361.
- 2) The Township Clerk-Treasurer shall refer all properly brought appeal petitions to the Planning Commission, which shall hold a public hearing and provide a recommendation to the Board of Appeals and Adjustments.
- 3) The Board of Appeals and Adjustments, following receipt of the recommendation of the Planning Commission, shall make a final determination regarding the appeal. The Board of Appeals and Adjustments shall prepare a written record of its decision, and it shall inform the petitioner of the decision.
- 4) The decision of the Board of Appeals and Adjustments shall be a final order regarding the matter appealed.
- 5) The order of the Board of Appeals and Adjustments may be appealed to the district court as provided in Minnesota Statutes, section 462.361.

Section 054: Amendments

054.1 Procedure

- 1) An amendment to the text of this Ordinance or the Zoning Map may be initiated by the Town Board, the Planning Commission or by application of an affected property owner. Any amendment not initiated by the Planning Commission shall be referred to the Planning Commission for and may not be acted upon by the Town Board until it has received the Planning Commission's recommendations. Owners wishing to initiate an amendment to the zoning Ordinance shall file an application with the Township Clerk-Treasurer together with the applicable fees.
- 2) The Planning Commission shall hold a public hearing on all proposed amendments. The hearing shall be preceded by at least 10 days' published notice. When a zoning amendment involves changes in district boundaries affecting an area of 5 acres or less, a similar notice shall be mailed at least 20 days before the day of the hearing to each owner of affected property and property

situated wholly or partly within 350 feet of the property to which the amendment relates. Failure to give mailed notice to individual property owners, or if any property owner does not receive such notification, shall not invalidate the proceedings, provided a bona fide attempt to comply with the notice requirements was made. The Planning Commission shall forward its recommendations regarding a proposed amendment to the Town Board for final action.

- 3) The Town Board shall take action on the proposed amendment at a Town Board meeting. If the amendment was initiated by application of a property owner, the Town shall inform the property owner of the Town Board's decision.
- 4) Amendments to this Ordinance that affect lands within the Mississippi River Critical Area corridor shall be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption by the Town Board. The Township shall notify the DNR of its final action regarding any such amendment.
- 5) No application of a property owner for an amendment to the text of the Ordinance or the Zoning Map shall be considered by the Planning Commission within the 1-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, there is new evidence or a change of circumstances that warrants additional consideration.

Section 055: Existing Conditional Use Permits

The Town Board has issued conditional use permits in the Township in the past pursuant to previous zoning ordinances. It shall be the policy of the Township that all conditional use permits lawfully issued and in existence on the effective date of this Ordinance, and which remain in compliance with the conditions and requirements under which they were issued, shall be allowed to continue and such permitted conditional uses shall not be considered nonconforming uses under the provisions of this Ordinance subject to the following requirements and restrictions:

- 1) If the building or structure containing or related to the permitted conditional use is destroyed to any extent, the conditional use shall be allowed to continue to operate subject to the same terms and conditions originally imposed on the conditional use permit.
- 2) Conditional uses shall not be allowed to expand in size or intensity beyond that which was originally allowed by the conditional use permit.
- 3) If any use previously allowed by conditional use permits is discontinued for a period of six or more consecutive months, that conditional use shall be terminated and any use of the property shall thereafter conform to the provisions of this Ordinance.

Section 056: Variance

056.1 Criteria for Granting Variances

The Board of Appeals and Adjustments may issue a variance only if it determines all of the following circumstances exist with respect to the particular request:

- 1) The strict enforcement of this Ordinance would cause practical difficulties because of circumstances unique to the individual property under consideration. "Practical difficulties" as used in connection with the granting of a variance means the property owner proposes to use

the property in a reasonable manner not permitted by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, the variance is in harmony with the general purposes and intent of the Ordinance, the variance is consistent with the comprehensive plan, and the variance, if granted, will not alter the essential character of the Township. Economic considerations alone shall not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction when in harmony with this Ordinance.

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

056.2 Procedure

- 1) A person applying for a variance shall submit to the Township Clerk-Treasurer a completed application together with the applicable fees. The application must, at a minimum, identify the specific provisions of this Ordinance from which a variance is being requested.
- 2) The Planning Commission shall hold a public hearing on the variance request, which public hearing shall be preceded by published notice at least 10 days prior to the day of the hearing. At least 10 days prior to the day of the hearing, property owners contiguous to the property to which the application applies shall be notified by mail of the public hearing. Failure of any property owner to receive such notification shall not invalidate the proceedings.
- 3) The applicant, or the applicant's representative, shall appear before the Planning Commission at the hearing in order to answer questions concerning the proposed variance.
- 4) After the hearing the Planning Commission shall make a written recommendation to the Board of Appeals and Adjustments regarding the requested variance. If the Planning Commission is unable to pass a recommendation to either approve or deny the variance, it shall forward the variance to the Board of Appeals and Adjustments without a recommendation.
- 5) The Board of Appeals and Adjustments shall take final action on the proposed variance. The Board of Appeals and Adjustments may impose conditions on any variance it grants as it determines necessary to ensure compliance with this Ordinance, to protect adjacent properties, and to protect the public health, safety and welfare. Any conditions imposed on a variance must be directly related to and must bear a rough proportionality to the impact created by the variance.
- 6) Requests for variances within the Mississippi River Critical Area corridor will be submitted to the DNR for review at least 30 days prior to action by the Board of Appeals and Adjustments in accordance with Executive Order 79-19. The Township shall notify the DNR of its final action.

Section 057: Building or Zoning Permits

057.1 Intent

No building or structure or driveway may be constructed in the Township except in accordance with the provisions of this Ordinance and not until all applicable permits required by this Ordinance have been obtained. A project not requiring a building permit under the Minnesota State Building Code ("Building Code") may require a zoning permit as provided in Section 057.7. Any permit approval is subject to verification by applicant that subject septic system is operational per Dakota County Ordinance #113, specifically proof of a Water Tight Tank Certification less than three (3) years old signed by a licensed maintainer.

057.2 Purpose

This Ordinance provides for the application, administration, and enforcement of the "Building Code" by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the Township. The Building Code provides for: the issuance of permits and collection of fees related thereto; establishes penalties for violations of its provisions and requirements; and its provisions supersede any conflicting provisions in this Ordinances. This Ordinance shall perpetually include the most current edition of the Building Code with the exception of the optional appendix chapters. Optional appendix chapters shall not apply unless specifically adopted herein.

057.3 Codes adopted by reference

The Building Code, authorized by Minnesota Statutes, sections 326B.101 to 326B.16, as codified into the Minnesota Rules, and as may be amended from time to time, is hereby adopted by reference and incorporated as if fully set out herein.

057.4 Application, Administration and Enforcement

The application, administration, and enforcement of the Building Code shall be in accordance with Building Code and Minnesota Rules, Chapter 1300. The Building Inspector is designated the Township's building official for the purposes of the Building Code and shall be responsible for administering and enforcing the Building Code in the Township. The Building Inspector must have the qualifications and be certified in accordance with Minnesota Statutes, section 326B.133 in order to serve as the building official.

057.5 Permits and Fees

The issuance of permits and the collection of fees shall be as authorized in the Building Code and its authorizing legislation.

Permit fees shall be assessed for work governed by the Building Code in accordance with the fee schedule adopted by the Town Board. In addition to the permit fee, a surcharge fee shall be collected on all permits issued for work governed by the Building Code in accordance with Minnesota Statute, section 326B.148.

057.6 Building Code Optional Chapters

The Building Code contains optional provisions a local government may choose to adopt or not. At this time, the Town Board chooses not to adopt any of the optional chapters, sections, or appendixes.

057.7 Procedure for Zoning Permit

A permit is required before any building or structure is built or rebuilt in the Township. If a particular project does not require the issuance of a building permit under the Building Code, a person must obtain a zoning permit from the Township before the building or structure can be built or rebuilt.

- 1) Persons requiring a zoning permit shall fill out a zoning permit application form available from the Building Inspector.
- 2) Completed zoning permit application forms and the required fee must be submitted to the Building Inspector. The Building Inspector shall review the application, determine if the project conforms with this Ordinance, and issue the zoning permit if appropriate. The Building Inspector may add conditions to the zoning permit as needed to ensure compliance with this Ordinance and to minimize potential negative impacts resulting from the project.

057.8 Violations and Penalties

A violation of the Building Code is a misdemeanor.

Section 058: Substandard Lot Provisions

Except as otherwise provided in this section, a substandard lot shall be deemed a buildable lot provided that:

- 1) The lot is at least 1 acre in area; and
- 2) The lot meets the minimum requirements for lot depth and lot width; and
- 3) It complies with on-site sewage treatment system requirements of MPCA Rules Chapter 7080 and Section 207 of this Ordinance; and
- 4) The lot was a separate tract or parcel for which a deed had been recorded in the Office of the Dakota County Recorder or Register of Titles prior to October 4, 1976.

The owner of any lot which has a residential structure on it on the effective date of this Ordinance, which lot does not meet the minimum requirements of this zoning Ordinance, will be entitled to rebuild the dwelling if it is destroyed. The new dwelling shall not exceed the size of the previous dwelling and shall meet the setback requirements in effect at the time of the new construction. The new dwelling must comply with all other codes and requirements in effect at the time of the new construction, including but not limited to, building codes and on-site sewage treatment system requirements of Minnesota Rules, Chapter 7080 and Section 207 of this Ordinance.

Section 059: Nonconforming Uses and Structures

Any legal structure or legal use which does not conform to the provisions of this Ordinance that existed prior to the effective date of this Ordinance may be continued subject to the following conditions:

- 1) No nonconforming use or structure shall be expanded, enlarged, or extended to occupy a greater height or area of land except in conformity with the provisions of this Ordinance.
- 2) If a nonconforming use or structure is discontinued for a period of one-year, further use of the structures or property shall conform to this Ordinance.
- 3) When any lawful nonconforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance, and it shall not thereafter be changed to any nonconforming use or structure.
- 4) Whenever a nonconforming structure or use is damaged by fire, collapse, flood, explosion, earthquake, war, riot, act of God or public enemy or to the extent of 50 percent or less of its estimated market value as indicated in the assessor's records at the time of damage, it may be reconstructed. The nonconforming structure or use shall not be permitted to be reconstructed if the damage is greater than 50 percent of the estimated market value as indicated in the assessor's records at the time of damage and no building permit has been applied for within 180 days of when the property was damaged. If a permit is applied for within 180 days, the Township may impose reasonable conditions upon any such zoning or building permit it may issue 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.
- 5) Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this section will prevent the placing of a structure in a safer condition after it has been declared unsafe by the Building Inspector.
- 6) No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.
- 7) Lots of record in the office of the County Recorder as of the date shoreland regulations were adopted applicable to the Township that are located within a shoreland and do not satisfy the requirements of this Ordinance for lot size or lot width are subject to the following:
 - a. A nonconforming single lot of record located within a shoreland area may be allowed as a building site without variances from lot size requirements, provided that:
 - (1) all structure and septic system setback distance requirements can be met;
 - (2) a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, can be installed or the lot is connected to a public sewer; and
 - (3) the impervious surface coverage does not exceed 25 percent of the lot.
 - b. In a group of two or more contiguous lots of record under a common ownership, an individual lot shall be considered as a separate parcel of land for the purpose of sale or development, if it meets the following requirements:
 - (1) the lot must be at least 66 percent of the dimensional standard for lot width and lot size for the shoreland classification consistent with Minnesota Rules, chapter 6120;
 - (2) the lot must be connected to a public sewer, if available, or must be suitable for the installation of a Type 1 sewage treatment system consistent with Minnesota Rules, chapter 7080, and local government controls;

- (3) impervious surface coverage must not exceed 25 percent of each lot; and
- (4) development of the lot must be consistent with the Township's comprehensive plan.
- c. A lot subject to paragraph b. not meeting the requirements of paragraph b. must be combined with the one or more contiguous lots so they equal one or more conforming lots as possible.
- d. Notwithstanding paragraph b., contiguous nonconforming lots of record in shoreland areas under a common ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.
- e. In evaluating all variances, zoning and building permit applications, or conditional use requests, the Township shall require the property owner to address, when appropriate, 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.
- f. A portion of a conforming lot may be separated from an existing parcel as long as the remainder of the existing parcel meets the lot size and sewage treatment requirements of the zoning district for a new lot and the newly created parcel is combined with an adjacent parcel.

Section 060: Agricultural Preserve Use Permit

060.1 Application, Notice and Procedure

Any owner seeking to designate his or her land as an agricultural preserve under the Metropolitan Agricultural Preserves Act ("Act") pursuant to Minnesota Statutes, Chapter 473H must submit an application to the Township. The Township shall not designate land as an agricultural preserve unless it satisfies the eligibility requirements of the Act. Generally, to be eligible under the Act the land must be long-term agricultural land comprising 40 or more acres, though the Act does allow certain other lands to qualify in limited circumstances. Upon receipt of a completed application, which must be accompanied by the applicable fee and a map of the land sufficiently detailed to show the boundaries of the specific area proposed for designation, the Town Board shall review the proposed agricultural preserve. If the Town Board determines the land is eligible to be designated an agricultural preserve under the Act, it shall pass a resolution certifying the land qualifies and approving the designation after providing at least two weeks published notice of its intent to adopt the resolution. The Township shall then forward its resolution and the map showing the designated area to the Metropolitan Council. Land within the agricultural preserve shall be maintained for agricultural production.

060.2 Termination

An agricultural preserve shall terminate on the happening of any of the following events:

- 1) The owner initiates expiration pursuant to the procedure set out in Minnesota Statutes, section 473H.08, subdivision 2;
- 2) The Township initiates expiration pursuant to the procedure set out in Minnesota Statutes, section 473H.08, subdivision 3; or
- 3) In the event of a public emergency pursuant to the procedure set out in Minnesota Statutes, section 473H.09.

060.3 Standards

During the period the land is designated an agricultural preserve under the Act, it may be used for Agricultural Preserve Uses in accordance with the Act and subject to the standards established in this Ordinance as well as the use restrictions imposed on such lands by the Act and any covenant agreement executed regarding the particular parcel. The average maximum density of residential structures within an agricultural preserve shall not exceed one dwelling per 40 acres.

060.4 Conditions

The Township may attach conditions to its approval of the agricultural preserve as it determines are needed to mitigate anticipated adverse impacts associated with the use, ensure the land continues to be used for agricultural purposes in accordance with the Act and this Ordinance, and to further the goals and objectives of the comprehensive plan.

Section 070: Interim Use Permit

No use requiring an interim use permit under this Ordinance shall be initiated or expanded except upon issuance of an interim use permit from the Town Board pursuant to this Section.

070.1 Application

A person applying for an interim use permit shall submit to the Township Clerk-Treasurer a completed application together with the applicable fees. The application must, at a minimum, contain all of the following information together with any other information required on the application form:

- 1) The name and mailing address of all property owners of record, according to the county auditor's property tax records, contiguous to the property to which the application relates;
- 2) The name of the applicant and of all owners of the property to which the application relates; and
- 3) A description of the proposed use including, to the extent applicable, hours of operation, parking, anticipated traffic and routes, lighting plans, identification and explanation of any potential sources of significant noise, dust, vibration, or other impacts reasonably anticipated to be generated by the proposed use which could affect surrounding properties.

070.2 Procedure

Applications determined to be complete by the Township Clerk-Treasurer shall be processed in accordance with the following:

- 1) The Planning Commission shall hold a public hearing on the interim use request, which public hearing shall be preceded by published notice at least 10 days prior to the day of the hearing. At least 10 days prior to the day of the hearing, property owners contiguous to the property to which the application relates shall be notified by mail of the public hearing. Failure of any property owner to receive such notification shall not invalidate the proceedings.
- 2) The applicant, or the applicant's representative, shall appear before the Planning Commission at the hearing in order to answer questions concerning the proposed interim use.
- 3) After the hearing the Planning Commission shall consider the criteria in Section 70.3 and make a written recommendation to the Town Board regarding the requested interim use. If the Planning Commission is unable to pass a recommendation to either approve or deny the

interim use, it shall forward the application to the Town Board without a recommendation. A recommendation to approve the requested interim use shall include any conditions the Planning Commission recommends be placed on the permit.

- 4) The Town Board shall take final action on the proposed interim use upon consideration of the criteria in Section 70.3. The Town Board may impose conditions on the interim use permits it issues and all such permits shall indicate the date and/or event upon which the permit shall terminate.

070.3 Criteria

An “interim use” is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. In reviewing an application for an interim use permit, the Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. The following criteria shall be considered by Planning Commission when making its recommendation and by the Town Board when making the final decision on whether to approve an application to the extent those criteria are applicable and in addition to such other factors as may be deemed relevant:

- 1) The proposed use will terminate upon a date or event that can be identified with certainty;
- 2) The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- 3) Would the use be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the Town;
- 4) Would the use be harmonious with the general and applicable specific objectives of the Town’s Comprehensive Plan;
- 5) Would the use be designed, constructed, operated and maintained to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area;
- 6) Would the use be hazardous or disturbing to existing or future neighboring uses;
- 7) Would the use involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, scenic blight, glare or odors;
- 8) Would the use involve lighting that would impair the enjoyment of property and/or property owners in the vicinity or the safety of the traveling public;
- 9) Would the use be in conformance with the provisions of this Ordinance, and would not unreasonably interfere with the health, safety, and welfare of the surrounding owners and the public, if conducted in compliance with the conditions imposed on the permit; and
- 10) Would the use adequately provide for parking, current and anticipated traffic congestion, and traffic safety so the use does not become or create a nuisance.

070.4 Site Investigation

The Town may conduct one or more site investigations of the applicant’s property as part of processing a permit application and to confirm compliance with applicable codes, requirements, and permit conditions. If a quorum or more of the Planning Commission or of the Town Board conducts a site investigation, notice shall be posted at the Town’s posting places at least three days before the date of the inspection unless the inspection is being conducted as part of the hearing. The Town may also conduct one or more site investigations after a permit has been issued to perform a compliance inspection or to review an alleged or potential violation of the conditions of the permit or of this Ordinance. Submission of an application, and acceptance of a permit, constitutes consent on the part of

the owners of the property to the conditions imposed on the permit and to allow the Town to conduct inspections of the property at reasonable times to determine eligibility to receive a permit and then related to the administration and enforcement of the permit.

070.5 Amended Permit

Any change involving structural alterations, enlargement, intensification of the use or similar change not specifically permitted by an interim use permit shall require that the interim use permit be amended. An application to amend an existing interim use permit shall be processed in the same manner as required for a new interim use permit. All application and review procedures shall apply.

070.6 Expiration and Termination

An interim use permit shall expire and become void if the use it allows is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. An interim use permit shall expire as of the date or event identified in the permit, but the owner may apply for a new interim use permit. The Town Board may revoke an interim use permit if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit have been violated.

Section 080: Conditional Use Permit

It shall be unlawful to use any structure or land for any purpose requiring a conditional use permit in the zoning district in which the property is located without first obtaining a conditional use permit from the Township.

080.1 Application

A person applying for a conditional use permit shall submit to the Township Clerk-Treasurer a completed application together with the applicable fees. The application must, at a minimum, contain all of the following information together with any other information required on the application form:

- 1) The required fee.
- 2) The name and mailing address of all property owners of record, according to the county auditor's property tax records, contiguous to the property to which the application relates;
- 3) The name of the applicant and of all owners of the property to which the application relates; and
- 4) A description of the proposed use including, to the extent applicable, hours of operation, parking, anticipated traffic and routes, lighting plans, identification and explanation of any potential sources of significant noise, dust, vibration, or other impacts reasonably anticipated to be generated by the proposed use which could affect surrounding properties.
- 5) A scaled map or drawing of the property which shows all lot lines, existing and proposed structures, property setback information, driveways and parking areas, any significant topographical features and mature trees, and any wetlands or floodplain areas.
- 6) Other information as may be required by the Township.

080.2 Procedure

Applications determined to be complete by the Township Clerk-Treasurer shall be processed in accordance with the following:

- 1) The Planning Commission shall hold a public hearing on the conditional use request, which public hearing shall be preceded by published notice at least 10 days prior to the day of the hearing. At least 10 days prior to the day of the hearing, property owners contiguous to the property and/or within 350 feet of the property as shown in the records of Dakota County, shall be notified by mail of the public hearing. Failure of any property owner to receive such notification shall not invalidate the proceedings provided that a good faith attempt has been made.
- 2) The applicant, or the applicant's representative, shall appear before the Planning Commission at the hearing in order to answer questions concerning the proposed conditional use.
- 3) After the hearing the Planning Commission shall consider the criteria in Section 80.3 and make a written recommendation to the Town Board regarding the requested conditional use. If the Planning Commission is unable to pass a recommendation to either approve or deny the conditional use, it shall forward the application to the Town Board without a recommendation. A recommendation to approve the requested conditional use shall include any conditions the Planning Commission recommends be placed on the permit.
- 4) The Town Board shall take final action on the proposed conditional use at its next regularly scheduled meeting from the date of Planning Commission's actions. The Town Board shall consider the permit request per the criteria in Section 80.3 and may impose additional conditions. All such permits shall indicate the date and/or event upon which the permit shall terminate.

080.3 Criteria

Conditional uses are intended to allow uses that may be appropriate provided specific conditions are placed upon the use to guarantee compatibility with other uses and to specific performance standards. In reviewing an application for a conditional use permit, the Town Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. The following criteria shall be considered by Planning Commission when making its recommendation and by the Town Board when making the final decision, in addition to such other factors as may be deemed relevant:

- 1) The proposed use is consistent with this Ordinance including regulations for signs and meet all relevant performance standards.
- 2) The proposed use will address any impacts on adjacent properties by conditions required by the permit regarding the public health, safety and welfare and would not involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, scenic blight, glare or odors.
- 3) The proposed use would not involve lighting that would impair the enjoyment of property and/or property owners in the vicinity or the safety of the traveling public.
- 4) The proposed use can be adequately served by utilities and essential services, including fire and police protection.
- 5) The proposed use will be harmonious with surrounding uses and would be designed, constructed, operated and maintained to be compatible in appearance with the existing or

intended character of the general vicinity and will not change the essential character of that area.

- 6) The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant and provide for parking, current and anticipated traffic congestion, and traffic safety so the use does not become or create a nuisance.
- 7) The potential for any impacts on adjacent properties or the environment can be mitigated by conditions of the permit.
- 8) The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future.
- 9) The applicant agrees to the conditions the Township deems appropriate for issuance of the conditional use permit.
- 10) The applicant shall be responsible for a certified copy of the conditional use permit to be recorded with the Dakota County Office of Property Taxation and Records.

080.4 Expiration and Termination

- 1) The conditional use permit shall remain in effect for so long as the conditions agreed upon by the applicant are observed.
- 2) A conditional use that has been approved must be placed into effect within of twelve (12) months of approval or it shall become null and void, unless the Township extends the approval at its own discretion for a valid reason. No re-application for a conditional use that has been denied shall be accepted for a period of twelve (12) months after denial.
- 3) The Board of Supervisors may revoke a permit upon violation of any condition of the permit, any state or federal law, county regulation or any Township ordinance. Such revocation shall occur after written notice of the violation has been provided to the permittee and a 30-day period has lapsed without correction of the violation.

Section 100: Zoning Districts

100.1 Purpose

This Ordinance designates zoning districts to implement the intent and purposes of the Comprehensive Plan and to protect the public health, safety, convenience and general welfare. Before any amendments to the boundary lines of the established zoning districts are made, any necessary amendments must first be made to the Comprehensive Plan.

For the purposes of this Ordinance, Ravenna Township is hereby divided into the following zoning districts and overlay districts where the regulations outlined herein will apply:

RR-1: Rural Residential District

FP: Flood Prone Overlay District

MRCCA: Mississippi River Corridor Critical Area Overlay District

In cases where land is subject to overlay district standards in addition to other primary district regulations, the more restrictive standards shall apply.

The locations and boundaries of the districts established by this Ordinance are set forth on the Zoning Map of Ravenna Township ("Zoning Map") which is hereby adopted by reference as though shown in all details herein. A copy of said map is on file with the Township Clerk-Treasurer.

100.2 Density and Minimum Lot Sizes in Districts

Unless expressly provided otherwise in this Ordinance, the maximum number of dwelling units (or density units) may not exceed the following:

- 1) In the Rural Residential District (RR-1), the density of residential dwelling units shall not exceed one (1) dwelling unit per ten (10) acres and no more than four (4) dwelling units per forty (40) acres. The minimum lot size in this district is two (2) acres.
- 2) In the Flood Prone Overlay District (FP), residential dwelling units are not allowed.
- 3) In the Mississippi River Corridor Critical Area the minimum lot size in this district is two (2) acres.

Only land above the ordinary high-water level and land which is not covered by right-of-way, utility, and drainage easements may be used to satisfy the lot area requirement.

100.3 Determination of Density Units

The maximum number of density units for an individual parcel shall be calculated by multiplying the size of the parcel in acres by the maximum density per ten (10) acres for the district in which the parcel is located as set forth in Section 100.2 above and then dividing this number by 10 to achieve the result. When subdividing or platting a parcel, the number of buildable lots to be created in the subdivision may not exceed the maximum number of density units allowed for the total size of the parcel, and each resulting parcel or lot must contain at least the minimum buildable lot size and satisfy the applicable lot dimensions established for the district. Because the minimum buildable lot size is less than ten (10) acres, a previous subdivision of a parcel may result in a lot that may not be further subdivided even though it appears to contain a sufficient number of acres to be divided further because such further division would cause the maximum number of density units to be exceeded.

Section 101: RR-1 Rural Residential District

101.1 Intent

The Rural Residential (RR-1) District is designated for those areas of the Township that have become subject to increased amounts of single-family residential development, but there remains an interest to protect some parcels for agricultural use. Poorer soils, unsuitable topography and insufficient irrigation make some areas of this District uneconomical for agricultural purposes, which allow some suitable sites for single-family home construction. Urban services, such as central sewer and water, will not be provided. Significant amounts of residential development in these areas would adversely affect surrounding agricultural operations and the rural character of the Township. Therefore, residential development in this District shall be kept to a reasonable rural density not to exceed 1 residential dwelling lot per 10 acres (4 per 40).

Special provisions exist for dwelling lot density and sizing for land in other zoning districts. Refer to the specific sections that apply.

101.2 Permitted Uses and Structures

All uses and structures that are not specifically set forth below as being permitted shall be prohibited. All uses on a property must be directly related and substantially similar in type and impact to the main

or principal structure or use of the property allowed by this Ordinance. If a proposed use or structure is not listed below as being permitted, application may be made to the Township for a determination that the proposed use or structure is directly related and substantially similar in type and impact to the main or principal structure or use of the property. Such determination shall be made by the Town Board upon review and recommendation by the Planning Commission. If the Town Board does not find the proposed use or structure to be substantially similar to a permitted use, the structure or use is not allowed and may not occur unless the Town Board approves an amendment to the Ordinance to specifically allow the structure or use.

- 1) Single family dwelling lots containing no more than one single family dwelling.
- 2) Single family dwellings.
- 3) Parks, playgrounds, and other non-commercial recreational uses.
- 4) Home occupations registered with the Township and that meet specified criteria in section 202.6.
- 5) The keeping and raising of Animals (See density criteria of section 101.9).
- 6) Horticultural Services and harvesting of crops
- 7) Accessory structures in conjunction with dwellings that comply with criteria specified in section 202.3.
- 8) Mining occurring pursuant to a permit issued by the Township prior to June 10, 1999.
- 9) Agriculture uses and farms, subject to requirements of section 101.9 and 203.
- 10) Agricultural Preserves, subject to:
 - a. The requirements of Minnesota Statutes, Chapter 473H;
 - b. Obtaining approval of the Town Board as provided in Section 060; and
 - c. Meeting the standards outlined in section 203.
- 11) Communication Towers and Antennae, except within the Critical Area Overlay District, subject to requirements of section 500.
- 12) Public Buildings.
- 13) Wind Energy Conversion Systems, subject to the requirements of section 550.
- 14) Residential Solar Electric System, subject to the requirements of section 575.
- 15) Recreational use of a firearm more than 500 feet from any structure that is 500 square feet or larger, and less than 500 feet with the written permission of the owner of the structure, provided that in all cases not shot, balls, slugs, or other material fall outside of the property on which the firearm is used.

