

**2020 NININGER TOWNSHIP
ORDINANCES**

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NININGER TOWNSHIP ZONING ORDINANCE

1.0

REGULATIONS AND TITLE

Ordinance Number 14 of the Township of Nininger, Dakota County, Minnesota, relating to and regulating the location, size, use and heights of buildings, the arrangement of buildings on lots, and the density of population for the purpose of promoting the public health, safety, order, convenience, and general welfare in said Nininger Township, and for said purpose, to divide the Township into districts, and make different regulations for different districts.

The Nininger Town Board of Supervisors ordains as follows:

This Ordinance shall be known, cited and referred to as Nininger Ordinance 14. This Ordinance supersedes or deletes all previous Nininger Township Zoning Ordinances.

2.0

LEGISLATIVE INTENT AND STATEMENT OF PURPOSE

It is the intent of this Ordinance to identify and classify all land within the boundaries of Nininger Township, Minnesota according to their most logical and appropriate long-term use, as established in: 1) the Nininger Township Comprehensive Plan; 2) in accordance with Executive Order 79-19, designating the Mississippi River Corridor as a Critical Area; 3) Shoreland Zoning and Floodplain Regulations of Dakota County; 4) Minnesota State Building Code and 5) in accordance with the goals and intent of the Mississippi National River and Recreation Area, approved May 22, 1995.

It is the purpose of this Ordinance to:

- Protect the public health, safety, morals, comfort, convenience and general welfare.
- protect and preserve lands identified for long-term agricultural use.
- Promote well-managed and staged development of agricultural, residential, recreational and public areas.
- Conserve and manage the use of natural resources.
- Provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.
- Assist in the implementation of the Nininger Township Comprehensive Plan which in its entirety represents the foundation upon which this Ordinance is based.

3.0

GUIDELINES

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

- The singular includes the plural and the plural the singular.
- The present tense includes the past and future tenses, and the future the present.
- The word "shall" is mandatory, and the word "may" is permissive.
- The masculine gender includes the feminine and neuter genders.
- Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition. If no set definition is given in the Ordinance, the Board of Adjustment and Appeals shall interpret and define any word or section of the Ordinance.
- All measured distances expressed in feet shall be to the nearest tenth of a foot. In event of conflicting provisions, the more restrictive provisions shall apply.
- If a use is not listed as permitted in a zoning district or overlay district, it is not allowed.

4.0 DEFINITIONS

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Use Structure	A use, or structure or portion of a structure subordinate to and serving the or principal use structure on the same lot and customarily incidental thereto.
Agricultural Use	An area which is used for the production of farm crops or for the raising of farm poultry and domestic and non-domestic farm animals, such as horses, cattle, sheep and swine. Dogs shall not be deemed an agricultural animal.
Agriculture, Animal	The use of land for Animal Feedlots or Animal Waste Storage Facility.
Agriculture, Crop	The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary products and fur-bearing animals.
Animal Feedlot	A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots, but pastures shall not be considered animal feedlots.
Animal Unit	A unit of measure used to compare differences in the production of animal manures, that employees as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents shall apply:

	<u>No. of Animal Units</u>
<u>Dairy</u>	
one calf (less than 500 LB)	0.2
one youngstock (500-1000 LB)	0.7
one heifer	1.0
one cow	1.4
<u>Beef</u>	
one calf (less than 500 LB)	0.2
one cow/calf unit	1.2
one cow, slaughter steer or heifer	1.0
<u>Swine</u>	
one swine (less than 55 LB)	0.05
one swine (55 LB or more)	0.4
one sow with piglets less than 14 days old	0.4

<u>Turkeys</u>	
one pullet	0.005
one hen or tom	0.018
<u>Chickens</u>	
one pullet	0.002
one layer or broiler	0.01
<u>Horses</u>	
one horse	1.0

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

Animal Waste Storage Facility	A structure where lot runoff, manure effluent or other diluted animal waste is stored or treated, including earthen manure storage basins, earthen lagoons, concrete or glass-lined storage.
Assault Weapons	Any weapon other than firearms having personal assault characteristics including, but not limited to dagger, switchblade knife, stiletto, dirk, spring blade knife, push-button knife, blackjack, sand club, pipe club, chair club, brass knuckles, Molotov cocktails, grenades and explosive devices.
Basement	A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground.
Best Management Practices (BMPS)	The Minnesota Pollution Control Agency's, the Minnesota Department of Natural Resources, or the Minnesota Board of Water and Soil Resources' best management practices manuals.
Bed and Breakfast	A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed twenty persons.
Bluffline	A line delineating the top of a slope connecting the points at which the slope becomes less than 12 percent. More than one bluffline may be encountered proceeding landward from the water.
Building	Any structure for the shelter of persons, animals or property of any kind.
Building Height	The vertical distance to be measured from the grade of a building line to the top of the cornice or a flat roof, to the deck line of a measured roof, to a point on the roof directly above the highest wall of a shed roof, to the upper most point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
Building Line	A line parallel to the street Right-of-Way line at any story level of a building and representing the minimum distance which all or any part of approval the building is set back from said Right-of-Way line.

