

**TOWNSHIP OF STANTON IN
GOODHUE COUNTY OF MINNESOTA**

STANTON TOWNSHIP ZONING ORDINANCE

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TOWNSHIP OF STANTON

Planning and Zoning Ordinance Draft

**Stanton Township Planning Commission
Public Hearing
February 13th, 2018**

<u>Table of Contents</u>		<u>Page</u>
Section 1	LEGISLATIVE INTENT AND PURPOSE	4
Section 2	TITLE AND AUTHORITY	4
Section 3	VESTED RIGHTS	5
Section 4	COMPLIANCE REQUIRED	5
Section 5	COUNTY REGULATIONS	5
Section 6	MINIMUM STANDARDS.	5
Section 7	RESPONSIBILITY.....	6
Section 8	GENERAL APPLICATION PROCESSING PROCEDURES	6
Section 9	RULES OF CONSTRUCTION	6
Section 10	PROVISIONS SEPARABLE	7
Section 11	EFFECTIVE DATE.....	7
Section 12	PRIOR ZONING ORDINANCES.....	7
Section 13	DEFINITIONS.....	7
Section 14	ADMINISTRATION	13
	A. Town Board.....	13
	B. Planning Commission.....	13
	C. Board of Appeals and Adjustments	14
Section 15	ZONING REQUESTS AND PROCEDURES	15
	A. Zoning Certificate	16
	B. Conditional Use Permits	17
	C. Variances.....	18
	D. Zoning Amendment	19
	E. Required Submittal Information	21
	F. Expiration, Discontinuance and Revocation of Permits	22
	G. General Requirements, Limitations and Prohibitions.....	22
Section 16	NONCONFORMING USES, STRUCTURES AND SUBSTANDARD LOTS	23
Section 17	ZONING DISTRICTS	24

Section 18 PERMITTED, ACCESSORY, AND CONDITIONAL USES.....25

- A. Permitted Uses25
- B. Conditional Uses25
- C. Uses Not Provided for in a Zoning District26
- D. Permitted and Conditional Uses by Zoning District26
 - 1. Agricultural Protection Zoning District (A-1)26
 - 2. Agriculture Zoning District (A-2).....26
 - 3. Residential Zoning District (R-1)28
 - 4. Rural Business Zoning District (B2)29

Section 19 LOTS, YARDS, DRIVEWAYS31

- A. General Lot Requirements31

Section 20 SPECIAL PROVISIONS AND PERFORMANCE STANDARDS.....32

- O. Communication Towers & Facilities for Personal Wireless Services and Other Uses34
- P. Non-Commercial Use Wind Generation.....36
- Q. Irrigation Plans37
- R. Mineral Extraction37

Section 21 ANIMAL FEEDLOTS.....38

Section 22 DISPOSAL/RECYCLING OPERATIONS/JUNKYARDS.....39

Section 23 SIGNS39

Section 24 DAMAGE TO INFRASTRUCTURE40

Section 25 ANIMAL ENFORCEMENT41

Section 26 RIGHT TO FARM.....41

Section 27 NUISANCES42

Section 28 FEES.....42

Section 29 ENFORCEMENT43

Section 30 REGULATIONS OF TOWNSHIP ROADS AND RIGHT-OF-WAYS FOR UTILITY PROJECTS..... 43

Section 31 SOLAR ENERGY SYSTEM (SES) REGULATIONS.....55

Signature Page.....57

This Ordinance regulates the location, height, bulk, size of structures, the size of yards and other open spaces, the density of population and the use of land and buildings for residence, trade, industry, recreation and other activities by establishing zoning districts, standards and procedures regulating such uses to help promote the public health, safety, and general welfare.

The Board of Supervisors of Stanton Township does hereby ordain:

Section 1 LEGISLATIVE INTENT AND PURPOSE

This Ordinance is adopted to:

1. Promote and protect the public health, safety and general welfare of the Township of Stanton, in Goodhue County, Minnesota.
2. Classify properties into zones and districts reflecting their peculiar suitability for particular uses and to promote an efficient land use pattern.
3. Guide future land development to insure a safer, more pleasant and more economical environment for agricultural, residential, compatible commercial recreation, and public activities.
4. Regulate the location, construction, reconstruction, alteration and use of buildings, structures and land.
5. Insure adequate light, air, privacy, and convenience of access to property.
6. Prevent the overcrowding of land and the undue concentration of population and animals.
7. Establish reasonable standards to which building structures and uses shall conform.
8. Protect against fire explosion, noxious fumes, offensive noise, vibration, dust, odor, heat, glare and other pollution and hazards in the interest of public health, comfort and general welfare.
9. Conserve natural resources and maintain high standards of environmental quality.
10. Preserve and protect the capacity of flood plains and natural ponding areas to carry, hold and discharge excess surface waters.
11. Implement the Stanton Township Comprehensive Land Plan and Policies.

Section 2 TITLE AND AUTHORITY

This ordinance may be cited as the Stanton Township Zoning Ordinance and will be referred to herein as “this Ordinance”. This Ordinance is adopted pursuant to the Town Board’s authority under Minnesota Statutes, sections 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

Section 3 VESTED RIGHTS

Nothing in this Ordinance shall be interpreted or construed to grant any permanent vested rights in the continuation of any permissible activities herein, and they are hereby declared to be subject to subsequent amendment change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 4 COMPLIANCE REQUIRED

No structure shall be located, erected, placed, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or be designed to be used, anywhere within the jurisdictional boundaries of the Township except in full compliance with all the provisions of this Ordinance and after lawful issuance of all permits and certificates required by this Ordinance.

Section 5 COUNTY REGULATIONS

Goodhue County has adopted various land use related regulations, some of which regulate the same activities regulated by this Ordinance and others that are outside the scope of the regulations contained herein. It is important to inquire, to both the township and the county, before undertaking any such activities to identify the regulations that apply and to undertake the procedures necessary to obtain all required permits and permissions and to remain in compliance with the applicable regulations. The regulations adopted and administered by the County that fall outside of the scope of this Ordinance include, but are not limited to, the following:

1. Shore land regulations.
2. Floodplain regulations.
3. Wetland regulations.
4. Subdivision regulations.
5. Individual sewage treatment system regulations.
6. Bluff land protections.

Section 6 MINIMUM STANDARDS

The provisions of this Ordinance shall constitute the minimum requirements and standards for the promotion of the public health, safety, morals and welfare. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements must be followed in addition to the requirements imposed by this Ordinance. The issuance of a permit by the township pursuant to this Ordinance does not relieve a person from having to obtain such other permits or permissions required by federal, state, or local laws, rules, regulations, codes, or ordinances. Similarly, the issuance of a permit by another governmental entity does not relieve a person from having to obtain a permit from the township if a permit is required pursuant to this Ordinance. The township has determined it is not necessary, or in the public's best interests, to adopt all of the regulations imposed by the county. However, to the extent this Ordinance does not regulate a matter, or does not require a permit in situations where the county may interpret its regulations as requiring a permit, shall not be interpreted as the township being less strict than the county or as the township exempting a use from having to obtain a county permit or such other permits or permissions as may be required by federal, state, or local laws, rules, regulations, codes, or ordinances.

Individuals are responsible for contacting the county concerning all zoning related matters and no building, structure, or use of land is allowed in the township unless it complies with both this Ordinance and the county's regulations.

Section 7 RESPONSIBILITIES

The issuance of a permit or compliance with permit conditions or with the provisions of this Ordinance shall not relieve any person from any responsibility otherwise imposed by law including, but not limited to, damages caused or resulting to persons or property. The issuance of any permit hereunder shall not constitute a guarantee that the land, building, or structure is suitable for any particular purpose and shall not serve to impose any liability on the township or its officers, employees, or agents for injury or damage to persons or property arising in any way from the occupation or use of a structure or land regardless of whether the township has issued a permit.

Section 8 GENERAL APPLICATION PROCESSING PROCEDURES

Applications made pursuant to this Ordinance shall be filed with the person designated by the Town Board to receive zoning applications along with any required documents, fees, and escrow amounts. The Township Clerk shall review the application to make sure it is complete. If an application is not complete, a verbal or a 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 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. 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 by the township, by request of the applicant, by operation of law, 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 is 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.

Section 9 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 words "shall" and "must" are 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 Township Board.

6. Permits issued by the Township related to the construction, placement, or alteration of structures are called Zoning Certificates in this Ordinance. The Township has not adopted and is not administering the Minnesota Building Code.
7. All measured distances expressed in feet shall be to the nearest foot.
8. If a use is not listed as being allowed within a particular zoning district, the use is not allowed within that district.
9. General words are construed to be restricted in their meaning by preceding particular words.
10. A vote to approve a request made pursuant to this Ordinance that fails for any reason shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request.

Section 10 PROVISIONS SEPARABLE

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid by a court of competent jurisdiction, the remainder of this Ordinance or the application of such provision to other circumstances shall not be affected.

Section 11 EFFECTIVE DATE

This Ordinance shall be effective on the first day of publication after its adoption by the Town Board

Section 12 PRIOR ZONING ORDINANCES

This Ordinance supersedes and replaces all Zoning Ordinances previously adopted by the Town Board. All previously adopted zoning regulations are, hereby, repealed. The repeal of the previous ordinance does not affect the nonconforming or unlawful status of any use, structure, or lot that was not in conformance with that ordinance or any amendments thereto.

Section 13 DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section. To the extent a term is not defined in this Ordinance, it shall have the meaning given it in the Goodhue County Zoning Ordinance. If the term is not defined in either ordinance, the term shall have the meaning given it in the latest edition of the Merriam Webster's dictionary.

Accessory Building or Use: Any building or use customarily incidental and subordinate to the principal use and located on the same lot as the principal use

Agricultural Research Facility: Any facility whose primary activity is conducting scientific research on agricultural products or processes.

Agriculture: Cultivating the soil, producing grains, fruits, vegetables, flowers, plants, trees, or other crops, and raising livestock.

Animal Clinic: An establishment where animals are treated and/or hospitalized by veterinarians.

Animal Feedlot: A lot, 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 to be animal feedlots. Pastures shall not be considered animal feedlots. All animal feedlots or buildings located on the same lot shall be considered an animal feedlot.

Animal Kennel: Any place where three (3) or more of any type of domestic or exotic pets over four (4) months of age are owned, boarded, bred, or offered for sale.

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. The Following animal unit equivalents apply. For animals not listed below, the number of animal units is the average weight of the animal in lbs. divided by 1000 lbs.

Animal	Animal Units
One mature dairy cow	1.4
One slaughter steer or heifer	1.0
One horse	1.0
One swine over 55 pounds	.4
One duck	.02
One sheep	.1
One swine under 55 pounds	.05
One turkey	.018
One chicken	.01

Antenna: Any device or equipment used for the transmission or reception of Electro-magnetic waves, which may include Omni-directional antenna (rod), directional antenna (panel) or parabolic antenna (disc).

Applicant: Current legal fee owner of subject property or legal representative, such as, an agent or power of attorney.

Association: An organization consisting exclusively of all unit owners who possess certain powers and authority over commonly owned land or other property.

Co-location: The location of more than one antenna or set of antennas of more than one government or commercial wireless communication service provider on the same tower structure.

Commercial Recreation Facilities: Facilities for recreational activities that include golf courses, horse riding stables or other commercial recreational land uses that the Town Board determines will benefit the recreational needs of the residents and visitors.

Communication Towers and Facilities for Personal Wireless Services: Tower and facilities for the provision of commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. These include mobile telephone, paging, and radio systems.

Day Care Center: A service provided to the public in which six (6) or more children of school or pre-school age are cared for during established business hours, where no overnight facilities are provided.

Density: The number of dwelling units per acre allowable in each district as established in this Ordinance. When acreage has been counted to allow a dwelling unit, no part of that same acreage may be used in calculations for another dwelling.

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy, including one-family, two-family and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

Dwelling, Single Family: A detached housing unit designed exclusively for occupancy by one family.

Dwelling, Two-Family: A housing unit designed for and occupied by two families living independently of each other.

Equipment Maintenance and Storage: A structure for maintenance, repair or storage of equipment on property owned by the owner of said equipment.

Essential Services: Underground or overhead gas, electrical, steam, water or other transmission or distribution systems; collection, communication, supply or disposal system, including but not limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire and alarm systems, traffic signals, hydrants, towers and similar equipment. Essential services also include public works and public safety buildings, as well as cemeteries and related buildings. Essential service does not include commercial communication towers for radio or television broadcasting or for cellular or personal communication services.

Family: One or more persons related by blood, marriage, adoption or foster parent relationship occupying a dwelling and living as a single housekeeping unit, or a group of not more than four persons not so related, maintaining a common household and using common cooking facilities.

Farm: Real estate consisting of not less than (40) acres with a minimum of at least twenty (20) acres cropland. Smaller acreage shall qualify as a farm if at least fifty (50) percent of the total net family income of the owner is derived from agriculture production in the preceding two tax years.