101.2.4 Conditional Uses

The following uses are allowed in the RR-1 District as conditional uses (refer also to Section 080 Conditional Use Permit) and require a conditional use permit from the Town Board:

- 1) Commercial Animal Services
- 2) Event Centers
- 3) Trucking/hauling
- 4) Septic system service
- 5) Confections
- 6) Sandblasting & painting
- 7) Excavation & landscaping
- 8) Custom exteriors
- 9) General repair services
- 10) Dog boarding services

101.2.5 Interim Uses

The following uses are allowed in the RR-1 District as interim uses and require an interim use permit from the Town Board:

- 1) Temporary Construction Facility

101.3 Prohibited Uses

Prohibited uses include, but are not limited to:

- 1) Parking or storage or dismantling of junked vehicles while outside.
- 2) Outside parking of semi-trailers over 28 feet in length on less than 40 acres.
- 3) Dumps, dumping, junk yards, or recycle centers.
- 4) Expansion of existing commercial uses is subject to provisions of section 059.
- 5) Any industrial, intensive, or large-scale commercial agricultural related operations including, but not limited to, the following: milling, distilling, fermenting, brewing, canning, packaging, or processing facilities; livestock slaughtering facilities; stockyards; farm equipment manufacturing; and such other uses not involving the direct provision of services to support farming activities, except to the extent these operations are conducted as an incidental part of the farming activities being conducted on the same property.
- 6) All uses and structures which are not specifically listed in section 101.2 or found by the Town Board to be substantially similar to a listed use.

101.4 Minimum Lot Area

Except as permitted in Section 059, a dwelling may only be built or placed on a lot that satisfies the minimum lot area and setback requirements in Section 101.6, if the dwelling would not cause the density limitations in Section 101.5 to be exceeded and would otherwise satisfy the requirements of this Ordinance. The minimum lot area requirement in the RR-1 District is 2 acres. Only land above the ordinary high-water level and land which is not covered by right-of-way, utility, and drainage easements may be used to satisfy the lot area requirement. A larger minimum lot area may be required if the land is within an overlay district.

101.5 Maximum Dwelling Density

The maximum allowable density of dwellings in the RR-1 District is 1 dwelling per 10 acres as shown in Table 101 below, except for the following:

- 1) As permitted under Section 060 (Agricultural Preserve Use Permit); or
- 2) As permitted under Section 201.6 (Large Parcel Major Subdivision);
- 3) As permitted under Section 058 (Substandard Lots);
- 4) As permitted under Section 104.4 (Shoreland Overlay District Residential Development Standards);
- 5) As permitted in Section 1300 (Mississippi River Critical Corridor Area Overlay District).

Land previously subdivided to the maximum density allowed under previous zoning ordinances shall be considered at maximum density under this Ordinance and may not be further subdivided.

| Table 101: Residential Density | |
|---------------------------------------|----------------|
| Acres | Buildable Lots |
| Less than 20 Acres | 1 |
| 20 but less than 30 Acres | 2 |
| 30 but less than 40 Acres | 3 |

| | |
|----------------------------|-----------|
| 40 but less than 50 Acres | 4 |
| 50 but less than 60 Acres | 5 |
| 60 but less than 70 Acres | 6 |
| 70 but less than 80 Acres | 7 |
| 80 but less than 90 Acres | 8 |
| 90 but less than 100 Acres | 9 |
| 100 acres or more | see 201.6 |

101.6 Minimum Lot Area and Setback Requirements

- 1) Lot frontage – 150 feet on an existing or proposed public road.
- 2) Lot depth - 175 feet.
- 3) Side yard setback for structures - 20 feet.
- 4) Rear yard setback for structures - 20 feet.
- 5) Structure setback from:
 - a. Local Road - 80 feet from centerline.
 - b. Collectors and Arterials - 130 feet from centerline.
 - c. Mississippi or Vermillion River shoreline (ordinary high-water level) - 200 feet.
 - d. Bluff-line – 40 feet
 - e. Railroad Tracks – Residences must be set back at least 80 feet from the center of the closest railroad track. Accessory buildings must be set back at least 50 feet from the center of the closest railroad track.
- 6) Non-farm dwelling setback from nearest agriculture structure – 300 feet

101.7 Setback of Dwellings from Animal Feedlots

Individuals applying for a permit to construct or place a dwelling shall be required to meet the following setbacks from a Registered Animal Feedlot or Animal Waste Storage Facility:

| Animal Units | Minimum Distance |
|---------------|------------------|
| Less than 10 | 100 feet |
| 10 – 50 | 250 feet |
| 51-150 | 500 Feet |
| 151- 500 | 1,000 feet |
| 501- 750 | ¼ mile |
| More than 750 | Not allowed |

101.8 Maximum Height

- 1) For agricultural structures: 200 feet.
- 2) For single-family dwellings and other structures: 35 feet, except as provided by Section 500 (Communications Towers and Antennae) or Section 550 (Wind Energy Conversion Systems).

101.9 Animals

The keeping of animals is a permitted use within the RR-1 District subject to the regulations in this section, except that the keeping of horses is regulated by section 101.10. The keeping of animals in relation to an animal feedlot may be subject to additional animal feedlot regulations:

- 1) The keeping of animals requires a minimum lot size of 1 acre and must comply, to the extent applicable, with the regulations related to animal feedlot contained in Section 203.2, including registration when required.
- 2) The maximum animal density allowed is as follows:

| Acreage | Animal Units |
|------------------|---------------------------------------|
| 1 -- less than 3 | .2 |
| 3 -- less than 5 | 2 |
| 5 -- less than 7 | 3 |
| 7-less than 9 | 4 |
| 9-less than 11 | 5 |
| 11-less than 13 | 6 |
| 13-less than 15 | 7 |
| 15-less than 17 | 8 |
| 17-less than 19 | 9 |
| 19-less than 21 | 10 |
| More than 21 | Subject to Animal Feedlot regulations |

- 3) Property owners that have animals in excess of these maximum density limits as of June 10, 1999, shall be allowed to keep those animals, provided that no additional animals are added to the property and when the animals that existed on the property as of June 10, 1999, are permanently removed the property must come into compliance with the maximum densities.

101.10 Keeping of Horses

The keeping of horses is a permitted use within the RR-1 District and is subject to the regulations in this section. The keeping of horses may also be subject to the regulations applicable for feedlots.

- 1) If animals other than horses are kept on the property, then the total number of animals allowed on the property, including horses, is subject to the limitations in section 101.9.
- 2) If the property does not contain any other animals, the following maximum number of horses are allowed:

| Acreage | Animal Units |
|------------------|---------------------------------------|
| 3 -- less than 5 | 3 |
| 5 -- less than 7 | 4 |
| 7-less than 9 | 5 |
| 9-less than 11 | 6 |
| 11-less than 13 | 7 |
| 13-less than 15 | 8 |
| 15-less than 17 | 9 |
| 17-less than 19 | 10 |
| More than 19 | Subject to Animal Feedlot regulations |

- 3) At least 4,500 square feet of usable pasture space must be available on the property per horse. If at least this amount of usable pasture space per horse is not available, the number of allowed horses shall be reduced as needed to meet this standard.

- 4) Manure generated by the horses must be properly managed in accordance with a manure management plan and in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances. Manure shall be removed from the property at least annually.

Section 103: FP – Flood Prone Overlay District

103.1 Intent

The Flood Prone Overlay (FP) District is intended for application in those areas of the Township that are subject to periodic flooding and which could result in the loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare. It is the purpose of this District to protect the public health, safety and general welfare by placing additional regulations and limits on the uses allowed in this FP District. The FP District corresponds to, and its boundaries are coterminous with, the designated floodplain area which is regulated by the County under its floodplain regulations adopted in accordance with Minnesota Statutes, sections 103F.101 to 103F.155. Nothing in this section shall be construed as the Township electing to adopt or administer floodplain regulations.

103.2 Permitted Uses

All uses and structures that are not specifically set forth below as being permitted shall be prohibited. All uses on a property must be directly related and substantially similar in type and impact to the main or principal structure or use of the property allowed by this Ordinance. If a proposed use or structure is not listed below as being permitted, application may be made to the Township for a determination that the proposed use or structure is directly related and substantially similar in type and impact to the main or principal structure or use of the property. Such determination shall be made by the Town Board upon review and recommendation by the Planning Commission. If the Town Board does not find the proposed use or structure to be substantially similar to a permitted use, the structure or use is not allowed and may not occur unless the Town Board approves an amendment to the Ordinance to specifically allow the structure or use.

The following uses are permitted in the FP District:

- 1) Agricultural uses not utilizing any buildings;
- 2) Horticultural services;
- 3) Open space public recreational uses;
- 4) Accessory open space uses such as lawns, gardens, parking areas and play areas; and
- 5) Railroads, roads, bridges, utility transmission lines and pipelines.
- 6) Residential Solar Electric System, subject to the requirements of section 575.

103.3 Prohibited Use and Structures

All other uses and structures are prohibited in the FP district.

103.4 Residential Development Standards

Land located within the FP District is considered unbuildable and cannot be used for or contribute to any density calculations. The FP District shall include all lands in the Township designated in the County Shoreland and Floodplain Management Ordinance as a floodplain.

103.5 Dakota County Regulations

The Dakota County Shoreland and Floodplain Management Ordinance (Ordinance No. 50) prescribes additional land use and placement regulations for land in the FP District. If any specific regulation in the County's ordinance differs from any specific regulation herein, the more restrictive regulation shall apply. Anyone seeking a building permit in the FP District must first apply for and obtain such a permit from Dakota County prior to submitting an application for such a permit from the Township.

103.6 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 the Township or any official, employee, or agent thereof, for any flood damage that may result from reliance upon this Ordinance or FP District so established.

Section 104: Shoreland Areas

104.1 Shoreland Regulations

Lands located within shoreland areas, which are those within 1,000 feet of the normal high watermark of any lake, pond, reservoir or flowage, and 300 feet of rivers or streams, or the land-ward side of a floodplain, whichever is greater, are subject to the shoreland regulations contained within the Dakota County Shoreland and Floodplain Management Ordinance. The Township has not adopted, and does not administer or enforce, shoreland regulations. Lands within these areas are subject to the Township's zoning regulations and standards applicable within the underlying zoning district as well as the County's shoreland regulations.

Section 106: MRCCA - Mississippi River Corridor Critical Area Overlay

Refer to Section 1300 for specific regulations and requirements associated with the MRCCA

Section 201: Subdivision of Land – Land Development

201.1 Intent and Purpose

This section establishes provisions and criteria for the subdivision and development of tracts of land. All subdivisions of land submitted for approval shall fully comply, in all respects, with the regulations set forth herein. It is the purpose of these regulations to: encourage well planned, efficient, and attractive subdivisions by establishing adequate standards for design and construction; provide for the health and safety of residents by requiring the necessary services such as properly designed streets and adequate sewage and water service; place the cost of improvements against those benefiting from their construction; and secure the rights of the public with respect to public lands and water. The approved final plat shall be recorded in the County Recorder's office within ninety (90) days of the Town Board's approval or such approval shall be considered null and void unless the owner requests and receives

Town Board approval of an extension before the ninety (90) day period expires. Any extension so granted may be subject to such conditions as the Town Board may deem reasonable and shall not exceed one hundred and eighty (180) days.

For the purposes of this Ordinance, the following types of subdivisions are allowed within the Township:

- 1) Lot Line Adjustments
- 2) Administrative Minor Lot Splits
- 3) Minor Subdivisions
- 4) Major Subdivisions
- 5) Large Parcel Major Subdivisions

No subdivision or re-subdivision of land shall be permitted if it would result in one or more lots that, if built upon, would exceed the maximum number of density units established by this Ordinance. The Township may condition the approval of any subdivision on the owner or owners entering into a development agreement with the Township identifying the total number of density units for the affected properties and the number of density units available per parcel. For the purposes of this Section, the minimum acreage required to subdivide land as provided herein shall be calculated by excluding any land located within a designated 100-year floodplain area

201.2 Lot Line Adjustment

An owner may apply to the Township for approval of a lot line adjustment. A lot line adjustment is a division of land made for the purpose of adjusting the boundary lines of parcels of land to an abutting lot or to otherwise exchange property between adjacent lots which does not create any new lots, tracts, parcels or sites. A lot line adjustment shall not be permitted if it would create or result in any lot, tract, parcel or site which contains insufficient area and dimensions to meet minimum requirements for width, lot size, and area for building as required by this Ordinance. The newly acquired land must be combined on the same deed for recording purposes as the remainder of the owner's property.

- 1) Applications for a lot line adjustment must be submitted to the Township together with the applicable fee and shall, at a minimum, contain the following information with respect to each parcel of property to be affected by the adjustment: current zoning district in which each parcel is located; names of all owners and those holding a mortgage interest; the parcel identification number; current legal description; proposed legal description after the adjustment; a certificate of survey showing the original parcels, the adjusted parcels, the dimensions of the adjusted parcels, and the location of all existing improvements (buildings, fences, septic, wells, etc.).
- 2) All lot line adjustments require Town Board approval. A public hearing is not required for a lot line adjustment, but the Town Board may forward the application to the Planning Commission for its review and recommendation.
- 3) The Town Board may require the owners to enter into a development agreement with the Township as a prerequisite or a condition of granting approval of a lot line adjustment.

201.3 Administrative Minor Lot Split

- 1) An owner may apply for an administrative minor lot split if the proposed division of land creates no more than one new lot, and the resulting lots would otherwise comply with all other applicable Township and County regulations. An administrative minor lot split shall not be permitted if it would result in the creation of any new roads or other easements to be dedicated

to the public unless any such dedications are expressly recognized and accepted within a development agreement entered into between the owner and the Township.

- 2) Applications for an administrative minor lot split must be submitted to the Township together with the applicable fee and shall, at a minimum, contain the following information: the current zoning district in which the land to be divided is located; the name of the land owner; the parcel identification number of the land; current legal description of the land; legal description of new or resulting parcels; a certificate of survey showing the original parcel, the resulting parcels, the size of the resulting parcels, the driveway access points, and the location of all existing improvements on the land (buildings, fences, septic, wells, etc.); proof the real estate taxes are current; a title commitment or title opinion that establishes ownership of the land; and soil type information indicating the soil is suitable for additional septic systems.
- 3) All administrative minor lot splits require Town Board approval. A public hearing is not required for an administrative minor lot split, but the Town Board may forward the application to the Planning Commission for its review and recommendation.
- 4) The Town Board may require the owners to enter into a development agreement with the Township as a condition of granting approval of an administrative minor lot split.

201.4 Minor Subdivision

- 1) An owner may apply for a minor subdivision pursuant to this section provided the proposed subdivision meets each of the following conditions:
 - a. The subdivision results in no more than four (4) lots.
 - b. Each lot will front on an existing public road or an approved private driveway. A private driveway may not serve more than two dwellings.
 - c. The subdivision will not result in any new public roads or other easements to be dedicated to the public unless any such dedications are expressly recognized and accepted within a development agreement entered into between the owner and the Township.
 - d. The proposed subdivision is not in conflict with any provision or portion of the comprehensive plan, this Ordinance, or any other applicable federal, state, or local laws, rules, regulations, or ordinance.
- 2) Applications for a minor subdivision must be submitted to the Township together with the applicable fee. The application shall, at a minimum, contain the following information:
 - a. The current zoning district in which the land to be divided is located.
 - b. The name of the landowner.
 - c. The parcel identification number of the land.
 - d. Current legal description of the land.
 - e. Legal description of the new lots.
 - f. Twelve (12) full size, five (5) reduced (11" x 17"), and one (1) electronic copies of the plat of the proposed minor subdivision. A qualified person must prepare the plat. The plat must contain the information, and otherwise satisfy the standards required in Minnesota Statutes, Chapter 505 and Section 201 of this Ordinance to the extent applicable.
 - g. Proof the real estate taxes are current on the land.
 - h. A title commitment or title opinion that establishes the ownership of the land to be subdivided.
 - i. Boundaries of the proposed plat.
 - j. North arrow and graphic scale.
 - k. Layout of any existing adjacent streets and of those proposed to be established within the plat.
 - l. Any significant topographical features (e.g., bluffs, shorelands, floodplains, steep hills, etc.).
 - m. Anticipated significant physical changes to the property.
 - n. General lot locations and layout including lot dimensions.

- o. Location of any existing buildings, structures or foundations on the property to be subdivided.
- p. A concept plan showing the above information for any adjacent lands owned or controlled by the owner.

3) Procedure.

- a. A complete application for a minor subdivision will be forwarded to the Planning Commission. The Planning Commission shall, after providing at least ten (10) days published notice, hold a hearing on the proposed minor subdivision. It shall then make its recommendation concerning the minor subdivision to the Town Board.
- b. The owner must enter into a development agreement with the Township before seeking Town Board approval. The Township will draft the agreement and said agreement will set out the density limitations for the minor subdivision.
- c. The Town Board shall, within 120 days of the Township's receipt of the completed application, decide whether to approve the minor subdivision. The Town Board's approval will constitute both preliminary and final approval of the minor subdivision unless its approval is expressly made preliminary and requires the owner to come back before the Town Board to seek final approval.

201.5 Major Subdivision

Major Subdividing applies when creating 5 or more lots on less than 100 acres. An owner may apply for a major subdivision pursuant to procedures and requirements contained in Sections 201.7 to 201.12. Major subdivisions are subject to the density limitations set out in Table 101 as well as any additional limitations or restrictions imposed by any applicable overlay district.

201.6 Large Parcel Major Subdivision

Large Parcel Major Subdividing applies when creating 5 or more lots on more than 100 acres. An owner may apply for a large parcel major subdivision pursuant to the procedures and requirements contained in Sections 201.7 to 201.12. Large parcel major subdivisions are subject to the density limitations set out in Table 101, except an additional density of 2 lots is awarded for each increment of 100 acres of area being subdivided. (see Table 201 below)

| Table 201 Large Parcel Densities | |
|---|----------------|
| Acres | Buildable Lots |
| 100 but less than 110 Acres | 12 |
| 110 but less than 120 Acres | 13 |
| . | . |
| . | . |
| 190 but less than 200 Acres | 21 |
| 200 but less than 210 Acres | 24 |
| 210 but less than 220 Acres | 25 |
| . | . |
| . | . |
| 300 but less than 310 Acres | 36 |

201.7 Informal Sketch Plan Meeting

Prior to preparation of a preliminary plat or submission of an application, the owner shall meet with the Town Board in order to be made aware of the required procedures and applicable ordinances. The

owner shall present a sketch plan at this meeting which may be in simple form but must contain the information required in Section 201.10 and show the proposed development has taken into consideration water and wastewater considerations, impact on existing public infrastructure, the topography of the land, and potential impacts on surrounding properties. The submission of a sketch plan shall not constitute an application for the purposes of these regulations.

201.8 Application and Preliminary Plat Procedure

The owner shall be required to escrow funds with the Township to pay the actual costs the Town incurs related to this process. After the pre-application meeting with the Township, the owner may submit an application for its proposed subdivision together with the applicable fee and escrow amount established by the Township.

- 1) The owner must submit twelve (12) full size; five (5) reduced (11" x 17"), and one (1) electronic copies of the preliminary plat of the proposed subdivision. A qualified person must prepare the preliminary plat. The plat must contain the information, and otherwise satisfy the standards, required in Minnesota Statutes, Chapter 505.
- 2) The amount the owner escrows with the Township shall be used by the Township to pay the actual expenses it incurs related to processing and considering the application including, but not limited to, professional fees.
- 3) The Township shall review the application materials and determine if the application is complete. Incomplete applications shall be returned to the owner within 15 days with a written description of the information or materials required in order to make the application complete. A complete application will be considered by the Planning Commission.
- 4) The Planning Commission shall hold a public hearing on the proposed plat after providing at least ten days published notice of the hearing.
- 5) The owner or a duly authorized representative must attend the hearing.
- 6) The Planning Commission shall review the proposed plat and make a recommendation to the Town Board to approve, modify and approve, or disapprove of the preliminary plat. The Planning Commission shall forward its findings with its recommendation.
- 7) The Town Board shall act on the preliminary plat within 120 days of the date of the Township's receipt of the completed application. The Township shall notify the owner of its decision. If the preliminary plat is denied, the reasons for the denial shall be included in the minutes of the meeting and provided in writing to the owner. If approved, the Town Board may place conditions on its approval. Approval of a preliminary plat is an acceptance of the general layout as submitted and indicates the owner may proceed toward final plat approval in accordance with the conditions of approval and the provisions of this Ordinance. An approval of a preliminary plat expires if the Township does not receive a written request for final plat approval within twelve (12) months from the date of the approval.
- 8) If the preliminary plat is amended after it has been approved, the owner may be required to submit the amended plat to another review process, including another public hearing, if the Township determines the revisions made to the plat are of such a scope that it constitutes a new plat.
- 9) The owner must submit acceptable engineering plans for all required improvements in the plat prior to requesting final plat approval.

201.9 Final Plat Procedure

An owner who has received approval of its preliminary plat, submitted acceptable engineering plans for all required improvements in the plat, has complied with all conditions and requirements imposed on

the preliminary plat approval, and the requirements of this Ordinance may request final plat approval in accordance with the following:

- 1) The request for final plat approval must be submitted in writing to the Township within twelve (12) months of preliminary plat approval and the request shall include four (4) full size; five (5) reduced (11" x 17"), and one (1) electronic copies of the final plat.
- 2) The final plat shall have incorporated all changes recommended by the Town Board and Town Engineer, and shall conform in all respects to this Ordinance, Dakota County Subdivision Ordinance, Minnesota Statutes, Chapter 505, and all other applicable law and rules. If the Township determines the final plat deviates from the preliminary plat and the changes required by the Township to such an extent that it constitutes a new plat, the Town Board shall deny the final plat and inform the owner that the final plat approval will not be granted unless the final plat conforms with the preliminary plat and any required changes.
- 3) The owner must enter into a development agreement with the Township before final plat approval will be granted.
- 4) The owner must submit to the Township any financial security required by the development agreement before final plat approval will be granted.
- 5) The Town Board shall review the proposed final plat and consider the request for approval at a meeting. The Township shall provide the owner written notice of its decision within ten (10) days after the Town Board's action. If the Town Board approves the final plat, the Town Board Chairperson shall be deemed authorized to sign the final plat.
- 6) The approved final plat shall be recorded in the County Recorder's office within ninety (90) days of the Town Board's approval, or such approval shall be considered null and void unless the owner requests and receives Town Board approval of an extension before the ninety (90) day period expires. Any extension so granted may be subject to such conditions as the Town Board may deem reasonable and shall not exceed one hundred and eighty (180) days.
- 7) No changes, erasures, modifications or revisions shall be made in any final plat after the Town Board has approved it, unless the plat is first resubmitted to the Town Board and the modifications are approved. In the event a final plat is recorded without complying with this requirement, the plat shall be considered null and void and the Town Board may institute proceedings to have the plat stricken from the records of the County.

201.10 Sketch Plan Data

A sketch plan submitted to the Township must contain, at a minimum, the following information:

- 1) Parcel identification number of the property to be subdivided.
- 2) Boundaries of the proposed plat.
- 3) North arrow and graphic scale.
- 4) Layout of any existing adjacent streets and of those proposed to be established within the plat.
- 5) Any significant topographical features (e.g., bluffs, shorelands, floodplains, steep hills, etc.).
- 6) Anticipated significant physical changes to the property.
- 7) General lot locations and layout including lot dimensions.
- 8) Location of any existing buildings, structures or foundations on the property to be subdivided.
- 9) A concept plan showing the above information for any adjacent lands owned or controlled by the owner.

201.11 Preliminary Plat Data

A preliminary plat submitted to the Township must contain the following information:

- 1) Identification and Description. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation with the name of any plat recorded in the County.
 - a. Legal description of the subdivision and a survey prepared and certified by a surveyor registered in the State of Minnesota.
 - b. Key Map showing location of the subdivision and property for at least 660 feet adjacent.
 - c. Names and addresses of the owner, subdivider, surveyor and designer of the subdivision.
 - d. North arrow.
 - e. Date of preparation.
 - f. Approval by the subdivision owner.
 - g. Scale of one-inch equals 100 feet or larger.

- 2) Existing Conditions. The following existing conditions must be shown:
 - a. Boundary line of proposed subdivision, clearly indicated.
 - b. Existing zoning classification.
 - c. Total approximate area of each zoning classification.
 - d. Location, widths and names of all existing or previously platted roads or other public ways, showing type, width and condition of improvements, if any, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and section and corporate lines both within the subdivision and to a distance of 100 feet beyond the subdivision.
 - e. Location of existing wells and septic systems within the subdivision and to a distance of 100 feet beyond the tract.
 - f. The boundary lines of adjoining unsubdivided or subdivided land, within 100 feet of the proposed subdivision and the record owner thereof.
 - g. Topographic data shall be required of the proposed subdivision and out to 50 feet beyond boundaries of the plat at contours at vertical intervals of not more than two feet. Additional topographic data up to 300 feet beyond the subdivision boundaries shall be furnished upon the Town Engineer recommendation.
 - h. Soil type information, including information regarding the suitability of the soils for septic systems.
 - i. Wetland data identifying all wetlands, ponds, lakes, waterways, floodplains and shorelines. The owner may be required to submit to the Township a full wetland delineation report for consideration with the preliminary plat.
 - j. Floodplain information shall be provided to the Township for consideration with the preliminary plat and delineated on the preliminary plat for review. The preliminary plat shall comply with the floodplain management regulations contained in this Ordinance and the County's ordinance.
 - k. The primary and secondary septic sites shall be designated for each site and percolation tests shall be provided for both sites. The sites must be within the areas shown as having contiguous suitable soils. The septic system design and construction must follow applicable state and local regulations.

- 3) Subdivision Design Features. The following subdivision design features shall be provided:
 - a. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street shall comply with the Township requirements and shall not be the same as existing street in the Township or immediately adjacent areas, unless the proposed street is an extension of an already named street, in which event the same name shall be used.

- b. The creation of outlots is to be minimized and no outlots shall be allowed for subdivisions containing less than 40 acres without prior approval of the Town Board.
- (1) Locations and widths of proposed alleys, pedestrian ways and utility easements.
- (2) Proposed street and alley centerline profile grades showing approximately both existing and proposed centerline profile grade lines.
- (3) Proposed location and size of storm water ponds and drainage areas.
- (4) Proposed point of storm water discharge.
- (5) Layout, numbers and preliminary dimensions of lots and blocks.
- (6) Minimum front, side and rear building setback lines, indicating dimensions.
- (7) Areas, other than streets, alleys, pedestrian ways and utility easements intended to be dedicated or preserved for public use, including the size of such area or areas in acres.
- (8) A separate draft of all proposed restrictive covenants, if they are to be used, for the preliminary plat.

4) Other Information. The following additional information shall be provided:

- a. Provision for surface water disposal, drainage, and flood control.
- b. If any zoning changes are contemplated, the proposed zoning plan for the areas.
- c. If the owner also owns property adjacent to that which is being proposed for the subdivision, the owner shall submit a sketch plan of the remainder of the property so as to show the possible relationships between the proposed subdivision and the future subdivision. In any event, all subdivisions shall be shown to relate well with existing or potential adjacent subdivisions.
- d. Such other information as may be requested by the Township.

201.12 Final Plat Data

A final plat submitted to the Township must contain the following information:

- 1) The plat shall be prepared by a land surveyor who is registered in the State of Minnesota and shall comply with the provisions of Minnesota State Statutes and of this regulation.
- 2) Survey shall meet the requirements of the Dakota County Surveyor.
- 3) The owner shall provide a map showing location and size of existing septic systems, wells, culverts or other underground facilities within the preliminary plan area and to a distance of one hundred fifty (150) feet beyond. Such data as grades, invert elevations, and locations of catch basins and street pavement width and type, shall also be shown to the extent applicable.
- 4) The owner shall provide a map showing all existing and proposed private restrictions.
- 5) The Township may require a title opinion be obtained from the Town Attorney for the lands included within the subdivision and showing the names of the fee owner and other parties having an interest in the property. The date of continuation of the abstract examined or the date of the examination of the records shall be within thirty (30) days prior of the date the final plat is filed with the County Auditor. The person signing the final plat shall be the owners and encumbrances of record for the subdivision on the date the final plat is filed with the County Recorder.
- 6) Execution by all owners of any interest in the land and any holders of a mortgage therein of the certificate required by Minnesota Statutes and which certificate shall include an accurate legal description of any area to be dedicated for public use and shall include a dedication to the Township of sufficient easement to accommodate utility services in such forms as shall be approved by the Town Attorney.
- 7) Signature blocks for signature by the Township and other governmental officials.