Carport	An automobile shelter having one or more sides open.
Carrying	The actual physical transportation of a firearm on or about one's person, concealed or otherwise, but not to include the transportation of a firearm to and from the place of business of a Federally licensed dealer and not to include any Federally licensed dealer or his agent while actually engaged in normal business activity.
Clustering	The creation of more than one (1) but less than four (4) building sites on an unplatted quarter-quarter section.
Comprehensive Plan	Comprehensive Plan of Nininger Township
Conditional Use	A use classified as conditional generally may be appropriate or desirable in a specified district but requires special attention because if not carefully located or designed, it may create special problems such as excessive height or bulk, or abnormal traffic congestion.
Conveyance System	Any path, including but not limited to ditches, streams, overland flow channels, and storm sewer systems, traveled by water as it passes through the watershed.
Curb Level	The grade elevation of the curb in front of the center of the building established by the governing body. Where no curb level has been established, the Township Engineer shall determine a curb level or its equivalent for the purpose of this Ordinance.
Development	The making of any material change in the use or appearance of any structure or land including, but not limited to: a reconstruction, alteration of the size, or material change in the external appearance of a structure on the land; a change in the intensity of use of the land; alteration of a shore or bank of a river, stream, lake or wetland; demolition of a structure; clearing of land as an adjunct to construction; the dividing of land into two or more parcels.
District	The Dakota County Soil and Water Conservation District
Drainage System	Any natural or artificial device for the conveyance or storage of water used to drain or store surface or underground water, including but not limited to streams, rivers, creeks, ditches, channels, conduits, gullies, ravines or washes and including structures connected therewith including culverts, drainage tile, darns and bridges and water storage basins such as lakes, ponds, natural or man-made.
Dwelling, Attached	A dwelling which is adjoined to another dwelling.
Dwelling, Detached	A dwelling which is entirely surrounded by open space on the same lot.

Dwelling Unit	A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.
Equipment Storage and Repair	The storage, maintenance, and repair of equipment related to agricultural use. Such storage, maintenance, and repair of equipment does not include over-the-counter retail sales, commercial repair service, nor rental of storage spaces on a retail basis.
Excessive Erosion	When either or both of the following conditions exist: (a) estimated average annual rate of soil erosion for a particular parcel of land resulting from sheet and rill or wind erosion is greater than the soil loss tolerance for any of the soil series comprising that particular parcel of land, or (b) evidence of active gully erosion.
Exterior Storage	The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building.
Extraction Area	Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area of two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning or breaking or undermining the surface of the earth.
Family	An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit, exclusive of usual servants.
Farm	Real property used for commercial/agriculture comprising 40 contiguous or more acres, and which may comprise additional acreage which may or may not be contiguous to the principal 40 acres, all of which is owned and operated by a single family, family corporation, individual, or corporate enterprise.
Farm Building	All buildings other than dwellings which are incidental to the farming operation, including but not limited to barns, granaries, silos, farm implement storage buildings and milk houses.
Farm Dwelling	A structure designed for habitation by human beings located on a farm, the occupant of which owns or is employed thereon.
Firearm	A weapon that propels a bullet or missile by an explosive or compressed air.
Firearm, Dismantled	Any firearm which is dismantled in such a manner as to make shooting impossible, or any weapon with vital parts missing so to render it inoperable.
Firearm, Cased	An unloaded firearm closed and secured in a case without any portion of the firearm exposed.

Floor Area	The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor are other than area devoted to retailing activities, the production or processing or goods, or to business or professional offices.
Garage, Private	An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises.
Hand Gun	Any firearm without a shoulder stock and designed to be fired from the hand.
High Voltage Power Line	A power line that carries in excess of 100 kilovolts of electric power.
Historic Site	A structure or body of land or water of historic archeological, paleontological or architectural content or value which has been designated as a historic site in the Federal Register of Historical Landmarks, by the Minnesota Historical Society, or by resolution of a local governmental unit.
Home Occupation	Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building, provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structures. Such uses include, but not limited to, professional offices, minor repair services, photo or art studios, dressmaking, or teaching limited to 3 students at any one time and similar uses. A home occupation shall not be interpreted to include barber shops, beauty shops, tourist homes, restaurants or similar uses.
Horticulture	The use of land solely for production or sale of fruits, including apples, grapes and berries, vegetables, flowers, nursery stock, including ornamental shrubs and trees and cultured sod.
Irrigation System	Any structure of equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds and reservoirs.
Kennel	Any place where three (3) or more dogs over four (4) months of age are owned, boarded, raised, or bred.