Farmyard: An area, which combines the following elements:

- a) Is part of a farm as defined in the Zoning Ordinance
- b) Is not greater in size than fifteen acres, compactly configured
- c) Has situated within the fifteen acres:

Accessory buildings being used exclusively for agricultural operations.

Floodplain: Areas adjoining a wetland, lake, or watercourse that have been, or hereafter may be covered by a regional flood. For the purpose of this Zoning Ordinance, floodplains shall include all land within the Zone A on the Flood Insurance Rate Map for Goodhue County, Minnesota, April 17, 1978 prepared by the U.S. Dept. of Housing and Urban Development, or updated or amended versions of this map.

Floor Area: The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior face of exterior walls or from the centerline of party walls.

Grandfathered: A non-conformity that is a legal use allowed to continue (but not allowed to expand).

Height of Building or Structure: The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by a building, to the highest point for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Home Occupation: An occupation carried on at a dwelling that is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof.

Infrastructure: All roads, bridges, signs, buildings and real property belonging to Stanton Township.

Junk Yard: A place maintained for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly, or continually; buying or selling at retail or wholesale any old, used, or second-hand material of any kind, including used motor vehicles, machinery of any kind, and/or parts thereof, cloth, rugs, clothing, paper, rubbish, bottles, barrels, storage containers, rubber, iron, or other metals, or articles which from its worn condition render it practically useless for the purpose for which it was made and which is commonly classified as junk. This shall include a lot or yard for the keeping of unlicensed motor vehicles or the remains thereof for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

Lot: A parcel of land occupied or capable of being occupied by one or more structures or buildings having a principal frontage on a road or a proposed road, approved by the Town Board, or, in the case of a cluster development, on a common driveway.

Lot, Corner: A lot situated at the junction of and abutting on two (2) or more intersecting roads.

Lot, Depth of: A mean horizontal distance between the front and rear lot lines.

Lot, Minimum Area of: The measurement of a lot computed exclusive of any portion of the Right-of- Way of any public thoroughfare.

Lot, Width of: The mean width measured at right angles to the depth.

Lot Line, Front: The boundary of a lot that abuts an existing or dedicated public road Right-of-Way or a common driveway easement. In the event of a corner lot, the front lot line shall be the shortest dimension on a public road or driveway easement.

Lot Line, Rear: The boundary of a lot that is opposite the front line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot connecting the side lot lines parallel to the front line.

Lot Line, Side: Any boundary of a lot that is not a front or rear lot line.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the office of the Register of Deeds of Goodhue County.

Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be

used as a dwelling with or without a permanent foundation when connected to required utilities. This term does not include “recreational camping vehicles.”

Manufactured Home Building Code: For manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the State Commissioner of Labor and Industry. For manufactured homes constructed after June 14, 1976, the manufactured home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home’s manufacture.

Non-Conforming Building Structure: A structure that existed before this ordinance or amendment thereto was adopted and that, after the adoption or amendment, could not lawfully be built either as a permitted, accessory, or conditional use within the zoning district defined for the property containing the structure.

Non-Conforming Use: A use or activity that was lawful prior to the adoption of this Zoning Ordinance but that fails, by reason of such adoption, or subsequent revisions or amendments, to conform to the present requirements of the zoning district.

Nonprofit Recreation: Facilities for recreational activities such as a scout campground that are not operated as a business.

Permitted or Principal Use: The main use of land, building or structure as distinguished from accessory uses. A principal use may be either permitted or conditional.

Plat: A drawing, which is in compliance with MS 505 or 515B and County Ordinances and rules, of a subdivider's plan as presented to the County Board for approval and which, if approved, will be submitted to the County Recorder to be recorded. A Final Plat is considered the Recorded Plat.

Preliminary Plat: A map or drawing indicating the proposed layout of the subdivision to be submitted to the Planning Commission and Town Board for their consideration.

Recreational Use: Use of the land that includes parks, playgrounds, or other facilities designed or intended for passive or active recreational activities.

Restoration: “Restore” or “Restoration” means the process by which an excavated Right-of-Way and surrounding area, including the traveled surface, shoulders, foundation, ditches and other drainage structures, and approaches, is returned to the same condition and life expectancy that existed before excavation.

Setback: A required open space at the front, side or rear of a lot that is unoccupied or unobstructed by structures from ground level upward, often, referred to as a yard.

Shore Land: Land located within the following distances from public waters: 1) One thousand (1,000) feet from the ordinary high water level of a lake, pond, or flowage; and 2) three hundred (300) feet from a river or stream or the landward extension of a floodplain designed by this Ordinance on such a river or stream, whichever is greater. The limits of shore lands may be reduced whenever the waters involved are bounded by natural topographic divides which may extend landward from the waters for lesser distances and when approved by the Commissioner of the Department of Natural Resources, and the County Commissioners.

Sign: Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, patios, recreational equipment and small utility sheds.

Subdivision: The division of any parcel or land into two (2) or more lots, blocks and/or sites and includes the re-subdivision of land. A residential subdivision is normally described in a plat.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers and self-supporting lattice towers, including any support thereto. A tower shall not include any tower or antenna that is owned or operated by a federally licensed amateur radio operator or is used exclusively for receive/transmit antennas. Commercial antennas attached to a tower or any tower modification made for the purpose of accommodating such an antenna shall be considered a tower.

Tower Accessory Structure: Any structure located at the base of a tower for housing base receiving or transmitting equipment.

Variance: The waiving by action of the Town Board of the literal provisions of the zoning ordinance in instances in that their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Wind Generator: Electrical generating turbine for use on site or distributed into the electrical grid.

Wireless Communication: Any personal wireless services as defined in the Federal Communication Act of 1996, including FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR) enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging and similar services that currently exist or may be developed.

Yard: A required open space on the front, side or rear of a lot that is unoccupied or unobstructed by structures from ground level upward, also referred to as setback.

Zoning Administrator: The Zoning Administrator is the Township Clerk and is under the direction of the Town Board.

Zoning District: An area or areas within the limits of the Township of Stanton for which the regulations and requirements governing use, lot, and size of building and premises are uniform.

Section 14 ADMINISTRATIONS

A. Town Board. The Town Board is responsible for the general administration and enforcement of this Ordinance. The Town Board shall perform, or may delegate the performance of, such activities as it determines is appropriate to properly administer and enforce this Ordinance including, but not limited to, the following:

1. Accept applications and determine whether they are complete;
2. Issue Zoning Certificates;
3. Conduct inspections;
4. Interpret this Ordinance; and
5. Maintain a permanent file of all applications, Zoning Certificates, permits, and variances as public record.

The person designated by the Town Board to accept application is delegated and has the authority to determine whether the application is complete and, if not, to inform the applicant of the additional information needed to make the application complete. The Town Board may appoint a Zoning Administrator and/or Building Inspector who shall be responsible for one or more of the duties listed above and such other duties as may be assigned by the Town Board.

B. Planning Commission. The Town Board has established the Stanton Township Planning Commission (the “Planning Commission”), which is hereby reaffirmed by the adoption of this Ordinance.

1. Duties. The Planning Commission shall have the powers and duties provided it by Minnesota Statutes, Chapter 462 and as follows:
 - a. Conduct the public hearings required or provided for under this Ordinance;
 - b. Develop findings of facts and make recommendations to the Town Board on matters coming before it for consideration;
 - c. Periodically review and make recommendations regarding proposed amendments to this Ordinance; and
 - d. Perform such other duties as may be provided in law, this Ordinance, or as directed by the Town Board.

The Planning Commission does not have the authority to hire professionals, contract, or to otherwise bind the Township to an obligation.

2. Composition. The Planning Commission shall consist of up to five (5) 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.
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.
4. Terms. Terms expire on March 31st. Planning Commission members serve at the pleasure of the Town Board and may be removed by a majority of the Town Board at any time for any reason. A letter of resignation is requested from any member resigning from the Planning Commission.

5. Officers and Duties. The Planning Commission shall appoint from among its members a Chair, and a Vice-Chair. The Chair shall be the presiding officer for Planning Commission meetings, shall sign documents on behalf of the Planning Commission 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 Town Clerk shall provide notices, keep records of the Planning Commission's proceedings, and countersign the Chair's signature on Planning Commission documents. The Town Clerk may assist the Chair and the Planning Commission in the performance of their duties.
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.
7. Rules and Procedures. The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings.
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. Town Clerk to post any such meeting under Minnesota Open Meeting guidelines. 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.

C. Board of Appeals and Adjustments. The Town Board has established the Stanton Township Board of Appeals and Adjustments (the "Board of Appeals"), which is hereby reaffirmed by the adoption of this Ordinance. The Town Board shall serve as the Board of Appeals.

1. Powers and Duties. The Board of Appeals shall have the following powers and duties with respect to this Ordinance:
 - a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this Ordinance.
 - i. Actions or decisions of the Planning Commission or the Town Board shall not be appealed to the Board of Appeals.
 - ii. An appeal from any order requirement, decision or determination of any administrative official relating to this Ordinance shall be taken within 14 days after receipt of notice of the order, requirement, decision or determination by filing a notice of appeal.
 - iii. The notice of appeal shall be in writing, on the township's form, specify the grounds of the appeal, indicate the relief being sought, and be submitted to the Town Clerk together with the applicable fee.

- iv. The Town Clerk shall forward a timely and complete notice of appeal to the Board of Appeals that shall provide notice to the applicant and conduct a hearing concerning the appeal.
 - v. The Board of Appeals will make a final order deciding the matter within a reasonable time after the hearing and provide a copy of the order to the applicant by mail.
 - vi. Decisions of the Board of Appeals are final.
- b. To hear and order the issuance or denial of variance requests.
 - c. The Board of Appeals shall have such other powers and duties as are assigned to it by law or the Town Board.
2. Officers. The Chairperson of the Town Board shall serve as the Chairperson of the Board of Appeals and the Clerk shall serve as the Secretary of the Board of Appeals.
 3. Compensation. The Town Board shall determine if members will be compensated for their service on the Board of Appeals, determine the amount of compensation if provided, and the policy for reimbursing necessary expenses related to attending meetings and in the conduct of the business of the Board of Appeals.
 4. Rules and Procedures. The Board of Appeals may adopt rules and procedures related to how it conducts its meetings and hearings. The Board of Appeals 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.
 5. Meetings. The Board of Appeals shall hold regular meetings as needed. The Chair or Vice-Chair, along with the consent of at least one other Board of Appeals member, may call special meetings as needed to conduct the Board of Appeal's business.

Section 15 ZONING REQUESTS AND PROCEDURES

Zoning requests made pursuant to this Ordinance must be submitted by the current legal property owner or legal representative and shall be processed in accordance with this Section. Any questions regarding the types of zoning approvals required in a specific situation should be directed to the Planning Commission.

A. Zoning Certificate. Applications for a Zoning Certificate must be submitted by the applicant, as defined, and shall be processed, in accordance with the following. Unless expressly exempted in this Ordinance, a Zoning Certificate is required and shall be obtained from the township before any person may:

- Erect, install, enlarge, alter, move, or remove any building or part thereof, or occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged; or
- Change the use of a structure or land from one type of permitted use to another.

Zoning Certificates are subject to the provisions of Paragraph E of this Section.

1. Applying for a Zoning Certificate.

- a. Applications for a Zoning Certificate shall be submitted on the township's application form and shall be submitted to the Planning Commission. All applications must be complete and, at a minimum, contain the information set out in Paragraph E titled Required Submittal Information. The Planning Commission Chairperson may agree to waive one or more items of information as not being relevant to the particular request. Three complete sets of the application shall be submitted together with the required administrative fee and escrow. Applications submitted without the required information or fees shall not be accepted or processed. If an application is determined to be incomplete after being accepted, the Zoning Administrator/Township Clerk will notify the applicant in writing within fifteen (15) business days of application submittal of what additional information or fees must be submitted in order for the application to be complete. The Zoning Administrator/Township Clerk shall forward complete applications to the Planning Commission for consideration.

2. Processing Applications for Zoning Certificates. The Planning Commission shall receive applications for Zoning Certificates and process them in accordance with the following.

- a. The Planning Commission shall determine whether the applicant is required to obtain any other permits or approvals from the township in order to carry out the requested activity. In order to determine what permits or approvals are necessary, or to determine whether an application meets the requirements of this Ordinance, the Planning Commission may seek the assistance of a qualified consultant to review the application and report to the Planning Commission. If such additional township permits or approvals are required, the Zoning Administrator shall so notify the applicant in writing.
- b. The Planning Commission shall consider the application and prepare a written recommendation to the Town Board on whether the requested Zoning Certificate should be issued. A public hearing is not required to consider an application for a Zoning Certificate. However, the Planning Commission may elect to call and hold a public hearing if it determines public input would assist it to develop its recommendation to the Town Board with respect to the particular request. The Planning Commission shall forward its recommendation, together with any findings and other information it determines is appropriate, to the Town Board.
- c. The Town Board shall review the Planning Commission's recommendation, hear from the applicant if he or she is present at the meeting, and determine whether to issue the requested Zoning Certificate. If the application is denied, the Town Board shall provide the applicant written notice with the reasons for the denial.