201.13 Township Standards

All new subdivisions and development within subdivisions must meet the following requirements:

- 1) Lot sizing, density calculations, setbacks, driveway locations and all other standards are applicable based on the zoning district location of the parcel(s) being subdivided.
- 2) Township roads and driveways installed as part of the development will be constructed to Township standards. Refer to Section 206 Roads and Traffic.
- 3) Routes for new roadways should avoid areas of wetlands, soils susceptible to erosion and other unstable soils, open space recreation areas, forests by running along the fringe of wooded areas, and creating tunnel vistas.
- 4) All development shall be located in such a manner as to minimize site alteration, alteration of the natural topography, and the removal of vegetation. Any removal or alteration shall be the minimum area necessary for a structure or development undertaken pursuant to an approved permit or site plan.
- 5) All development proposals must include and implement measures and best management practices for preventing erosion, minimizing the volume and rate of runoff, and improving the quality of runoff, in accordance with standards found in:
 - a. The most current version of The Minnesota Stormwater Manual published by the Minnesota Pollution Control Agency.
 - b. The most current version of the Dakota County Soil and Water Conservation District handbook, and
 - c. The most current version of the Erosion Control Handbook for Local Roads (Manual Number 2003-08) published by the Minnesota Local Road Research Board;
 - d. The Dakota County Rural Collaborative Local Water Management Plan; and
 - e. Set forth by the most current regulations of the Minnesota Department of Natural Resources as applicable.
- 6) Standards to ensure structures, roads, screening, landscaping, construction placement, and maintenance and storm water runoff are compatible with the character and use of the proposed improvements.
- 7) Address opportunities for establishment of open space and public viewing, where applicable, and specific conditions with regard to buffering, landscaping and re-vegetation,
- 8) Any other standards deemed necessary by the Township to protect the public health, safety and welfare.
- 9) All residential development within subdivisions shall comply with all other requirements of this Ordinance and the applicable provisions of any other federal, state, and local laws, rules, regulations, and ordinances.

Section 202: Performance Standards

202.1 Intent

These performance standards are designed to prevent and eliminate those conditions that are hazardous and endanger people, private and public property, and the natural environment. The performance standards established in this section shall apply to all structures and land uses in all zoning districts. The Town Board, Planning Commission and Building Inspector shall be responsible for enforcing these standards. Before any building permit is approved, the Town Board shall determine whether the proposed use will conform to the performance standards. The petitioner, developer, or landowner shall supply data necessary to demonstrate conformance with these standards, at the request of the Planning Commission or Town Board. Such data may include environmental information on soils, topography,

geology, water courses, wetlands and tree cover, locations of road right-of-way, boundary lines, equipment and construction processes to be used; hours of operation and provisions of disposal of all wastes produced by the use.

202.2 Residential Dwellings

All residential dwellings, including manufactured homes, built or brought into Ravenna Township after March 1, 1983, must comply with the housing performance standards of this section, except those residential dwellings exempted under certain provisions of Section 202.5.

These standards are established for the purpose of promoting residential energy conservation, preserving and protecting desired architectural and aesthetic characteristics of housing in the township. The following standards apply:

- 1) All residential dwellings shall be firmly anchored to a wood or concrete block continuous foundation below frost line and attached with anchor bolts in accordance with the State of Minnesota Building Code in effect at the time the building permit is granted, and as required by the manufacturer's installation instructions.
- 2) All residential dwellings shall have a minimum of 600 sq. ft. of livable floor space.
- 3) All residential dwellings shall have exterior wall joist construction consisting of framing materials of at least 1 ½" x 3 ½" dimension.
- 4) All residential dwellings, except earth-sheltered homes, shall have pitched roofs with a minimum pitch of 3:12, and a snow load capacity to meet minimum requirements of the State Building Code.
- 5) All residential dwellings shall have a minimum width of 18 feet, and a minimum length of 30 feet. The measurement of such dimensions shall not include bay windows, roof overhangs, or eaves under which there is no interior space.
- 6) The roof and all exterior surfaces of all residential buildings for which a building permit has been issued for construction, alteration, remodel, enlargement, repair or maintenance shall be completed with exterior finish materials within 12 months of the date of building permit issuance. All residential buildings existing as of the date of adoption of this Ordinance for which a building permit had been issued must be completed with exterior finish materials within 12 months of the date of adoption of this Ordinance. Finished materials shall mean stucco, brick, stone, shingles or shakes, redwood or cedar siding, or other painted or stained siding materials and shall include windows and doors.

202.3 Accessory Structures

Accessory structures may be permitted when they are constructed as an accessory to a new or existing dwelling. Garages containing more than 200 square feet of floor space, and fabric covered hoop buildings, portable storage structures, carports, and similar structures containing more than 200 square feet of covered space, are considered accessory structures for the purposes of this Section. No accessory structure containing more than 200 square feet of floor space shall be constructed unless a building permit is first obtained from the Township. No fabric covered hoop building, portable storage structure, carports, or similar structure containing more than 200 square feet of covered space shall be erected or placed unless a zoning permit is first obtained from the Township. Structures shall be properly maintained and repaired as determined by the Zoning Administrator. Any structure that has visible tears, is partially collapsed, or is otherwise in a dilapidated state must be immediately repaired or removed from the property. The number of allowed accessory structures and their height and square footage may not exceed the maximums shown below in Table 202. However, one garage with up to

1080 square feet and up to 16-foot sidewalls is allowed without consideration of the limit on the number and total square footage of allowed accessory structures. Any square footage of a garage that exceeds 1080 square feet shall be included in the calculation of the total square footage for allowed accessory structures on the property. No existing accessory structure shall be expanded in any way that results in the lot exceeding the maximum square footage, or the sidewall height limitations, set out in Table 202. The total square footage restriction is the combined total maximum square footage of accessory structures allowed on a property. The footprint of an accessory structure, including the area under any attached lean-to or similar structure containing a roof, shall be used to measure its total square footage. A storage container shall constitute an accessory structure for the purpose of determining the total number and square footage of accessory structures allowed on a property. Any storage container placed on the property must, within six months of being placed, be painted a uniform color and have all letters, numbers, and other markings removed.

| Table 202 Accessory Structure Sizing | | | | |
|---|-----------|----------|---------------------------|-------------------------|
| Lot Size | Maximum # | SF Ratio | Maximum Total Square Feet | Side Wall Height (feet) |
| Up to 1.4 acre | 2 | | 1500 sf | 16 ft |
| 1.5 -1.9 acres (1) | 2 | 0.0255 | Lot area X SF ratio | 16 ft |
| 2-4.9 acres (1) | 3 | 0.0255 | Lot area X SF ratio | 16 ft |
| 5 + acres | 4 | | 5444 sf | 16 ft |

To determine maximum structure size in square feet multiply total lot size in square feet (1 acre = 43,560 sf) by the SF Ratio. Example: 2.5 ac x 43,560 sf = 108,900 sf. Multiply total sf by ratio from Table 202. For example: 108,900sf (0.0255) = 2777 sf maximum structure size allowed.

Owners of tracts of land 5 acres or greater can construct accessory structures of a size not to exceed 5,444 square feet plus an additional 300 square feet for every complete acre of land owned over 5 acres. The maximum number of accessory structures allowed shall increase by 1 for every 10 acres over 10 acres.

All accessory structures cannot have sidewalls that exceed 16 feet, except that an agricultural structure on parcels containing 40 acres or more may exceed the 16-foot side wall height limitation with prior approval of the Town Board upon a showing that a higher side wall height is needed in order to reasonably accommodate the intended use of the structure for agricultural purposes.

No accessory structure shall be constructed without first obtaining a building permit from the Township. Those accessory structures not required by law to obtain a building permit, including agricultural buildings, shall not be constructed without first obtaining a zoning permit from the Township. One single story shed of 200 square feet or less may be constructed without obtaining a building permit or zoning permit from the Township, though the structure is included for determining the total number of accessory structures allowed on a property. Setbacks under Provision 101.6 apply to all buildings.

202.4 Dwelling Units Prohibited

No basement, garage, tent, or accessory structure shall be used as a permanent residential dwelling. The basement portion of a finished home 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.

202.5 Earth-Sheltered Homes

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

- 1) At least 50 % of the exterior surface of the structure is covered with earth or earthen material.
- 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.

202.6 Home Occupations

Home occupations must be clearly incidental and secondary to the use of the dwelling for residential purposes and are subject to the following limitations:

- 1) Home occupations must be registered with the Township.
- 2) Home occupations shall be conducted solely by persons residing in the residence. No person not residing in the residence may be employed on-site in the home occupation.
- 3) All activities associated with the home occupation, including storage, must be conducted solely within structures.
- 4) There shall be no alteration to the exterior of the residential dwelling, accessory structure or yard that in any way alters the residential character of the premises.
- 5) Without a Conditional Use Permit, no exterior sign, display or device, or sign, display or device visible from the exterior, advertising the occupation.
- 6) The home occupation shall not produce any light, glare, noise or vibration perceptible beyond the boundaries of the property which is not customarily associated with residential use.
- 7) The home occupation shall not involve the retail sale or rental of products on the premises.
- 8) Unless completely enclosed within an approved structure, no vehicle used in the conduct of the home occupation shall be parked, stored or otherwise present at the premises, other than such as is customarily used for domestic or household purposes.
- 9) No deliveries associated with the home occupation may be made in commercial vehicles over five-ton single axel capacity.
- 10) Only on-site off-street parking facilities typically associated with the residence shall be used.
- 11) The conduct of a home occupation or the use of substances that may be hazardous to or in any way jeopardize the health, safety or welfare of neighbors and neighboring property shall not be permitted.
- 12) The home occupation must be operated in compliance with all other applicable federal, state, and local laws, rules, and ordinances.
- 13) All other uses not conforming to these conditions and/or the definition of home occupation as defined by this ordinance requires a conditional use permit per Section 080.

202.7 Land Disturbance and Clear Cutting

In all areas of the Township, including overlay districts, the disturbance of land and the clear cutting of land are subject to the following restrictions:

- 1) Land disturbance on slopes greater than 12% is prohibited. For the purpose of this Ordinance, "land disturbance" shall mean any activity on property that results in a change or alteration in the existing ground cover (both vegetative and non-vegetative) or the existing soil topography. These activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, stockpiling, excavation and borrow pits.

The use of land for new and continuing agricultural activities and routine vegetation management activities shall not constitute a land disturbance.

- 2) Clear cutting is prohibited on islands, public recreation lands, bluff faces, slopes greater than 12%, within 200 feet of the ordinary high watermark, and within 40 feet landward of bluffs. Natural shrubbery, trees and undergrowth shall be preserved as far as practicable in these areas. For the purposes of this Ordinance, "clear cutting" shall mean cutting or otherwise removing more than 33% of the standing vegetative material (trees, brush, shrubs) in a particular area.

202.8 Commercial Animal Services

All commercial animal services must be related to an agricultural use occurring on the same property and are subject to the following limitations:

- 1) No commercial animal services uses may occur in the Town without first obtaining a conditional use permit from the Town Board.
- 2) The operator of commercial animal services must comply with all conditions imposed on the conditional use permit issued for the use.
- 3) All structures in which members of the public will be present as part of their participation in the commercial animal services shall comply with applicable building standards.
- 4) The number of animals on the property must not exceed the limits imposed in Section 101.9.

202.9 Temporary Structures

The placement, erection, and maintenance of temporary structures containing 200 square feet or less within the Township are subject to the following requirements and limitations:

- 1) Any structure exceeding 200 square feet shall not be considered a temporary structure for the purposes of this Ordinance and shall instead be regulated as an accessory structure and shall require a building permit or a zoning permit depending on the type of structure being erected. Such structures shall be included in the calculation of total square footage allowed for accessory structures in Table 202 of Section 202.3 and shall not be allowed if the additional square footage would cause the lot to exceed the maximum square footage indicated in Table 202.
- 2) The placement of a temporary structure shall comply with the minimum setback requirements of the district in which it is located.
- 3) Temporary structures shall be properly maintained and repaired as determined by the Zoning Administrator. Any temporary structure that has visible tears, is partially collapsed, or is otherwise in a dilapidated state must be immediately repaired or removed from the property.
- 4) Temporary structures existing on a property as of the effective date of this Section shall be brought into full conformance with the requirements of this Section by no later than July 1, 2016.

202.11 Cannabis Businesses

1) Purpose

The purpose of this Section is to protect the public health, safety, welfare of the Town's residents, and to promote the community's interest in reasonable stability in zoning, by regulating cannabis businesses within the legal boundaries of the Town.

2) Authority

The Town is authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable restrictions on the time, place, and manner of the operation of a cannabis business, including the adoption of zoning regulations under Minnesota Statutes, section 462.357. The Town is also authorized to register cannabis businesses under Minnesota Statutes, section 342.22 and to regulate the use of cannabis in public places under Minnesota Statutes, section 152.0263, subdivision 5. The intent of this section is to comply with the provisions of Minnesota Statutes, chapter 342 and the rules promulgated thereunder. References to statutes shall include any amendments made to those sections and includes any successor provisions.

3) Definitions

For the purpose of this Section, the following terms shall have the meaning given them in this subsection. Any term not defined in this subsection shall have the meaning given the term in Minnesota Statutes, section 342.01, or in the rules promulgated by the Minnesota Office of Cannabis Management, including any amendments made thereto.

- a) **Adult-Use Cannabis Product:** Has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 4.
- b) **Cannabis Business:** Has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14, and includes all businesses listed thereunder. For the purposes of this section, the term also includes hemp manufacturers and hemp retailers.
- c) **Cannabis Cultivator:** A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.30, or such other law as may apply, to cultivate cannabis.
- d) **Cannabis Event Organizer:** A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.39, or such other law as may apply, to hold temporary cannabis events.
- e) **Cannabis Manufacturer:** A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.31, or such other law as may apply, to manufacture cannabis.
- f) **Cannabis Wholesaler:** A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.33, or such other law as may apply, to sell cannabis at wholesale.
- g) **Cannabis Retailer:** A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.32, or such other law as may apply, to sell cannabis at retail.

- h) Cannabis Testing Facility: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.37, or such other law as may apply, to test cannabis.
- i) Cannabis Transporter: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.35, or such other law as may apply, to transport cannabis.
- j) Cannabis Deliverer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.41, or such other law as may apply, to sell deliver cannabis.
- k) Daycare: A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.
- l) Hemp Manufacturer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to manufacture lower-potency hemp edibles.
- m) Hemp Retailer: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.43, or such other law as may apply, to sell lower-potency hemp edibles at retail.
- n) Lower-Potency Hemp Edible: Has the same meaning given the term in Minnesota Statutes, section 342.01, subdivision 50.
- o) Medical Cannabis Combination Business: A cannabis business licensed or endorsed by the Office of Cannabis Management under Minnesota Statutes, section 342.515, or such other law as may apply, to cultivate, manufacture, package, and sell cannabis.
- p) Office of Cannabis Management: The Minnesota Office of Cannabis Management, which has the powers and duties set out in Minnesota Statutes, section 342.02.
- q) Place of Public Accommodation: A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- r) Public Place: A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

- s) Residential Treatment Facility: Has the meaning given the term in Minnesota Statutes, section 245.462, subdivision 23.
- t) School: A public school as defined under Minnesota Statutes, section 120A.05, or a nonpublic school that must meets the reporting requirements under Minnesota Statutes, section 120A.24.

4) Allowed Uses

- a) Zoning Districts. Notwithstanding anything to the contrary in this Zoning Ordinance, the following uses are allowed in the identified zoning districts with the issuance of an interim use permit.

| Use | Zoning District |
|--|--------------------------|
| Cannabis Retailer | Rural Residential (RR-1) |
| Hemp Retailer | Rural Residential (RR-1) |
| Cannabis Cultivator | Rural Residential (RR-1) |
| Cannabis Manufacturer | Rural Residential (RR-1) |
| Hemp Manufacturer | Rural Residential (RR-1) |
| Cannabis Wholesaler | Rural Residential (RR-1) |
| Cannabis Testing Facility | Rural Residential (RR-1) |
| Cannabis Transporter | Rural Residential (RR-1) |
| Cannabis Deliverer | Rural Residential (RR-1) |
| Cannabis Event Organizer | Rural Residential (RR-1) |
| Medical Cannabis Combination Business | Rural Residential (RR-1) |

- b) Medical Cannabis Combination Business. A medical cannabis combination business shall, for the purposes of determining in which zoning districts the particular cannabis business may be located, be classified as a cannabis cultivator, cannabis manufacturer, and/or a cannabis retailer depending on the scope of its operations.

5) Permit Required

No cannabis business shall operate within the Town without first obtaining an interim use permit from the Town in accordance with Section 070 of the Zoning Ordinance.

6) Buffer Zones

- a) Buffer Distances. Except as provided below, no cannabis business shall be located or operate within:
 - (i) 1,000 feet of a school;
 - (ii) 500 feet of a residential treatment facility;

- (iii) 500 feet of a daycare facility; or
- (iv) 500 feet of an attraction within a public park that is regularly used by minors including, but not limited to, playgrounds and athletic fields.

b) Nonconforming. A cannabis business lawfully established and operating in a location may continue to operate as a lawful nonconforming use if a school, residential treatment facility, daycare facility, or park is established within the required buffer distance. A cannabis business that becomes nonconforming is subject to the restrictions in Minnesota Statutes, section 462.357, subdivision 1e.

7) Performance Standards

Cannabis businesses shall comply with the performance standards and restrictions set out in this Section and with all other applicable Minnesota and local laws, rules, regulations, and ordinances.

- a) Licensing. No cannabis business may operate within the Town unless it licensed by the Office of Cannabis Management, and then only to the extent allowed by the licenses and endorsements issued to the cannabis business.
- b) Registration. No cannabis business may operate within the Town unless it is currently registered with the County, if registration of the particular type of cannabis business is required under Minnesota Statutes, section 342.22. If the County acts to suspend the registration the cannabis business shall cease all activities associated with registered business until the registration is reinstated. If the County acts to cancel a registration, the cannabis business shall cease all activities associated with the registered business.
- c) Town Zoning Ordinance. Every cannabis business shall comply with all applicable requirements of this Zoning Ordinance.
- d) Building Code. Cannabis businesses shall comply with all applicable building and fire codes.
- e) Hours of Operation. No cannabis business with a license or endorsement authorizing the retail sale of cannabis flower or cannabis products may sell cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products outside of the hours of operation established by the County. If the County does not establish specific hours of operation, the hours established in Minnesota Statutes, section 342.27, subdivision 7 shall apply.
- f) Retail Sales. Any cannabis business licensed or endorsed to sell cannabis or lower-potency hemp edibles at retail shall comply with the following:

- (i) The owner shall include a copy of the operating plan required under Minnesota Statutes, section 342.32, subdivision 3 as part of the application materials for an interim use permit for the cannabis business; and
 - (ii) Comply with the prohibitions contained in Minnesota Statutes, section 342.27, subdivision 12 including, but not limited to, not operating a drive-through window, not dispensing products using a vending machine, and not making sales when the cannabis business knows that any required security or statewide monitoring system is not operational.
 - (iii) All parking areas, loading areas and access drives to parking and loading areas shall be durable and dustless.
- g) Cannabis Cultivation. Any cannabis business licensed or endorsed to cultivate cannabis shall comply with the following:
 - (i) The owner shall include a copy of the operating plan required under Minnesota Statutes, section 342.30, subdivision 3 as part of the application materials for an interim use permit for the cannabis business; and
 - (ii) Comply with the requirements in Minnesota Statutes, section 342.25 and all applicable rules established for such operations.
- h) Lower-Potency Hemp Edibles. The sale of lower-potency hemp edibles are subject to the restrictions and requirements of this subsection.
 - (i) The sale of lower-potency hemp edibles is only allowed in places that limit admission to persons 21 years of age and older.
 - (ii) Lower-potency hemp edibles shall be stored in a locked case and may only be sold behind a counter.
- i) Prohibitions. No cannabis business shall operate in a manner that violates, or fails to comply with, the provisions of Minnesota Statutes, chapter 342, such other laws as may apply, and the following:
 - (i) No cannabis flower, cannabis products, or hemp-derived consumer products in a manner that involves the inhalation of smoke, aerosol, or vapor shall be used at any location where smoking is prohibited under Minnesota Statutes, section 144.414; and
 - (ii) No cannabis business authorized to sell at retail shall sell any cannabis flower or cannabis products in violation of any of the prohibitions in
 - (iii) Minnesota Statutes, section 342.27, subdivision 12.

8) Cannabis Event Permit

No cannabis event may occur within the Town unless the event organizer first obtains a cannabis event permit from the Town and complies with the requirements of this subsection and all applicable laws.

- a) Consumption Prohibited. The consumption of adult-use cannabis products at a cannabis event is prohibited.
- b) Permit Required. A cannabis business licensed by the Office of Cannabis Management to conduct temporary cannabis events may only conduct an event in a zoning district in which the use is allowed, and then only upon obtaining a cannabis event permit from the Town.
- c) Application Process. Unless the interim use permit issued to a cannabis event organizer indicates otherwise, the following procedure shall apply for seeking a cannabis event permit for an event. A separate cannabis event permit is required for each event.
 - (i) The applicant must complete and submit the Town's cannabis event permit application form together with the applicable fee at least 60 days before the start of the proposed event. Incomplete applications will be returned to the applicant without processing. If the proposed cannabis event constitutes a special event under the Town's regulations, the applicant is required to follow the applicable requirements to obtain a special events license or permit, and such approval shall also constitute the cannabis event permit for the particular event.
 - (ii) If approved, the cannabis event permit shall, at a minimum, indicate the event location, dates (not to exceed four days), daily operating hours, and the specific restrictions or requirements placed on the event. The types of restrictions and requirements placed on an event will vary depending on the anticipated size and may include, but are not limited to, traffic routing, parking, security, sanitation facilities, garbage, first aid, limitations on amplified music and public address systems, insurance coverages, and maximum attendance.
- d) Enforcement. The Town may suspend or revoke a cannabis event permit if the event organizer fails to comply with the conditions placed on the permit in any material way after being informed of the violation and the need to correct it. The Town may deny issuing a permit to an event organizer that failed to comply with any cannabis event permit issued within the preceding three years.

9) Public Use of Cannabis

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp derived consumer products in a public place or a place of public accommodation,

unless the premises is a cannabis business licensed by the Office of Cannabis Management for on-site consumption.

Section 203: Agricultural Use Standards

Agricultural uses, regardless of the zoning district in which they occur, shall comply with the performance standards established in this Section and with the other applicable provisions of this Ordinance. The purpose of these standards is to protect agricultural uses while minimizing negative impacts on surrounding properties and protecting the public health, safety and welfare.

203.1 General Standards

Agricultural uses shall comply with the following standards:

- 1) The use shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances.
- 2) All structures, including temporary structures, shall meet the minimum setback requirements and dimension standards of the district in which it is located.
- 3) The grounds and all structures shall be maintained in a clean and safe manner.
- 4) The road providing access to the property must be sufficient to accommodate the particular agricultural use to be established without having to rely on the road authority to improve the road before the use may be established.

203.2 Animal Feedlots and Manure Handling

1) Intent and Purpose

The production of farm animals and other agricultural products is an important part of the environment and economy of Dakota County and the Township. Livestock, poultry, dairy products, and other agricultural commodities are produced in the Township. The continued viability of the agricultural community and production of these products is essential to the economic wellbeing of the Township and its residents.

It is the intent of this Section to allow for the continued production of agricultural commodities and to maintain a healthy agricultural community while ensuring that animal feedlots and animal wastes are properly managed to protect the health of the public and maintain compatibility of land uses in the Township.

The purpose of this Section is to establish an application process for allowing animal feedlots, regulating location, development, operation and expansion of animal feedlots, promoting best farm management practices, and ensuring land use compatibility.

2) Administration

The Town Board determines that in order to ensure compliance with this Ordinance as well as state and other local regulations applicable to animal feedlots, those establishing, operating, expanding, or closing an animal feedlot shall register with the Township as provided in this Section.

a. Registration Required

Animal feedlots containing 10 or more animal units must be registered with the Township and then re-registered every four (4) years. Any person proposing to establish a new feedlot or to expand an animal feedlot so it contains ten (10) or more animal units must register with the Township prior to

establishing or expanding the animal feedlot. Any person discontinuing the use of an animal feedlot shall register such discontinuance with the Township. An existing animal feedlot must also be re-registered with the Township if any of the following occurs:

- (1) A change in operation of an existing animal feedlot is proposed. A change in operation includes:
 - a) A proposed increase beyond the maximum number of animal units allowed in a previously issued permit;
 - b) A proposed increase in an unpermitted animal feedlot by 10 or more animal units;
 - c) A change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure;
- (2) Ownership of the animal feedlot is changed;
- (3) A National Pollutant Discharge Elimination System (NPDES) permit application is required under federal or state laws or rules; or
- (4) An inspection by authorized MPCA, (Minnesota Pollution Control Agency), or Dakota County staff determines that the animal feedlot creates or maintains a potential pollution hazard.

b. Registration Application

An application for registration or re-registration shall be submitted to the Township and shall, at a minimum, include the following (to the extent applicable):

- (1) Owner's and operator's name and address
- (2) Existing or proposed location of the animal feedlot, including quarter section, township and range;
- (3) Animal types and maximum number of animals of each type which will be confined at the animal feedlot;
- (4) A sketch identifying dimensions of the animal feedlot, all setbacks required in Section 101.7, and homes, buildings, existing manure storage areas and/or structures, lakes, ponds, water courses, wetlands, dry-runs, tile inlets, sink holes, roads and wells located within the required setback areas;
- (5) Plans for buildings or structures as required by this Ordinance.
- (6) Proof of a Feedlot registration from the MPCA, if required by state regulations.
- (7) Proof a Spill Response Plan for the animal feedlot has been approved by the County Feedlot Officer if required.
- (8) A copy of the plan to manage the manure generated at the animal feedlot.
- (9) If required, a developed plan in consultation with the MPCA.

c. Application Review

Complete registration applications shall be submitted to the Township Clerk-Treasurer. The Township Clerk-Treasurer shall forward complete applications to the Town Board for review.

The Town Board may request review of an application by the Planning Commission. If such a review is requested, the Planning Commission shall forward any comments and recommendations it may have regarding the animal feedlot to the Town Board within 30 days of its receipt of the application. The Town Board shall consider registration applications at a regular or special board meeting, confirm the applicant provided all the required information concerning the animal feedlot, and determine whether the animal feedlot complies with this Ordinance and is, therefore, eligible for registration.

All animal feedlots in the Township shall comply with this Ordinance and all applicable federal, state, and local laws, rules, regulations, and ordinances. An animal feedlot in existence as of the effective date of this Ordinance that does not comply with the requirements of this Ordinance shall be

allowed to continue to operate provided it is registered and re-registered and is not expanded to contain any more animal units than it contained as of the effective date of this Ordinance. All such non-conforming animal feedlots shall comply with all applicable federal and state feedlots laws and rules.

3) Acreage and Setback Requirements

a. Minimum Area

An animal feedlot shall not be established except on a parcel of land that satisfies the minimum area requirements. The minimum area requirements for an animal feedlot will be based upon the minimum amount of land required to meet the setback listed below and is further impacted by the density limitations and other restrictions contained in Section 101.9 of this Ordinance.

b. Minimum Setbacks

The following setbacks shall apply to all new Animal Feedlots and Manure Storage Facilities:

| | |
|--|------------------|
| 1. Minimum setback from residences not owned by feedlot owner, family or employee: | |
| Animal Units | Minimum Distance |
| Less than 10 | 100 ft |
| 10 – 50 | 250 ft |
| 51-150 | 500 ft |
| 151-500 | 1000 ft |
| 501- 750 | ¼ mile |
| More than 750 | Not allowed |
| | |
| 2. Public parks | ¼ mile |

c. Measurements

The separation distances established in this section shall be measured from the perimeter of the animal feedlot or animal waste storage facility to the nearest boundary of the public park or the exterior wall of a residence, whichever applies.