Land Disturbing Activity	Any displacement of the surface of the earth in a volume greater than fifty Any displacement of the surface of the earth in a volume greater than fifty (50) cubic yards, or the augmentation of the surface of the earth in a volume greater than fifty (50) cubic yards, or the modification of the flow of surface water on any parcel of land
Landowner	Any person, group, firm, corporation of other legal entity controlling any lands within the territorial limits of Nininger Township.
Lateral Conveyors	Any system that provides drainage for local areas that do not have natural or artificial water storage or retention areas or natural channels. "Lateral Conveyors" outlet into natural or artificial water storage or retention area or outlet directly into "Outflow Conveyors."
Lot	A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public road.
Lot Area	The area of a lot in a horizontal plane bounded by the lot lines.
Lot, corner	A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.
Lot Depth	The mean horizontal distance between the front lot line and the rear lot line of a lot.
Lot Line	The property line bounding a lot, except that where any portion of a lot extends into the public Right-of-Way, the line of such public Right-of-Way shall be the lot line for applying this Ordinance.
Lot Line, Front	That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the Town Board.
Lot Line, Rear	That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
Lot Line, Side	Any boundary of a lot which is not a front lot line or a rear lot line.
Lot of Record	Any lot which is one unit of a plat therefore duly approved and filed, or the unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the Office of the County Recorder of Dakota County, Minnesota, or a parcel for which a separate tax identification number has been assigned by Dakota

County prior to the effective date of this Ordinance. For the purpose of administering Section 053.2 of this Ordinance, a Lot of Record shall also include any lot or parcel of land that would have been a Lot of Record if the document conveying such lot had been recorded on the date of its execution. The Town Board may require the landowner to provide proof that such unrecorded conveyance occurred before the effective date of this Ordinance.

- Lot, Substandard A lot or parcel of land for which a deed has been recorded in the Office of the Dakota County Recorder upon or prior to the effective date of this Ordinance, which does not meet the minimum lot area, structure setbacks, or other dimensional standards of this Ordinance.
- Lot, Through A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
- Lot, Width The maximum horizontal distance between the side lot line of a lot measured within the first thirty feet of the lot depth.
- Manufactured Home A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is at least 320 square feet, and which is built on permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- Mining The extraction of sand, gravel, rock, soil or other material from the land in the amount of one thousand cubic yards or more, and the removing thereof from the site without processing. The only exclusion from this definition shall be removal of materials associated with construction of a building, provided such removal is an approved item in the building permit. The removal or displacement of soil to a depth of three (3) feet or more shall constitute mining.
- Natural and Artificial Storage and Retention Area Any natural or artificial lake, pond, surface water storage area, or wetland that has the potential to temporarily retain surface water runoff for the purpose of runoff water management or water quality management.
- Non-Farm Dwelling A structure intended for occupancy by human beings, the occupant of which is not employed, or an owner of the farm on which it is located.
- Management Plan A plan that provides procedures and application rates, and Management Plan identifies crop nutrient requirements that are based upon projected crop yields, soil fertility results, and manure nutrient availability. All guidelines are based on University of Minnesota guidelines for best management practices.
- Open Sales Lot Any land used or occupied for the purpose of buying and selling any

(Exterior Storage)	goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
Ordinary Highwater Level	The boundary of water basins, watercourses, public waters and public waters wetlands, and <ol style="list-style-type: none"> 1) an elevation delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly the point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial; 2) for watercourses, the elevation of the top of the bank of the channel; 3) for reservoirs and flowages, the operating elevation of the normal summer pool.
Outflow Conveyors	Any system including, but not limited to streams and other natural channels, that forms the outlet for a natural or artificial water storage or retention area of any landlocked depression where the accumulated runoff from extreme storm events would pose risk of injury or property damage.
Parking Space	A suitably surfaced and permanently maintained area on privately owned property, either within or outside of a building of sufficient size to store one standard automobile.
Planning Commission	The Planning Commission of Nininger Township. Sometimes referred to as the Planning Advisory Commission.
Principal Structure or Use	The purpose or activity for which the land structure or building thereon is designed, arranged or intended, or for which it is occupied or maintained.
Public Land	Land owned or operated by municipal, school district, county, state or other governmental units.
Quarter-Quarter Section	An approximately 40-acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter-section in the United States Government System of Land Survey.
Reclamation Land	The improvement of land by deposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.
Recreation Area	A parcel of land which may include water bodies and incidental buildings thereto maintained for active or passive recreation, including but not limited to parks, playground, golf courses, hunting preserves, polo grounds, nature trails, bridle paths, beaches, camp-sites, ski and snowmobile trails and canoe routes; but not including stadiums, arenas, bowling alleys, swimming pools (except privately-

owned pools not open to the public) and other recreational activities for which a structure is required to house the principal activity.