B. Conditional Use Permits. Applications for a Conditional Use Permit must be submitted, and shall be processed, in accordance with the following.

1. **Applying for a Conditional Use Permit.** Applications for a Conditional Use Permit shall follow the same requirements as for a Zoning Certificate application previously described.
2. **Processing Applications for a Conditional Use Permit.**
 - a. The township shall provide at least 10 days' published notice of a public hearing to be held concerning the requested permit. Property owners contiguous to the subject property shall be mailed notice of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings. The Planning Commission shall hold the public hearing. The

applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested permit. The applicant has an affirmative duty to show that its proposed use satisfies the criteria for granting a Conditional Use Permit established herein.

- b. At the conclusion of the hearing, the Planning Commission shall make a recommendation to the Town Board regarding the requested permit together with its findings to support its recommendation. If the recommendation is to approve the permit, the Planning Commission shall include any conditions it recommends be placed on the permit. The Planning Commission's recommendation shall be forwarded to the Town Board.
 - c. The Town Board shall make the final decision on whether to grant the requested permit. If it grants the Conditional Use Permit, the Town Board may impose conditions on the permit it considers necessary to protect the public health, safety and welfare. The applicant shall be responsible for the costs the township incurs to record the permit with the County Recorder's office.
 - d. Conditional Use Permits are subject to regular compliance reviews by the township.
3. **Criteria for Granting a Conditional Use Permit.** The following conditions shall be considered in deciding whether to approve an application for a Conditional Use Permit.
- a. Conforms to the zoning district requirements, Comprehensive Land Use Plan, Conditional Use provisions and all general regulations of this Ordinance.
 - b. Does not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and can be operated consistently with the performance standards established herein.
 - c. Is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - d. Produces a total visual impression and environment, which is consistent with the environment of the district and neighborhood in which it is located.
 - e. Organizes vehicular access and parking to minimize traffic congestion in the district.
 - f. Due consideration shall be given to existing conditions and conservation of property values.
 - g. Is determined not to be detrimental to the public health, safety, and general welfare.
 - h. Such other factors as the Town Board determines are relevant to protecting the public health, safety, and welfare.
4. **Additional Considerations**
- a. If it is determined that any damage or deterioration to the township infrastructure will likely occur as a result of the proposed use, then a plan to mitigate or eliminate the damage must be presented to the Planning Commission and the Town Board. The complete cost of said plan will

be the full responsibility of the applicant. If the damages are not paid the conditional use may be revoked. The township may deny an application if it determines a township road that provides access to the property is not structurally sufficient to safely accommodate the amount of traffic or the weight of the vehicles the proposed use is anticipated to generate

b. An application may also be denied if the township determines the proposed use would create health, safety, or welfare concerns that cannot reasonably be mitigated through the imposition of conditions on the permit.

5. **Amended Conditional Use Permits.** Any proposed change to a use issued a Conditional Use Permit including, but not limited to, alteration or enlargement of structures or the change, intensification or expansion of the use beyond what is allowed by the Conditional Use Permit issued for the property, shall require an amended Conditional Use Permit. The same procedures and requirements for applying for a new Conditional Use Permit shall apply to those seeking an amended Conditional Use Permit. Furthermore, the township may add to or amend the conditions imposed on the use if it issues the amended Conditional Use Permit.

C. Variances. Applications for a variance must be submitted, and shall be processed, in accordance with the following.

1. **Applying for a Variance.** Applications for a variance shall be submitted on the township's application form and shall be submitted to the Zoning Administrator/Township Clerk. All applications must be complete and, at a minimum, contain the information set out in Paragraph E titled Required Submittal Information. The Planning Commission Chairperson may agree to waive one or more items of information as not being relevant to the particular request.

2. **Processing Applications for Variances.**

a. The township shall provide at least ten (10) days' published notice of a public hearing to be held concerning the requested variance. Property owners contiguous to the subject property shall be mailed notice of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings. The Planning Commission shall hold the public hearing. The applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested variance.

b. At the conclusion of the public hearing, the Planning Commission shall make a recommendation to the Town Board regarding the requested variance together with findings to support its recommendation. If the recommendation is to approve the variance, the Planning Commission shall include any conditions it recommends be placed on the variance. The Planning Commission's recommendation shall be forwarded to the Town Board.

c. The Town Board shall make the final decision on whether to grant the requested variance. If it grants the variance, it may impose conditions it considers necessary to protect the public health, safety and welfare. The applicant shall be responsible for the costs of recording the variance.

3. **Criteria for Granting Variances.** A variance may only be granted if the Town Board finds the following circumstances exist with respect to the particular request:

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

D. Zoning Amendment. Proposals to amend this Ordinance, amend the zoning map, or to rezone property (collectively referred to herein as an “amendment”) must be made and shall be processed as provided in accordance with the following:

1. **Initiating and Applying for a Zoning Amendment.** A proposed amendment may be initiated by the Town Board, Planning Commission, or by application of a property owner.
 - a. An amendment proposed by a property owner shall be submitted on the township’s application form and be submitted to the Zoning Administrator/Township Clerk together with the applicable fee. Three complete sets of the application shall be submitted together with the required permit fee and administrative fee. Applications submitted without the required information or fees shall not be accepted or processed. If an application is determined to be incomplete after being accepted, the Zoning Administrator/Township Clerk will notify the applicant in writing within fifteen (15) business days of application submittal of what additional information or fees must be submitted in order for the application to be complete. The Zoning Administrator/Township Clerk shall forward complete applications to the Planning Commission to conduct a public hearing.
 - b. An amendment proposed by the Planning Commission shall be forwarded to the Town Board for its review. If the Town Board determines the proposed amendment may proceed, it shall return it to the Planning Commission to have it conduct a public hearing on the proposed amendment.
 - c. An amendment proposed by the Town Board shall be forwarded to the Planning Commission for review and a public hearing.

2. Processing Proposed Amendments

- a. The township shall provide at least ten (10) days’ published notice of a public hearing to be held by the Planning Commission concerning the proposed amendment. When an amendment involves changes in district boundaries, affecting an area of five

acres or less, property owners within 350 feet of the subject property shall be notified by mail, although failure of any property owner to receive such notification will not invalidate the proceeding.

- b. The Planning Commission conduct the public hearing. If initiated by an application the applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested amendment. At the conclusion of the hearing, the Planning Commission shall make and forward to the Town Board its recommendation regarding the proposed amendment together with its findings in support of its recommendation.
- c. The Town Board, at a board meeting, shall decide whether to adopt the requested amendment. The Town Board may modify a proposed amendment before acting to approve it. If initiated by application, the applicant shall be responsible for the costs the Town incurs to record the amendment with the County Recorder's office.

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d. 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 a one-year period following a denial of a similar request, except the Planning Commission may allow a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants a reconsideration of the proposed amendment.

E. Required Submittal Information. Incomplete applications shall not be accepted or processed by the township. Every application shall be accompanied by the prescribed permit fee, administrative fee and shall include a minimum of three (3) copies of the following information:

1. Name, address, and telephone number of the applicant and property owner.
2. A legal description of the property, including lot and parcel number.
3. Proof of the applicant's property ownership or rights to ownership.
4. An executed agreement in which the applicant agrees to pay all costs of engineering, planning, inspection, and legal expenses incurred by the Township in reviewing and processing the application.
5. A drawing or plan of the site that shows the following information: In applications for a zoning amendment, the drawing must be a site plan or survey by a certified surveyor. The drawing, site plan or survey must include:
 - a. Acreage of the site and location and size of proposed lots;
 - b. The location and size of the existing and proposed buildings, parking, loading, access drives, landscaping and any other improvements;
 - c. Yards/setbacks;
 - d. Location of existing and proposed wells;
 - e. Location of existing and proposed on-site septic systems including drain fields and holding tanks;
 - f. Roads abutting the property;
 - g. Topography with ten (10) foot contour intervals, minimum; and
 - h. The zoning district in which the property is located and identifying any other zoning districts located within 350 feet of the property.
6. For zoning amendments, a statement of the applicant referring to specific facts, describing the following:
 - a. A description of the area that is proposed to be rezoned, the names and addresses of all owners of property lying within such area and a description of the property owned by each.
 - b. The present zoning classification of the area and the proposed zoning classification.
 - c. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein.
 - d. A statement of how the rezoning would be consistent with the Stanton Township Land Use Plan and Policies.
7. For Conditional Use Permits, a statement of the applicant describing the proposed conditional use and how the proposed conditional use meets the criteria for approval of Conditional Use Permits contained herein.
8. For variances, a statement of the applicant referring to specific facts, describing how the application meets the standards for granting a variance contained herein.

F. Expiration, Discontinuance, and Revocation of Permits. A Conditional Use Permit expires and becomes null and void if substantial progress has not been made in carrying out the use to which it relates within twelve (12) months of its issuance. A Conditional Use Permit also automatically becomes void if the use to which it relates is discontinued for at least twelve (12) months. Finally, the Town Board may revoke a Conditional Use Permit or variance if any condition placed on the permit or variance is violated. Before revoking a Conditional Use Permit or variance, the Zoning Administrator/Township Clerk shall provide the owner written notice of the violation and that a revocation hearing will be held. At the hearing the Town Board shall allow the owner to speak to the violation and must make findings regarding the violation before it may revoke the permit or variance.

G. Professional Fees. The applicant for an Excavation Permit, Zoning Certificate, Conditional Use Permit, Variance, Zoning Amendment, or other zoning request shall be responsible for fully reimbursing the township for all professional fees it may reasonably incur to review, process, and act on the request. The township may require an applicant to place cash in escrow with the township from which it will pay its actual professional costs related to the request. The applicant may be required to deposit additional funds with the township if the original escrow is not sufficient. The township will return any remaining amount of the escrow, without interest, to the applicant within 90 days of the final action on the request or if it is withdrawn.

H. General Requirements, Limitations and Prohibitions.

1. **Zoning Certificate Requirements.** No Zoning Certificate is required for general home maintenance, replacement of siding, windows, roofing, inside remodeling that does not alter outside dimensions, the installation of a furnace or for the installation of a gas fireplace, hardscaping and landscaping. All permanent exterior construction requires a Zoning Certificate and must meet all zoning requirements. This does not apply to a Conditional Use Permit or Variance.
2. **Waterway Protection.** The Town Board shall refuse to issue a Zoning Certificate for the construction of any building which construction or necessary grading incidental thereto shall obstruct any natural waterway, unless provision has been made to leave such natural waterway open in a manner the Town Board determines sufficiently protects the resource and the public's interests.
3. **Unsuitable Site.** The Town Board may deny a Zoning Certificate for the construction of a dwelling unit if it determines the proposed building site is too low to allow for proper drainage. The applicant may attempt to demonstrate that the concerns regarding drainage can be adequately addressed by submitted to the Town Board engineered drainage plans specifically showing how drainage will be adequately addressed on the site.
4. **Road Frontage.** All buildable lots must have frontage on a public road.
5. **Manufactured Homes.** No manufactured home shall be moved into the township that is not in compliance with the Manufactured Home Building Code.
6. **Commencement Date.** If the work for which a Zoning Certificate issued is not substantially commenced within six (6) months after the date the certificate is issued, or within any approved extension formally approved by the Town Board, such Zoning Certificate shall expire and become void. All work shall be completed within one (1) year after the date the Zoning Certificate is issued or within any extension approved by the Town Board.

7. **Zoning Certificate Renewal.** Any renewal of an expired Zoning Certificate will be subject to the original estimated cost of the Zoning Certificate and conditions.
8. **Completion of Exterior.** The exterior of any building shall be completed prior to occupancy of that building.
9. **Recording Permits with the County.** The township shall, at the applicant's expense, file with the county recorder or registrar of titles a certified copy of any Zoning Certificate, zoning amendment, Conditional Use Permit, or Variance. The applicant shall be solely responsible for providing the legal description of the affected property and such other information as may be required to record the document.
10. **Development Must Conform to Approved Plan and Permit Conditions.** All work, structures, and uses of land shall comply with and be in accordance with the approved application, plans, and other information submitted with an application and shall comply with all conditions and limitations placed on the permit. Any work, structures, or uses not in conformance with the permit, application, plans, and submittals is a violation of this Ordinance.

Section 16 NONCONFORMING USES, STRUCTURES, AND SUBSTANDARD LOTS

A. Continuance of Lawful Nonconforming Uses. Any use or structure lawfully existing prior to effective date of this Ordinance, or a subsequent amendment which made the use or structure nonconforming, may be continued, including through repair, replacement, restoration, maintenance, or improvement, at the size and in the manner of operation existing upon such date, subject to the following conditions:

1. A nonconforming use or structure shall in no way be expanded, enlarged or extended either on the same property or onto an adjoining lot of record. Prohibited expansion, enlargement or extension shall include anything that increases the intensity of the use including, but not limited to, a change to a more intense nonconforming use or a physical expansion of the existing use that increases the height, volume and/or area dimensions of the non-conforming use. Nonconforming principal and accessory structures may be expanded or enlarged upon issuance of the appropriate permits provided that the use of the property conforms to zoning district regulations, that the expansion or enlargement meets current zoning district regulations, and no other nonconformities are created.
2. Routine maintenance of a structure containing or relating to a lawful nonconforming use is permitted, including any 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 into a safe condition after it has been declared unsafe by the township.
3. Alterations may be made to a building containing nonconforming residential units when the alterations will improve the livability of such units, provided that such alterations do not increase the number of dwelling units in the building. Such alterations must be approved by the township.