4) Manure Storage and Transportation

a. Compliance with State and Local Standards

All animal manure shall be stored and transported in conformance with federal, state and local laws, rules, regulations, and ordinances.

b. Potential Pollution Hazard Prohibited

No manure storage facility shall be constructed, located or operated so as to create or maintain a potential pollution hazard.

c. Storage Capacity for New Animal Waste Storage Facility

If required by State regulations, storage capacity for animal manure from new Animal Waste Storage Facilities shall be consistent with the Nutrient Management Plan subject to the review and approval by the MPCA.

d. Engineer Approval of Plans

All plans for an animal manure storage facility must be prepared and approved by an engineer licensed by the State of Minnesota, if required by State regulations. A report from an engineer licensed by the State of Minnesota must be submitted to and approved by the MPCA prior to use of the structure for manure storage, if required by State regulations.

e. Abandoned Manure Storage Facilities

All animal waste must be removed from an animal waste storage facility that has not been operational for 1 year.

f. Emergency Notification

In the event of a leak, spill or other emergency related to the handling of animal manure that presents a potential for pollution of a natural resource or inconvenience to the public, the owner of the animal feedlot or individual or business responsible for transport or spreading of animal manure shall notify the Minnesota Duty Officer and the MPCA or agent to review alternative solutions and to receive authorization to take appropriate actions to remedy the situation. The operator or owner of a feedlot, or the individual or business responsible for transport or spreading of animal manure is responsible for costs associated with clean-up and other remedies related to the emergency.

5) Other Regulations

Compliance with all other applicable local, state and federal standards shall be required, including State feedlot regulations (Minnesota Rules, Chapter 7020) and Shoreland Development (Minnesota Rules, Parts 6120.2500 - .3900).

It is the purpose of this Section to prevent agricultural operations from being harassed by unsubstantial nuisance complaints.

Section 204: Right to Farm

. Right to Farm.

Individuals owning or renting property that abuts or is located near an agricultural operation may be subject to inconveniences or discomforts arising from such operation. Such discomfort or inconveniences may include, but are not limited to, noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described above may occur as a result of any agricultural operation that is in conformance with existing laws and regulations and with accepted agricultural customs and standards. The Township has determined that the use of real property for agricultural purposes is a high priority and favored, and that those inconveniences arising from such agricultural operations should not be considered a nuisance, provided that the operation is conducted or maintained on agricultural land and is operating in accordance with all applicable state statutes or rules or any issued permit. Such operations shall not be considered as or become a nuisance, public or private, if the operation was not a nuisance when it began. This provision does not apply to operations or activities considered a nuisance as defined under Minnesota Statutes, Chapter 561.19; Subdivision 2.

Section 206: Roads and Traffic

206.1 Internal Traffic Control

The traffic generated by any use shall be channeled and controlled in a manner that will avoid:

- 1) congestion on the public streets;
- 2) traffic hazards;
- 3) excessive traffic through residential areas, particularly truck traffic. Traffic within a property shall be managed to ensure its safe and orderly flow.

206.2 Intersections

Nothing shall be placed or allowed to grow on corner lots in such a manner as to materially impede vision on the intersecting streets. A clear line of vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets shall be maintained from the intersection to a distance of 50 feet along each street (sight triangle).

206.3 Driveways

A driveway permit is required from the Township for all new or reconstructed driveways. All driveways and access to private lands must be made and maintained in conformance with these standards.

- 1) Driveways shall join at right angles to a public road and provide a clear and unimpeded view at the intersection of the driveway with any public road.
- 2) All portions of driveways for residential use shall be located at least 20 feet from a side property line, except the portion of driveways permitted as approaches and located within a Township right-of-way shall be located at least 50 feet from a side property line.
- 3) Driveways on corner lots to be located a minimum of 85 feet from the centerline of the adjacent street at right angle to the frontage where the driveways will be placed.
- 4) Shared driveways are allowed provided they: serve a maximum of 2 lots; are centered on the common property line of the 2 lots; are legally established through the conveyance of a 33-foot-wide shared driveway easement recorded against the 2 lots; are at least 33 feet in width; and otherwise comply with this Ordinance.
- 5) All driveways that require a culvert shall have a culvert of at least 15 inches in diameter and 20 feet in length at an approved load strength.
- 6) A driveway shall have an elevation of six inches below the road elevation, at a point 15 feet from the edge of the surface of the road.
- 7) The gradient of any residential driveway extending from a public road or right-of-way shall not be less than 3%, nor exceed 15%. The driveway approach to the public road should be lower in elevation than the elevation of the public road, the driveway approach shall be designed such that storm-water from the driveway does not run onto the public road. Any maintenance that is required to correct a drainage problem associated to improper installation of a driveway shall be the responsibility of the owner.
- 8) In the event of a change of land use or a major change in traffic pattern on the existing land, the Town Board may require a change in number, location, and design of existing driveways on the property. A new driveway application shall be submitted if a change in an existing driveway is required by the Town Board or sought by the owner.
- 9) County and State setback requirements may be more restrictive and may require the owner to obtain additional permits.
- 10) A driveway shall be at least 12 feet wide and a clearance of at least 15 feet shall be maintained over the entire length of the driveway to allow for access by emergency vehicles.

- 11) An applicant for a driveway permit may request the Town Board grant a waiver of one or more of the standards or requirements of this Section. No waiver will be granted unless the applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.

206.4 Township Roads

- 1) All newly constructed Township roads shall be paved and constructed to a 9 ton capacity (typical cross section includes 10" of 100% crushed limestone and 2 lifts of 2 ½" of asphalt) with a minimum 24 foot wide bituminous paved surface.
- 2) All new roads shall have a right-of-way of 66 feet.
- 3) Centerline gradients shall not exceed 6% with a minimum horizontal curve radii of 150 feet.
- 4) The maximum length of a permanent cul-de-sac shall not exceed 500 feet.
- 5) A temporary cul-de-sac may be required when a new subdivision adjoins un-subdivided land that may be subdivided in the future. In this case, the new road(s) shall be carried to the boundaries of the adjoining un-subdivided land and temporary cul-de-sac(s) will be constructed until the adjoining property is developed and the road is extended.
- 6) The minimum radius of the cul-de-sac shall be 60 feet.
- 7) Drainage culverts placed under the Township roads will be reinforced concrete of sufficient size, depth and load strength for the proposed conditions.

206.5 Parking Prohibitions

- 1) Private Property

Parking spaces for residential parking shall be on the same lot as the residential dwelling. It is unlawful for anyone to park, or allow to be parked, a semi-trailer on non-farm property within the Rural Residential district except for immediate loading or unloading of the same.

- 2) Public Streets

It is unlawful for anyone to park, or allow to be parked a semi-trailer, truck-tractor, or trailer on any street within the Rural Residential zoning district, except for the immediate loading or unloading of the same or as used for the maintenance or repair of public streets.

206.6 Address / Fire Number Signs

Address / Fire number signs must be displayed at the end of the driveway of every dwelling. The placement of Address / Fire number signs should be approximately five feet to the right while facing the driveway, and approximately 15 feet back from the edge of the road. All sign installations must comply with all applicable laws including contacting Gopher One Call before digging.

Section 207 SEWAGE TREATMENT STANDARDS

Installations, alterations, repairs and maintenance shall be performed in accordance with Minnesota Rules, Chapters 7080 & 7082, and such other law as may apply.

No person shall install, repair or alter an on-site sewer system without first obtaining a permit from the Township. A complete permit application form must be submitted to the Township together with the

applicable fee. A permit will not be issued until a soil percolation test is completed which indicates the soil is favorable for the operation of a compliant on-site sewer system.

No person shall engage in the design, installation, alteration, repair, maintenance, pumping, or inspection of an on-site sewer system unless properly licensed as required in Minnesota Rules, Chapter 7083.

Dakota County administers the SSTS Program per the provisions of Ordinance #113.

Section 208: Water Wells

The installation of water wells shall be in accordance with the regulations contained within the Dakota County Ordinance No 114 - "Well and Water Supply Management", which is hereby adopted by reference and incorporated herein.

Section 300: Water and Soil Resource Management

The Township has adopted the Vermillion River Watershed Joint Powers Organization Standards which are part of the Dakota County Rural Collaborative Local Water Management Plan, which has also been adopted by the Township. In addition to the standards set forth in this Plan, newly constructed stormwater ponds in the Township are required to meet pond design standards of the Nationwide Urban Runoff Program (NURP). The Township has assumed responsibility under Category 2 of the Plan for issuing permits. Permits are required from the Township for all land disturbing activities, the creation of new impervious surfaces, floodplain alteration activities and drainage alteration activities. The Township shall also be responsible for reviewing documentation related to an applicant's National Pollutant Discharge Elimination System (NPDES) stormwater permit for construction activity. Approval from the Township is also required for the alteration of any wetland, which requires the submittal of a Wetland Conservation Act application.

Section 400: Tree and Wooded Areas Preservation

The following restrictions shall apply to all development activities:

- 1) Forestation, reforestation or landscaping should utilize a variety of native tree species and shall not utilize any species presently under disease epidemic.
- 2) Development activities including grading and contouring shall take place in such a manner as to not damage the root zone of existing trees to be preserved. The root zone shall be no less than the canopy of the tree at its widest point.
- 3) Clear cutting is regulated by Section 202.7.
- 4) The removal of trees seriously damaged by storms or other acts of God, or diseased or infected trees, shall not be prohibited.

Section 500: Communication Towers and Antennas

All communication towers and antennae shall comply with the following standards. This section applies to communication towers and antennae regardless of whether they are for wireless telecommunication services, cable television services, or other purposes.

501 Project Review Meeting.

Anyone proposing to erect a new tower or extend the height of an existing tower by more than 10%, shall notify the Township of the proposed project in writing and shall attend a Town Board meeting prior to the start of construction to review the proposed project with the Town Board and to confirm the project's compliance with the requirements of this Section. The Township may provide notice of the project review meeting to area property owners to help ensure they are aware of the project and to give them an opportunity to ask questions regarding the project.

502 Co-location on Existing Structures.

New towers or antennae must be co-located on existing structures in the Township, unless it can be documented that it is impractical to co-locate on an existing structure because of technical performance, system coverage or system capacity, an existing structure cannot support co-location from a structural engineering standpoint, or the lease rate of an existing structure is not "Rate Reasonable". Rate Reasonable shall mean that the co-location lease rate is not more than 150 % of the co-location lease rate for towers within 10 miles for which such lease rate information can be obtained. The determination that co-location on an existing structure is not practical because of technical performance, system coverage, or system capacity, shall be supported by findings from a qualified engineer.

503 Co-location Requirements for New Structures.

New towers shall be designed and constructed to permit the future co-location of other commercial wireless telecommunication services, according to the following criteria:

Height of Structure

Less than 120 feet

Between 120 feet and 160 feet

Greater than 160 feet

Number of Co-location Required

No co-location required

1 additional user accommodated

2 additional users accommodated

In the event a tower must be constructed in excess of 160 feet in height, the owner of the tower shall reserve the right of co-location for 1 of the 2 additional users to the Township for the use by the Township for government communication services including but not limited to uses such as fire, police or rescue. In satisfying co-location requirements, the owner of the tower must provide adequate access to the tower site and space within the owned or leased area to accommodate co-location user's equipment needs. Nothing in these regulations shall prevent the owner of the tower from requiring remuneration from a co-location user, excepting the co-location use reserved for the Township, and provided such remuneration is Rate Reasonable. The owner of the tower may also establish reasonable technical requirements for co-location to protect the owner's investment and guarantee effective telecommunication service.

The owner shall make any unused co-location site on its tower available to the Township, County, or State as needed for emergency related communications uses provided the proposed use is consistent with the safe and efficient operation of communications services. The owner of the tower shall have the authority to determine whether the proposed emergency communications use of the tower is compatible with commercial wireless telecommunications services users on the tower. The owner of the tower shall have the authority to review all plans for co-location uses and require reasonable modifications for such plans to ensure safe and efficient operation of the communications services and protect the owner's investment.

504 Towers and Antennae Design.

Towers and antennae shall be located and designed to blend into the surrounding environment to the maximum extent possible. Towers shall be of a mono pole design unless it is determined that an alternative design would be appropriate for the particular site or circumstances. All towers shall be painted in a color best determined by the Township to blend into the particular environment. In no case shall a tower be erected at a height that constitutes an obstruction to navigation under 14 CFR 77 or otherwise violations applicable regulations. Towers shall also be operated in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances.

505 Tower Setbacks.

All towers shall be setback from structures, rights-of-way and property lines at a distance equal to the height of the towers and antennae. The setbacks may be reduced to a distance agreed upon by the Township, if the tower applicant furnishes a registered engineer's certification that the tower is designed to collapse or fall within a distance or zone shorter than the total tower height. The Township may waive or modify setback requirements for antennae proposed to be co-located on existing towers or structures.

506 Lighting.

Towers shall not be illuminated unless required by state or federal law, and then only to the extent consistent with the applicable laws.

507 Security.

The area surrounding the base of a new or modified commercial wireless telecommunications tower shall be completely fenced and such other reasonable security measures shall be taken as needed to discourage access to the tower by unauthorized persons. Fencing and security plans must be submitted to and approved by the Township.

508 Accessory Structures.

The applicant shall submit site plans, elevations and construction details for all towers, antennae and accessory structures to be located on a site. All equipment must be enclosed within a building. The Township may require that any accessory structures be designed compatible with surrounding structures or natural environment and may require that landscaping materials be provided to screen accessory structures or equipment. Co-location users must construct buildings compatible with existing buildings on the premises.

509 Signs.

Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any towers, antennae or accessory structures or equipment. Signs allowed by this Section shall have a maximum front-face surface area of 3 square feet.

510 Interference.

No wireless telecommunications service shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunications devices including, but not limited to, radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems and other electronic equipment and devices. An applicant must furnish Minnesota registered engineer's certification that no such interference will occur or identify what interference may occur and how the applicant will mitigate any potential inference that may occur.

511 Construction Requirements.

All wireless telecommunication towers, antennae and accessory uses shall be designed and constructed in accordance with all provisions of this Ordinance and all applicable state and federal laws, rules, codes, and regulations. All plans must be certified by an engineer registered in the State of Minnesota.

512 Abandonment.

All towers and antennae not used for a period of 12 consecutive months shall be considered abandoned and shall be removed. If any tower or antenna is not removed within 90 days from written notice sent by the Township after abandonment, the Township shall have the right to remove the tower or antennae and place the costs of removal on the real estate taxes of property as a service charge. The applicant must furnish a copy of the relevant portions of an executed lease, which identifies the applicant's obligation to remove abandoned or unused towers and antennae.

513 Other Requirements.

The Township may require additional information from the applicant and impose additional standards and regulations in approving plans for wireless telecommunications services to ensure and protect the public health, safety and welfare.

Section 550: Wind Energy Conservation Systems
550.1 Purpose

The purpose of this Section is to regulate the installation and operation of Wind Energy Conversion Systems (WECS) within the Township. No WECS subject to local regulations may be constructed or placed within the Township except in compliance with the requirements and limitations of this Ordinance. Nothing herein is intended to regulate large WECS permitted by the state pursuant to Minnesota Statutes, Chapter 216F, Minnesota Rules, Chapter 7836, and such other law as may apply, and which are exempt from local regulation under Minnesota Statutes, section 216F.07.

550.2 Definitions

For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section.

- 1) "Commercial WECS" means any combination of WECS with a combined nameplate capacity of 100 kilowatts or more.
- 2) "Large WECS" means any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more.

- 3) "Micro WECS" means a WECS with a total nameplate capacity of less than 10 kilowatts.
- 4) "Non-Commercial WECS" means any combination of WECS with a combined nameplate capacity of less than 100 kilowatts.
- 5) "Wind Energy Conversion System" or "WECS" means any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy. The total nameplate capacity of all WECS located on the same parcel of property shall be added together to determine whether they are commercial or non-commercial WECS under this Ordinance.

550.3 District Regulations

- 1) Commercial WECS. Commercial WECS are prohibited in all Districts, except large WECS permitted by the State and that are exempt from local regulation. Large WECS located within the Township by permit from the State shall comply with all terms and conditions of that permit as well as all applicable federal, state, and local laws, rules, regulations, and ordinance.
- 2) Non-Commercial WECS. Non-commercial WECS are a permitted use within the Rural Residential District provided the aggregate nameplate capacity of all WECS on the same parcel of property do not exceed 100 kilowatts. Non-commercial WECS are prohibited in the Conservation District, Shoreland Overlay District, Flood Prone Overlay District, and the Critical Overlay District.
- 3) Micro WECS. Micro WECS are a permitted use within all districts except the Critical Overlay District. Once a Micro WECS is placed on a property, any subsequent Micro WECS or non-commercial WECS must comply with the non-commercial WECS performance standards in section 550.4.

550.4 Non-Commercial WECS Performance Standards

Non-Commercial WECS constructed or placed in the Township after the effective date of this Ordinance shall comply with the following.

- 1) Design. WECS, including the turbine, foundation, and tower, shall be designed by an engineer in accordance with accepted professional standards for such structures given the local soil and climate conditions.
- 2) Height. WECS shall not exceed 150 feet in height as measured from the ground to the highest point of the tower, rotor, or blade.
- 3) Setbacks. WECS shall be set back at least 750 feet from any existing residential structures other than a residence occupied by the applicant. WECS shall be set back a minimum distance equal to the highest point of the WECS plus ten feet from all property lines, public rights-of-way, and existing structures. No WECS shall be located in an area so that its placement diminishes the public enjoyment of scenic highways, scenic overlooks, public parks, and other areas.
- 4) Clearance. No WECS blade shall extend closer than 30 feet to the ground.
- 5) Color. WECS towers, blades, and turbines shall be non-reflective and be designed to blend in with the skyline and natural setting to the greatest extent reasonably possible.
- 6) Lighting. WECS facilities shall not be lighted except for security purposes and in accordance with Federal Aviation Administration requirements.
- 7) Signage. Signage shall be limited to identification and public safety information. At least one identification sign with emergency contact information shall be placed onsite.

- 8) Noise. WECS shall comply with the noise standards established in Minnesota Rules, part 7030.0040 and no WECS shall be allowed which shall upon operation immediately cause a violation of the noise standards.
- 9) Security. WECS shall be fenced in unless towers are designed without ladders or other accessible climbing devices. All equipment or appurtenances that pose a potential danger to animals or humans shall be fenced in.
- 10) Stray Voltage or Interference. WECS shall be designed to prevent any stray voltage from affecting adjacent properties or causing interference with the operation of electrical appliances or electronic equipment on adjacent properties. In the event such disturbances occur or are alleged to occur, such disturbances shall be mitigated to the satisfaction of the Town Board.
- 11) Applicable Regulations. WECS shall be designed, constructed, operated, and maintained in a manner consistent with all applicable federal, state, and local laws, rules, standards, codes, and ordinances.
- 12) Abandonment and Removal. A WECS that has not operated for a period of twelve (12) months shall be considered abandoned and shall be removed. If a WECS has not been removed according to an order by the Town Board, the Town Board may cause the removal and renovation of the site. The Town Board may use any funds established for site rehabilitation for such action or may assess such costs against the property.

550.5 Micro WECS Performance Standards

- 1) Height. WECS shall not exceed 75 feet in height as measured from the ground to the highest point of the tower, rotor, or blade.
- 2) Setbacks. WECS shall be set back at least 75 feet from any existing residential structures other than a residence occupied by the applicant. WECS shall be set back a minimum distance equal to the highest point of the WECS plus ten feet from all property lines, public rights-of-way, and existing structures. No WECS shall be located in an area so that its placement diminishes the public enjoyment of scenic highways, scenic overlooks, public parks, and other areas.
- 3) Clearance. No WECS blade shall extend closer than 25 feet to the ground.
- 4) Abandonment and Removal. A WECS that has not operated for a period of twelve (12) months shall be considered abandoned and shall be removed. If a WECS has not been removed according to an order by the Town Board, the Town Board may cause the removal and renovation of the site at the owner's expense.

Section 575: Solar Systems

All solar electrical systems shall comply with the following standards.

575.1 Site Plan Review Requirements

A detailed site plan is required for residential solar electric systems. Town Board shall review and make recommendations on site plans. No permits shall be issued prior to the Town Board's approval of site plans. Site plans shall include the following minimum information, unless waived by the Zoning Administrator:

- 1) Legal description and ownership of the property.
- 2) A narrative description of the proposed property uses.

- 3) Scaled drawings of the property including property dimensions, the locations of all existing easements, the locations and setbacks of all existing buildings, and the locations and setbacks of all other structures and uses, such as driveways, parking areas, private sewage systems, and private wells, as well as setbacks from all bluff lines.
- 4) Scaled drawings of the proposed uses, easements, and buildings including all dimensions and property setbacks, including bluff line setbacks.
- 5) Legal descriptions of proposed easements.
- 6) Scaled drawings of building elevations.
- 7) Scaled locations and descriptions of any proposed fencing, screening, landscaping, or site lighting.
- 8) Scaled delineations of any wetlands or floodplain areas.
- 9) Identification of any wetland or floodplain encroachments and detailed mitigation plans.
- 10) The Town Board may request additional information necessary to process the permit application. The Town Board may also waive information not deemed necessary to process the permit application.

575.2 Residential Solar Systems

Residential Solar Systems are allowed in all zoning districts, subject to the following standards and requirements:

- 1) The installation, placement, or expansion of a residential solar electric system may only occur upon the issuance of a zoning permit from the Township.
- 2) Rooftop residential solar electric systems shall be allowed on residential dwellings. Rooftop residential solar electric systems shall be mounted parallel to the plane of the roof, shall not extend more than one foot above the plane of the roof, shall not be located any closer than three feet from any side, top or bottom edge of the roof, and shall not occupy more than 75 percent (75%) of the area of the roof plane it is affixed to.
- 3) Residential solar electric systems located on agricultural structures may include rooftop systems. Rooftop systems shall not project more than four feet above the plane of the roof nor be located closer than six feet from the outer edge of the roof top.
- 4) Ground mounted residential solar electric systems shall be permitted on parcels of land. Ground mounted residential solar electric systems shall not exceed fifteen feet in height, shall not be located in any required yard area, and shall not be located closer than 50 feet to an existing adjacent residence.
- 5) No solar energy equipment or residential solar electric systems shall create or cause unreasonable glare on other property or public roadways. Unreasonable glare shall mean a degree of glare that creates a nuisance for other property owners or that creates a public safety hazard for those traveling on public roadways as determined by the Town Board or the appropriate roadway authority.
- 6) No solar energy equipment or residential solar electric system shall be allowed to create interference with television, cable, radio, telephone, internet, computers or other electronic devices and services on neighboring properties or be allowed to otherwise constitute a public nuisance.
- 7) Electric power lines of all ground mounted residential solar electric systems running between the panels and the main system shall be buried underground.

- 8) All residential solar energy systems shall be consistent with applicable State Building Codes, State Electrical Codes, State Plumbing Codes and all other applicable state and federal requirements.
- 9) All solar energy equipment shall be listed or certified by a Nationally Recognized Testing Laboratory (NRTL) or the Solar Rating and Certification Corporation (SRCC) for thermal systems.
- 10) All solar electric systems unused, abandoned or inoperable for more than twelve months shall be removed by the system owner or the property owner.
- 11) Fencing, landscaping, and other screening may be required for any ground mounted solar electric system. Deviations from dimensional standards (including setbacks) may be considered by the Town Board for permitting, based upon mitigation of off-site impacts through fencing, landscaping, screening, or other mitigation measures.
- 12) All permit applications for ground mounted residential solar electric systems shall include a description of the vegetation or material under the solar system components and the method of ground care and vegetative maintenance.
- 13) Residential solar electric systems lawfully installed prior to the effective date of this ordinance are allowed to continue without a zoning permit, except that the expansion or replacement of any such residential solar electric system shall require a zoning permit from the Township.
- 14) No residential solar systems shall be installed under electrical distribution infrastructure, such as power lines.

575.3 Commercial Solar Electric Systems

Commercial solar electric systems are a prohibited use in all zoning districts.

Section 600: Signs

601 Intent.

It is not the purpose or intent of this Section to regulate the content of a message displayed on any sign. The regulations established in this Section are designed to protect property values, create a more attractive environment, enhance and protect the physical appearance of the Township, 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.

602 Signs within the Public Right-of-Way.

Signs within the public right-of-way or on publicly owned land that are not posted by authorized government officials are prohibited.

603 Message Substitution.

The owner of any sign which is otherwise allowed by this Section may substitute a non-commercial message in lieu of any other commercial or non-commercial message. This substitution of message may be made without any additional approval or permitting by the Township. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any other more specific provision to the contrary.

604 Maintenance and Repair.

All signs shall be maintained in a good state of repair and free from rust, corrosion, loose or flaking paint, worn or damaged materials, rotted wooden members and loose or missing parts. Signs shall not remain in a defaced state. A sign or sign structure that is not being maintained or is unsafe shall be repaired or removed by the owner of the property or building on which it is erected upon receiving notification by the Town Board.

605 Permitted Signs.

1)The following signs are permitted in all zoning districts:

- a. One sign with a commercial message on property that does not exceed six square feet per display surface area may be placed in the front yard of the property. The sign must be set back at least 20 feet from the lot line. The sign must not be illuminated or contain any dynamic displays. The sign must be removed within 10 days after the closing date of the sale or lease of the property.
- b. Signs within the public right-of-way or publicly owned land that are posted by authorized government officials.
- c. Signs located within a business, office, mall or other enclosed area that cannot be seen from the outside.
- d. Signs permitted by Minnesota Statutes Section 211B.045.
- e. Handicapped parking signs.
- f. One sign smaller than five square feet in display surface area may be posted on any parcel of land, except that such sign may not be an off-premise sign. The sign must not be illuminated or contain any dynamic display.

2)Portable or temporary signs are allowed in the RR-1 district provided they comply with all of the following:

- a. No more than one such sign shall be on any lot at any time.
- b. No such sign shall remain on any portion of a lot for more than 45 days within a calendar year. Every day a portable or temporary sign exists on a lot shall be included in the 45-day maximum regardless of whether they are placed at different times throughout the year.
- c. The sign shall not exceed 16 square feet in total display surface area and have a maximum of two sides.
- d. The sign must be removed immediately after the event advertised has passed.

3)The following standards shall regulate signs within the RR-1 District.

- a. All signs in the RR-1 District require a conditional use permit, as set forth in Section 080 of this ordinance, except as permitted per this section, public safety and traffic signs located within public rights-of-way.
- b. No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- c. All signs, other than public utility warning signs, are prohibited within a public right of way.
- d. Backlit or internally illuminated signs are prohibited.
- e. LED (light-emitting diode) luminaires, or other energy-saving luminaires, may be used to illuminate signs as permitted by this ordinance.

- f. Flashing signs and animated signs (also called Dynamic Display signs) shall be prohibited. Signs giving off intermittent, rotating, or direct light, which may be confused with traffic, aviation, or emergency signaling, are also prohibited.
- g. Not more than one (1) sign is permitted. One (1) additional sign may be permitted if a parcel contains a minimum of five hundred (500) feet of continuous frontage of a public right of way. Sign area may not exceed one hundred (100) square feet with a maximum height of ten (10) feet. And one (1) wall sign shall be allowed for each public street frontage on a building for each use located within such building. The total area of all wall signs affixed to a building wall shall not exceed ten percent (10%) of the total area of that wall. No individual wall sign shall exceed one hundred and fifty (150) square feet. A wall sign shall not project more than twelve (12) inches from the wall to which the sign is to be affixed. Wall mounted signs shall not exceed the roof line on any building.
- h. Signs shall not be painted on a fence, tree, or other object.
- i. Roof signs are prohibited.
- j. Multi-faced signs shall not exceed two (2) times the allowed square footage of single faced signs.
- k. Any sign which is abandoned or becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed or structurally improved by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten (10) days after written notification from the Township Clerk-Treasurer.
- l. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

606 Lighting.

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

607 Nonconforming Signs.

Signs legally existing at the time of the enactment of this Ordinance which do not conform to the sign regulations contained herein shall be considered legally nonconforming signs and may be continued through repair, replacement, restoration, maintenance or improvement, but not including expansion. "Expansion" shall be defined as any structural alteration, change or addition that is made outside of the original sign structure, display surface area or design. When any legal nonconforming sign is discontinued for a period of more than one year or is changed to a conforming sign, any future sign shall be in conformance with the provisions of this Section.