Registered Animal Feedlot	An active or inactive animal feedlot with a specified designated maximum number of animal units that is registered with the Town Board and recorded with the County Feedlot Officer.
Road	A public thoroughfare supporting access by pedestrians and vehicles to abutting properties, including without limitation, streets, highways, freeways, parkways, thoroughfares, roads, avenues, boulevards, lanes or places, however described; not including, however, privately-owned driveways and access routes.
Roof Mount Retail Solar	Solar systems that affix to brackets on the roof of a structure.
Sediment	The solid mineral or organic material that is in suspension, is being transported, or has been moved from its original location by erosion and has been deposited at another location.
Shooting	The firing of firearms of any kind whatsoever regardless of the method of propulsion of the ammunition, and shall include but not be limited to the firing of shotgun, rifles, pistols, air rifles, B.B. guns, slingshots and bows propelling pointed arrows.
Shooting Range	A practice facility or target range permitted and regulated by the Township for the discharge of firearms.
Single Family Dwelling	A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family only.
Solar Electric System, Retail	A flush roof mount solar electric system established for the primary purpose of meeting all or part of the electric energy needs of the host building, whether residential, commercial, industrial, or institutional.
Spill Response Plan	A Plan that establishes procedures and actions required to be carried out in the event of a spill or release of hazardous materials, including notification of the Minnesota Duty Officer and Dakota County Feedlot Officer.
Stand – Roadside	A structure for the display and sale of products, with no space for customers within the structure itself.
Story	The portion of a building included between the surface of any floor and the surface of the floor next above (or roof if the top floor).

Structural Alteration	Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.
Structure	Anything constructed, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.
Use, Non-Conforming	A use of land, building or structures lawfully existing at the time of adoption of this Ordinance, which does not comply with all the regulations of this Ordinance, or any use of land, building or structure lawfully existing prior to the adoption of an amendment which would not comply with all of the regulations.
Use, Permitted	A use that may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and performance standards of such district.
Variance	A modification or variation of the provisions of this Ordinance where it is determined that by reason of special and unusual circumstances relating to a specific lot, that strict application of the ordinance would cause practical difficulties in the use of property, or that strict conformity with the provisions of this Ordinance would not allow the property to be used in a reasonable manner.
Wireless Communication Facility	Any tower, antenna, and accessory support building, as defined in Nininger Township Wireless Communication Tower Ordinance.
Yard	A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.
Yard, Front	A yard extending along the full width of the front lot line between side lot lines, and extending from the line to depth required in the setback regulations for the zoning district in which such lot is located.
Yard, Rear	The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line, and extending for the full width of the lot.
Yard, Side	The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.

Zoning Amendment A change authorized by the Town Board either in the allowed use within a district or in the boundaries of a district.

Zoning District An area or areas within the limits of the community for which the regulations and requirements governing use are uniform.

5.0

GENERAL PROVISIONS

5.1 Application of This Ordinance

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. 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 shall prevail.
- C. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner that is not in conformity with this Ordinance.

5.2 Separability

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

- A. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgment shall not affect other property, buildings or structures.

5.3 Non-Conforming Uses and Structures

Intent

Within the districts established by this Ordinance or amendments, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed.

A. Non-Conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership, and not of continuous frontage with lots in the same ownership. This provision shall apply, even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Variance of yard requirements shall be obtained only through action of the Board of Adjustment and Appeals. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Section, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Section, nor shall any

division of any parcel be made which creates a lot with width or area below the requirements stated in this Section. Any lots so divided to lesser requirements than those of this Section, shall not be built upon. Any non-conforming lot that is developed for residential purposes must not violate the general intents and purposes of this Ordinance, including but not limited to the prevention of pollution of applicable waters and surrounding lands and, the preservation of the health, safety and welfare of the general public.

- B. Nonconforming Uses and Structures. A nonconforming use or structure existing at the time of the adoption of this Ordinance, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless (1) the nonconforming use is discontinued for a period of more than one year; or (2) unless the nonconforming use or structure is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. Regulations affecting nonconformities in floodplain or shoreland areas are administered by Dakota County.
- C. Hazardous Building. If any structure is deemed to be a "hazardous building", as defined in Minnesota Statute 463.15, Subd.3, by a duly authorized Township official, the Township may require such structure to be removed or razed in accord with the provisions of Minnesota Statute 463.15 et. seq.

5.4 Deadline for Actions

It is the intent of the Township to comply with State requirements for timely review and actions requiring approval by the Township. Information submissions and applications must be determined by the Township to be complete before a timeline for action is initiated. The review for completeness will be conducted by the Township within fifteen (15) business days of receipt of an application. If the application is determined to be incomplete, the Township will identify the specific requirements for completeness. In the event the Township cannot act upon a completed application within a timeframe of 60 days, the Township will notify an applicant in writing that action will be completed within 120 days of the date the application was accepted by the Township. In the event that multiple approvals are involved in any action, such as a permit application requiring a variance or a Zoning Ordinance amendment requiring a Comprehensive Plan amendment, each action shall require a separate, independent timeline for action. A zoning action requiring a state-mandated or petitioned environmental review shall require completion of the environmental review prior to commencing the zoning action. An applicant may also extend the deadline for action by submitting written notice to the Township.

6.0

ADMINISTRATION

6.1 Enforcing Officer

The Township Clerk or other designee of the Town Board of Nininger Township shall enforce this Ordinance and perform the following duties:

- Receive, file and forward all applications for appeals, variances, conditional uses, interim uses or other matters to the designated official bodies.
- Maintain all official records of the Township.
- Coordinate the issuance and inspections for building permits, and maintain records thereof.
- Conduct or coordinate inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- Coordinate all matters of the Planning Commission and Town Board.