B. Cessation of Use. If the nonconforming use of land is discontinued for a period of twelve (12) months, the subsequent use of the land or the structure shall be in conformity with the provisions of this Ordinance.

C. Damage to a Non-Conforming Structure. 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 county 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 Zoning Certificate has been applied for within 180 days of when the property was damaged. If a Zoning Certificate is applied for within 180 days, the Township may impose reasonable conditions upon any such certificate it may issue in order to mitigate any newly created impact on adjacent property or water body. When a nonconforming structure in the shore land 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.

D. Substandard Lots. Except as otherwise provided in this Section, a substandard lot shall be deemed a buildable lot provided that:

1. It is a nonconforming lot lawfully established and recorded with the County Recorder or Registrar of Titles as a separate tract or parcel prior to the effective date of this Ordinance;
2. It complies with regulations contained in the County Ordinance and Minnesota Rules, Chapter 7080 for proper placement of any individual sewage treatment system;
3. The lot is at least one acre in area; and
4. Any building or structure placed on the lot must comply with the requirements of this Ordinance, including setback requirements, unless a variance is applied for and issued by the township. A variance for lot size or other dimensional requirements shall not be required for such lots.

If a substandard lot is contiguous to another lot with the identical ownership, the lots must be combined to reduce or eliminate the nonconformity;

A nonconforming shore land lot of record in the office of the county recorder or registrar of titles prior to the adoption of local shore land controls that does not meet the requirements for lot size or width of this Ordinance, and nonconforming uses and structures in shore land areas, shall be regulated according to Minnesota Statutes, section 462.357, subdivision 1e (d)-(j) and such other law as may apply.

Section 17 ZONING DISTRICTS

A. Zoning Districts Established. For the purposes of this Ordinance, Stanton Township is divided into the following zoning districts:

1. A-1, Agricultural Protection;
2. A-2, Agriculture;
3. R-1, Residential;
4. B-2, Rural Business.

B. Purposes of the Zoning Districts.

1. The purpose of the Agricultural Protection District (A-1) is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural

uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

2. The purpose of the Agriculture District (A-2) is to maintain and conserve agricultural investments and prime agricultural farmland, but provide for a slightly higher density of dwellings than the A-1 District. This district is intended to apply to those areas where large farms and feedlots are more scattered and greater numbers of non-farm uses or small parcels are present. This district also has more topographic features and less prime farmland than the A-1 District.
3. The purpose of the Residential District (R-1) is to provide a zoning district which will define and protect areas for low to medium density residential development as the principal use of the land and to allow related facilities desirable for a residential development. It is also intended that this district allow varying densities of development in accordance with the ability to provide water and sewer facilities.
4. The purpose of the Rural Business District (B-2) is to provide a zoning district for major retail, service and repair establishments serving a large trade area and oriented to the traveling public.

- C. Zoning Map.** The various zoning districts are described with more particularity in the following sections of this Zoning Ordinance and shown on the zoning map which is part of this Ordinance. The boundaries of the zoning districts, as shown on the Zoning Map are the centerline of roads, alleys or the subdividing or boundary lines of recorded plats or the extension thereof and railroad right-of-way. The official Stanton Township Zoning Map shall be kept on file for examination in the office of the Town Hall.
- D. Compliance.** All buildings and uses in each zoning district shall be subject to the requirements of this Ordinance.

Section 18 PERMITTED, ACCESSORY, AND CONDITIONAL USES

- A. Permitted Uses.** The permitted uses for each zoning district are listed below. Accessory uses and essential services are also allowed as listed. All permitted and accessory uses must meet the applicable performance standards of Section 15.
- B. Conditional Uses.** The Town Board may authorize conditional uses as specified below and others similar in nature, which will not be detrimental to the integrity of the zoning district in accordance with the provisions of Sections 17, and all other provisions of this Ordinance. All conditional uses must meet the applicable performance standards of Section 15 of this Ordinance.
- C. Uses Not Provided for in Zoning District.** Whenever, in any zoning district, a use is neither specifically designated as a permitted, accessory or conditional, the use shall be considered prohibited.
- D. Permitted and Conditional Uses by Zoning District.**
1. Agricultural Protection Zoning District (A-1).

- a. Permitted, Accessory and Conditional Uses:

- i. Permitted Uses:
 - A. Agriculture;
 - B. Single family dwelling;
 - C. Essential Services; and
 - D. Animal feed lots subject to performance standards in Section 4.

- ii. Accessory Uses:
 - A. Detached buildings, garages and farm buildings;
 - B. Swimming pool;
 - C. Home occupation; and
 - D. Irrigation system (must meet irrigation plan and performance standards of this Ordinance).

- iii. Conditional Uses:
 - A. Aircraft landing field and associated facilities;
 - B. Agricultural research facility;
 - C. Church;
 - D. Commercial communication tower and facility for personal wireless services (must meet applicable performance standards in Section 20, letter O of this Ordinance);
 - E. School;
 - F. Public park or playground;
 - G. Temporary dwelling for farm labor;
 - H. Mineral extraction (must meet applicable performance standards in Section 20, letter R of this Ordinance); and
 - I. Non-commercial wind generator; and
 - J. Home occupations exceeding or deviating from subsets: M.1-5 of section 20 provisions.

- b. Residential Density. One (1) dwelling unit per one hundred sixty (160) acres or one dwelling per quarter (1/4) section.

2. Agriculture Zoning District (A-2)

- a. Permitted, Accessory, and Conditional Uses:
 - i. Permitted Uses:
 - A. Single family dwelling;
 - B. Agriculture; and
 - C. Essential services.

 - ii. Accessory Uses:
 - A. Detached buildings, garages and farm buildings;
 - B. Irrigation system (must meet irrigation plan and performance standards of this Ordinance);
 - C. Swimming pool;
 - D. Home occupation; and
 - E. Livestock as an accessory use to a property at a maximum of one animal unit for the first two and one-half acres (2 ½) acres and one additional animal unit for each additional acre of fenced pasture.

- iii. Conditional Uses:
 - A. Church;
 - B. School;
 - C. Public park or playground;
 - D. Commercial outdoor recreational facilities;
 - E. Mineral extraction (must meet applicable performance standards in Section 20 of this Ordinance);
 - F. Commercial horse training facility;
 - G. Non-profit recreation;
 - H. Non-commercial wind generator; and
 - I. Home occupations exceeding or deviating from subsets:
M.1-5 Section 20 provisions.

- b. Residential Density. One (1) dwelling unit per twenty (20) acres or twelve (12) dwellings per section or one dwelling per quarter (1/4), quarter (1/4) section.

- c. Feedlots that exist in this zoning district operating under an existing permit from the Minnesota Pollution Control Agency on the effective date of this Ordinance are considered non-conforming uses and shall not expand beyond three hundred (300) animal units and must abide by the feedlot performance standards set forth in Section 13 and 14 of this Ordinance and all other applicable regulations.

- d. Imported Animal Manure. The application of any manure generated from outside of the township is subject to the following requirements:
 - i. There must be a current approved manure management plan.
 - ii. The manure must be applied or incorporated within 24 hours of receipt.
 - iii. The manure shall not be applied within 300 feet of property lines.

- iv. Only the owner of the land or the owner's designated representative may bring and spread manure on their land.

3. Residential Zoning District. (R-1)

a. Permitted, Accessory and Conditional Uses:

i. Permitted Uses:

- A. Single family dwelling; and
- B. Essential services.

ii. Accessory Uses:

- A. Accessory buildings meeting the requirements set forth below;
- B. Swimming pool;
- C. Home occupation per the requirements of Section 20 of this Ordinance;
- D. No more than three (3) horses as an accessory use to a single family dwelling that has a minimum lot size of five (5) acres.

iii. Conditional Uses:

- A. Church;
- B. Public school;
- C. Public Park or playground;
- D. Additional accessory buildings;
- E. Non-commercial wind generator and
- F. Home occupations exceeding or deviating from subsets: M.1- 5 of section 20 provisions;
- G. Indoor Commercial Recreation Facilities

b. Residential Density. One (1) dwelling unit per five (5) acres or twelve (12) dwellings per section or one dwelling per quarter ($\frac{1}{4}$), quarter ($\frac{1}{4}$) section.

c. Accessory Buildings. No accessory building shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. Accessory buildings shall be limited to:

- i. A maximum of one (1) accessory building on lots one (1) acre or less. Total square footage of the accessory building must not exceed one thousand (1000) square feet.
- ii. A maximum of two (2) accessory buildings on lots greater than one (1) acre to five (5) acres. Total square footage of both accessory buildings must not exceed one thousand five hundred (1500) square feet.
- iii. A maximum of three (3) accessory buildings on lots greater than five (5) acres. Total square footage of all accessory buildings must not exceed two thousand one hundred (2100) square feet.

4. Rural Business Zoning District (B2).

- a. Permitted, Accessory, and Conditional Uses:
 - i. Permitted Uses:
 - A. Motor vehicle and implement sales and service:
 1. Any automobile sales or services, car wash, trailer sales or service, auto repair garage or automobile rental;
 2. Any motor fuel station;
 3. Any agricultural equipment sales or service; and
 4. Any truck sales or service, truck wash or truck repair garage.
 - B. Entertainment and recreation establishments:
 1. Any theater, dance hall, bowling alley, pool or billiard hall, public swimming pool, roller or ice rink.
 - C. Drive-in establishments:
 1. Any drive-in establishment including banks and restaurants.
 - D. Retail or wholesale establishments:
 1. Any building supply sales;
 2. Any boat sales or repair;
 3. Any eating or drinking establishment;
 4. Any landscape nursery or commercial greenhouse;
 5. Any motel;
 6. Any shopping center; and
 7. Any assembly of previously prepared materials which have been manufactured elsewhere.
 - E. Any residence when included as an integral part of the principal building to be occupied by the owner or his or her employee; and
 - F. Essential services.
 - ii. Accessory Uses:
 - A. Any building or use customarily necessary to any permitted use, which may include the repair, alteration, finishing assembly or storage of goods;
 - B. Any building or use customarily necessary to any permitted use, but which will not be detrimental either by reason of odor, smoke, noise or vibration to the surrounding neighborhood; and
 - C. Any temporary building for uses incidental to construction work provided that such building is removed upon the completion or abandonment of the construction work.
 - iii. Conditional Uses:
 - A. Any commercial radio or television tower, transmitter or receiver;
 - B. Bed and breakfast; and

C. Church.

- b. Lot size. Any lot used as a business shall have an area sufficient in size to provide an adequate and safe water supply and sewage disposal system as established by the standards required by the State or County health regulations. A lot shall not be less than five thousand (5,000) square feet in area.

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Section 19 LOTS, YARDS, and DRIVEWAYS

A. General Lot Requirements: The minimum lot area, minimum width of lot, minimum depth of front yard, rear yard, and minimum width of each side yard for each zoning district shall be as follows:

1. Lot and Yard Requirements:

	Agricultural Protection District (A-1)	Agriculture District (A-2)	Residential District (R-1)	Rural Business District (B-2)	Subdivisions
Residential density maximum	One dwelling per 160 acres or one dwelling per quarter section	One dwelling unit per 20 acres or 12 dwellings per section or one dwelling per quarter, quarter section	One dwelling unit per five acres or 12 dwellings per section or one dwelling per quarter, quarter section	Not Applicable	
Minimum lot size	160 acres	20 acres	5 acres	5,000 square feet	
Minimum lot width	300 feet	300 feet	200 feet		
Minimum frontage on public road	100 feet	100 feet	100 feet	50 feet	
Setbacks Minimum front yard Minimum side yard Minimum rear yard	100 feet 100 feet 100 feet	100 feet 100 feet 100 feet	100 feet 15 feet 30 feet	45 feet 0 feet 20 feet* * where alleys exist, the rear yard may include one-half the width of the alley	58 feet 15 feet 15 feet
Driveway setback from side or rear lot line	5 feet	5 feet	5 feet	Not Applicable	5 feet
Minimum floor area per dwelling unit	900 square feet	900 square feet	900 square feet	Not applicable	
Maximum structure Height	35 feet	35 feet	35 feet	35 feet	

2. Road Frontage. All buildable lots must have frontage on a public road.

3. Corner Lots. Corner lots, which abut on more than one road shall provide the required front yards along each road. Regardless of which road a building on the lot fronts, the rear yard is considered to be opposite the shorter road frontage and the side yard is considered to be opposite the longer road frontage.
4. Measurement. All frontage setbacks shall be measured beginning at the center of the road. On odd-shaped lots, the yard width shall be measured at the building line.
5. Required Yards. All structures, whether or not attached to the principal structure, and whether open or enclosed, including, but not limited to, porches, carports, balconies, and platforms above normal grade level, shall not project into any required minimum front, side or rear yard.
6. Garages. Although the construction of an enclosed parking space is not required for a single family detached dwelling, an open space on a lot must be provided on all lots in the A-1, A-2, and R-1 zoning districts which will allow for the future construction of a single enclosed garage space that would comply with all setback requirements.