Any legal nonconforming sign must be removed and shall not be repaired, replaced, or rebuilt if it is damaged by fire or similar peril to the extent of greater than 50 percent of its market value at the time of destruction and no building permit has been applied for within 180 days of the date of destruction. In the event that a building permit is applied for within 180 days of the date of destruction, the Township may impose reasonable conditions upon the building permit in order to mitigate any newly created impact on adjacent properties.

Section 700: Refuse

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

Section 800: Utility Construction and Maintenance

801 Requirements

Any construction, maintenance or replacement of utility lines and public service structures shall comply with the following requirements:

- 1) Anyone intending to install utility lines that cross through the Township shall notify the Town Board of the proposed project and the intended route at least 1 year in advance of the utility line being installed.
- 2) Each utility road crossing shall be approved by the appropriate road authority.
- 3) Primary consideration shall be given to underground utility placement when feasible in order to minimize visual impact.
- 4) Routes for utilities should avoid areas of bluffs and steep slopes, scenic intrusions into rivers, valleys, and bluff-lines, wetland areas, soils susceptible to erosion and other unstable soils, open space recreation areas, forests by running along the fringe of wooded areas, and creating tunnel vistas.
- 5) Placement of overhead transmission lines should take into consideration the impact on views and the appearance of the structures as much as practicable.
- 6) Clearing of vegetation within public rights-of-way for the installation, maintenance, or replacement of utilities shall be minimized. Where vegetation is removed, new native vegetation shall be planted and maintained in the right-of-way. Native species shall be used to the extent possible and which do not interfere with the safe use of the right-of-way.
- 7) River crossings for utilities shall be minimized and concentrated at existing crossings where possible.
- 8) In case of repair or improvement of a road, the line owner shall pay for necessary movement and replacement of the line.
- 9) In the event of necessary repairs or improvements of drainage ditches, the line owner shall pay for necessary movement and repair of the utility line.
- 10) Drain tile lines shall be repaired or replaced where cut or damaged by construction, for at least 5 feet from the damaged sections.
- 11) Utility lines and associated structures (except service lines from a main to a customer) shall be at least 250 feet from residential dwelling units.
- 12) Wherever feasible, utility lines shall be located within or along existing railroad or highway rights of way, section lines, or other established boundaries, easements, or other such routes as approved by the Town Board.
- 13) The owner or builder of the utility line shall be responsible to pay for such inspection procedures incident to the line's construction and maintenance as the Town Board determines necessary to protect the public interest.
- 14) 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 5 feet below the bottom of drainage ditches, and not impede the flow of water.
 - c. All underground lines shall be at least 1 foot below existing and proposed drain tile lines. The utility line owner shall be responsible for:
 - 1. The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line; and
 - 2. Additional expenses for installation of future drain tile caused by existence of the utility line; and
 - 3. Cost of repair of drain tile and crop loss due to settling after utility line construction.
 - d. Where feasible, underground utility lines shall be at least 20 feet from parallel drain tile.
 - e. Except as otherwise stated, underground utility lines shall be at least 4 feet below the ground surface.
- 15) 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.
- 16) The Town Board may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

802 Township Rights-of-Way

Utility excavations and obstructions within Township rights-of-way shall comply with the requirements of this Section in addition to the requirements contained in Section 801 and such other sections of this Ordinance as may apply.

- 1) Elect to Manage: The Town Board hereby elects, pursuant to Minnesota Statutes, section 237.163, subdivision 2, to manage the rights-of-way under its jurisdiction as provided in Minnesota Statutes, sections 237.162 and 237.163, and all other applicable laws, for the purposes of Minnesota Rules, Chapter 7819.
- 2) Definitions. In addition to the definitions set out in this Ordinance, the following terms shall have the meaning given here for the purposes of this section.
 - a. Applicant. A Person who submits a Permit Application for an Excavation Permit or an Obstruction Permit in accordance with this section.
 - b. Excavate. "Excavate" means to dig into, trench, or in any way remove, physically disturb, or penetrate a part of the Right-of-Way.
 - c. Excavation Permit. "Excavation Permit" means a permit issued to an Applicant to Excavate within a Right-of-Way.
 - d. Facility. "Facility" or "Facilities" mean any tangible asset in the Right-of-Way required to provide utility service.
 - e. Obstruct. "Obstruct" means to hinder the free and open passage of any portion of a Right-of-Way for more than two hours or on more than one lane of traffic.

- f. Obstruction Permit. "Obstruction Permit" means a permit issued to an Applicant to Obstruct a Right-of-Way.
 - g. Permit Application. "Permit Application" means a request to obtain an Excavation Permit or Obstruction Permit made on the Town Board approved application form or, if none, in a writing containing all of the information required by this section.
 - h. Permittee. "Permittee" means a Person to whom the Town Board has issued an Excavation Permit or Obstruction Permit under this section.
 - i. Right-of-Way. "Right-of-Way" means the entire width between boundary lines of any way or place under the jurisdiction of the Township when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic and which is maintained by the Township.
- 3) Permit Required. Except in emergencies, no Person may Excavate or Obstruct a Right-of-Way without first obtaining a permit from the Township. An Excavation Permit is required to Excavate any portion of a Right-of-Way for the purpose of placing, repairing, or removing Facilities. An Obstruction Permit is required to Obstruct a Right-of-Way. To obtain a permit, a person must provide the Township Clerk-Treasurer, or designee, a written Permit Application for the proposed Excavation or Obstruction as provided in this section. If a proposed Excavation project includes an Obstruction at the same site, an Applicant need not submit a separate Permit Application for an Obstruction Permit if the request for the Excavation Permit includes a description of the proposed Obstruction.
 - 4) Permit Applications. Requests for an Obstruction or Excavation Permit must be made on the application form adopted by the Town Board. If the Town Board has not adopted an application form, Permit Applications must be in writing and contain at least the following information:
 - a. Name, address, phone number, and fax number of the Applicant;
 - b. Name, address, phone number, and e-mail address of a local representative that will serve as the designated contact person on behalf of the Applicant;
 - c. Name, address, phone number, and fax number of any sub-contractors that will be performing any part of the Excavation or Obstruction;
 - d. A written description of the work to be performed in the Right-of-Way at each location including whether the work will involve Excavation and/or the Obstruction of a Right-of-Way;
 - e. A scaled drawing showing the specific location of the work to be performed, and the location and approximate depth of any Facilities installed within a Right-of-Way;
 - f. Whether the Applicant intends to restore the Right-of-Way or elect to pay a degradation fee in lieu of restoration;
 - g. The start and completion dates for the work at each location; and
 - h. Certificate of insurance.
- (1) Incomplete Requests. If a Permit Application received by the Town Board is incomplete, the Town Board will notify the Applicant within 15 days of the information that is needed in order to complete the request. Incomplete Permit Applications are invalid and shall be deemed rejected unless all the required information is submitted to the Town Board within

30 days of the date the Town Board notified the Applicant its Permit Application was incomplete.

- (2) Permit Application Fee. All Permit Applications must be accompanied by a Permit Application fee as established by the Town Board. The purpose of this fee is to compensate the Town Board for its costs associated with reviewing the Permit Application. A Permit Application is not complete and will not be considered unless it is accompanied by the required fee.
- 5) Indemnification. By making a Permit Application an Applicant agrees to, and all Excavation and Obstruction Permits are issued on the condition that a Permittee, defend and indemnify the Township in accordance with the provisions of Minnesota Rule, part 7819.1250.
- 6) Automatic Permit. A Permit Application shall be deemed approved, and a permit automatically issued if the Town Board does not issue a written permit or notice of the Permit Application having been denied within the following periods from the date the Township received a complete Permit Application:
 - a. 30 days if the Applicant intends to fully restore the Right-of-Way.
 - b. 60 days if the Applicant indicates an intent to pay a degradation fee in lieu of restoring the Right-of-way.

The automatic approval provided under this paragraph applies only to the specific work, location, and period of time described in the Permit Application.

- 7) Permit. An Applicant may not undertake the proposed Excavation or Obstruction until the Applicant obtains a permit from the Township related to the particular Excavation or Obstruction. The Town Board may require the Applicant, as a prerequisite to or condition of granting a permit, to do one or more of the following: provide the Town Board with additional information regarding the proposed Excavation or Obstruction; provide a completion certificate as authorized in Minnesota Rule, part 7819.1300; provide the Township a construction performance bond with a term of at least 24 months as authorized by Minnesota Rule, part 7819.3000 before the Excavation occurs; require the restoration of the Right-of-Way be performed in accordance with Town Board established specifications and drawings; and comply with such other reasonable requirements as the Town Board determines are necessary to protect the public health, safety, and welfare or the Right-of-Way and its current uses.
- 8) Permit Fee. An Applicant shall, in addition to paying the Permit Application fee, reimburse the Town Board for the actual costs it incurs related to issuing the permit including, but not limited to, costs related to reviewing the request, conducting inspections, hiring professionals, and other costs actually incurred and that directly relate to the Applicant's request. The Township shall provide the Applicant a written statement of costs incurred. Payment in full is due upon receipt of the statement and must be received by the Township no later than 30 days from issuance of the statement. In the alternative, the Applicant may be required to escrow cash with the Township to cover the anticipated actual costs. If the amount of the escrow is not sufficient to fully reimburse the Township for the costs it incurs, the Applicant shall provide the Township additional escrow in the amount determined by the Town Board within 30 days of Township's request for the additional amount. Any excess escrowed amount shall be returned to the Applicant within 30 days after the Township have fully reimbursed itself of its costs.

Failure to pay the required permit fee, escrow, or additional escrow amount within the required period shall result in the denial of the permit, the immediate suspension of the permit, and may result in the revocation of the permit as provided in this section.

- 9) **Limitations.** Permitted Excavations or Obstructions are limited to the area and time periods described in the Permit Application or written permit. A Permittee must seek a new permit if it wishes to Excavate or Obstruct outside of the originally permitted work area or timeframe.
- 10) **Delay Penalty.** A Permittee that does not complete its Obstruction, Excavation, or restoration of the Right-of-Way at a particular location within 10 days of the completion date shall pay the Township a delay penalty for each day of delay. If a Permittee is able to establish to the Town Board that one or more days of the delay was caused by circumstances beyond its control, the delay penalty shall not apply to those days of the delay.
- 11) **Telecommunication Facilities.** Telecommunication facilities to be installed in a Right-of-Way shall be installed according to the requirements set out in Minnesota Rule, part 7819.5000 in addition to all other applicable federal, state, and local requirements.
- 12) **Gas and Electric Facilities.** Gas and electric facilities to be installed in a Right-of-Way shall be installed according to the requirements set out in Minnesota Rule, part 7819.5100 in addition to all other applicable federal, state, and local requirements.
- 13) **Restoration Required.** A Permittee must restore the Right-of-Way to at least the same condition that existed before the Excavation. If there is a dispute as to the level of restoration required, the Permittee shall restore the Right-of-Way according to the applicable standards established in plates 1 to 13 set out in Minnesota Rule, part 7819.9900 to 7819.9950. If a Permittee elects in its Permit Application to pay a degradation fee in lieu of restoring the Right-of-Way, the fee will be in an amount the Town Board determines necessary for the Township to have the Right-of-Way restored according to the applicable standards established in plates 1 to 13. A Permittee electing to pay a degradation fee remains responsible for replacing and compacting the subgrade and aggregate base material in the Excavation.
 - a. **Correct Defects.** Upon notice by the Town Board, a Permittee shall correct any defects in the work it performs to restore a Right-of-Way. The work to correct the defects shall be completed within 7 days of the notice. If the Permittee is not able to complete the corrective work within 7 days because of circumstances beyond its control, the Permittee shall complete the work as soon as is possible.
 - b. **Failure to Restore.** If a Permittee fails to restore the Right-of-Way within 5 calendar days after the completion of an Excavation or fails to correct defects in an earlier restoration as provided herein, the Town Board has the option of restoring the Right-of-Way according to the standards established in plates 1 to 13 set out in Minnesota Rule, part 7819.9900 to 7819.9950. The Township shall provide a statement of its actual costs for restoring, or correcting defects to, the Right-of-Way to the Permittee. Payment in full of the statement is due upon receipt and must be received by the Town Board no later than 30 days from the date of the statement. If the Permittee fails to pay the billed amount, the Township may exercise its rights under the construction performance bond.

- 14) **Permit Denial.** The Town Board may deny a Permit Application if the Applicant has failed to pay any fees, penalties, or other amounts due as the result of previous Excavations or Obstructions unless the failure to pay is based on a good faith dispute over the amount owed. If the amount owed the Township is in dispute, an Applicant can become eligible to submit an additional Permit Application by placing the full amount the Township claims is still owed in escrow until the dispute is resolved. The Town Board may also deny a Permit Application for failure to meet the requirements of this section or if it determines the denial is necessary to protect the public health, safety, and welfare.
- 15) **Warning Signs.** A Permittee shall supply, place, and maintain warning signs as needed to warn the public of its Excavation or Obstruction. A Permittee shall comply with the standards established by the Minnesota Department of Transportation in determining the need for signage, the type of signs, and their location.
- 16) **Site Inspection.** A Permittee shall make its work-site available at all reasonable times to Township representatives to conduct inspections of the site during the work and at its completion.
- 17) **Permit Revocation.** The Town Board may issue an order revoking a permit if a Permittee fails to comply with the requirements of this section, its permit, or is conducting the work in such a way as to pose an unreasonable risk to the public. An order revoking a permit is effective five days from the date of issuance if the Permittee does not come into full compliance and otherwise corrects the items stated in revocation order. The Town Board shall have the authority to order the immediate cessation of work if it determines any portion of the work poses a serious threat to life, health, safety, or well-being of the public. If the Town Board revokes a permit, it shall provide for the restoration of the Right-of-Way and the Permittee shall pay all costs the Township incurs associated with the restoration to the standards established in plates 1 to 13 set out in Minnesota Rule, part 7819.9900 to 7819.9950.
- 18) **Emergencies.** An Excavation or Obstruction Permit is not required in order for a Person to respond to emergencies related to their Facilities. However, within two business days after the occurrence of the emergency the Person shall apply for the necessary permits, pay the fees associated with those permits, and comply with the requirements to obtain those permits and of this section.
- 19) **Relocation of Facilities.** A Person is required, at its own expense, to promptly permanently remove and relocate its Facilities in the Right-of-Way when it is necessary to prevent interference in connection with the Township's present or future use of the Right-of-Way for a public project; the public health, safety, and welfare; or the safety and convenience of travel over the Right-of-Way. A Person shall also pay for the relocation of its Facilities upon the vacation of the Right-of-Way as provided for in Minnesota Rule, part 7819.3200, subp. 2.
- 20) **Right-of-Way Vacation.** If the Town Board vacates all or a portion of a Right-of-Way containing Facilities and the vacation does not require the relocation of those Facilities, the Town Board shall, except when it would not be in the public interest, reserve to and for itself and all those having Facilities in the vacated Right-of-Way, the right to install, maintain, and operate facilities in the vacated Right-of-Way and to enter upon the Right-of-Way at any time to reconstruct, inspect, maintain, or repair the Facilities.

- 21) Abandoned Facilities. A Person is required to remove any of its abandoned Facilities in conjunction with other Right-of-Way repair, Excavation, or construction unless expressly waived by the Town Board in a specific situation upon the request of the Person. "Abandoned Facility" has the meaning provided in Minnesota Rule, part 7819.0100, subp. 2.
- 22) Fees and Penalties. All fees and penalties provided for in this section shall be established from time to time by Town Board resolution in compliance with Minnesota Rule, part 7819.1000 and made available to the public upon request. Unless indicated otherwise in a franchise, the fees and penalties provided for here are in addition to any franchise fees a Permittee may be required to pay. All fees, penalties, and other charges imposed under this section are non-refundable.
- 23) Notices. For the purposes of the Town Board providing notice under this section, the Town Board shall be deemed to have satisfied its notice obligation if it provides the required period of notice by mail, fax, or e-mail to the Applicant's designated local representative.

Section 900: Miscellaneous Nuisances

- 1) It shall be unlawful for any person to allow on their property any vehicle of a type requiring a license to operate on the public highway, unless such vehicle has a current license attached thereto, is operable and capable of moving by its own power or is stored in an enclosed building.
- 2) Under no circumstances shall parking accessory to residential structures be used for the storage of commercial vehicles or for the parking of salvaged or repossessed vehicles in transit.
- 3) It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard, except as provided herein.
- 4) It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.
- 5) Dumping or spreading of waste oil is prohibited.
- 6) No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety.

901 Odors and Exhaust Emission

Odors shall not be allowed to exceed the standards established by the Minnesota Pollution Control Agency. No exhaust pipe, flue, chimney, or whatever shall emit an emission that exceeds those standards set forth by the Minnesota Pollution Control Agency.

902 Toxic Matters

All toxic matters emitted from a use shall conform to those standards set forth by the Minnesota Pollution Control Agency. In the event the toxic matter being considered is not specifically regulated by Minnesota Pollution Control Agency, the following standards and procedures shall be followed. The measurement shall be made 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 Town Board that the proposed levels will be safe to the general population.

903 Nuisances to Public Health

The following are declared to be nuisances affecting public health:

The effluent from any cesspool, septic tank, drain-field or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.

The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

Carcasses of animals not buried, destroyed or otherwise disposed of within 72 hours after death.

904 Nuisances to Peace and Safety

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

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.

The ownership, possession or control of any unused refrigerator or other container with doors which fasten automatically when closed of sufficient size to retain any person to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

To knowingly permit any species of cattle, horse, ass, mule, sheep, swine, or goat to run at large on the lands of others or on public land. An animal shall conclusively be presumed to be running at large if it is on the land of others without their permission and is not under the direct control of the animal's owner or the owner's agent. Furthermore, the owner of an animal shall be deemed to have knowingly permitted the animal to run at large if, due to failure to keep the animal properly fenced or otherwise restrained, the animal is found to be running at large more than once within any six-month period.

905 Agricultural Nuisance

Agricultural lands or operations managed in accordance with the Right to Farm provisions contained in the Performance Standards of this Ordinance shall not be considered a nuisance.

906 Keeping of Dogs

Running at Large Prohibited

At no time shall any dog be permitted to run at large within the Township. "At large" means that the dog is off the premises of the owner and not under control of any accompanying person. A dog owner shall be any person owning or harboring a domestic dog.

Impounding

The Animal Control Officer or Peace Officer shall impound any dog found running at large and shall give notice of the impounding to the owner of such dog, if known. Further, said dog shall only be released to its owner upon payment of the any costs incurred in kennel fees, impounding and transporting.

Penalty

Any person allowing a dog under his control to run at large shall be responsible for any costs incurred in kennel fees, impounding, transporting, euthanizing, adoption, or cremation of said animal.

Dangerous Dogs

Dangerous dogs are regulated by, and may only be kept in accordance with, Minnesota Statutes, sections 347.50 to 347.56, which are hereby adopted by reference and incorporated herein.

907 Keeping of Pets

Pets may be kept in all zoning districts in the Township provided they are not kept for commercial purposes. The occasional sale of pets does not constitute commercial purposes provided the pets are not intentionally bred, raised, or kept for the purpose of selling them.

Pets shall be properly controlled at all times and shall be kept in a manner that does not unreasonably annoy, injure, or endanger the safety, health, moral, comfort, or repose of others.

908 Wild Animals Prohibited

It shall be unlawful to keep, harbor, or maintain a wild animal anywhere within the Township.

909 NOISE NUISANCES

- 1) No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, peace, safety, or welfare of any persons or precludes their enjoyment of property or affects their property value.
- 2) Enforcement of nuisance noises shall be subject to MN Statutes 609.74 PUBLIC NUISANCE, 609.745 PERMITTING PUBLIC NUISANCE and 609.72 DISORDERLY CONDUCT and such other law as may apply.

Section 1000 Enforcement**1001 Penalties**

Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance (including violations of conditions and safeguards established in connection with the granting of variances and conditional and interim use permits or failures to comply with abatement orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days or both. Each day that a violation continues shall constitute a separate offense. The cost of prosecution may be added to the penalty as allowed by Minnesota Statutes, section 366.01, subdivision 10.

In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations. The Township's costs of bringing such civil actions or proceedings may be awarded as part of the order granting such requested relief.

Section 1100 Fees**1101 Application and Administrative Fee**

Any person submitting an application under this Ordinance shall pay the applicable application fee as established by the Town Board. The person shall also pay an administrative fee deposit (escrow) in the amount determined by the Town Board and sign an agreement on a form provided by the Township agreeing to reimburse the Township for its costs, including all engineering, planning, legal, administrative and inspection expenses, incurred by the Township in processing the application. Payment of the application fee, payment of the administrative fee deposit, and execution of the

reimbursement agreement shall be required prior to an application being considered filed, complete, and subject to processing.

1102 Deduction of Expenses

As the Township processes the application, the Township Clerk-Treasurer shall deduct the expenses incurred by the Township from the administrative fee deposit. If the Township Clerk-Treasurer determines, after consulting with the Building Inspector as needed, the deposit will not be sufficient to fully reimburse the Township for its expenses, the Township Clerk-Treasurer shall require the applicant to make a supplemental deposit in an amount deemed necessary to reimburse the Township for all of its expenses. If the applicant fails to submit the supplemental deposit within a reasonable time, the Township may suspend processing the application until the deficiency is corrected or deny the application.

1103 Reimbursement in Full Required

Upon the termination of the application, by approval, denial, withdrawal, or any other means, all expenses incurred by the Township shall be immediately payable by the applicant. Any deposit in excess of the Township's expenses shall be refunded to the applicant. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all fees are paid in full. In the event that payment of expenses is not made within a reasonable time after demand, the Town Board may file a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, certify the amount as a service charge on the property pursuant to Minnesota Statutes, section 366.012, or take such other action as may be deemed appropriate to obtain full reimbursement the Township's expenses, including the costs of collection.

Section 1200 Definitions

For the purposes of this Ordinance, the following words and terms shall have the meaning given them in this section.

Accessory Use or Structure

A use or structure, or portion of a structure subordinate to the primary dwelling, and serves the principle use structure on the same lot. The footprint of an accessory structure, including the area under any attached lean-to or similar structure containing a roof, shall be used to measure its total square footage.

Agricultural Building

A structure that is:

- 1) On agricultural land as determined by the local assessor under Minnesota Statutes, section 273.13, subdivision 23;
- 2) Designed, constructed, and used to house farm implements, livestock, or agricultural products under Minnesota Statutes, section 273.13, subdivision 23; and
- 3) Used by the owner, lessee, and sublessee of the building and members of their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural products.

Agricultural Land

- 1) Contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes; or
- 2) Contiguous acreage used during the preceding year for an intensive livestock or poultry confinement operation, provided that land used only for pasturing or grazing does not qualify under this clause.
- 3) This definition is intended to be consistent with the definition of this term in Minnesota Statutes, section 273.13, subd. 23(e).

Agricultural Purposes

The raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. Products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. The term also includes:

- 1) Enrollment in local conservation program or Reinvest in Minnesota program under Minnesota Statutes, section 103F.501 to 103F.535 of the federal Conservation Reserve Program as contained in Public Law 99-198 or a similar state or federal conservation program if the property was classified as agricultural (A) for taxes payable in 2003 because of its enrollment in a qualifying program and the land remains or (B) in the year prior to its enrollment; or
- 2) Use of land, not to exceed three acres, to provide environmental benefits such as buffer strips, old growth forest restoration or retention ponds to prevent soil erosion. This definition is intended to be consistent with the definition of this term in Minnesota Statutes, section 273.13, subd. 23(e).

Agriculture, Animal

The use of land for the raising of livestock (including cattle, dairy animals, poultry, swine, buffalo, sheep, horses, goats, fur-bearing animals, bees, and other domestic animals ordinarily raised on a farm) whether by pasturing or in an animal feedlot, and regardless of whether an animal waste storage facility is utilized

Agriculture, Crop

The use of land for the production of food or fiber through farming or forestry, including the cultivation of row crops, field crops, tree crops, or timber.

Agriculture Preserve Use

An agricultural use conducted on land designated an agricultural preserve pursuant to the Metropolitan Agricultural Preserves Act contained in Minnesota Statutes, sections 473H.02-.17 until such designation expires.

Agriculture Structure

All non-residential structures or buildings specifically designed and utilized for agricultural purposes which are incidental to the farming operation. Such structures shall include, but are not limited to, pole barns, milk houses, grain storage structures, storage structures for agricultural equipment, animal shelters and irrigation systems. For the purposes of administering this Ordinance, warehouses and dwellings shall not be considered agricultural structures. The footprint of an agricultural structure, including the area under any attached lean-to or similar structure containing a roof, shall be used to measure its total square footage.

Agriculture Use

The management and use of land for the following types of activities:

- 1) The cultivation, conservation and tillage of the soil;
- 2) The storage, use of, and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by local and state regulations, other lawful soil amendments;
- 3) The use of and application of agricultural chemicals;
- 4) The raising of livestock, which shall include, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, yaks, elk, fallow deer, red deer and reindeer;
- 5) The breeding, boarding or raising of equines;
- 6) The commercial raising and harvesting of freshwater fish or other aquaculture products;
- 7) The raising and breeding of poultry or game birds;
- 8) The raising of bees;
- 9) The raising or breeding of domesticated strains of fur bearing animals;
- 10) The production of greenhouse crops; and
- 11) The production, cultivation, growing, harvesting and sale of any agricultural, floricultural, forestry, or horticultural crops, including, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost or any other plant that can be legally grown and harvested extensively for profit or subsistence.
- 12) Any practice on the farm incident to, or in conjunction with such farming operations, which includes the following activities:
 - a. The transportation of farm supplies and materials;
 - b. The transportation of farm workers;
 - c. Forestry or lumbering operations;
 - d. The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm;
 - e. Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local regulations;
 - f. The use of dogs for herding, working or guarding livestock; and
 - g. The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm

Animal

Cattle, swine, sheep, goats, farmed cervidae, as defined in Minnesota Statutes, section 35.153, subdivision 3, horses, mules or other equines, llamas as defined in Minnesota Statutes, section 17.455, subdivision 2, ratitae, as defined in Minnesota Statutes, section 17.453, subdivision 3, turkeys, chickens, and other domesticated fowl. This term does not include wild animals or pets.

Animal Feedlot

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. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots, but pastures shall not be considered animal feedlots. The term includes "animal feeding operation (AFO)" under 40 CFR § 122.23(b)(1), including the production area, or other areas or

structures used for the handling, storage, or treatment of manure, litter, process wastewaters, or manure-contaminated runoff.

Animal Unit

A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area calculated by multiplying the number of animals of each type in clauses (1) to (9) by the respective multiplication factor and summing the resulting values for the total number of animal units. The following multiplication factors apply:

- 1) one mature dairy cow, whether milked or dry:
 - a. over 1,000 pounds, 1.4 animal units; or
 - b. under 1,000 pounds, 1.0 animal unit;
- 2) one cow and calf pair, 1.2 units;
- 3) one calf, 0.2 unit;
- 4) one slaughter steer, 1.0 animal unit;
- 5) head of feeder cattle or heifer, 0.7 unit;
- 6) one head of swine:
 - a. over 300 pounds, 0.4 animal unit;
 - b. between 55 pounds and 300 pounds, 0.3 animal unit; and
 - c. under 55 pounds, 0.05 animal unit;
- 7) one horse, 1.0 animal unit;
- 8) one sheep or lamb, 0.1 animal unit;
- 9) one chicken:
 - a. one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit;
 - b. one chicken if the facility has a dry manure system:
 - (1) Over five pounds, 0.005 animal unit; or
 - (2) Under five pounds, 0.003 animal unit
- 10) one turkey:
 - a. Over five pounds, 0.018 animal unit; or
 - b. Under five pounds, 0.005 animal unit
- 11) one duck, 0.01 animal unit; and
- 12) for animals not listed in clauses (1) to (8), the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Animal Waste Storage Facility

A structure, whether below or above ground, where lot runoff, manure effluent or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, concrete or glass-lined storage.

Arterial Roads

Roadways that connect the urban and rural service areas to cities and towns.

Basement

A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

Bluff

A topographic feature such as a hill, cliff or embankment having all of the following characteristics: part or all of the feature is located in a shoreland area; the slope rises at least 25 percent above the ordinary high water level of the water body; the grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater; and the slope drains towards a water body. An area meeting these requirements that has an average slope of less than 18 percent over a distance of 50 feet or more is not considered to be a bluff.