6.2 Maintenance of Records

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

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

6.3 Board of Adjustments and Appeals

6.3.1 Purpose. The Planning Commission shall, pursuant to Minnesota Statutes 462.354, subd. 2, act as the Board of Adjustments and Appeals, and shall have the power to hear and make recommendations in the following cases:

- A. Appeals. Hear and decide appeals where it is alleged that there is an error in a decision of judgment made by an administrative officer in the interpretation or enforcement of this Ordinance.
- B. Interpretation. Interpret the boundary lines between zoning districts when such questions arise and interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
- C. Variances. Grant variances or relief from literal ordinance requirements in accordance with the provisions of Section 6.6 of this Ordinance.

6.3.2 General. The members of the Board of Adjustments and Appeals shall serve without compensation, but may be paid their necessary expenses in attending meetings of the Board and in the conduct of the business of the Board. The Board of Adjustments and Appeals shall elect a chairman and vice-chairman from among its members, and shall appoint a secretary who need not be a member of the Board. It may adopt rules for the transaction of its business and shall provide a public record of its proceedings that shall include the minutes of its meetings, its findings, and recommendations. The meetings of the Board of Adjustments and Appeals shall

be held at the call of the chairman or Township Clerk and at such other times as the Board may specify in any adopted rules of procedure.

6.3.3 Procedure. The procedure to hear an appeal of an alleged administrative error or misinterpretation shall include the following:

- A. The Township Clerk receives a written request and appropriate fees for appeal of an administration decision or misinterpretation regarding this Ordinance.
- B. Publish a notice of the public hearing in the official newspaper and post notice of the public hearing at the Town Hall at least ten (10) days prior to the date of the hearing.
- C. Mail notice regarding an appeal which involves an interpretation in the boundaries of a zoning district to the owners of all property located wholly or partially within three hundred fifty (350) feet, as shown in the records of Dakota County Office. Failure to give notice or to give adequate notice shall not invalidate any proceeding, provided that a good faith attempt has been made to comply with the notice requirement.
- D. The Board of Appeals and Adjustments shall hear the appeal of the applicant and comments from any interested parties.
- E. The Board of Appeals and Adjustments shall make findings and a recommendation on the appeal.
- F. The Board of Supervisors shall review the recommendation of the Board of Appeals and Adjustments, make findings, and make a decision on the appeal.
- G. The Township Clerk shall serve a copy of such decision upon the appellant or petitioner by mail.
- H. The decision of the Board of Supervisors shall be final; however, any person having an interest affected by such decision shall have the right to appeal to the District Court of Dakota County on questions of law and fact.

6.4 Zoning Amendments

6.4.1 Purpose - Criteria

The governing body may adopt amendments to the Zoning Ordinance and zoning map in relation both to land uses within a particular district or to the location of the district lines. Such amendments shall not be issued indiscriminately, but shall only be used as a means to reflect changes in the goals and policies of the community or changes in the Comprehensive Plan. No amendments or changes in the Zoning Ordinance can be made unless they are consistent with the policies as set forth in the Comprehensive Plan and Critical Area Objectives. If the proposed zoning amendment is inconsistent with the Comprehensive Plan, the plan must first be amended to agree with the proposed zoning change.

6.4.2 Procedure

- A. An amendment to the text of the Ordinance or the zoning map may be initiated by the Town Board, the Planning Commission, or by application of any other party. Individuals wishing to initiate an amendment to the Zoning Ordinance shall fill out an application and submit it to the Secretary of the Planning Commission or Town Clerk, together with a filing fee.
- B. Application shall be made on forms provided by the Township, and shall include all information and data requested. A filing fee, plus a deposit amount established by the

Town Board, will be collected from the applicant to be applied toward review and approval of the permit. Costs associated with the application review will be drawn from the applicant's deposit.

- C. A public hearing on the rezoning application shall be held by the Planning Commission after the request for zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the Town Board at least ten (10) days before the day of the hearing. The Planning Commission shall make its report to the Town Board at the next regular meeting of the Town Board following the hearing recommending approval, disapproval, or modified approval of the proposed amendment.
- D. When an amendment involves changes in district boundaries, property owners within 1,320 feet of the subject property shall be notified, by mail, at least ten (10) days before the day of the hearing. For the purpose of mailed notice, the Township Clerk and/or Secretary of the Planning Commission may use any appropriate records to determine the names and addresses of owners. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.
- E. The Town Board must take action on the application within sixty (60) days of receipt of the application. If action cannot be taken within sixty (60) days, the Township will notify the applicant in writing of the proposed timetable for action. The Town Board must act no later than one hundred twenty (120) days after receipt of the completed application, unless the applicant extends the time frame, or the application is withdrawn. The person making the application shall be notified of the action taken. The Town Board shall maintain records of amendments to the text and zoning map of the Ordinance.
- F. Amendments to this Ordinance that affect lands within the Mississippi River Critical Area corridor will be submitted to the Department of Natural Resources (DNR) for review and approval prior to enactment by the Township, in accordance with Executive Order 79-19 E. The Township shall notify the DNR upon adoption of approved amendments.
- G. No application for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or change of circumstances warrant.