Section 20 SPECIAL PROVISIONS AND PERFORMANCE STANDARDS

- A. Purpose.** The special provisions and performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. All development in the Township is required to meet these provisions.
- B. Residential Development.** The following performance standards shall apply to the construction of residential dwellings within the Township:
 1. A perimeter foundation is required ;
 2. Access to a road dedicated to and accepted by the township or the county.
 3. Measures must be taken in order to:
 - a. Minimize site disturbance;
 - b. Minimize visual impact; and
 - c. Retain the maximum amount of open space possible.
- C. All Development.** The following performance standards shall apply to all uses and development in the Township:
 1. Measures must be taken to protect the public infrastructure investment and limit future public costs;
 2. Buffer areas should be incorporated between differing adjacent land uses in order to ensure compatibility between the land uses; and
 3. Measures must be taken to protect natural features.
- D. Noise.** No person shall make, continue, or cause to be made or continued, any loud, unnecessary or unusual noise which reasonably annoys, disturbs, injures or endangers the comfort, convenience, safety, health, welfare or repose of persons in the vicinity thereof, unless the making, continuing, or causing to

be made or continued of that noise cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person. Noise that is determined to be objectionable because of volume, frequency, or beat must be muffled or otherwise controlled in accordance with Minnesota Pollution Control Agency noise level standards, Minnesota Rules Part 7030.

- E. Odors.** No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property. Minnesota Pollution Control Agency standards on odor emissions shall be used in measuring such odors.
- F. Glare.** Lighting devices that produce directly reflected glare on adjoining properties or thoroughfares shall not be permitted.
- G. Erosion.** No offensive erosion by wind or water shall be permitted onto adjacent properties.
- H. Drainage.** No land shall be developed and no use shall be permitted that results in water runoff that causes flooding, erosion or deposit of minerals on adjacent properties. Such runoff must be properly channeled into a storm drain, watercourse, ponding area, or other public storm water facility.
- I. Natural Features.** Site planning must show due regard for all natural terrain features so that development of any type will not have adverse or detrimental effect on the natural character of the area.
1. Shore land. Properties located in the area designated by the County as Shore land District must adhere to the requirements set forth in the County Shore land Ordinance.
 2. Floodplain. Properties located in the area designated by the County as Floodplain District must adhere to the requirements set forth in the County Floodplain Ordinance.
 3. Measures shall be taken during development activities to:
 - a. Minimize site disturbance;
 - b. Protect water quality;
 - c. Retain woodland features;
 - d. Retain and protect steep slopes;
 - e. Protect wetlands;
- J. Screening.** The screening required in this section shall consist of a fence, wall, landscaping or earth barrier but shall not extend into the public right-of-way. Natural features, such as differences in elevation, tree masses or similar features may be used in lieu of required screening if approved by the Town Board.
1. Screening shall be required in the A-1, A-2, and R-1 districts where either of the following conditions exist:
 - a. Any off road parking lot contains more than five (5) parking spaces;
 - b. Any materials or equipment are being stored outside on the property, with the exception of recreational equipment, construction and landscaping materials currently being used on the premises and the off road parking of automobiles and pick-up trucks.

2. All screening must be maintained by the property owner so as not to be unsightly, a nuisance or cause a hazard or safety issue.

K. Landscaping. In all zoning districts, developed properties must have a landscaped yard along all public roads. The yard must be free of any structures, storage or off road parking, except for a driveway.

L. Fences. Fences shall be permitted on all properties subject to the following requirements:

- i. Fences on properties in the A-1, A-2, and R-1 zoning districts may be located on any lot line up to a height of four (4) feet except that a fence up to six (6) feet in height may be erected on the side and rear lot line behind the nearest front corner of the principal building.
- ii. Fences located within eight (8) feet or more from the rear lot line may be up to ten (10) feet in height.
- iii. No fences, structures or plantings creating a visual obstruction for traffic on the public right-of-way shall be permitted within the required yard setbacks on a corner lot.

M. Home Occupations.

1. No more than one (1) person other than the members of the family occupying the premises shall be employed in conjunction with a home occupation.
2. The home occupation must be carried on wholly within the principal structure or in a permanent accessory building.
3. Noise, vibration, fumes, smoke, dust, electrical disturbance, odors, heat, or glare that is detectable off the premises must not be produced.
4. The home occupation must not create automobile or truck traffic within the neighborhood that is out of character with a residential neighborhood.
5. The home occupation must be incidental and subordinate to the use of the premises for farming or residential purposes.

N. Relocated buildings. Before moving a building to a new location within the Township, whether from, within or outside of the Township, the owner or agent must apply for a Township Zoning Certificate and a County Building permit. The building and its location must meet all requirements of this Ordinance.

O. Communication towers and facilities for personal wireless services and other uses.

1. Setbacks and Tower Height. Tower structures shall be set back from the nearest property line a distance equal to the height of the tower. The tower height shall not exceed one hundred forty (140) feet. Under no circumstances shall a tower be located closer than 1,000 (one thousand) feet from an existing residential structure except for the residence of the owner of the property on which the tower is to be located.

2. Tower Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration, Federal Communications Commission, or other federal or state authority.
3. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
4. Accessory Utility Building. All utility buildings and structures accessory to a tower must be architecturally designed to blend in with the surrounding environment and must meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment must be screened from view with suitable vegetation, except where a design consisting of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
5. Structural Design. Design and installation of all towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer licensed by the State of Minnesota.
6. Enclosure. All towers shall be reasonably protected against unauthorized access. The bottom of the tower from ground level to twelve (12) feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a six (6) foot high chain link fence with a locked gate. No part of any tower or antenna, except for guy wires and anchors shall extend beyond the fenced enclosure. Signs must be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower and identifying the owner of the tower and telephone number of a person to contact in the event of an emergency.
7. Co-location Requirements.
 - a. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission and the Town Board that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
 - i. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - ii. Existing tower or structures are not sufficient height to meet the applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing tower or structure would cause interference with the applicant's proposed system.
 - v. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing

are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry or do not exceed the cost of new tower development.

- vi. The applicant demonstrates that there are other limiting factors that render existing towers or structures unsuitable.
 - b. New towers with a minimum height of 125 feet shall be designed to accommodate at least two (2) other users. New towers with a minimum height of 99 feet shall be designed to accommodate one (1) additional user. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.
 - c. The holder of a permit for a tower shall allow co-location for additional users as may be accommodated based on the tower design and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
8. Code Compliance. Installation of all towers and antennas shall comply with all applicable state and local building and electrical codes.
 9. Authorization. For leased sites, written authorization for siting the tower from the property owner must be provided.
 10. Insurance. All towers must be adequately insured for injury and property damage. Proof of insurance with the Township of Stanton named as an additional insured shall be provided.
 11. Removal. All unused towers and antennas must be removed within twelve (12) months of cessation of operation or use, unless the Town Board approves an exemption. After the facilities are removed, the site shall be restored to its original condition or as close, as possible and anchoring elements shall be removed from the ground to within four (4) feet of ground level. If removal or restoration is not completed within ninety (90) days of the expiration of the twelve (12) month period specified herein, the township is authorized to complete the removal and site restoration and the cost may be assessed against the property as a special assessment.

P. Non-Commercial Use Wind Generation. A non-commercial wind generator sized less than one hundred (100) kilowatts in total nameplate generating capacity is a conditional use in A-1, A-2 and R-1 zoning districts. The non-commercial wind generator must comply with following requirements:

1. Setbacks and Tower Heights:
 - a. Setbacks from all property lines, road rights-of-way and utilities must be 1.5 times the total height of the structure. Setbacks from neighboring dwellings must be a minimum of 750 feet. A 750-foot setback is required from the top of a bluff.
 - b. Tower height shall not exceed 100 feet total.

2. Lighting. Generators shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority.
3. Structural Design. The structural integrity of the generator tower must be approved by a professional engineer licensed by the State of Minnesota.
4. Fencing. Non-climbable fencing shall enclose the area on which any generator or related equipment is located.

Q. Irrigation Plans. An irrigation plan must be submitted for review by the Town Board for any agricultural irrigation system. The purpose of the Town Board review is to ensure that the irrigation system will not cause negative impacts on town roads. The irrigation plan must consist of a sketch plan drawn on an aerial photo showing the relevant land and at a minimum showing the following:

1. The well location;
2. Estimated gallons per minute to be pumped;
3. The location of surrounding roads;
4. The location of drainage arrows
5. Well must be set back 60 feet from township Right-of-Way.
6. Irrigation equipment must not be located in the township Right-of-Way

R. Mineral Extraction. Any extraction of over 500 cubic yards of rock, sand, or fracturing (silica) sand, dirt, gravel, clay or similar high density non-metallic natural minerals must comply with all regulations as set forth in the Goodhue County Zoning Ordinance, Article 14, and with the following standards:

1. The extractor must submit an excavation plan to the Township annually that shows the following information:
 - a. Erosion control measures;
 - b. Final restoration improvements;
 - c. Existing and proposed grade elevations including the depth of excavation, ingress and egress roads;
 - d. The hours of operation;
 - e. Any lighting plan, if necessary;
 - f. The date when the extraction is to be completed;
 - g. Complete Reclamation plan and when it will be completed
 - h. Certificate of Insurance showing, at a minimum, the amount of general liability coverage carried by the applicant and any contractors or subcontractors that may be performing any work.
2. Barricades must be placed on entrances to the site in order to prevent garbage or refuse from being deposited on the site.
3. Pits and excavations on the site must be fenced.
4. Banks on the site must be sloped to a maximum of 2:1 and sliding and caving must be prevented. A plan to remedy this is required.

5. Only rock, sand, gravel, clay or other non-decomposable material may be used as clean fill. Fill must not consist of any concrete, asphalt, metal, wood, or any hazardous material. Decomposable material or other unsuitable foundation material must be removed from an excavation before filling.
6. Upon completion of the extraction, a minimum of four (4) inches of topsoil must be placed over the completed excavation and appropriate ground cover must be established within sixty (60) days of completion.
7. The extractor must obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Minnesota Pollution Control Agency.
8. All excavations shall be set back from the property line at least 100 feet from the top grade of the extraction site.

Section 21 ANIMAL FEEDLOTS

A. Adoption by Reference of Minnesota Pollution Control Agency Regulations. Stanton Township hereby adopts by reference Minnesota Rules Part 7020. Provisions of these rules shall be as much a part of this Ordinance as if they had been set out in full herein.

B. Setbacks. Feedlots shall observe the following minimum setbacks:

Setback from lot line	100 feet
Setback from any residential dwelling (excluding any dwelling located on the lot upon which the feedlot is located), church, public park or school.	1000 feet
Setback from property zoned R-1	1000 feet
Setback from high water mark of a stream or river	300 feet
Setback from high water mark of a lake	1000 feet
Setback from sinkhole	300 feet
Setback from public or private well, including existing abandoned wells	100 feet
Minimum size of lot on which a new feedlot is located	160 acres

C. Location. All new feedlots must be located in a farmyard. No new feedlots shall be permitted within 100-year floodplain areas, Bluff Impact Zones or within an abandoned quarry.

D. Compliance. All feedlots must be in compliance with all Minnesota Pollution Control Agency regulations and permit conditions.

E. Odor. Feedlots shall have an odor management plan acceptable to the County setting forth in detail all measures that the applicant will take to minimize the odor impact of the facility on the use and enjoyment of other property in the vicinity.

F. Manure Management. Feedlots must supply a copy of a current manure management plan that was approved by the Minnesota Pollution Control Agency to the Township Clerk.

Section 22 DISPOSAL / RECYCLING OPERATIONS/JUNKYARDS

- A. No person, firm, partnership, corporation, or other entity shall establish, locate, relocate, or undertake within the Township any:
 - 1. Demolition landfill;
 - 2. Junk yard;
 - 3. Salvage yard;
 - 4. Sanitary landfill;
 - 5. Compost facility, excluding residential or agricultural facilities for waste produced on site;
 - 6. Land filling, spreading or storing, or any depository site for sewage or sewage sludge.
- B. Stockpiles or deposits of manure, organic compost, silage, wastewater, or other similar substances or materials must be located or maintained no closer than five hundred (500) feet from another property owner's dwelling or structure.
- C. No sludge, explosives, snow/ice or other waste materials may be brought into the township for application or disposal.
- D. Dumping of trash or waste on right-of-way and private property is not allowed in the township.