Bluff Impact Zone

All of the land lying between the top of the bluff and the toe of the bluff.

Bluff Toe

The lower point on a 50-foot segment of a bluff with an average slope exceeding 18 percent.

Bluff Top

The higher point on a 50-foot segment of a bluff with an average slope exceeding 18 percent.

Building

Any structure with a roof for the shelter of persons, animals or property of any kind.

Building Height

The vertical distance to be measured from the grade of a building line to the top of the cornice or a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

Building Permit

A permit issued by the Building Inspector pursuant to the State Building Code, as adopted by this Ordinance, to authorize certain construction activities. Issuance of a building permit may require or include an inspection of plans and specifications, as well as site visits by the Building Inspector. The purpose of a building permit is to ensure that structures and certain systems within them comply with the Building Code. A zoning permit may be required under this Ordinance in addition to a building permit.

Collector Roads

Roadways that provide connections between neighborhoods or from neighborhoods to business centers and arterial roads.

Commercial Animal Services

The use of land for a commercial enterprise to educate the public in the use, care, or feeding of animals or to provide animal-assisted therapy services. The use includes day camps, horse riding instruction provided to those not boarding horses on the same land, short-term animal-assistance educational sessions, and animal-assisted therapy for disabled persons. The use does not include veterinarian services or other commercial uses for the keeping, caring for, or treatment of animals not owned by a person living on the land.

Comprehensive Plan

The “Dakota County Rural Collaborative 2030 Comprehensive Plan Update”; the “Dakota County Rural Collaborative Local Water Management Plan” and the “Dakota County Rural Collaborative 2030 Comprehensive Plan Update Addendum for Ravenna Township”.

Conditional Use

A use within the RR-1 zoning district specifically identified as being allowed as a conditional use with the issuance of a conditional use permit

Conditional Use Permit

A permit to allow a conditional use as approved by the Town Board.

Confections

The commercial production and distribution of sweet, sugar-based foods, or snacks.

Conservation Easement

A restrictive covenant forbidding any type of development in perpetuity

Custom Exteriors

The alteration, building, construction, design, repair, or removal of buildings or residential structures or portions thereof, and any commercial establishment for such alteration, building, construction, design, repair, or removal.

Density Unit

The total number of possible dwelling units a parcel of land can support under the provisions of this Ordinance based upon the size of the parcel in acres and the applicable lot dimension requirements.

Development

The making of any material change in the use or appearance of any structure or land including, but not limited to, the following: a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or wetland; demolition of a structure; clearing of land as an adjunct to construction; and the act of subdividing land.

Developers Agreement

An agreement between the Township and the Developer outlining the conditions and requirements of subdivision approval and which will be recorded against the real estate at the Dakota County Recorder's Office.

Dog Boarding Services

A facility where one or more dogs are kept or maintained during the day or overnight for care, training, exercising, or socializing by someone other than the owner of the dog for a fee. The term includes incidental grooming or training services. The term does not include a facility that breeds or sells dogs, or a licensed veterinarian clinic. All structures associated with the facility must be setback at least 250 feet from all adjoining parcels.

Domestic Animal

An animal, such as a dog, cat or other small animal that is typically associated with occupying

the same residence with human occupants.

Drainage System

Any natural or artificial device for the conveyance or storage of water used to drain or store surface or underground water, including but not limited to, streams, rivers, creeks, ditches, channels, conduits, gullies, ravines, or washes; and including structures connected therewith including culverts, drainage tile dams and bridges, and water storage basins such as lakes, ponds, natural or man-made.

Driveway

A private road used exclusively for lot access.

Dwelling

A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.

Dwelling, Attached

A dwelling which is joined to another dwelling.

Dwelling, Detached

A dwelling which is entirely surrounded by open space on the same lot.

Earth-Sheltered Home

A single-family residential dwelling in which at least 50% of the exterior, by design, is covered by earth which is used as a barrier and moderator with the natural environment. An earth-sheltered home is a dwelling which, by design, will not allow for the construction of any upper floor at some future date.

Essential Services

The erection, construction, alteration, or maintenance by public utilities or governmental departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection to those services, but not including buildings, which are necessary for the furnishing of adequate service by the utilities or governmental departments for the general health, safety, or welfare.

Event Center

A private facility, and associated grounds and parking facilities, made available for rental on a short-term basis to host private events such as, but not limited to, weddings, receptions, graduation parties, or corporate events. This term does not include facilities or grounds made available for, or used for, public events or public gatherings that are open to the general public.

Excavation & Landscaping

The use of land to store and maintain equipment that is used for processing and moving soils or moving and planting materials, such as grass, groundcovers, shrubs, trees and nonliving dural material. This term does not include mining activities.

Exterior Storage

The storage of goods, materials, equipment, vehicles, manufactured products and similar items not fully enclosed by a building.

Family

Any number of individuals related by blood, legal adoption or marriage, or three or less unrelated individuals living together on the premises as a single housekeeping unit in a dwelling unit.

Farm

Real property used for agriculture comprising 40 or more contiguous acres and which may comprise additional acreage which may or may not be contiguous to the principal 40 acres, all of which is owned and operated by a single family, corporation, individual or corporate enterprise.

Fence

A tangible barrier erected for the purpose of enclosing a space, separating properties, screening, confinement, or safety. The term does not include hedges, shrubs, trees, or other natural growth. A fence is not considered a structure and so is not subject to any setback requirements but may not be placed within a road right-of-way.

Flood Plain

100-year flood boundary as defined by the Federal Emergency Management Agency's most recent Flood Insurance Rate Maps and the beds proper and any areas adjoining a wetland, lake or stream which have been or hereafter may be covered by a regional flood.

Flood Prone

Any area susceptible to being inundated by water from any source.

Frontage

Lot distance measured in lineal feet along the public road right-of-way.

Garage

A structure, whether attached or detached to the residential dwelling on a property, designed, used, or intended to be used for the storage or sheltering of motorized or non-motorized vehicles, boat, or equipment, and which contains more than 120 square feet of floor space. This term shall be interpreted and applied broadly to any structure that may be used as a garage, as that term is commonly understood. A garage is considered an accessory structure. The footprint of a garage, including the area under any attached lean-to or similar structure containing a roof, shall be used to measure its total square footage.

General Repair Services

The maintenance or restoration of goods or equipment for a fee and any commercial establishment for such maintenance or restoration.

Historic Site

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

Home Occupation

Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit or in an accessory building which is clearly incidental and secondary to the use of the dwelling for residential purposes, and which meets the standards of this Ordinance.

Horticultural Services

The use of land for production of fruits, including apples, grapes and berries, vegetables, flowers, nursery stock, including ornamental shrubs and trees and cultured sod.

Interim Use Permit

A permit for a temporary use prescribed in a particular zoning district until a certain date established by the Town Board or until the use is no longer permitted by this Ordinance.

Irrigation System

Any structure or equipment, mechanical or otherwise, used to supply water to cultivated fields to supplement normal rainfall including, but not limited to wells, pumps, motors, pipes, culvert gates, dams, ditches, tanks, ponds and reservoirs.

Junked Vehicle

Any motor vehicle which is: a) not in operable condition for a period of 30 consecutive days or more; b) partially dismantled for a period of 30 consecutive days or more; c) used for sale of parts, or as a source of repair or replacement parts for other vehicles; d) kept for scrapping, dismantling, or salvage of any kind, or e) not properly licensed for operation on state or federal highways.

Junk Yard/Recycle Center

An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. A junkyard includes uses established entirely within enclosed buildings. Junk Yard/Recycle Centers are non-permitted uses.

Local Road

A township road internal to a development providing access to and from private lots and to collectors and arterials.

Lot

An individual parcel of land, subdivided or otherwise, capable of legal description that is recorded with the Office of the Dakota County Recorder or Registrar of Titles or used by the County Auditor-Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

Lot Area

The area of a lot in a horizontal plane bounded by the lot lines.

Lot, Corner

A lot situated at the junction of and abutting on 2 or more intersecting streets, on a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot, Depth

The distance between the front lot line and the rear lot line of a lot.

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.

Lot Line, Front

That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public road. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Town Board.

Lot Line, Rear

That boundary of a lot which is opposite the front lot line. If the ideal line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side

Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record

Any lot which is 1 unit heretofore duly approved and filed that has been recorded in the Office of the County Recorder of Dakota County, Minnesota prior to October 4, 1976.

Lot, Substandard

A lot or parcel of land for which a deed has been recorded in the Office of the Dakota County Recorder prior to October 4, 1976, which does not meet the minimum lot size.

Lot, Through

A lot which has a pair of opposite lot lines abutting 2 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.

Lot Width

The maximum horizontal distance between the side lot lines of a lot measured within the first 30 feet of the lot depth.

Manufactured Home

A structure, transportable in 1 or more sections, which in the traveling mode is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is at least 320 square feet, and which is built on a permanent foundation and connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained herein.

Mining

The extraction of sand, gravel, rock, soil or other material from the land and the removing thereof from the site. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit. Mining operations are limited to those operating under a permit issued by the Township prior to June 10, 1999.

Nutrient Management Plan

A plan that provides procedures and application rates and identifies crop nutrient requirements that are based upon projected crop yields soil fertility results and manure nutrient availability. All guidelines are based on University of Minnesota guidelines for best management practices.

Ordinary High-water Level

The boundary of water basins, watercourses, public waters and public waters wetlands, and:

- 1) an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial;
- 2) for watercourses, the elevation of the top of the bank of the channel;
- 3) for reservoirs and flowages, the operating elevation of the normal summer pool.

Outlot

A portion of a subdivision which does not contain any dwelling lots and is platted as a remnant open space and is unbuildable. The area of an outlot may be used in the calculation to determine the maximum number of density units allowed in the subdivision, provided each proposed lot contains sufficient area as required by this Ordinance.

Overlay District

An area within a zoning district that has additional set of restrictions governing permitted uses with the intent of preserving natural amenities or resources; or an area within a district or sub district that permits a use or uses based upon meeting specified criteria which may not be allowed or permitted elsewhere in the district because of the absence of said criteria.

Pet

Domesticated dogs and cats normally maintained in or near the household of its owner and includes domesticated animals maintained in a cage or tank such as a gerbil, canary, snake, rabbit, or goldfish. Pet does not include wild animals.

Photovoltaic (PV) Device

A system of components that generates electricity from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the energy produced for later use.

Photovoltaic (PV) Effect

The phenomenon that occurs when photons, the "particles" in a beam of light, knock electrons loose from the atoms they strike. When this property of light is combined with the properties of semiconductors, electrons flow in one direction across a junction, setting up a voltage. With the addition of circuitry, current will flow, and electric power will be available.

Photovoltaic (PV) Module (PV Panel)

The essentially planar assembly of solar cells and ancillary parts, such as interconnections, terminals, (and protective devices such as diodes) intended to generate direct current or alternating current in direct and diffuse sunlight.

Photovoltaic (PV) System

A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components

Planning Commission

The Planning Commission of Ravenna Township as appointed by the Town Board.

Principal Structure

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

Private Property

Any real property within the Township, which is privately owned, and which is not public property.

Public Building

A structure owned or operated by the federal or state government, or any governmental subdivision or unit of either including all forms of local governments.

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 Land Survey.

Recreation, Commercial

A privately-owned business offering outdoor recreational non-vehicular facilities, services, or equipment for a fee, including but not limited to private golf courses, boat launches, and campgrounds.

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.

Registered Animal Feedlot

An active or inactive animal feedlot with a number of animal units that is registered with the Town Board and filed with the County Feedlot Officer.

Road

A publicly owned thoroughfare supporting access by pedestrians and vehicles to abutting properties including without limitation: streets, highways, freeways, parkways, thoroughfares, roads, avenues, boulevards, lanes or places, however described.

Sandblasting & Painting

The use of sand to roughen or clean surfaces with a jet of sand driven by equipment using compressed air or steam, the painting of such surfaces, or the application of a protective coating to such surfaces for a fee.

Semi-trailer

Any vehicle of the trailer type, so designed and used in conjunction with a truck tractor, such that a considerable part of its own weight or that of its load rests upon and is carried by the truck tractor, and includes a trailer drawn by a truck tractor/semi-trailer combination.

Septic System Service

A business engaged in designing, inspecting, installing, storage, or maintenance of equipment for septic systems.

Setback

The minimum horizontal distance between a structure and a road, highway, bluff-line, ordinary high-water mark or lot line as established in this Ordinance.

Sign

Any structure either stationary or movable, containing any writing, number, illustration, decoration, symbol, insignia, or illumination which is displayed for commercial, informational, or communicative purposes. It shall not include any official court or other public notices, nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious, service or non-profit group.

Sign, wall

A single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than twelve (12) inches.

Sign area

A measurement including the outermost dimensions of the sign frame containing the sign face.

Sign face

The surface of the sign upon which the message of the sign is exhibited.

Solar Energy

Electromagnetic energy transmitted from the sun (solar radiation).

Solar Electric System

A set of photovoltaic devices whose primary purpose is to collect solar energy and convert (and possibly store) it into electric power by means of any combination of collecting, transferring, or converting solar-generated energy.

Solar Electric System, Commercial

A solar electric system established for the primary purpose of generating electricity and selling it directly to a third party (e.g. electric utility company).

Solar Electric System, Residential

A solar electric system established for the primary purpose of meeting all or part of the electric energy needs of a residential building.

Solar Panel

See Photovoltaic (PV) module.

Spill Response Plan

A plan that establishes procedures and actions required to be carried out in the event of a spill or release of hazardous materials, including notification of the Minnesota Duty Officer and Dakota County Feedlot Officer.

Street

Any public street, avenue, road, alley or highway located in the Township and established for the use of vehicles.

Structural Alterations

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.

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. The term does not include a fence.

Temporary Construction Facility

The temporary use of land related to the construction, improvement, or repair of a public works project. The temporary uses included in this term are those undertaken to construct or support a public works project including, but not limited to, the storage or staging of construction equipment and materials, placement of construction trailers, minor material extractions, and the placement and operation of portable cement plants, portable bituminous plants, or other types of portable processing equipment.

Temporary Structure

A structure that is readily movable, does not have a foundation or footings, and is intended for temporary or seasonal use. The term includes tents, portable carports, portable greenhouses, and similar structures. The footprint of the structure, including the area under any lean-to or similar structure containing a roof, shall be used to measure the total square footage of the structure.

Township Road

A public road opened and regularly maintained by the Township.

Tower

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 50 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Trucking/Hauling

The storage or parking of trucks, truck-tractors, semi-trailers, trailers, or other commercial vehicles for a fee and any commercial establishment for such storage or parking truck-tractors, semi-trailers, and trailers. Semi-trailers shall only be parked on farm property within the Rural Residential district in accordance with section 101.3 and section 206.5(1).

Truck-tractor

Any vehicle designed or used for drawing semi-trailers.

Use, Nonconforming

A use of land, building or structures lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance; or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all the regulations.

Use, Permitted

A use, which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and performance standards of such district.

Variance

Any modification or variation of official controls where it is determined that, by reason of exceptional circumstances, the strict enforcement of the official controls would cause practical difficulties.

Warehouse

An enclosed building used principally for the storage of equipment and materials and including packing and crating. (Also see Agricultural Structures).

Wild Animal

Nonhuman terrestrial mammals, including all the following:

- 1) all members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;
- 2) bears;
- 3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins; and
- 4) any hybrid or cross between an animal listed in clause (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

Yard

A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky, except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

Yard, Front

A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street right-of-way line to a depth required in the setback regulations for the zoning district in which such lot is located.

Yard, Rear

The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

Yard, Side

The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations of the zoning district in which such lot is located.

Zoning District

A delineated area or areas within the limits of the Township for which the regulations and requirements governing use are uniform.

Zoning Permit

A permit issued by the Building Inspector to build or rebuild a building or structure when a building permit is not required under the Building Code. The purpose of a zoning permit is to help ensure the proposed project complies with the requirements of this Ordinance. The Building Inspector may add conditions to a zoning permit and compliance with all such conditions is required. A zoning permit is not a building permit for the purposes of the Building Code.

Section 1300: Mississippi River Critical Area Overlay District

AUTHORITY, INTENT AND PURPOSE

1.1 Statutory Authorization. This Mississippi River Corridor Critical Area (MRCCA) (Section 1300) is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 116G, Minnesota Rules, Parts 6106.0010 - 6106.0180, and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462 and 473.

1.2 Policy. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of designated critical areas and thus preserve and enhance the quality of important historic, cultural, aesthetic values, and natural systems and provide for the wise use of these areas.

2.0 GENERAL PROVISIONS AND DEFINITIONS

2.1 Jurisdiction. The provisions of this Section 1300 apply to land within the river corridor boundary as described in the State Register, volume 43, pages 508 to 519.

2.2 Enforcement. The Ravenna Township, Dakota is responsible for the administration and enforcement of Section 1300. Any violation of its provisions or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law. Violations of this Section can occur regardless of whether or not a permit is required for a regulated activity listed in Section 3.2.

2.3 Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of Section 1300 shall not be affected thereby.

2.4 Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail. All other sections inconsistent with this section are hereby repealed to the extent of the inconsistency only.

2.5 Underlying Zoning. Uses and standards of underlying zoning districts apply except where standards of this overlay district are more restrictive.

2.6 Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted to give them the same meaning they have in common usage and to give this section its most reasonable application. For the purpose of this section the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

2.611 Access path. An area designated to provide ingress and egress to public waters.

2.612 Adjacent. Having a boundary that physically touches or adjoins.

2.613 Agricultural use. A use having the meaning given under Minnesota Statutes, section 40A.02.

2.614 Alternative design. Subdivision design methods such as conservation design, transfer of development density, or similar zoning and site design techniques that protect open space and natural areas.

2.615 Barge fleeting. Temporarily parking and securing barges on the river, on or off channel, while tows are assembled or broken up.

2.616 Biological and ecological functions. The functions of vegetation in stabilizing soils and slopes, retaining and filtering runoff, providing habitat, and recharging groundwater.

2.617 Bluff. A natural topographic feature having:

- A. A slope that rises at least 25 feet and the grade of the slope averages 18 percent or greater, measured over a horizontal distance of 25 feet, as follows:
 - a. Where the slope begins above the ordinary high water level, from the toe of the slope to the top of the slope; or
 - b. Where the slope begins below the ordinary high water level, from the ordinary high water level to the top of the slope. See Figure 1; or
- B. A natural escarpment or cliff with a slope that rises at least ten feet above the ordinary high water level or toe of the slope, whichever is applicable, to the top of the slope, with a slope of 75 degrees or greater. See Figure 2.

Figure 1. Bluff and Bluff Impact Zone

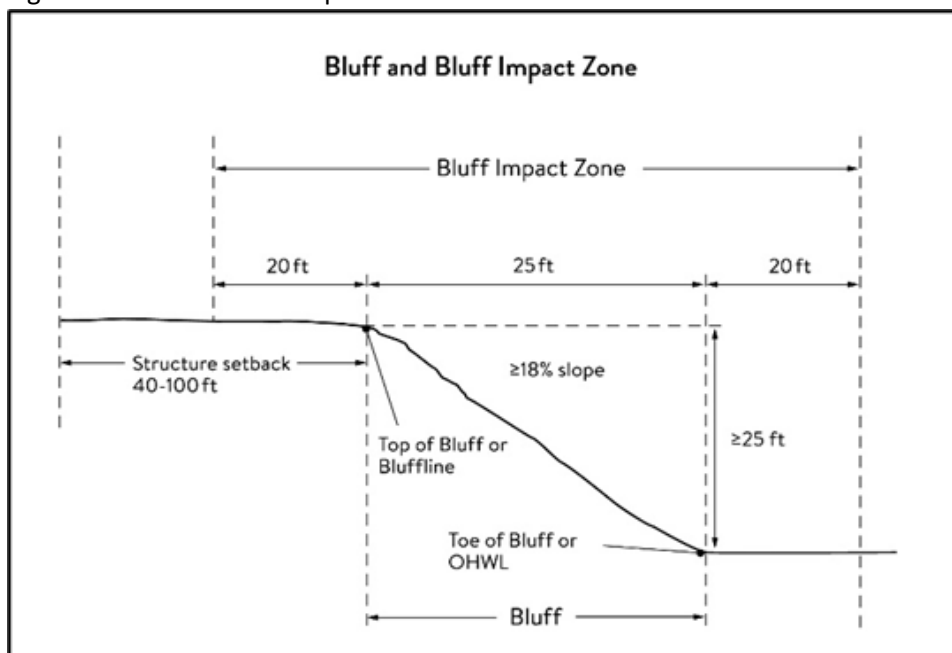
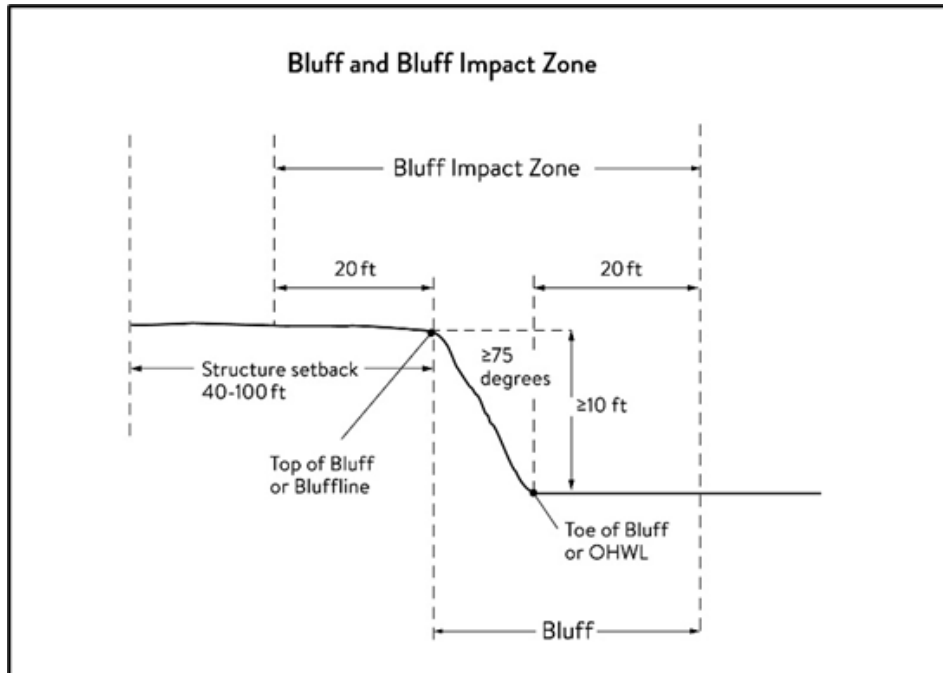


Figure 2. Natural Escarpment Bluff and Bluff Impact Zone



2.618 Bluff impact zone. A bluff and land located within 20 feet of the bluff. See Figures 1 and 2.

2.619 Bluffline. A line delineating the top of the bluff. More than one bluff line may be encountered proceeding landward from the river. See Figures 1 and 2.

2.620 Bluff, Toe of. A line along the bottom of a bluff, requiring field verification, such that the slope above the line exceeds 18 percent and the slope below the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.

2.621 Bluff, Top of. A line along the top of a bluff, requiring field verification, such that the slope below the line exceeds 18 percent and the slope above the line is 18 percent or less, measured over a horizontal distance of 25 feet. See Figures 1 and 2.

2.622 Buildable area. The area upon which structures may be placed on a lot or parcel of land and excludes areas needed to meet requirements for setback, rights-of-way, bluff impact zones, historic properties, wetlands, designated floodways, land below the ordinary high water level of public waters, and other unbuildable areas.

2.623 Building. A structure with two or more outside rigid walls and a fully secured roof and affixed to a permanent site.

2.624 Certificate of compliance. A document written after a compliance inspection, certifying that the development is in compliance with applicable requirements at the time of the inspection.

2.625 Commissioner. The commissioner of the Minnesota Department of Natural Resources.

2.626 Conditional use. A use having the meaning given under Minnesota Statutes, chapters 394 and 462.

2.627 Conservation design. A pattern of subdivision that is characterized by grouping lots within a portion of a parcel, where the remaining portion of the parcel is permanently protected as open space.

2.628 Conventional subdivision. A pattern of subdivision that is characterized by lots that are spread regularly throughout a parcel in a lot and block design.

2.629 Deck. A horizontal, unenclosed, aboveground level structure open to the sky, with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

2.630 Developer. Having the meaning given under Minnesota Statutes, section 116G.03.

2.631 Development. Having the meaning given under Minnesota Statutes, section 116G.03.

2.632 Discretionary action. An action under this chapter related to land use that requires a public hearing by local ordinance or statute, such as preliminary plats, final subdivision plats, planned unit developments, conditional use permits, interim use permits, variances, appeals, and rezonings.

2.633 Dock. Having the meaning given under Minnesota Rules, chapter 6115.

2.634 Electric power facilities. Equipment and associated facilities for generating electric power or devices for converting wind energy to electrical energy as identified and defined under Minnesota Statutes, section 216E.

2.635 Essential services. Underground or overhead gas, electrical, communications, steam, or water distribution, collection, supply, or disposal systems, including storm water. Essential services include poles, wires, mains, drains, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, navigational structures, aviation safety facilities or other similar equipment and accessories in conjunction with the systems. Essential services do not include buildings, treatment works as defined in Minnesota Statutes, chapter 115.01, electric power facilities or transmission services.

2.636 Feedlot. Having the meaning given for animal feedlots under Minnesota Rules chapter 7020.

2.637 Floodplain. Having the meaning given the meaning given under Minnesota Rules chapter 6120.

2.638 Fully reconstructs. The reconstruction of an existing impervious surface that involves site grading and subsurface excavation so that soil is exposed. Mill and overlay and other resurfacing activities are not considered fully reconstructed.

2.639 Hard-surface trail. A trail surfaced in asphalt, crushed aggregate, or other hard surface, for multi-purpose use, as determined by local, regional, or state agency plans.

2.640 Historic property. An archaeological site, standing structure, site, district, or other property that is:

- A. Listed in the National Register of Historic Places or the State Register of Historic Places or locally designated as a historic site under Minnesota Statutes, section 471;
- B. determined to meet the criteria for eligibility to the National Register of Historic Places or the State Register of Historic Places as determined by the director of the Minnesota Historical Society; or
- C. An unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307, in consultation with the Office of the State Archaeologist.

2.641 Impervious surface. A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development. Examples include rooftops, decks, sidewalks, patios, parking lots, storage areas, and driveways, including those with concrete, asphalt, or gravel surfaces.

2.642 Intensive vegetation clearing. The removal of all or a majority of the trees or shrubs in a contiguous patch, strip, row, or block.

2.643 Interim use. A use having the meaning given under Minnesota Statutes, section 394 and 462.

2.644 Land alteration. An activity that exposes the soil or changes the topography, drainage, or cross section of the land, excluding gardening or similar minor soil disturbances.

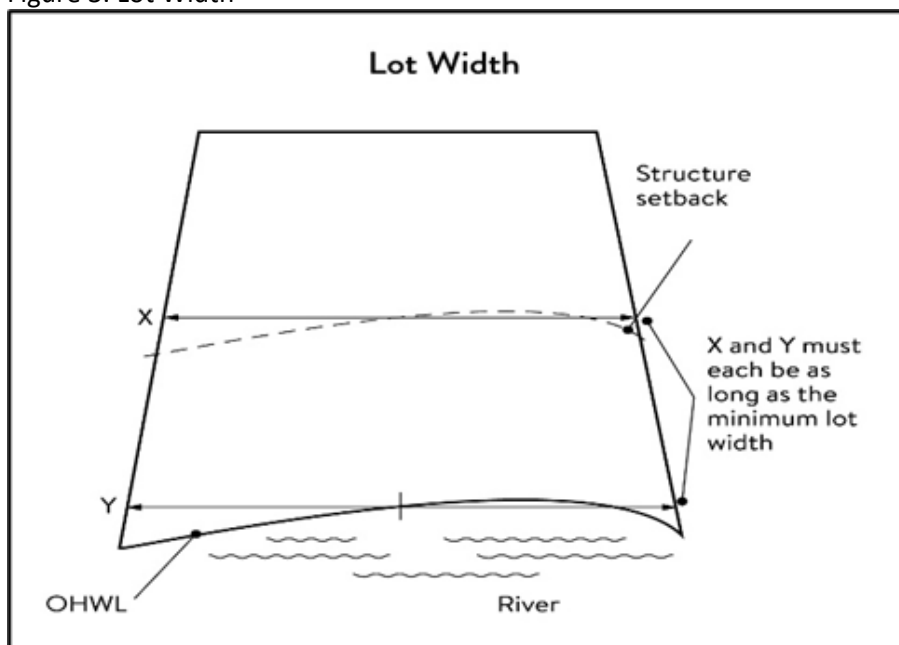
2.645 Local government. Counties, cities, and townships.