6.5 Conditional Use Permits

6.5.1 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Town Board shall consider the advice and recommendations of the Planning Commission. The Planning Commission, in considering an application for a conditional use permit, shall prepare its report and make findings on the following criteria:

- A. That the establishment, maintenance or operation will not be detrimental to or endanger the public health, safety or general welfare and is not contrary to established standards, regulations or ordinances of other governmental agencies.
- B. That each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the

orderly and harmonious development of the Township and the use district wherein proposed.

- C. That the use will not be substantially injurious to the permitted uses nor unduly restrict the enjoyment of their property in the immediate vicinity nor substantially diminish and impair property values within the area.
- D. That adequate water supply and sewage disposal facilities are provided and in accordance with applicable standards.
- E. That adequate access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided.
- F. That adequate measures have been taken to provide ingress and egress so designed as to minimize traffic congestion on public roads.
- G. That the use will conform to all applicable regulations of the district wherein proposed.

In permitting a new conditional use, the Planning Commission or Town Board may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- A. Increasing the required lot size or yard dimension.
- B. Limiting the height, size or location of buildings.
- C. Controlling the location and number of vehicle access points.
- D. Increasing the street width.
- E. Increasing the number of required off-street parking spaces.
- F. Limiting the number, size, location or lighting of signs.
- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- H. Designating sites for open space.

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

6.5.2 Procedure

- A. The applicant for a conditional use permit shall fill out an application and submit to the Planning Commission Secretary or Town Clerk, together with a fee.
- B. The application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten (10) days prior to the day of the hearing. Property owners contiguous to the subject property shall be notified, although failure of any property owner to receive notification shall not invalidate the proceedings. Notification shall be by mail.
- C. The Planning Commission shall hold a public hearing on the proposal.

- D. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use. The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission.
- E. The Town Board must take action on the application within sixty (60) days of receipt of the completed application. If action cannot be taken within sixty (60) days, the Township will notify the applicant in writing of the proposed timetable for action. The Town Board must act no later than one hundred twenty (120) days of the receipt of the completed application, unless the applicant extends the time frame, or the application is withdrawn. If it grants the conditional use permit, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate. The conditional use permit must be recorded in the Dakota County Recorder's Office.
- F. Requests for conditional use permits within the Mississippi River Critical Area corridor will be submitted to the Department of Natural Resources (DNR) for review at least thirty (30) days prior to action by the Township, in accordance with Executive Order 79-19 G. The Township shall notify the DNR of its final action.
- G. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit except that the fee shall be set by the Town Board. Amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
- H. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
- I. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing, with notice of said hearing published at least ten(10) days prior to the review. It shall be the responsibility of the Clerk to schedule such public hearings, and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted, at the discretion of the Town Board.

6.6 Variances

6.6.1 Criteria for Considering Variances

The Board of Appeals and Adjustments, may recommend granting a variance from the literal provisions of this Ordinance in instances where strict enforcement would cause practical difficulties in the use of property under consideration and when it is demonstrated that such actions would be in harmony with the general purposes of this Ordinance and is consistent with the Nininger Township Comprehensive Plan. “Practical difficulties” means:

- A. The property in question cannot be used in a reasonable manner under certain requirements of this Ordinance, and
- B. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and

- C. The variance, if granted, would not alter the essential character of the locality, and
- D. Economic considerations alone do not constitute practical difficulties.

Practical difficulties also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. No variance shall be granted to declare a substandard lot buildable unless, in addition to meeting the criteria enumerated in this subdivision, the applicant has exhausted all reasonable possibility of combining the lot with an adjacent vacant lot. No variance shall be granted to permit a use which is not allowed in the district in which the land is located.

6.6.2 Applications

An application for a variance shall be filed with the Township Clerk stating the exceptional conditions and the practical difficulties claimed along with the following information:

- A. The fee required.
- B. Evidence of ownership or an interest in the property.
- C. A scaled map or drawing of the property which shows all lot lines, existing and proposed structures, property setback information, driveways and parking areas, any significant topographical features and mature trees, and any wetlands or floodplain areas.
- D. Other information as may be required by the Township.