Section 23 SIGNS

- A. **Signs.** All permanent signs require a Permit Review. No permanent sign shall exceed one hundred (100) square feet in area nor twelve (12) feet in height. They shall not be located closer than five hundred (500) feet to another sign nor closer than two hundred and fifty (250) feet to an intersection. They shall not be permitted to interfere with highway horizontal sight distances and must observe setback requirements of the zoning district.
- B. **Home Occupation.** In any district, a sign is not to exceed sixteen (16) square feet, in surface size, that announces the name, address or professional activities of the occupant of the premises on which said sign is located.
- C. **Real Estate.** Temporary real estate signs of thirty-two (32) square feet per side may be placed in the front yard of any residential structure, which advertises that particular property for sale, rent, or for lease. Such a sign shall be promptly removed when it has fulfilled its function.
- D. **Development Project.** Real estate development signs may be erected to promote a residential project of ten or more dwelling units. Such a sign will not exceed one-hundred (100) square feet in area and shall be removed when the project has been completed.
- E. **Portable Signs.** Signs mounted on a trailer or other vehicle shall be prohibited.
- F. **Political Signs.** Political signs are allowed in any district on private property with the consent of the owner to a maximum size of thirty-two (32) square feet. Such signs must be removed by the installer within five (5) days following the date of the election to which they apply.
- G. **Enforcement.**
 - 1. **Notice.** Any person who violates any provision of this Section shall receive a notice of the violation by hand delivery or mail indicating that he or she must correct the violation within thirty (30) days of the date of the notice.
 - 2. **Penalties.** Any person convicted of violating this Section shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment as specified by state statute. Each day in which a

violation continues to occur shall constitute a separate offense. Violation of any provision of this section shall also be grounds for revocation of the sign permit by the township.

H. **Appeal.** An applicant, whose sign permit has been denied or revoked, may appeal the decision to the Town Board provided that he or she files written notice of the appeal with the township within fifteen (15) days of the date of the decision. Such appeal shall be considered by the Town Board at its next regularly scheduled meeting held after the township's receipt of the written notice of the appeal, provided that the notice of appeal is received by the township a minimum of twenty (20) full business days before the meeting. The Town Board shall conduct a public hearing and allow the applicant and any of his or her witnesses to address the council and to submit additional information. The Town Board shall make its final determination on the appeal no more than thirty (30) business days after the public hearing. The Town Board shall notify the applicant of its decision and provide reasons for the decision.

Section 24 DAMAGE TO INFRASTRUCTURE

A. **Right-of-Way Protection.** The following activities are prohibited within township road Right-of-Ways:

1. No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, or shrubs within a Right-of-Way.
2. No person may plant or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a road or otherwise interferes with, obstructs, or renders dangerous for passage of a Right-of-Way. No person may place watering systems or sprinkler heads within a Right-of-Way.
3. No person may place, maintain, or allow any obstruction in a Right-of-Way except upon written approval of the Town Board. Items prohibited by this section include, but are not limited to, fences, posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the Right-of-Way. No person shall park a functioning vehicle in a Right-of-Way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the Right-of-Way.
4. No person shall place or maintain Junk in a Right-of-Way. For the purposes of this Section, junk shall mean, but not limited to, old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
5. No person may alter or change the depth or contour of any portion of any ditch or embankment in a Right-of-Way without written approval of the Town Board.
6. No person may work, maintain, improve, or repair the traveled portion of a Right-of-Way without the written approval of the Town Board.
7. No person shall cause damage to a Right-of-Way without the written approval of the Town Board. Any person doing damage within a Right-of-Way, with approval of the Town Board, shall return the Right-of-Way, to, at least, the same condition it was in prior to the damage.
8. No person shall damage a Right-of-Way. Any person causing damage to a Right-of-Way shall restore the Right-of-Way to its original condition, or better.

B. Damage to Infrastructure. Any person who causes damage to or interferes with township roads, bridges, or other township owned infrastructure shall be responsible for fully reimbursing the township for its costs to repair the damage or remove the obstruction. The person shall also be responsible for reimbursing the township for any damage caused to township equipment or vehicles resulting from the damage or obstruction.

C. Damage to Infrastructure by Utility Company (see Section #30)

Section 25 ANIMAL ENFORCEMENT

A. Goodhue County regulates the keeping of animals within the township. The regulations are set forth in the “Goodhue County Regulated Animals Ordinance.”

B. No abandonment of animals is allowed in the township.

Section 26 RIGHT TO FARM

B. The Stanton Township has a long history of farming and agriculture is vital to many who live and work within the township. The Minnesota Legislature has recognized the importance of agriculture to the state and the need to protect agricultural operations from suits alleging they constitute a nuisance. The Stanton Township supports the nuisance protections provided to agricultural operations in Minnesota Statutes, section 561.19.

C. The Stanton Township further recognizes the right to farm in accordance with the following:

1. Farmers engaging in common farm practices shall have the right to continue such practices free of unreasonable restrictions, regulations, or harassment. Complaints against the operations of farms shall be considered to be unwarranted and frivolous as long as the farming activities are being conducted according to generally accepted agricultural standards.
2. Protected farming activities shall include, but are not be limited to:
 - a. The right to operate equipment in the fields, on the roads, or on any farm or homestead property, at any time and on any day of the week.
 - b. Farming activities that generate noise and dust. This can be caused in a variety of ways including fieldwork, caring for livestock, harvest, or care and maintenance of the farm.
 - c. The generation of odor from livestock, manure, fertilizer, feed, and farm-related other sources.
3. Nothing in this Section shall be deemed to repeal or limit the scope or application of the regulations imposed in this Ordinance, including those applicable to farming activities and agricultural operations. The Town Board deems the regulations it has imposed on such activities to be reasonable and constitute a proper balance between potentially conflicting uses of land.

Section 27 NUISANCES

A. Any visual appearance, noise, odor, heat, dust, vibration, smoke, air pollution, glare, electrical interference, or other such objectionable influence, or the storage of refuse or disposal of wastes, that

construed by the Town Board to be a menace or nuisance to the public health, safety or general welfare of the Town, or to have a negative impact upon property values in the area shall be prohibited.

- B. It shall be prohibited to bring explosives into the township for disposal or for any use except in compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances.
- C. All lots within all zoning districts shall be maintained in a neat and orderly manner. No rubbish salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open when the same is construed by the Town Board to be a menace or nuisance to the public health, safety, or general welfare of the township, or to have a negative impact upon property values in the area.
- D. The source of light must be hooded or controlled in some manner so as not to cause light greater than 0.3 footcandles on adjacent properties or public Right-of-Way. Bare light bulbs shall not be permitted if they are in full view from adjacent properties or public Right-of-Way. Allowed exceptions are aircraft beacons, warning beacons, tower beacons and temporary holiday lighting.
- E. All property owners and occupants shall comply with all federal, state and local pollution and nuisance laws and regulations, including, but not limited to, glare, smoke, dust odors, and noise. The burden of proof for compliance with appropriate performance standards shall lie with the property owner or occupant.

Section 28 FEES

Any person submitting an application under this Ordinance shall pay the applicable application fee as established by the Town Board. Application fees are not refundable. The person shall also pay, if required by the Town Board with respect to the particular type of request, 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, the administrative fee deposit (if required), and execution of the reimbursement agreement (if required) shall be required prior to an application being considered filed, complete, and subject to processing.

If an administrative fee deposit is required, the Town Clerk shall deduct the expenses incurred by the township as it processes the application from the deposit. If the Town Clerk determines, after consulting with the Town Board as needed, the deposit will not be sufficient to fully reimburse the Township for its expenses, the Town Clerk 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. 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 without interest. 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 29 ENFORCEMENT

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.

Section 30 REGULATIONS OF TOWNSHIP ROAD RIGHT-OF-WAYS AND LARGE UTILITY PROJECTS
USE OF RIGHT-OF-WAYS BY LOCAL UTILITY PROVIDERS

100.1. Purpose. It is the purpose of this Ordinance to establish reasonable regulations, requirements, and restrictions regarding the use of Town right-of-ways in order to protect the health, safety and welfare of town residents, those traveling on town roads, and the general public. It is also the purpose of this Ordinance to protect the cumulative investment the public has made to construct, maintain, and improve the town’s roads by requiring those undertaking utility projects in and near the town’s Right-of-Ways to obtain a permit from the town and to be responsible for restoring the Right-of-Ways, directly or indirectly impacted by the project, to the same or better condition, prior to the project activities. Finally, this Ordinance provides for the recovery, by the town, of its actual expenses incurred related to such projects.

100.2 Authority. As the road authority for the town’s roads, the Town Board has the authority and responsibility to provide for safe and efficient local roadways and to establish regulations governing the use and maintenance of town roadways and public Right-of-Ways. This Ordinance is adopted consistent with that authority as well as the authority provided to the Town Board pursuant to 1997 Session Laws, Chapter 123, Minnesota Statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086, Minnesota Statutes, sections 164.36, 169.832, 169.87, and the other laws governing applicable rights of the town and users of the right-of-way. This Ordinance shall be interpreted consistent with those statutes as well as with Minnesota Rules, parts 7819.0050 – 7819.9950 where possible. This Ordinance shall not be interpreted to limit the regulatory and police powers of the town to adopt and enforce general ordinances and policies necessary to protect the health, safety and welfare of the public.

100.3. Elect to Manage. The Town Board hereby elects, pursuant to Minnesota Statutes, section 237.163, subdivision 2, to manage the town’s Right-of-Ways under its jurisdiction under Minnesota Statutes, sections 237.162 and 237.163, and all other applicable laws, for the purposes of Minnesota Rules, chapter 7819.

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

- A. **Applicant.** “Applicant” means a person who submits a permit request for an excavation permit or an obstruction permit in accordance with this Ordinance.
- B. **Degradation.** “Degradation” means a decrease in the useful life of the Right-of-Way caused by excavation in or disturbance of the Right-of-Way, resulting in the need to reconstruct such Right-of-Way earlier than would be required if the excavation or disturbance did not occur.

- C. **Degradation Cost.** “Degradation Cost” subject to Minnesota Rules, part 7819.1100, means the cost to achieve a level of restoration, as determined by the Town Board at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules, parts 7819.9900 to 7819.9950.
- D. **Degradation Fee.** “Degradation Fee” means the estimated fee established at the time of permitting by the Town to recover costs associated with the decrease in the useful life of the Right-of-Way caused by the excavation, and which equals the degradation cost.
- E. **Delay Penalty.** “Delay Penalty” is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.
- F. **Emergency.** “Emergency” means a condition that: (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.
- G. **Excavate.** “Excavate” means to dig into, trench, or in any way remove, physically disturb, or penetrate a part of the Right-of-Way.
- H. **Excavation Permit.** “Excavation permit” means the permit that pursuant to this Ordinance, must be obtained before a person may excavate in a right-of-way. An excavation permit allows the holder to excavate that part of the Right-of-Way described in such permit.
- I. **Facility.** “Facility” or “facilities” mean any tangible asset in the Right-of-Way required to provide utility service.
- J. **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.
- K. **Permit Request.** “Permit request” means a request to obtain an excavation permit or obstruction permit made on the Town Board’s approved application form or, if none, in a writing containing all of the information required by this Ordinance.
- L. **Permittee.** “Permittee” means a person to whom the Town Board has issued an excavation permit or obstruction permit under this Ordinance.
- M. **Person.** “Person” means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.
- N. **Restore or Restoration.** “Restore” or “Restoration” means the process by which an excavated Right-of-Way and surrounding area, including the traveled surface, shoulders, foundation, ditches and other drainage structures, and approaches, is returned to the same condition and life expectancy that existed before excavation.
- O. **Right-of-Way.** “Right-of-Way” means the area on, below, or above a public road, highway, road, cart way, bicycle lane or public sidewalk in which the town has an interest, including other publicly dedicated Right-of-Ways for travel purposes and utility easements of the town. A right-

of-way does not include the airwaves above a Right-of-Way with regard to cellular or other non-wire telecommunications or broadcast service.

- P. **Right-of-Way User.** “Right-of-way user” means: (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subdivision 4; or (2) a person owning or controlling a facility in the Right-of-Way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public Right-of-Way.
- Q. **Town.** “Town” means Stanton Township, Goodhue County, State of Minnesota.
- R. **Town Board.** “Town Board” means the Board of Supervisors of Stanton Township, Goodhue County, State of Minnesota.

100.5. Permit Required. Except in emergencies, no person may excavate or obstruct a Right-of-Way without first obtaining a permit from the Town Clerk/Zoning Administrator. An excavation permit is required to excavate any portion of a Right-of-Way for the purpose of placing, repairing, relocating, or removing facilities. An obstruction permit is required to obstruct a Right-of-Way in any way related to the placement, repair, relocation, or removal of facilities. To obtain a permit, a person must provide the town clerk, or designee, a written permit request for the proposed excavation or obstruction. If a proposed excavation project includes an obstruction at the same site, an applicant need not submit a separate permit request for an obstruction permit if the request for the excavation permit includes a description of the proposed obstruction. In such cases, the Town Board may issue a combination excavation/obstruction permit.

- A. **Exclusions.** The town, its agents, and contractors performing work for the town shall not be required to obtain permits from the town to excavate or obstruct a Right-of-Way. Contractors performing work for the town shall be required to erect and maintain such signs and other traffic control devices as are necessary to warn of the work and to protect public safety.