2.646 Local park agencies. The Minneapolis Park and Recreation Board and the Three Rivers Park District.

2.647 Lot. Having the meaning given under Minnesota Rules chapter 6120.

2.648 Lot width. The shortest distance between lot lines measured at both the ordinary high water level and at the required structure setback from the ordinary high water level. See Figure 3.

Figure 3. Lot Width



2.649 Marina. Having the meaning given under Minnesota Rules chapter 6115.

2.650 Mississippi River Corridor Critical Area (MRCCA). The area within the River Corridor Boundary (see section 2.680). 2.651 Mississippi River Corridor Critical Area (MRCCA). Appendix F in the Dakota County Rural Collaborative Comprehensive Plan.

2.652 Mooring facility. Having the meaning given under Minnesota Rules chapter 6115.0170.

2.653 Native plant community. A plant community that has been identified as part of the Minnesota Biological Survey or biological survey issued or adopted by a local, state, or federal agency.

2.654 Natural-surface trail. A trail composed of native soil and rock or compacted granular stone, primarily intended for hiking, equestrian, or mountain bike use, as determined by local, regional, or state agency plans.

2.655 Natural vegetation. Any combination of ground cover, understory, and tree canopy that, while it may have been altered by human activity, continues to stabilize soils, retain and filter runoff, provide habitat, and recharge groundwater.

2.656 Nonconformity. Having the meaning given under Minnesota Statutes, section 394.22.

2.657 Nonmetallic mining. Construction, reconstruction, repair, relocation, expansion, or removal of any facility for the extraction, stockpiling, storage, disposal, or reclamation of nonmetallic minerals such as stone, sand, and gravel. Nonmetallic mining does not include ancillary facilities such as access roads, bridges, culverts, and water level control structures. For purposes of this subpart, "facility" includes all mine pits, quarries, stockpiles, basins, processing structures and equipment, and any structures that drain or divert public waters to allow mining.

2.658 Off-premise advertising signs. Those signs that direct attention to a product, service, business, or entertainment venue that is not exclusively related to the premises where the sign is located.

2.659 Ordinary high water level (OHWL). Having the meaning given under Minnesota Statutes, section 103G.005.

2.660 Overlay district. A zoning district that is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. Overlay districts are often used to protect historic features and natural resources such as shoreland or floodplain.

2.661 Parcel. Having the meaning given under Minnesota Statutes, section 116G.03.

2.662 Patio. A constructed hard surface located at ground level with no railings and open to the sky.

2.663 Picnic shelter. A roofed structure open on all sides, accessory to a recreational use.

2.664 Planned unit development. A method of land development that merges zoning and subdivision controls, allowing developers to plan and develop a large area as a single entity, characterized by a unified site design, a mix of structure types and land uses, and phasing of development over a number of years. Planned unit development includes any conversion of existing structures and land uses that utilize this method of development.

2.665 Plat. Having the meaning given under Minnesota Statutes, sections 505 and 515B.

2.666 Port. A water transportation complex established and operated under the jurisdiction of a port authority according to Minnesota Statutes, section 458.

2.667 Primary conservation areas. Key resources and features, including shore impact zones, bluff impact zones, floodplains, wetlands, gorges, areas of confluence with tributaries, natural drainage routes, unstable soils and bedrock, native plant communities, cultural and historic properties, and significant existing vegetative stands, tree canopies, and other resources identified in local government plans.

2.668 Private facilities. Private roads, driveways, and parking areas, private water access and viewing facilities, decks and patios in setback areas, and private signs.

2.669 Professional engineer. An engineer licensed to practice in Minnesota.

2.670 Public facilities. Public utilities, public transportation facilities, and public recreational facilities.

2.671 Public recreation facilities. Recreational facilities provided by the state or a local government and dedicated to public use, including parks, scenic overlooks, observation platforms, trails, docks, fishing piers, picnic shelters, water access ramps, and other similar water-oriented public facilities used for recreation.

2.672 Public river corridor views. Views toward the river from public parkland, historic properties, and public overlooks, as well as views toward bluffs from the ordinary high water level of the opposite shore, as seen during the summer months and documented in the MRCCA plan/chapter of the comprehensive plan.

2.673 Public transportation facilities. All transportation facilities provided by federal, state, or local government and dedicated to public use, such as roadways, transit facilities, railroads, and bikeways.

2.674 Public utilities. Electric power facilities, essential services, and transmission services.

2.675 Public waters. Having the meaning given under Minnesota Statutes, section 103G.005.

2.676 Readily visible. Land and development that are easily seen from the ordinary high water level of the opposite shore during summer months.

2.677 Resource agency. A federal, state, regional, or local agency that engages in environmental, natural, or cultural resource protection or restoration activities, including planning, implementation, and monitoring.

2.678 Retaining wall. A vertical or nearly vertical structures constructed of mortar and rubble masonry, rock, or stone regardless of size, vertical timber pilings, horizontal timber planks with piling supports, sheet pilings, poured concrete, concrete blocks, or other durable materials.

2.679 Rock Riprap. Natural coarse rock placed or constructed to armor shorelines, streambeds, bridge abutments, pilings and other shoreline structures against scour, or water or ice erosion.

2.680 River corridor boundary. The boundary approved and adopted by the Metropolitan Council under Minnesota Statutes, section 116G.06, as approved and adopted by the legislature in Minnesota Statutes, section 116G.15, and as legally described in the State Register, volume 43, pages 508 to 518.

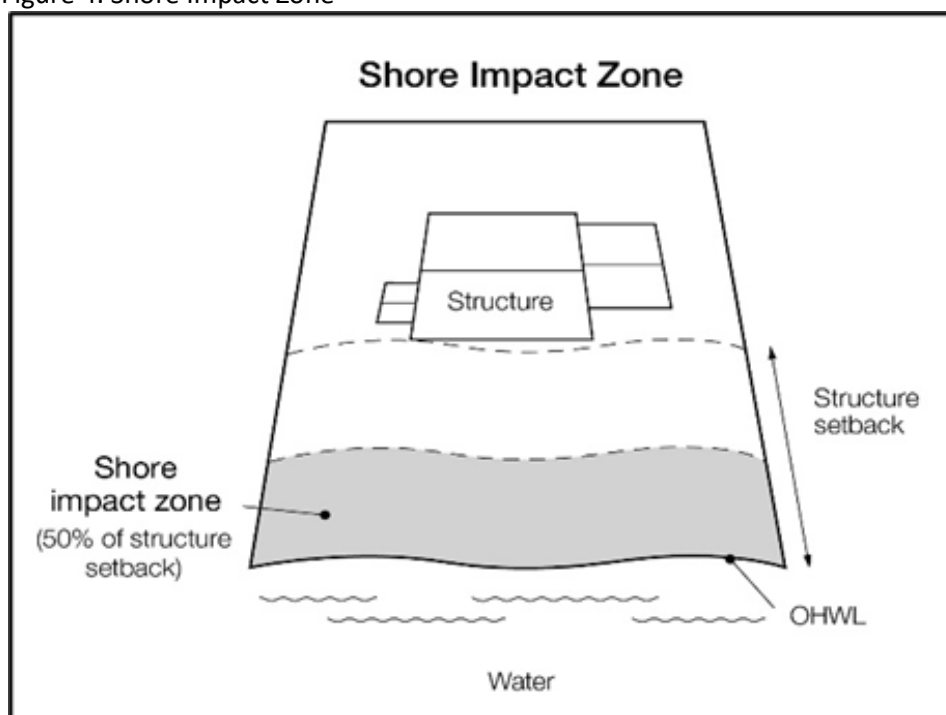
2.681 River-dependent use. The use of land for commercial, industrial, or utility purposes, where access to and use of a public water feature is an integral part of the normal conduct of business and where the use is dependent on shoreline facilities.

2.682 Selective vegetation removal. The removal of isolated individual trees or shrubs that are not in a contiguous patch, strip, row, or block and that does not substantially reduce the tree canopy or understory cover.

2.683 Setback. A separation distance measured horizontally.

2.684 Shore impact zone. Land located between the ordinary high water level of public waters and a line parallel to it at a setback of 50 percent of the required structure setback or, for agricultural use, 50 feet landward of the ordinary high water level. See Figure 4.

Figure 4. Shore Impact Zone



2.685 Shoreline facilities. Facilities that require a location adjoining public waters for ingress and egress, loading and unloading, and public water intake and outflow, such as barge facilities, port facilities, commodity loading and unloading equipment, watercraft lifts, marinas, short-term watercraft mooring facilities for patrons, and water access ramps. Structures that would be enhanced by a shoreline location, but do not require a location adjoining public waters as part of their function, are not shoreline facilities, such as restaurants, bait shops, and boat dealerships.

2.686 Special purpose units of government. The University of Minnesota, the St. Paul Port Authority, watershed management organizations established under Minnesota Statutes, chapter 103B, watershed districts established under Minnesota Statutes, chapter 103D, and any other unit of government other than local government or a state or regional agency.

2.687 State or regional agency. The Metropolitan Airports Commission, Minnesota Historical Society, University of Minnesota, Department of Natural Resources, Department of Transportation, Metropolitan Council and other state agencies.

2.688 Steep slope. A natural topographic feature with an average slope of 12 to 18 percent, measured over a horizontal distance equal to or greater than 50 feet, and any slopes greater than 18 percent that are not bluffs.

2.689 Storm water management facilities. Facilities for the collection, conveyance, treatment, or disposal of storm water.

2.690 Structure. A building, sign, or appurtenance thereto, except for aerial or underground utility lines, such as sewer, electric, telephone, or gas lines, and utility line towers, poles, and other supporting appurtenances.

2.691 Subdivision. Having the meaning given under Minnesota Statutes, section 462.352.

2.692 Subsurface sewage treatment system. Having the meaning given under Minnesota Rules, part 7080.1100.

2.693 Transmission services.

A. Electric power lines, cables, pipelines, or conduits that are:

(1) used to transport power between two points, as identified and defined under Minnesota Statutes, section 216E.01, subdivision 4; or

(2) For mains or pipelines for gas, liquids, or solids in suspension, used to transport gas, liquids, or solids in suspension between two points; and

B. Telecommunication lines, cables, pipelines, or conduits.

2.694 Treeline. The more or less continuous line formed by the tops of trees in a wooded area when viewed from a particular point. The treeline is determined during all seasons as if under full foliage.

2.695 Twin Cities Metropolitan area. The area over which the Metropolitan Council has jurisdiction according to Minnesota Statutes, section 473.121 subdivision 2.

2.696 Variance. Having the meaning given under Minnesota Statutes, section 462.357, subdivision 6(2).

2.697 Water access ramp. A boat ramp, carry-down site, boarding dock, and approach road, or other access that allows launching and removal of a boat, canoe, or other watercraft with or without a vehicle and trailer.

2.698 Water-oriented accessory structure. A small building or other improvement, except stairways, fences, docks, and retaining walls, that, because of the relationship of its use to public waters, needs to be located closer to public waters than the normal structure setback. Examples include gazebos, screen houses, fish houses, pump houses, and detached decks and patios.

2.699 Water quality impact zone. Land within the shore impact zone or within 50 feet of the boundary of a public water, wetland, or natural drainage way, whichever is greater.

2.670 Wetland. Having the meaning given under Minnesota Statutes, section 103G.005.

2.671 Wharf. Having the meaning given under Minnesota Rules, part 6115.0170.

3.0 ADMINISTRATION

3.1 Purpose. The purpose of this Section is to identify administrative provisions to ensure this section is administered consistent with its purpose.

3.2 Permits. A permit is required for the construction of buildings or building additions (including construction of decks and signs), the installation and/or alteration of sewage treatment systems, vegetation removal consistent with Section 9.0 and land alterations consistent with Section 10.0.

3.3 Variances. Variances to the requirements under this section may only be granted in accordance with Minnesota Statutes, Section 462.357 and must consider the potential impacts of variances on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the variance application, the Ravenna Township Board of Supervisors shall:

3.31 Evaluate the impacts to these resources. and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts, consistent with Section 3.5.

3.32 Make written findings that the variance is consistent with the purpose of this section.

3.4 Conditional and interim use permits. All conditional and interim uses, required under this section must comply with Minnesota Statutes, section 462.3595 and 462.3597 and must consider the potential impacts on primary conservation areas, public river corridor views, and other resources identified in the MRCCA plan. In reviewing the application, the Town Board of Ravenna Township

3.41 Evaluate the impacts to these resources and if negative impacts are found, require conditions to mitigate the impacts that are related to and proportional to the impacts,

3.5 Conditions of Approval. As administered per Section 1300.

3.6 Application materials. Applications for permits and discretionary actions required under this section must submit the following information unless the Township Clerk-Treasurer determines that the information is not needed.

3.61 A detailed project description; and

3.62 Scaled maps and plans, dimensional renderings, maintenance agreements, and other materials that identify and describe:

- A. Primary conservation areas;
- B. Public river corridor views;
- C. Buildable area;
- D. Existing and proposed topography and drainage patterns;
- E. Proposed storm water and erosion and sediment control practices;
- F. Existing and proposed vegetation to be removed and established;
- G. Ordinary high water level, blufflines, and all required setbacks;
- H. Existing and proposed structures;
- I. Existing and proposed impervious surfaces; and
- J. Existing and proposed subsurface sewage treatment systems.

3.7 Nonconformities.

3.71 All legally established nonconformities as of the date of this ordinance may continue consistent with Minnesota Statutes, Section 462.357 Subd. 1e .

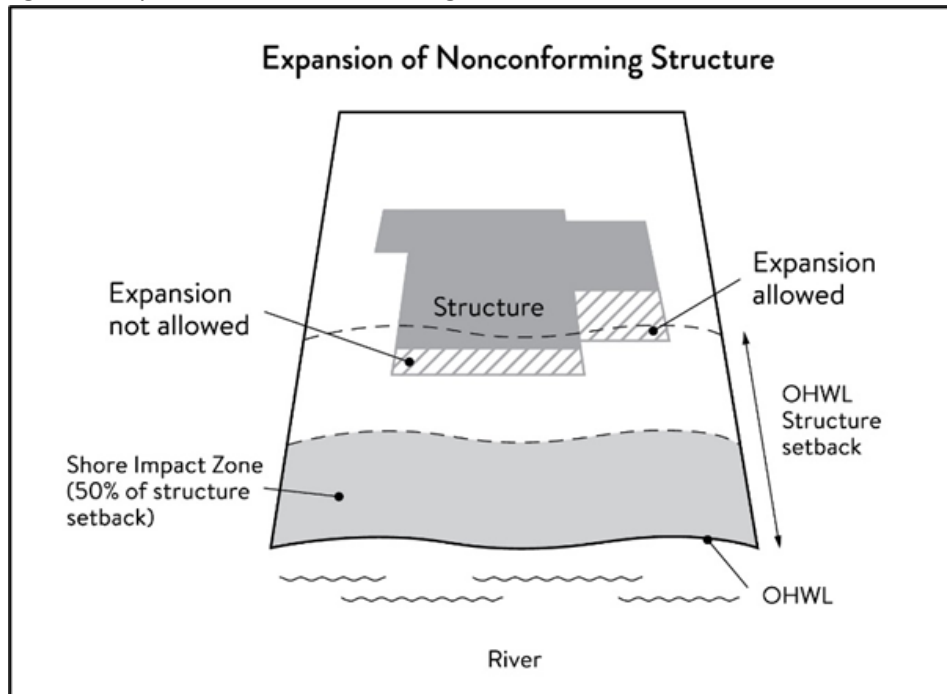
3.72 New structures erected in conformance with the setback averaging provisions of Section 6.34 are conforming structures.

3.73 Site alterations and expansion of site alterations that were legally made prior to the effective date of this ordinance are conforming. Site alterations include vegetation, erosion control, storm water control measures, and other nonstructural site improvements.

3.74 Legally nonconforming principal structures that do not meet the setback requirements of Section 6.3 may be expanded laterally provided that:

- A. The expansion does not extend into the shore or bluff impact zone or further into the required setback than the building line of the existing principal structure (See Figure 5); and
- B. The expanded structure's scale and bulk is consistent with that of the original structure and existing surrounding development.

Figure 5. Expansion of Nonconforming Structure



3.8 Notifications.

3.81 Amendments to this section and to the MRCCA plan must be submitted to the Commissioner as provided in Minnesota Rules, part 6106.0070, Subp. 3, Items B – I.

3.82 Notice of public hearings for discretionary actions, including conditional and interim use permits, variances, appeals, rezonings, preliminary plats, final subdivision plats, master plans, and PUDs, must be sent to the following entities at least thirty (30) days prior to the hearing:

- A. The Commissioner in a format prescribed by the DNR;
- B. National Park Service; and
- C. where building heights exceed the height limits specified in Section 6.2 as part of the conditional use or variance process, adjoining local governments within the MRCCA, including those with overlapping jurisdiction and those across the river.

3.83 Notice of final decisions for actions in Section 3.82, including findings of fact, must be sent to the Commissioner, the National Park Service, and adjoining local governments within the MRCCA within ten (10) days of the final decision.

3.84 Requests to amend district boundaries must follow the provisions in Minnesota Rules, part 6106.0100, Subp. 9, Item C.

3.9 Accommodating disabilities. Reasonable accommodations for ramps or other facilities to provide persons with disabilities access to the persons' property, as required by the federal Americans with Disabilities Act and the federal Fair Housing Act and as provided by Minnesota Rules, chapter 1341, must:

3.91 Comply with Sections 6.0 to 12.0; or

3.92 If Sections 6.0 to 12.0 cannot be complied with, ramps or other facilities are allowed with an administrative permit provided:

- A. The permit terminates on either a specific date or upon occurrence of a particular event related to the person requiring accommodation; and
- B. Upon expiration of the permit, the ramp or other facilities must be removed.

4.0 MRCCA DISTRICTS

4.1 Purpose. The purpose of this Section is to establish districts under which building height and structure placement are regulated to protect and enhance the Mississippi River's resources and features consistent with the natural and built character of each district.

4.2 District description and management purpose. The MRCCA within Ravenna Township is divided into the following MRCCA Districts:

4.21 Rural and Open Space (ROS).

A. Description. The ROS District is characterized by rural and low-density development patterns and land uses, and includes land that is riparian or visible from the river, as well as large, undeveloped tracts of high ecological and scenic value, floodplain, and undeveloped islands. Many primary conservation areas exist in the district.

B. Management purpose. The ROS District must be managed to sustain and restore the rural and natural character of the corridor and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas.

4.22 River Neighborhood (RN).

A. Description. The RN District is characterized by primarily residential neighborhoods that are riparian or readily visible from the river or that abut riparian parkland. The district includes parks and open space, limited commercial development, marinas, and related land uses.

B. Management purpose. The RN District must be managed to maintain the character of the river corridor within the context of existing residential and related neighborhood development, and to protect and enhance habitat, parks and open space, public river corridor views, and scenic, natural, and historic areas. Minimizing erosion and the flow of untreated storm water into the river and enhancing habitat and shoreline vegetation are priorities in the district.

4.23 Separated from River (SR).

A. Description. The SR District is characterized by its physical and visual distance from the Mississippi River. The district includes land separated from the river by distance, topography, development, or a transportation corridor. The land in this district is not readily visible from the Mississippi River.

B. Management purpose. The SR district provides flexibility in managing development without negatively affecting the key resources and features of the river corridor. Minimizing negative impacts to primary conservation areas and minimizing erosion and flow of untreated storm water into the Mississippi River are priorities in the district. The district must be managed in a manner that allows continued growth and redevelopment in historic downtowns and more intensive redevelopment in limited areas at river crossings to accommodate compact walkable development patterns and connections to the river. Minimizing erosion and the flow of untreated storm water into the river, providing public access to and public views of the river, and restoring natural vegetation in riparian areas and tree canopy are priorities in the district.

4.3 MRCCA district map. The locations and boundaries of the MRCCA districts established by this section are shown on the Ravenna Township MRCCA Overlay District map which is incorporated herein by reference. The district boundary lines are intended to follow the center lines of rivers and streams, highways, streets, lot lines, and municipal boundaries, unless a boundary line is otherwise indicated on the map. Where district boundaries cross unsubdivided property, the district boundary line is determined by use of dimensions or the scale appearing on the map.

5.0 SPECIAL LAND USE PROVISIONS

5.1 Purpose. To identify development standards and considerations for land uses that have potential to negatively impact primary conservation areas and public river corridor views.

5.2 Underlying zoning. Uses within the MRCCA are generally determined by underlying zoning, with additional provisions for the following land uses:

5.21 Agricultural use. Perennial ground cover is required within 50 feet of the ordinary high water level and within the bluff impact zone.

5.22 Feedlots. New animal feedlots and manure storage areas are prohibited. Existing animal feedlots and manure storage areas must conform with Minnesota Rules, chapter 7020.

5.23 Forestry. Tree harvesting and biomass harvesting within woodlands, and associated reforestation, must be consistent with recommended practices in Conserving Wooded Areas in Developing Communities: Best Management Practices in Minnesota.

5.24 Nonmetallic mining. Nonmetallic mining requires a conditional use permit or interim use permit issued by the local government, subject to the following:

- A. New nonmetallic mining is prohibited within the shore impact zone and bluff impact zone and within the required structure setback from the bluffline and OHWL;
- B. Processing machinery must be located consistent with setback standards for structures as provided in Section 6.3;
- C. Only one barge loading area, which must be limited to the minimum size practicable, is permitted for each mining operation;
- D. New and, where practicable, existing nonmetallic mining operations must not be readily visible and must be screened by establishing and maintaining natural vegetation. The unscreened boundaries of nonmetallic mining areas are limited to only the barge loading area;
- E. A site management plan must be developed by the operator and approved by the local government before new nonmetallic mining commences. Operations must be consistent with the site plan throughout the duration of operations at the site. The site management plan must:
 - (1) Describe how the site will be developed over time with an emphasis on minimizing environmental risk to public waters;
 - (2) Explain where staged reclamation may occur at certain points during the life of the site;
 - (3) Address dust, noise, storm water management, possible pollutant discharges, days and hours of operation, and duration of operations; and
 - (4) Describe any anticipated vegetation and topographic alterations outside the pit, and reclamation plans consistent with the stated end use for the land; and

F. Existing and new nonmetallic mining operations must submit land reclamation plans to the local government compatible with the purposes of this ordinance.

5.25 River-dependent uses. River-dependent uses must comply with the following design standards:

- A. Structures and parking areas, except shoreline facilities and private roads and conveyances serving river-dependent uses as provided in Section 12.0, must meet the dimensional and performance standards in this (section, chapter, or article), must be designed so that they are not readily visible, and must be screened by establishing and maintaining natural vegetation;
- B. Shoreline facilities must comply with Minnesota Rules, chapter 6115 and must:
 - (1) be designed in a compact fashion so as to minimize the shoreline area affected; and
 - (2) minimize the surface area of land occupied in relation to the number of watercraft or barges to be served; and
- C. Dredging and placement of dredged material are subject to existing federal and state permit requirements and agreements.

5.26 Wireless communication towers. Wireless communication towers require a conditional or interim use permit and are subject to the following design standards:

- A. The applicant must demonstrate that functional coverage cannot be provided through co-location, a tower at a lower height, or a tower at a location outside of the MRCCA;
- B. The tower must not be located in a bluff or shore impact zone; and
- C. Placement of the tower must minimize impacts on public river corridor views.
- D. Comply with the general design standards in Section 8.2.

6.0 STRUCTURE HEIGHT AND PLACEMENT AND LOT SIZE

6.1 Purpose. To establish standards that protect primary conservation areas and public river corridor views from development impacts and ensure that new development is sited consistent with the purpose of the MRCCA.

6.2 Structure height. Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.

6.21 Structures and facilities must comply with the following standards unless identified as exempt in Section 12.0.

- A. ROS District: 35 feet.
- B. RN District: 35 feet.
- C. SR District: Height is determined by underlying zoning, provided the allowed height is consistent with that of the mature treeline, where present, and existing surrounding development, as viewed from the OWHL of the opposite shore.

6.22 Height is measured on the side of the structure facing the Mississippi River.

6.23 In addition to the conditional use permit requirements of Section 3.4, criteria for considering whether to grant a conditional use permit for structures exceeding the height limits must include:

- A. Assessment of the visual impact of the proposed structure on public river corridor views, including views from other communities;
- B. Determination that the proposed structure meets the required bluff and OHWL setbacks;

- C. Identification and application of techniques to minimize the perceived bulk of the proposed structure, such as:
 - (1) Placing the long axis of the building perpendicular to the river;
 - (2) Stepping back of portions of the facade;
 - (3) Lowering the roof pitch or use of a flat roof;
 - (4) Using building materials or mitigation techniques that will blend in with the natural surroundings such as green roofs, green walls, or other green and brown building materials;
 - (5) Narrowing the profile of upper floors of the building; or
 - (6) Increasing the setbacks of the building from the Mississippi River or blufflines;
- D. Identification of techniques for preservation of those view corridors identified in the MRCCA Plan; and
- E. Opportunities for creation or enhancement of public river corridor views.

6.3 Structure and impervious surface placement.

6.31 Structures and impervious surface must not be placed in the shore or bluff impact zones unless identified as an exemption in Section 12.0.

6.32 Structures and facilities must comply with the following OHWL setback provisions unless identified as exempt in Section 12.0.

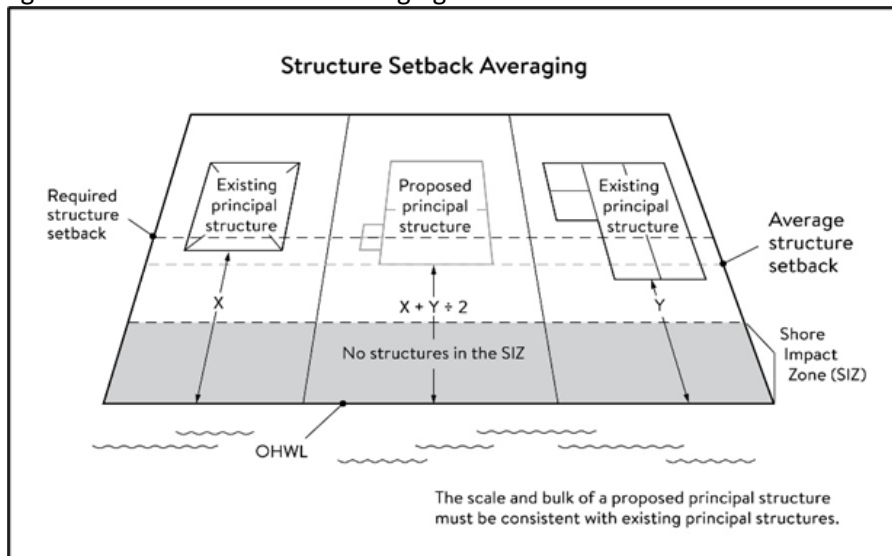
- A. ROS District: 200 feet from the Mississippi River and 150 feet from Vermillion River.
- B. RN District: 100 feet from the Mississippi River and 75 feet from the Vermillion River.
- C. SR District: 75 feet from the Vermillion River.

6.33 Structures impervious surfaces and facilities must comply with the following bluffline setback provisions unless identified as exempt in Section 12.0:

- A. ROS District: 100 feet.
- B. RN District: 40 feet.
- C. SR District: 40 feet.

6.34 Where principal structures exist on the adjoining lots on both sides of a proposed building site, the minimum setback may be altered to conform to the average of the adjoining setbacks, provided that the new structure's scale and bulk riverward or bluffward of the setbacks required under Sections 6.32 and 6.33 are consistent with adjoining development. See Figure 6.

Figure 6. Structure Setback Averaging



6.35 Subsurface sewage treatment systems, including the septic tank and absorption area, must be located at least 75 feet from the ordinary high water level of the Mississippi River and all other public waters.