6.6.3 Procedure

The procedure to hear a petition for a variance shall include the following:

- A. The Township Clerk receives a variance application and appropriate fees.
- B. Publish a notice of the public hearing in the official newspaper and post notice of the public hearing at the Town Hall at least ten (10) days prior to the date of the hearing.
- C. Mail notice to the owners of all property located wholly or partially within three hundred fifty (350) feet of the property, as shown in the records of Dakota County Office. Failure to give notice or to give adequate notice shall not invalidate any proceeding, provided that a good faith attempt has been made to comply with the notice requirement.
- D. Variances on properties located within the Mississippi River Critical Area require notice to the Commissioner of Natural Resources thirty days prior to the public hearing.
- E. Variances on properties located within floodplain or shoreland areas require application to action by Dakota County.
- F. The Board of Appeals and Adjustments shall hear the variance petition of the applicant and comments from any interested parties.
- G. The Board of Appeals and Adjustments shall make findings and a recommendation on the variance.
- H. The Board of Supervisors shall review the recommendation of the Board of Appeals and Adjustments, make findings, and make a decision on the variance. The decision of the Board of Supervisors shall be final; however, any person having an interest affected by such decision shall have the right to appeal to the District Court of Dakota County on questions of law and fact.

6.6.4 Findings

In making its recommendations and decisions on a variance request, the Board of Appeals and Adjustments and the Town Board shall make the following minimum findings:

- A. The applicant proposes to use the property in a reasonable manner.
- B. The plight of the applicant is due to circumstances unique to the property not created by the applicant.
- C. Granting the variance would be in harmony with the general purposes of this Ordinance.
- D. Granting the variance would be consistent with the Nininger Township Comprehensive Plan.
- E. Granting the variance would not alter the essential character of the locality.
- F. The decision to grant the variance is not based upon economic considerations alone.
- G. Granting the variance will not result in a use that is otherwise not allowed in the zoning district.

6.6.5 Miscellaneous

- A. A certified copy of the variance shall be recorded with the Dakota County Office of Property Taxation and Records.
- B. No re-application for a variance that has been denied shall be accepted for a period of twelve (12) months after denial. A variance that has been approved must be placed into effect within of twelve (12) months of approval or it shall become null and void, unless the Township extends the approval at its own discretion for a valid reason.

6.7 State Building Code Adopted

- A. The Minnesota State Building Code, as adopted by the Commissioner of Administration pursuant to Minnesota Statutes Chapter 362B, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Administration, through the Building Codes and Standards Unit is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this Ordinance. The Minnesota State Building Code is hereby incorporated in this Ordinance as if fully set out herein and shall perpetually include the most current edition of the Minnesota State Building Code, as adopted in this section.
- B. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code enforcement agency of this jurisdiction is called the Building Official. This code shall be enforced by the Minnesota Certified Building Official designated by the Township to administer the code (Minnesota Statute 326B.133, subdivision 1).
- C. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the Township by separate ordinance. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 326B.148.
- D. A violation of the code is a misdemeanor (Minnesota Statute 326B.082, subdivision 16).
- E. The Minnesota State Building Code, in Minnesota Rules Chapter 1300, allows the jurisdiction to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code. The Township has not elected to adopt any optional chapters of the code.

6.8 Interim Use Permits

6.8.1 Purpose

Interim uses are intended to allow uses that may be appropriate in certain zoning districts on a temporary basis, provided specific conditions are placed upon the use to guarantee compatibility with other uses and to guarantee compliance with specific performance standards. It shall be unlawful to use any structure or land for any purpose requiring a interim use permit in the zoning district in which the property is located without first obtaining a interim use permit from the Township. Interim use permits shall only be considered for uses identified as interim uses within a particular zoning district.

6.8.2 Application

An application for a interim use permit shall be filed with the Township Clerk and shall include the following:

- A. The fee required.
- B. Evidence of ownership or an interest in the property.
- C. A scaled map or drawing of the property which shows all lot lines, existing and proposed structures, property setback information, driveways and parking areas, any significant topographical features and mature trees, and any wetlands or floodplain areas. See Section 3.16 of this Ordinance for detailed site plan review submittal requirements.
- D. Other information as may be required by the Township.

6.8.3 Procedure

The procedure to consider a interim use permit shall include the following:

- A. The Township Clerk receives a interim use permit application and required fees.
- B. Publish a notice of the public hearing in the official newspaper and post notice of the public hearing at the Town Hall at least ten (10) days prior to the date of the hearing.
- C. Mail notice of the proposed interim use to the owners of all property located wholly or partially within three hundred fifty (350) feet of the property, as shown in the records of Dakota County. Failure to give notice or to give adequate notice shall not invalidate any proceeding, provided that a good faith attempt has been made to comply with the notice requirement.
- D. Applications on properties located within the Mississippi River Critical Area require notice to the Commissioner of Natural Resources thirty days prior to the public hearing.
- E. Applications on properties located within floodplain or shoreland areas require application to action by Dakota County.
- F. The Planning Commission shall hear the interim use permit request of the applicant and comments from any interested parties.
- G. The Planning Commission shall make findings and a recommendation on the interim use permit to the Board of Supervisors.
- H. The Board of Supervisors shall review the recommendations of the Planning Commission, make findings, and make a decision on the interim use permit.

6.8.4 Findings

In the recommendations by the Planning Commission and action by the Board of Supervisors the following minimum findings shall be made regarding the interim use:

- A. The proposed use will not negatively impact the public health, safety and welfare.
- B. The proposed use is consistent with the Comprehensive Plan and this Ordinance.