100.6. Permit Requests. Requests for an excavation permit must be made on the application form adopted by the Town Board.

- A. **Application Requirements.** If the Town Board has not adopted an application form, permit requests must be in writing and contain at least the following information:
 - (1) Name, address, phone number(s), and fax number of the applicant;
 - (2) 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;
 - (3) Name, address, phone number, and fax number of any sub-contractors that will be performing any part of the excavation or obstruction;
 - (4) A written description of the work to be performed in the Right-of-Way at each location including whether the work will involve excavation or the obstruction of a Right-of-Way;
 - (5) 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;
 - (6) The start and completion dates for the utility work at each location;

- (7) When the applicant intends to restore the Right-of-Way.
 - (8) Certificate of insurance showing, at a minimum, the amount of general liability coverage carried by the applicant and any contractors or subcontractors that will be performing any work within a Right-of-Way.
- B. **Incomplete Requests.** If a permit request received by the Town Board is incomplete, the Town Board/Town Clerk will notify the applicant within 15 days of the information that is needed in order to complete the request. Incomplete permit requests are invalid and shall be deemed rejected unless all the required information is submitted to the Town Board/Clerk within 30 days of the date the Town Board/Clerk notified the applicant its permit request was incomplete.
- C. **Permit Request Fee.** All permit requests must be accompanied by a permit request fee as established by the Town Board, which shall include any outstanding amounts related to any prior obstructions or excavations by the applicant in the town. The purpose of this fee is to compensate the Town Board for all costs associated with reviewing and considering the permit request. A permit request is not complete and shall not be considered by the town unless it is accompanied by the required fee.

100.7. Indemnification. By making a permit request an applicant agrees to, and all excavation and obstruction permits are issued on the condition that a permittee, defend and indemnify the town in accordance with the provisions of Minnesota Rules, part 7819.1250.

100.8. Written Permit. If the Town Board/Clerk notifies an applicant of the need to obtain a written permit, the applicant may not undertake the proposed excavation or obstruction until the Town Board/Clerk issues the applicant a written permit. The Town Board will require a written permit if, in its sole discretion, it determines the potential impact on the public or Right-of-Way requires additional review or safeguards. When considering permit requests requiring a written permit, the Town Board may condition the issuance of a written permit on the applicant: providing the Town Board with additional information; providing a completion certificate as authorized in Minnesota Rules, part 7819.1300; providing the Town a construction performance bond with a term of at least 24 months as authorized by Minnesota Rules, 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 complying with such other reasonable requirements as the Town Board may determine are necessary to protect the public health, safety, and welfare or the right-of-way and its current uses.

- A. **Written Permit Fee.** When a written permit is required, the applicant is required, in addition to paying the permit request fee, to reimburse the Town Board for the actual costs it incurs related to issuing the permit including, but not limited to, costs of reviewing the request, conducting inspections, hiring professionals, and other costs actually incurred that exceed the permit request fee and that directly relate to the applicant's request. The Town Clerk shall provide the applicant a written statement of costs incurred. Payment in full of the written permit fee is due upon receipt of the statement and must be received by the Town Clerk no later than 20 days from issuance of the statement. In the alternative, the Town Board and the applicant may agree to an advanced payment of the written permit fee. Failure to pay the written permit fee within the required period shall result in the immediate suspension of the permit and may result in the revocation of the permit as provided herein.

100.09. Limitations. Permitted excavations or obstructions are limited to the area and time periods described in the permit request 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.

100.10. 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 Town 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, such as bad weather or other circumstances constituting *force majeure*, the delay penalty shall not apply to those days of the delay.

100.11. Telecommunication Facilities. Telecommunication facilities to be installed in a right-of-way shall be installed according to the requirements set out in Minnesota Rules, part 7819.5000 in addition to all other applicable federal, state, and local requirements.

100.12. 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 Rules, part 7819.5100 in addition to all other applicable federal, state, and local requirements.

100.13. Restoration Required. A permittee must restore the Right-of-Way, to the same condition or better, that existed before the excavation, including the restoration of vegetative cover as needed. 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 Rules, parts 7819.9900 to 7819.9950.

- 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 seven days of the notice. If the permittee is not able to complete the corrective work within seven days because of circumstances beyond its control, the permittee shall complete the work as soon as is reasonably possible, which in no case shall exceed 14 days.
- B. **Failure to Restore or Correct Defects.** If a permittee fails to restore the Right-of-Way within five calendar days after the completion of an excavation, or fails to correct defects as provided herein, the Town Board has the option of restoring the right-of-way or correcting the defects according to the standards established in plates 1 to 13 set out in Minnesota Rules, parts 7819.9900 to 7819.9950. The town 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 20 days from the date of the statement. If the permittee fails to pay the billed amount, the Town may exercise its rights under the construction performance bond or pursue such other options as are available to it under law to recover its costs.

100.14. Additional Limitations. A permittee shall comply with all of the following:

- A. **Compliance with Other Laws.** Obtaining a Right-of-Way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the town or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws including, but not limited to, Minnesota Statutes, sections 216D.01-.09 (Gopher One Call Excavation Notice System), and Minnesota Rules, chapter 7560. A permittee shall perform all work in conformance with all applicable codes and

established rules and regulations, and is responsible for all work done in the Right-of-Way pursuant to its permit, regardless of who does the work.

- B. **Prohibited Work.** Except in an emergency, and with the approval of the town, no Right-of-Way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- C. **Interference with Right-of-Way.** A permittee shall not obstruct a Right-of-Way in a manner that interferes with the natural free and clear passage of water through the ditches or other drainage structures. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with town parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit and without interfering with the safe use of the Right-of-Way by the public.
- D. **Trenchless Excavation.** As a condition of all applicable permits, permittees employing trenchless excavation methods including, but not limited to, horizontal directional drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D; Minnesota Rules, chapter 7560; and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the town.

100.15. Permit Denial. The Town Board may deny a permit request 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 town is in dispute, an applicant can become eligible to submit an additional permit request by placing the full amount the town claims is still owed in escrow until the dispute is resolved. The Town Board may also deny a permit request for failure to meet the requirements of this Ordinance or if it determines the denial is necessary to protect the public health, safety, and welfare.

100.16. 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.

100.17. Notice of Completion. A permittee shall notify the town when the work conducted pursuant to any permit issued hereunder is complete.

100.18. Site Inspection. A permittee shall make its work site available at all reasonable times to town representatives to conduct inspections of the site during the work and at its completion.

100.19. Town Authority. At the time of inspection, the town may order the immediate cessation of any work that poses a serious threat to the life, health, safety or well-being of the public. The town may also issue a notice of noncompliance to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The notice shall state that the failure to correct the violation will be cause for revocation of the permit. Within 10 days after issuance of the notice, the permittee shall present proof to the town that the violation has been corrected. If such proof has not been presented within the required time, the Town Clerk may revoke the permit as provided herein.

100.20. Permit Revocation. The Town Board may issue an order revoking a permit if a permittee fails to comply with a noncompliance notice or is conducting the work in such a way as to pose an unreasonable risk to the public. An order revoking a permit must state the specific items of noncompliance and is effective four days from the date of issuance if the permittee does not come into full compliance and otherwise corrects the items stated in revocation order. 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 town incurs associated with the restoration to the standards established in plates 1 to 13 set out in Minnesota Rules, parts 7819.9900 to 7819.9950. If a permit is revoked, the permittee shall also reimburse the town for the town's reasonable costs, including restoration costs, the costs of collection, and reasonable attorneys' fees incurred in connection with such revocation.

100.21. Emergencies. An excavation or obstruction permit is not required in order for a person to respond to emergencies related to his or her 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 Ordinance.

100.22. Work Done Without a Permit. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the town, deposit with the town the fees necessary to correct any damage to the Right-of-Way, and comply with all of the requirements of this Ordinance.

100.23. Relocation of Facilities. A person is required, at its own expense, to promptly and permanently remove and relocate his or her facilities in the Right-of-Way when it is necessary to prevent interference in connection with: the town'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 his or her facilities upon the vacation of the Right-of-Way as provided for in Minnesota Rules, part 7819.3200, subp. 2.

100.24. 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.

100.25. Abandoned Facilities. A person is required to remove any of his or her abandoned facilities in conjunction with other Right-of-Way repair, excavation, or construction unless expressly waived in writing by the Town Board in a specific situation upon the request of the person.

100.26. Fees and Penalties. All fees and penalties provided for in this Ordinance shall be established from time to time by Town Board resolution in compliance with Minnesota Rules, part 7819.1000 and made available to the public upon request. Unless indicated otherwise in a franchise, the fees and penalties provided for herein are in addition to any franchise fees a permittee may be required to pay. All fees, penalties, and other charges imposed under this Ordinance are non-refundable.

100.27. 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.

100.28. Appeal. A Right-of-Way user that: (1) has been denied a permit; (2) has had a permit revoked; (3) believes that the fees imposed are not in conformity with Minnesota Statutes, section 237.163, subdivision 6; or

(4) disputes a determination of the town regarding compliance with this Ordinance or of permit conditions, may have the denial, revocation, fee imposition, or decision reviewed by the Town Board upon a written notice of appeal detailing the reasons for the appeal and the relief being sought submitted within 14 days of the decision or action being appealed. The Town Board shall act on a timely written appeal at its next Regularly Scheduled meeting, provided the Right-of-Way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the Town Board affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

100.29. Delegation. The Town Board may delegate authority to administer and enforce all or any aspect of this Ordinance to one or more supervisors, employees, contractors or agents as it deems appropriate.

PERMIT REQUIREMENTS FOR LARGE UTILITY PROJECTS

110.1. Findings, Purpose and Intent.

The Town Board is aware of the impacts large utility projects can have on the township, its residents, and the township's infrastructure and determines it is in the public's best interest to enact a permit requirement and procedures for addressing such projects that may occur within the township. Large utility projects include, but are not limited to: those projects that are issued a permit by the Minnesota Public Utilities Commission for the siting or routing of pipelines; overhead lines or other facilities traveling across multiple governmental jurisdictions within the state to one or more redistribution; and refining sites. The facilities installed as part of these projects do not provide utility services directly to the homes and business along its route, but instead are a means of conveying the resource to a particular location for refinement or for redistribution. The Town Board recognizes the value and need for these projects, but must also act to mitigate the impacts large utility projects can have both in the crossing of township roads as well as the related heavy hauling and construction traffic that occurs on township roads as these facilities are installed. Many of the township's roads and bridges were not constructed to handle the weight of the vehicles that might be utilized for these projects. In some cases, it might be possible to improve the roads to enhance their ability to accommodate the vehicles, but even in such cases the roads must be carefully monitored and inspected to identify any resulting damage or degradation that must be repaired. The purpose of this Article is to require a permit and place reasonable requirements and restrictions on such projects to mitigate their negative effects on the township. It is also the purpose of this Article to ensure the township is fully reimbursed for the costs it incurs related to the project in order to protect the township's taxpayers and the limited funds the Town Board has available to it to adequately maintain the township's roads and bridges.

110.2. Definitions.

The following definitions shall apply to this Article in addition to those definitions contained in Section 13 of this Ordinance to the extent they are not inconsistent with the following:

- A. "Haul Road" means all public Right-of-Ways located within the township proposed to be used, or which are actually used, for the hauling of materials or equipment related to a large utility project, including construction worker access routes. Haul road shall also include any public right-of-ways used as a detour for public travel to avoid Right-of-Ways temporarily closed or obstructed for a large utility project.

- B. “Large Utility Project” means the installation, extension, or expansion of a large energy facility as defined in Minnesota Statutes, section 216B.2421, subdivision 2 conducted pursuant to a routing or siting permit issued by the Minnesota Public Utilities Commission.
- C. “Permittee” means any person to whom a project permit has been granted by the township under this Ordinance.
- D. “Project Permit” means a permit issued by the Town Clerk for a large utility project and which must be obtained before any such project may occur within the township.

110.3. Permit Required.

No person may undertake a large utility project in the township without first having obtained a project permit from the township. A project permit is intended to be all-inclusive in that it shall contain all the permissions and agreements required from the township for the project, it shall set out or reference all conditions and requirements imposed by the township for the particular project, and shall be the only permit an applicant is required to obtain from the township for the project. A project permit shall include any Right-of-Way obstruction or excavation permit that would otherwise be required by this Ordinance and shall also address all hauling, construction traffic, overweight vehicles, and other potential impacts the project may have on the township.

110.4. Application Process.

An application for a project permit shall be submitted, and complete applications will be processed, in accordance with the terms of this Section.