6.4 Lot size and buildable area.

6.41 The width of lots abutting the Mississippi River in the ROS District must be at least 200 feet, unless alternative design methods are used that provide greater protection of the riparian area.

6.42 All new lots must have adequate buildable area to comply with the setback requirements of Sections 6.32 and 6.33 so as to not require variances to use the lots for their intended purpose.

7.0 PERFORMANCE STANDARDS FOR PRIVATE FACILITIES

7.1 Purpose. To establish design standards for private facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan.

7.2 General design standards. All private facilities must be developed in accordance with the vegetation management and land alteration requirements in Sections 9.0 and 10.0

7.3 Private roads, driveways, and parking areas. Except as provided in Section 12.0, private roads, driveways and parking areas must:

7.31 Be designed to take advantage of natural vegetation and topography so that they are not readily visible;

7.32 Comply with structure setback requirements according to Section 6.3; and

7.33 Not be placed within the bluff impact zone or shore impact zone, unless exempt under Section 12.0 and designed consistent with Section 8.2.

7.4 Private water access and viewing facilities.

7.41 Private access paths must be no more than:

- A. Eight feet wide, if placed within the shore impact zone; and
- B. Four feet wide, if placed within the bluff impact zone.

7.42 Private water access ramps must:

- A. Comply with Minnesota Rules, chapters 6115.0210 and 6280.0250; and
- B. Be designed and constructed consistent with the applicable standards in Design Handbook for Recreational Boating and Fishing Facilities.

7.43 Design and construction of private stairways, lifts, and landings are subject to the following standards:

A. Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and residential facilities held in common, if approved by Ravenna Township;

B. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet area allowed for commercial properties and residential facilities held in common, if approved by Ravenna Township.

C. Canopies or roofs are prohibited on stairways, lifts, or landings;

D. Stairways, lifts, and landings must be located in the least visible portion of the lot whenever practical; and

E. Ramps, lifts, mobility paths, or other facilities for persons with physical disabilities are allowed for achieving access to shore areas according to Section 7.43 A. – D, and as provided under Section 3.9.

7.45 One water-oriented accessory structure is allowed for each riparian lot or parcel less than 300 feet in width at the ordinary high water level, with one additional water-oriented accessory structure allowed for each additional 300 feet of shoreline on the same lot or parcel. Water-oriented accessory structures are prohibited in the bluff impact zone and must:

A. not exceed 12 feet in height;

B. not exceed 120 square feet in area; and

C. be placed a minimum of 10 feet from the ordinary high water level.

7.5 Decks and patios in setback areas. Decks and at-grade patios may encroach into the required setbacks from the ordinary high water level and blufflines without a variance, when consistent with Sections 9.0 and 10.0, provided that:

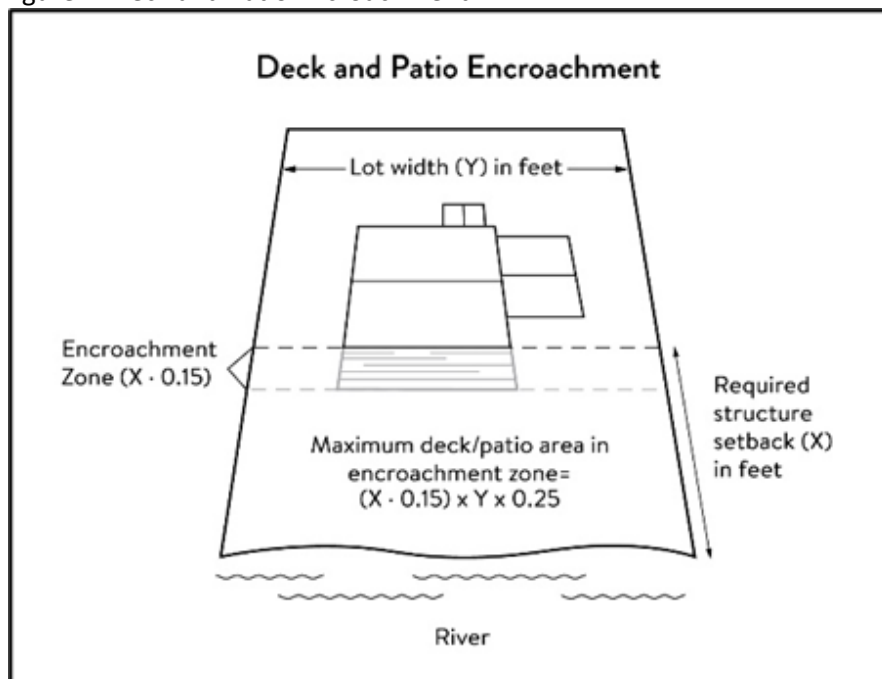
7.51 The encroachment of the deck or patio into the required setback area does not exceed 15 percent of the required structure setback;

7.52 the area of the deck or patio that extends into the required setback area occupies no more than 25 percent of the total area between the required setback and the 15 percent using the formula:

[required setback depth (feet) x 0.15 x lot width at setback(feet) X 0.25 = maximum total area]

7.53 The deck or patio does not extend into the bluff impact zone. See Figure 7.

Figure 7. Deck and Patio Encroachment



7.6 Off-premise and directional signs.

7.61 Off-premise advertising signs must:

- A. Meet required structure placement and height standards in Sections 6.2 and 6.3.
- B. Not be readily visible

7.62 Directional signs for patrons arriving at a business by watercraft must comply with the following standards:

- A. They must be consistent with Minnesota Statutes, section 86B.115.
- B. Only convey the location and name of the establishment and the general types of goods and services available, if located in a shore impact zone.
- C. Be no greater than ten feet in height and 32 square feet in surface area; and
- D. If illuminated, the lighting must be shielded to prevent illumination out across the river or to the sky.

8.0 PERFORMANCE STANDARDS FOR PUBLIC FACILITIES

8.1 Purpose. To establish design standards for public facilities that are consistent with best management practices and that minimize impacts to primary conservation areas, public river corridor views and other resources identified in the MRCCA plan. Public facilities serve the public interest by providing public access to the Mississippi River corridor or require locations in or adjacent to the river corridor and therefore require some degree of flexibility.

8.2 General design standards. All public facilities must be designed and constructed to:

8.21 Minimize visibility of the facility from the river to the extent consistent with the purpose of the facility;

8.22 Comply with the structure placement and height standards in Section 6.0, except as provided in Section 12.0;

8.23 Be consistent with the vegetation management standards in Section 9.0 and the land alteration and storm water management standards in Section 10.0, including use of practices identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001, where applicable;

8.24 Avoid primary conservation areas, unless no alternative exists. If no alternative exists, then disturbance to primary conservation areas must be avoided to the greatest extent practicable, and design and construction must minimize impacts; and

8.25 Minimize disturbance of spawning and nesting times by scheduling construction at times when local fish and wildlife are not migrating or nesting.

8.3 Right-of-way maintenance standards. Right-of-way maintenance must comply with the following standards:

8.31 Vegetation currently in a natural state must be maintained to the extent feasible;

8.32 Where vegetation in a natural state has been removed, native plants must be planted and maintained on the right-of-way; and

8.33 Chemical control of vegetation must be avoided when practicable, but when chemical control is necessary, chemicals used must be in accordance with the regulations and other requirements of all state and federal agencies with authority over the chemical's use.

8.4 Crossings of public water or public land. Crossings of public waters or land controlled by the commissioner are subject to approval by the commissioner according to Minnesota Statutes, sections 84.415 and 103G.245.

8.5 Public utilities. Public utilities must comply with the following standards:

8.51 High-voltage transmission lines, wind energy conversion systems greater than five megawatts, and pipelines are regulated according to Minnesota Statutes, chapter 216E, 216F, and 216G respectively; and

8.52 If overhead placement is necessary, utility facility crossings must minimize visibility of the facility from the river and follow other existing right of ways as much as practicable.

8.53 The appearance of structures must be as compatible as practicable with the surrounding area in a natural state with regard to height and width, materials used, and color.

8.54 Wireless communication facilities, according to Section 5.26.

8.6 Public transportation facilities. Public transportation facilities shall comply with structure placement and height standards in Section 6.0. Where such facilities intersect or about two or more MRCCA districts, the least restrictive standards apply. Public transportation facilities must be designed and constructed to give priority to:

8.61 Providing scenic overlooks for motorists, bicyclists, and pedestrians;

8.62 Providing safe pedestrian crossings and facilities along the river corridor;

8.63 Providing access to the riverfront in public ownership; and

8.64 Allowing for use of the land between the river and the transportation facility.

8.7 Public recreational facilities. Public recreational facilities must comply with the following standards::

8.71 Buildings and parking associated with public recreational facilities must comply with the structure placement and height standards in Section 6.0, except as provided in Section 12.0;

8.72 Roads and driveways associated with public recreational facilities must not be placed in the bluff or shore impact zones unless no other placement alternative exists. If no alternative exists, then design and construction must minimize impacts to shoreline vegetation, erodible soils and slopes, and other sensitive resources.

8.73 Trails, access paths, and viewing areas associated with public recreational facilities and providing access to or views of the Mississippi River are allowed within the bluff and shore impact zones if design, construction, and maintenance methods are consistent with the best management practice guidelines in Trail Planning, Design, and Development Guidelines.

A. Hard-surface trails are not allowed on the face of bluffs with a slope exceeding 30 percent. Natural surface trails are allowed, provided they do not exceed eight feet in width.

B. Trails, paths, and viewing areas must be designed and constructed to minimize:

(1) Visibility from the river;

(2) Visual impacts on public river corridor views; and

(3) Disturbance to and fragmentation of primary conservation areas.

8.74 Public water access facilities must comply with the following requirements:

A. Watercraft access ramps must comply with Minnesota Rules chapters 6115.0210 and 6280.0250; and

B. Facilities must be designed and constructed consistent with the standards in Design Handbook for Recreational Boating and Fishing Facilities.

8.75 Public signs and kiosks for interpretive or directional purposes are allowed in the bluff or shore impact zones, provided they are placed and constructed to minimize disturbance to these areas and avoid visual impacts on public river corridor views.

8.76 Public stairways, lifts, and landings must be designed as provided in Section 7.43.

9.0 VEGETATION MANAGEMENT

9.1 Purpose. To establish standards that sustain and enhance the biological and ecological functions of vegetation; preserve the natural character and topography of the MRCCA; and maintain stability of bluffs and steep slopes and ensure stability of other erosion-prone areas.

9.2 Applicability. This section applies to:

- 9.21 Shore impact zones;
- 9.22 Areas within 50 feet of a wetland or natural drainage way;
- 9.23 Bluff impact zones;
- 9.24 Areas of native plant communities; and
- 9.25 Significant existing vegetative stands identified in the MRCCA plan.

9.3 Activities allowed without a vegetation permit.

- 9.31 Maintenance of existing lawns, landscaping and gardens;
- 9.32 Removal of vegetation in emergency situations as determined by Ravenna Township;
- 9.33 Right-of-way maintenance for public facilities meeting the standards Section 8.3;
- 9.34 Agricultural and forestry activities meeting the standards of Sections 5.21 and 5.23;
- 9.35 Selective vegetation removal, provided that vegetative cover remains consistent with the management purpose of the MRCCA District, including:
 - A. Vegetation that is dead, diseased, dying, or hazardous;
 - B. To prevent the spread of diseases or insect pests;
 - C. Invasive non-native species.

9.4 Activities allowed with a vegetation permit.

9.41 The following intensive vegetation clearing activities are allowed with a vegetation permit:

- A. Clearing of vegetation that is dead, diseased, dying, or hazardous;
- B. Clearing to prevent the spread of diseases or insect pests;
- C. Clearing to remove invasive non-native species.
- D. Clearing to prepare for restoration and erosion control management activities consistent with a plan approved by Ravenna Township.
- E. The minimum necessary for development that is allowed with a building permit or as an exemption under Section 12.0.

9.42 Conditions of vegetation permit approval:

- A. Development is sited to minimize removal of or disturbance to natural vegetation;
- B. Soil, slope stability, and hydrologic conditions are suitable for the proposed work as determined by a professional engineer;
- C. Clearing is the minimum necessary and designed to blend with the natural terrain and minimize visual impacts to public river corridor views;
- D. Any native plant communities removed are replaced with native vegetation that provides equivalent biological and ecological functions consistent with an approved vegetation restoration plan as provided in Section 9.62. If replaced, priorities for restoration are stabilization of erodible soils, restoration or enhancement of shoreline vegetation, and revegetation of bluffs or steep slopes visible from the river;
- E. All other vegetation removed is restored with native vegetation to the greatest extent practicable consistent with an approved vegetation restoration plan as provided in Section 9.62. Priorities for replacement are the same as under Section 9.42.D;

- F. Any disturbance of highly erodible soils is replanted with deep-rooted vegetation with a high stem density;
- G. Vegetation removal activities are conducted so as to expose the smallest practical area of soil to erosion for the least possible time;
- H. Any other condition determined necessary to achieve the purpose of this section.

9.5 Prohibited activities. All other intensive vegetation clearing is prohibited.

9.6 Vegetation restoration plan.

9.61 Development of a vegetation restoration plan and reestablishment of natural vegetation is required:

- A. As a condition of a vegetation permit issued under Section 9.42, items D and E;
- B. Upon failure to comply with any provisions in this section; or
- C. As part of the planning process for subdivisions as provided in Section 11.0.

9.62 The vegetation restoration plan must satisfy the application submittal requirements in 3.6, and:

- A. Include vegetation that provides suitable habitat and effective soil stability, runoff retention, and infiltration capability. Vegetation species, composition, density, and diversity must be guided by nearby patches of native plant communities and by Native Vegetation Establishment and Enhancement Guidelines;
- B. Be prepared by a qualified individual; and
- C. Include a maintenance plan that includes management provisions for controlling invasive species and replacement of plant loss for three years.

9.63 A certificate of compliance will be issued after the vegetation restoration plan requirements have been satisfied.

10.0 LAND ALTERATION STANDARDS AND STORMWATER MANAGEMENT

10.1 Purpose. To establish standards that protect water quality from pollutant loadings of sediment, nutrients, bacteria, and other contaminants; and maintain stability of bluffs, shorelines, and other areas prone to erosion.

10.2 Land alteration permit.

10.21 Within the bluff impact zone, land alteration is prohibited, except for the following which are allowed by permit.

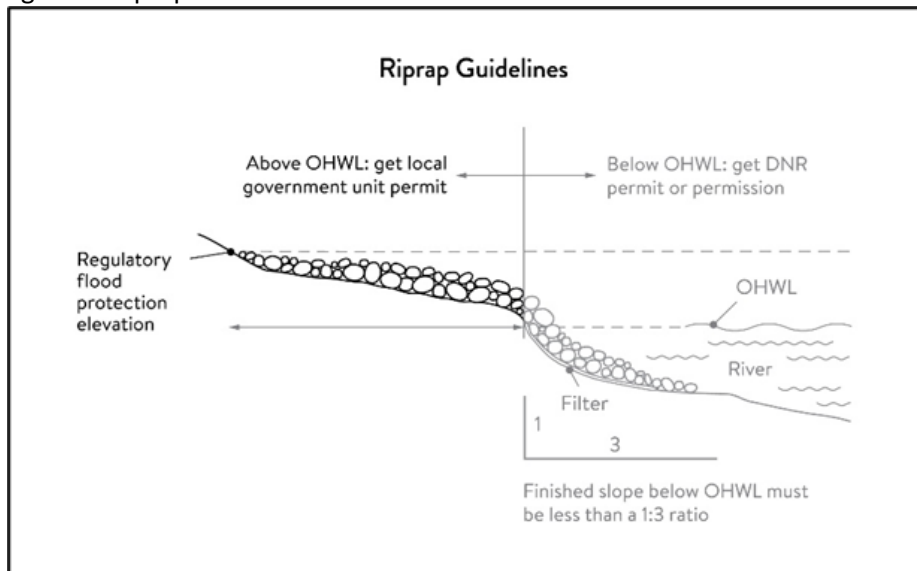
- A. Erosion control consistent with a plan approved by Ravenna Township or resource agency and consistent with Section 10.6;
- B. The minimum necessary for development that is allowed as an exception under Section 12; and
- C. Repair and maintenance of existing buildings and facilities.

10.22 Within the water quality impact zone, land alteration that involves more than ten cubic yards of material or affects an area greater than 1,000 square feet requires a permit.

10.3 Rock riprap, retaining walls, and other erosion control structures.

10.31 Construction, repair, or replacement of rock riprap, retaining walls, and other erosion control structures located at or below the OHWL must comply with Minnesota Rules, chapters 6115.0215, subpart 4, item E, and 6115.0216, subpart 2. Work must not proceed until approved by the commissioner, permitted by the US Army Corps of Engineers, and any other permits are obtained. See Figure 8.

Figure 8. Riprap Guidelines



10.32 Construction or replacement of rock riprap, retaining walls, and other erosion control structures within the bluff impact zone and the water quality impact zone are allowed with a permit consistent with provisions of Section 10.6 provided that:

- A. If the project includes work at or below the OHWL, the commissioner has already approved or permitted the project.
- B. The structures are used only to correct an established erosion problem as determined by Ravenna Township.
- C. The size and extent of the structures are the minimum necessary to correct the erosion problem and are not larger than the following, unless a professional engineer determines that a larger structure is needed to correct the erosion problem:

(1) Retaining walls must not exceed five feet in height and must be placed a minimum horizontal distance of ten feet apart; and

(2) Riprap must not exceed the height of the regulatory flood protection elevation.

10.33 Repair of existing rock riprap, retaining walls, and other erosion control structures above the OHWL does not require a permit provided it does not involve any land alteration under Section 10.2.

10.4 Stormwater management.

10.41 In the bluff impact zone, storm water management facilities are prohibited, except by permit if:

- A. There are no alternatives for storm water treatment outside the bluff impact zone on the subject site;
- B. The site generating runoff is designed so that the amount of runoff reaching the bluff impact zone is reduced to the greatest extent practicable;
- C. The construction and operation of the facility does not affect slope stability on the subject property or adjacent properties; and
- D. Mitigation based on the best available engineering and geological practices is required and applied to eliminate or minimize the risk of slope failure.

10.42 In the water quality impact zone, development that creates new impervious surface, as allowed by exemption in Section 12.0, or fully reconstructs existing impervious surface of more than 10,000 square feet requires a storm water permit or approved storm water plan. Multipurpose trails and sidewalks are exempt if there is down gradient vegetation or a filter strip that is at least five feet wide.

10.43 In all other areas, storm water runoff must be directed away from the bluff impact zones or unstable areas.

10.5 Development on steep slopes. Construction of structures, impervious surfaces, land alteration, vegetation removal, or other construction activities are allowed on steep slopes if:

10. 51 The development can be accomplished without increasing erosion or storm water runoff;

10.52 The soil types and geology are suitable for the proposed development; and

10.53 Vegetation is managed according to the requirements of Section 9.0.

10.6 Conditions of land alteration permit approval.

10.61 Temporary and permanent erosion and sediment control measures retain sediment onsite consistent with best management practices in the Minnesota Stormwater Manual;

10.62 Natural site topography, soil, and vegetation conditions are used to control runoff and reduce erosion and sedimentation;

10.63 Construction activity is phased when possible;

10.64 All erosion and sediment controls are installed before starting any land disturbance activity;

10.65 Erosion and sediment controls are maintained to ensure effective operation;

10.66 The proposed work is consistent with the vegetation standards in Section 9.0; and

10.67 Best management practices for protecting and enhancing ecological and water resources identified in Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001.

10.7 Compliance with other plans and programs. All development must:

10.71 Be consistent with Minnesota Statutes, chapter 103B, and local water management plans completed under chapter 8410;

10.72 Meet or exceed the wetland protection standards under Minnesota Rules, chapter 8420; and

10.73 Meet or exceed the floodplain management standards under Minnesota Rules, chapter 6120. 5000 – 6120.6200

11.0 SUBDIVISION AND LAND DEVELOPMENT STANDARDS

11.1 Purpose.

11.11 To protect and enhance the natural and scenic values of the MRCCA during development or redevelopment of the remaining large sites

11.12 To establish standards for protecting and restoring biological and ecological functions of primary conservation areas on large sites; and

11.13 To encourage restoration of natural vegetation during development or redevelopment of large sites where restoration opportunities have been identified in MRCCA Plans.

11.2 Applicability.

11.21 The design standards in this section apply to subdivisions, planned unit developments and master-planned development and redevelopment of land involving ten or more acres for contiguous parcels that abut the Mississippi River and 20 or more acres for all other parcels, including smaller individual sites within the following developments that are part of a common plan of development that may be constructed at different times:

- A. Subdivisions;
- B. Planned unit developments; and
- C. Master-planned development and redevelopment of land.

11.22 The following activities are exempt from the requirements of this section:

- A. Minor subdivisions consisting of three or fewer lots;
- B. Minor boundary line corrections;
- C. Resolutions of encroachments;

- D. Additions to existing lots of record;
- E. Placement of essential services; and
- F. Activities involving river-dependent commercial and industrial uses.

11.3 Application materials.

Project information listed in Section 3.6 must be submitted for all proposed developments.

11.4 Design standards.

11.41 Primary conservation areas, where they exist, must be set aside and designated as protected open space in quantities meeting the following as a percentage of total parcel area:

- A. CA-ROS District: 50%;
- B. CA-RN District: 20%; and
- C. CA-SR District: 10% if the parcel includes native plant communities or provides feasible connections to a regional park or trail system, otherwise no requirement.

11.42 If the primary conservation areas exceed the amounts specified in Section 11.41, then protection of native plant communities and natural vegetation in riparian areas shall be prioritized.

11.43 If primary conservation areas exist but do not have natural vegetation (identified as restoration priorities in the MRCCA Plan), then a vegetation assessment must be completed to evaluate the unvegetated primary conservation areas and determine whether vegetation restoration is needed. If restoration is needed, vegetation must be restored according to Section 9.62.

11.44 If primary conservation areas do not exist on the parcel and portions of the parcel have been identified in the MRCCA plan as a restoration area, vegetation must be restored in the identified areas according to Section 9.62 and the area must be set aside and designated as protected open space.

11.45 Storm water treatment areas or other green infrastructure may be used to meet the protected open space requirements if the vegetation provides biological and ecological functions.

11.46 Land dedicated under Ravenna Township Zoning Ordinance for public river access, parks, or other open space or public facilities may be counted toward the protected open space requirement.

11.47 Protected open space areas must connect open space, natural areas, and recreational areas, where present on adjacent parcels, as much as possible to form an interconnected network.

11.5 Permanent protection of designated open space.

11.51 Designated open space areas must be protected through one or more of the following methods:

- A. Public acquisition by a government entity for conservation purposes;
- B. A permanent conservation easement, as provided in Minnesota Statutes, chapter 84C;
- C. A deed restriction; and
- D. Other arrangements that achieve an equivalent degree of protection.

11.52 Permanent protection methods must ensure the long-term management of vegetation to meet its biological and ecological functions, prohibit structures, and prohibit land alteration, except as needed to provide public recreational facilities and access to the river.

11.6 Alternative design standards.

11.61 The RR-1 Zoning District requires a minimum of 10 acres for each 1 dwelling unit (Section 100.2 and 101.6).

11.62 Large parcel subdivisions are regulated to a maximum of 12 lots for each 100 acres and scales-up proportionally to 310 acres (reference Section 201.6).

12.0 EXEMPTIONS

12.1 Purpose. To provide exemptions to structure placement, height and other standards for specific river or water access dependent facilities as provided in Minnesota Statutes 116G.15 Subd. 4.

12.2 Applicability.

12.21 Uses and activities not specifically exempted must comply with this section. Uses and activities exempted under shore impact zone and bluff impact zone must comply with the vegetation management and land alteration standards in Sections 9 and 10.

12.22 Uses and activities in Section 12.3 are categorized as:

- A. Exempt – E. This means that the use or activity is allowed;
- B. Exempt if no alternative - (E). This means that the use or activity is allowed only if no alternatives exist; and
- C. Not exempt - N. This means that a use or activity is not exempt and must meet the standards of this ordinance.

12.3 Use and activity exemptions classification.

12.31 General uses and activities.

Uses identified below are limited to applicability to the corresponding MRCCA districts and do not expand or otherwise replace any uses as defined by the Ravenna Township Zoning Ordinance.

| Use or Activity | Set backs | Height Limits | SIZ | BIZ | Applicable standards with which the use or activity must comply |
|--|-----------|---------------|-----|-----|---|
| Industrial and utility structures requiring greater height for operational reasons (such as elevators, refineries and railroad signaling towers) | N | E | N | N | Structure design and placement must minimize interference with public river corridor views. |
| Barns, silos, and farm structures | N | E | N | N | |
| Bridges and bridge approach roadways | E | E | E | (E) | Section 8 |
| Wireless communication towers | E | E | N | N | Section 5.26 |
| Chimneys, church spires, flag poles, public monuments, and mechanical stacks and equipment | N | E | N | N | |
| Historic properties and contributing properties in historic districts | E | E | E | E | Exemptions do not apply to additions or site alterations |
| | | | | | |

12.32 Public utilities.

| Use or Activity | Set backs | Height Limits | SIZ | BIZ | Applicable standards with which the use or activity must comply |
|--|-----------|---------------|-----|-----|---|
| Electrical power facilities | E | E | E | (E) | Section 8 |
| Essential services (other than storm water facilities) | E | E | E | (E) | Section 8 |
| Storm water facilities | E | N | E | (E) | Section 10 |
| Wastewater treatment | E | N | E | N | Section 8 |
| Public transportation facilities | E | N | (E) | (E) | Section 8 |

12.33 Public recreational facilities.

| Use or Activity | Set backs | Height Limits | SIZ | BIZ | Applicable standards with which the use or activity must comply |
|--|-----------|---------------|-----|-----|--|
| Accessory structures, such as monuments, flagpoles, light standards, and similar park features | E | E | (E) | (E) | Section 8; within BIZ, only on slopes averaging less than 30%. Exemptions do not apply to principal structures. |
| Picnic shelters and other open-sided structures | E | N | (E) | N | Section 8 |
| Parking lots | (E) | N | (E) | (E) | Section 8; within BIZ, only within 20 feet of toe of bluff; not on face of bluff; and must not affect stability of bluff |
| Roads and driveways | (E) | N | (E) | (E) | Section 8 |
| Natural-surfaced trails, access paths, and viewing areas | E | N | E | E | Section 8 |
| Hard-surfaced trails and viewing platforms | E | N | E | (E) | Section 8; within BIZ, only on slopes averaging less than 30% |
| Water access ramps | E | N | E | (E) | Section 8 |
| Public signs and kiosks for interpretive or directional purposes | E | N | E | (E) | Section 8 |

12.34 River-dependent uses.

| Use or Activity | Set backs | Height Limits | SIZ | BIZ | Applicable standards with which the use or activity must comply |
|--|-----------|----------------|-----|-----|---|
| Shoreline facilities | E | N ¹ | E | (E) | Section 5.25. Exemptions do not apply to buildings, structures, and parking areas that are not part of a shoreline facility |
| Private roads and conveyance structures serving river-dependent uses | E | N ¹ | E | (E) | Section 5.25 |

12.35 Private residential and commercial water access and use facilities.

| Use or Activity | Set backs | Height Limits | SIZ | BIZ | Applicable standards with which the use or activity must comply |
|---|-----------|---------------|-----|-----|---|
| Private roads serving 3 or more lots | (E) | N | N | (E) | Section 7; in BIZ, only on slopes averaging less than 30%. Exemption does not apply to private roads serving fewer 3 lots or to private driveways and parking areas |
| Access paths | E | N | E | E | Section 7 |
| Water access ramps | E | N | E | N | Section 7 |
| Stairways, lifts, and landings | E | N | E | E | Section 7 |
| Water-oriented accessory structures | E | N | E | N | Section 7 |
| Patios and decks | E | N | N | N | Section 7.5 |
| Directional signs for watercraft (private) | E | N | E | N | Section 7.6; exemption does not apply to off-premise advertising signs |
| Temporary storage of docks, boats, and other equipment during the winter months | E | N | E | N | |
| Erosion control structures, such as rock riprap and retaining walls | E | N | E | (E) | Sections 10.3, 10.5 and 10.6 |
| Flood control structures | E | N | E | (E) | Section 10 |

River-dependent commercial, industrial, and utility structures are exempt from height limits only if greater height is required for operational reasons.