- A. Pre-Application Meeting and Road Inspection. A proposing applicant shall meet with the township at least once prior to submitting an application to discuss the project, proposed route of the utility line, proposed location of related facilities, proposed haul roads, proposed construction accesses, review the requirements of this Ordinance, and to discuss such other matters as may be relevant to the project and its impact on the township. The township and the proposing applicant shall conduct an inspection of any township roads identified as potential haul roads. The purpose of the inspection is to assess the current condition of the roads, bridges, and related facilities and to determine whether they are sufficient, or can reasonably be made sufficient, to handle the anticipated truck traffic. The township may, at the applicant’s sole expense, have the proposed haul roads inspected by an engineer to assist in determining the adequacy of the roads and bridges to serve as haul roads, to assess and document the present conditions of the proposed haul roads, and to determine whether any pre-project improvements are required in order to make one or more roads or bridges sufficient to serve as haul roads. The township may recommend to the proposed applicant alternative haul roads that the township determines will be better able to accommodate the anticipated truck traffic and minimize safety and maintenance concerns. If the township determines a Right-of-Way or bridge cannot safely accommodate the anticipated truck traffic to serve as a haul road, and determines it cannot be reasonably improved to safely accommodate such traffic, the proposing applicant shall not designate or use the Right-of-Way as a haul road.
- B. Application. An applicant shall apply for a project permit from the Town Clerk on an application form approved by the Town Board. The application shall be submitted to the Town Clerk together with the application fee, a construction performance bond or letter of credit, and a

cash escrow. The amount of the application fee shall be determined by Town Board resolution. The application fee is not refundable.

The application shall, at a minimum, include the following information:

- (1) A detailed written description of the proposed utility work, detailed plans for construction activities within Township right-of-ways and the timetable for the project;
- (2) Identification of proposed haul roads related to the project including whether any detours of public traffic will be required. The applicant shall identify all Township roads that are proposed to be used in the delivery of utility construction materials, the delivery of utility construction equipment, and all company or contract employee access routes. The applicant shall also identify off-road construction staging areas, material and equipment loading and unloading areas, and employee parking areas for the duration of the proposed utility construction within the Township; and
- (3) Such other information as requested in the Township's application form or that may reasonably be needed to describe the project or to evaluate its potential impacts on the Township's right-of-way.

C. Township Review of Applications. The Town Board may hold one or more public hearings on the proposed project permit. The Town Board shall consider the information provided by the applicant and such other information as it deems relevant in reviewing the application. The Town Board shall also consider the potential impacts of the project on the Township and the conditions it determines are necessary to place on a project permit in order to address the identified impacts. The township may impose reasonable conditions upon the issuance of a project permit and the performance of the applicant there under to protect the public health, safety, and welfare, and to protect the right-of-ways and their use. The Town Board shall, at a minimum, consider the following when reviewing an application for a project permit:

- (1) Pre-Project Road Improvements. The township shall determine, in its reasonable discretion, if any pre-project improvements are required on any of its Right-of-Ways proposed to serve as haul roads for the project. Pre-project improvements may include, but are not limited to, sub-grade correction, base repair, re-surfacing, culvert replacement, and bridge stabilization or replacement. Any such improvements shall be performed in accordance with the standards, specifications and requirements identified by the township. The township shall specifically identify in the project permit the pre-project improvements required to be completed before the Right-of-Ways may be used as haul roads for the project. The permittee shall be responsible for the costs of such work.
- (2) Additional Maintenance Needs. The township shall determine if any additional maintenance work is required on the haul roads during the project to accommodate the additional traffic and the resulting impacts on the public such as grading, re-graveling, dust control, and ditch repair. The required additional maintenance work shall be described within the project permit and the permittee shall be responsible for the costs of such work.
- (3) Restoration. The applicant is responsible for restoring the township Right-of-Ways, to the same or better condition, prior to the project. The project permit may include pictures, inspection records or other information to establish the pre-project condition of the

Rights-of-Way or such other provisions as the Town Board determines are needed to ensure the full restoration of its Right-of-Ways.

110.5. Escrow.

At the time of application, the applicant shall be required to place cash in escrow with the Town Clerk. The Town Board shall determine the required amount of escrow after the pre-application meeting, which shall be an amount sufficient to guarantee all engineering, planning, and legal expenses related to the project incurred by the township before and after the application for the review and issuance of the project permit, conducting meetings related to the project, monitoring compliance with the permit conditions, inspections of all Right-of-Way improvements, enforcement of the permit, and such other costs as the township may incur directly related to the application for the project. The township shall withdraw funds from the escrow as needed to reimburse itself for the costs it incurs. If at any time the Town Board determines the amount of the escrow will not be sufficient to fully reimburse the township's costs, the permittee shall escrow such additional amounts with the Town Clerk as determined by the Town Board within 15 days of the township providing written notice of the need for additional escrow. At the conclusion of the project, completion of all work to be performed within the township's Right-of-Ways, including all restoration work, and the township having fully reimbursed itself for all its costs, the township shall return any remaining amount of the escrow, without interest, to the permittee.

110.6. Construction Performance Bond / Letter of Credit.

At the time of application, the applicant shall be required to provide the township a construction performance bond or letter of credit in a form acceptable to the Town Board and in an amount the Town Board determines is sufficient to cover at least 110 percent of the anticipated costs to improve, provide additional maintenance, and restore the Right-of-Ways identified as haul roads for the project. Unless the Town Board and the applicant agree otherwise, the township shall perform the Right-of-Way work identified in the project permit and bill the permittee for the township's costs. The permittee shall reimburse the township in full on the amount billed within 30 days of its receipt of the bill. If the permittee fails to fully reimburse the township for the cost it incurs to perform the work within 30 days written notice of such failure, the township may immediately draw upon the security to reimburse itself, including the costs to recover the amounts owed. The township may take such other lawful actions as are available to it to recover its costs. Failure to fully reimburse the township for its cost shall be sufficient grounds for revoking a project permit. The security required by this section shall remain in effect for at least one year beyond the date the Right-of-Ways have been fully restored in order to secure any further work that may become necessary after the repair work has experienced at least one freeze-thaw cycle. After the one-year period, provided all follow-up repair work is completed and fully reimbursed by the permittee, the Town Board shall release the security.

110.7. Issuance of Project Permit; Conditions.

If an applicant provides the required application information, pays the application fee, provides the required escrow, participates in the inspections required hereunder, and agrees to comply with the conditions imposed on the permit, the Town Board shall issue the requested project permit. All hauling and work performed in the township's Right-of-Ways by the permittee, its agents, contractors, assigns, or successors shall be limited to those areas and the haul roads identified in the project permit. All project permits are subject to, and are conditioned upon, the permittee's compliance with all reasonable requirements and conditions stated in the permit as well as the requirements of this Ordinance including, but not limited to, the following:

- A. Escrow. The permittee shall fully reimburse the township for all reasonable out-of-pocket costs and fees it incurs related to the project including, but not limited to, costs incurred to improve, maintain, and repair haul roads and Right-of-Ways crossed by the applicant's facilities;
- B. Indemnification. By accepting a project permit under this Article, permittee agrees to defend indemnify, and hold the township, its officers, employees and agents harmless, including attorneys' fees and defense costs, from all losses, liability or claims for bodily injury or death, property damage, or otherwise arising from or related to the project. The permittee is not required to indemnify the township for losses or liability arising directly from the township's own negligence or wrongful acts or omissions.
- C. Compliance with Other Laws. The permittee is responsible for obtaining all such other permits or permissions related to the project as may be required by law, except that no other permits shall be required from the township once it issues a project permit, provided the project does not change in any material way with respect to its impacts on the township after the project permit is issued. If such a material change does occur, the permittee shall immediately apply for an amended project permit. Without limiting the foregoing, the addition or alteration of a haul road shall constitute a material change in the project requiring an amended project permit.
- D. Improvement, Maintenance, and Restoration. The permittee shall be responsible for the costs for pre-project improvements, additional maintenance, and restoration of the Right-of-Ways. The township shall perform such work at the permittee's expense unless the Town Board and the permittee agree otherwise. Any work the permittee is to perform shall be identified in the project permit.

110.8. Performance Standards and Requirements.

Permittees shall comply with the following standards, requirements, and limitations:

- A. Road Crossings. Any underground utilities crossing a Right-of-Way shall be constructed without open cuts in the roadway when practicable. The permittee shall furnish detailed construction plans for all utility crossings within the Right-of-Way. The Township Engineer shall recommend to the Town Board whether the crossing(s) can be completed without disturbing the existing roadway. In the event an open road cut crossing is necessary, the permittee shall provide detailed cross sections of the existing township road at the point of the crossing and detailed restoration plans. The Township Engineer shall recommend to the Town Board what detailed road cut restoration plans will be required as a condition of the road crossing.
- B. Construction Access Route Signage. The permittee shall be required to post signs for all construction access, according to township specifications, that clearly identify authorized construction access routes for materials delivery, equipment delivery, and construction employees. The permittee shall inform and instruct all contractors and sub-contractors, including equipment and material suppliers, of the restrictions for construction access and identify all authorized haul roads.
- C. Heavy Construction Equipment Usage on Township Roads. The operation of heavy construction equipment on township roads, including but not limited to backhoes, cranes, and bulldozers, shall be prohibited, except as specifically authorized in the project permit.

- D. Construction Inspection, Damage and Repair. The township shall monitor and inspect all township roads used by the permittee, including the permittee's use of any unauthorized access routes, during the approved utility construction and shall identify any damages. In the event any township road is damaged by the permittee's construction activity, the permittee shall be liable for the cost of repair and restoration of the road, including but not limited to sub-grade correction, base repair, re-surfacing, culvert replacement, bridge repair and ditch restoration.
- E. Obstructions Prohibited. No equipment, materials, vehicles, or facilities related to the project shall be placed, parked, or otherwise located within a Right-of-Way in a way that obstructs the maintenance or safe pedestrian or vehicular usage of the Right-of-Ways.
- F. Parking and Loading. Vehicle parking and loading and unloading of vehicles related to the project is prohibited within the Right-of-Ways in areas unless expressly allowed in the project permit.

110.9. Revocation of Permit.

The township may revoke a project permit following the procedures set out in Section 100.20 of this Ordinance.

110.10. Application of Articles.

The provisions of Article One of this Ordinance generally apply to large utility projects except to the extent they contradict an express provision of Article Two. Right-of-way users are not required to comply with the requirements of Article Two except to the extent they engage in a large utility project.

Section 31 SOLAR ENERGY SYSTEM (SES) REGULATIONS

This article of the Stanton Township Zoning ordinance is established to regulate the installation and operation of Solar Energy Systems (SES). A complete and detailed zoning ordinance can be found in Goodhue County Zoning Ordinance, Article 19.

Definitions

Subd. 1. Grid-intertie SES: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Subd. 2. Ground-mounted SES: A solar collector(s) located on the surface of the ground. The collector(s) may be physically attached to the ground; ground-mounted systems include pole mounted systems.

Residential SES: Accessory to the primary use of the land, designed to supply energy for onsite residential use; excess energy produced may be sold back to the grid through net metering.

Commercial SES: Accessory to a permitted farm or business use of the land, designed to generate energy to offset utility costs or as an additional revenue stream.

Utility Scale SES: An energy system that is the primary use of the land. Designed to provide energy primarily to off-site uses or export to the wholesale market.

Subd. 3. Roof-mounted SES: A solar collector(s) located on the roof of the building or structure. The collector(s) may be physically attached to the roof.

Subd. 4. Solar Cell: The basic unit of a photovoltaic solar panel.

Solar Collector: A device for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Easement: A right, whether or not stated in the form of a restriction or in any deed executed by or on behalf of any owner of land for the purpose of ensuring adequate exposure of a solar energy system.

Solar Energy System (SES): A set of device(s) the purpose is to provide for the collection, storage and distribution of sunlight for space heating or cooling, generation of electricity, water heating or providing daylight for interior lighting.

General Procedures:

Township approval is required.

Residential ground mounted solar energy systems may be approved administratively.

Commercial rooftop and ground solar energy systems may be approved through a SES zoning permit or conditional/interim use permit.

Solar Energy System Standards.

Systems shall be designed and operated in a manner that protects public safety.

Systems shall be in compliance with any applicable local, county, state and federal regulatory standards.

Tree removal shall be minimized and mitigated in accordance with Goodhue County Zoning Ordinance article 11, section 7.

Ground Mounted Solar Energy Systems.

Ground Mounted and Pole Mounted Solar Energy Systems.

Ground and pole mounted systems shall not exceed twenty (20) feet in height when at a maximum tilt.

Ground and pole mounted systems shall be subject to yard setback requirements for that particular zoning district.

Ground and pole mounted systems shall have natural ground cover under and between the collectors and surrounding the system's foundation or mounting device.

Photovoltaic Solar Energy Systems and Utility Scale Solar Systems shall follow all applicable zoning regulations as set forth in the Goodhue County Zoning Ordinance, Article 19.

Any additional requirements for Solar Energy Systems including applications for individual zoning districts, decommissioning, permitted uses, conditional or interim uses will be referred to the Goodhue County Zoning Ordinance, Article 19.

120.1. Severability.

If any portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this Ordinance precludes the Township from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

130.1. Effective Date

This Ordinance shall be effective upon its passage and the first day of publication.

Adopted this ____ day of _____, 2018.

BY THE STANTON TOWNSHIP BOARD

Ken Burns, Chairperson

Attest: _____
Cheryle A. Peters, Stanton Township Clerk