- C. The proposed use can be adequately served by private utilities and essential services, including fire and police protection.
- D. The proposed use will be harmonious with surrounding uses.
- E. The proposed use can be adequately served by the existing transportation system.
- F. The proposed use will meet all performance standards of this Ordinance.
- G. The potential for any impacts on adjacent properties or the environment can be fully mitigated by conditions of the permit.
- H. Activities within proposed use will not create a public nuisance.

6.8.5 Miscellaneous

- A. The Planning Commission shall recommend and the Board of Supervisors shall adopt adequate conditions for any permit approved that implements necessary findings of this section and meets the requirements of this Ordinance.
- B. A interim use that has been approved must be placed into effect within of twelve (12) months of approval or it shall become null and void, unless the Township extends the approval at its own discretion for a valid reason. No re-application for a interim use that has been denied shall be accepted for a period of twelve (12) months after denial.
- C. An interim use permit shall not be assigned to another party, unless approved in writing by the Board of Supervisors.
- D. All interim use permits shall terminate on the occurrence of any of the following events, whichever occurs first:
 - 1. The termination date established by the Board of Supervisors and stated in the interim use permit.
 - 2. A violation of the conditions under which the interim use permit was issued.
 - 3. A change in this ordinance that causes the use to become nonconforming.
 - 4. The use has been discontinued for twelve (12) or more months.

7.0

DISTRICT PROVISIONS

7.1 Purpose

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

For the purpose of this Ordinance, Nininger Township is hereby divided into two zoning districts with three separate overlying districts, where the regulations outlined herein will apply.

- A Agriculture District
- RR Rural Residential District
- FO Floodplain Overlay District
- SO Shoreland Overlay District
- CA Critical Area Overlay District

The locations and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map of Nininger Township, and said map is hereby made part of this Ordinance. In cases where land is also subject to provisions of overlay districts, the more restrictive provisions shall apply.

7.2 A - Agriculture District

7.2.1 Intent

This district is intended primarily for application to those areas of the Township where it is necessary and desirable, because of the high quality of the soils, availability of water, and/or highly productive agricultural capability and the use of the land, to preserve, promote, maintain and enhance the use of the land for agricultural purposes, and to protect such land from encroachment by non-agricultural uses, structures or activities.

7.2.2 Area and Height Limit Regulations

Area and height limit regulations are set forth in Section 8.0

7.2.3 Permitted Use and Structures

The following shall be permitted uses by right:

- A. Any and all forms of agriculture uses as defined by this Ordinance.
- B. Farm buildings as defined herein.
- C. Farm drainage and irrigation systems.
- D. Forestry, grazing and gardening.
- E. One single-family farm dwelling unit per family.
- F. One single-family dwelling unit per each quarter-quarter section provided:
 - 1. The dwelling unit shall be located on a separately conveyed parcel that shall equal or exceed one acre in area and said dwelling unit shall be entirely located within a quarter-quarter section.

2. The parcel on which the dwelling unit is located shall have at least 150 feet of frontage along a public road.
- G. Historic sites.
- H. Home occupations.
- I. Roof Mount Retail Solar

7.2.4 Conditional Uses

The following conditional uses may be approved by the Town Board in the Agriculture District (A), provided that the provisions and requirements of Section 6.51 are fulfilled:

- A. Outdoor Recreation Areas.
- B. Churches, cemeteries, airports, schools, local government buildings and facilities.
- C. A second or third single-family farm dwelling in the quarter-quarter section containing the farm dwelling, provided that:
 1. It is occupied by one who owns, or is employed by the farm on which it is located.
 2. It meets the requirements of Section 7.23.
- D. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services on a fee or contract basis, including corn shelling, hay baling and threshing; repair of agricultural equipment; sorting, grading and packing fruits and vegetables for the grower; agricultural produce milling and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; boarding and training of horses; commercial hunting and trapping; and the operation of game reservations and roadside stands for the sale of agricultural produce grown on the site.
- E. Mining and extraction operations, in accordance with the provisions of Ordinance #11 A, Nininger Mining Ordinance.
- F. Public utility, public service structures, and other utility lines, including but not limited to: overhead and underground wires; conduits and pipes for the transmission of electricity, crude petroleum, oil, gasoline, natural and artificial gas, and other petroleum products (but not including direct service lines from a main line to a customer); distribution substations; gas regulator stations; communications equipment buildings; pumping stations and other utility structures; all are subject to the performance standards in Section 17.0 and all other applicable standards and regulations.
- G. One mobile home per farm, provided that the occupant is employed on the farm, and the mobile home is located so as to be an integral part of the farmstead.
- H. Residential use of land in any zone in the Township is limited to one single-family dwelling per quarter-quarter section as a permitted use. A single family dwelling may be constructed, as a conditional use, upon a Pre-1982 Lot of Record following application and proof to the Town Board's satisfaction that:
 1. The lot proposed for building is a Pre-1982 Lot of Record;
 2. There are no existing dwellings on the parcel to be built upon
 3. The proposed construction meets all other criteria for a Conditional Use Permit as stated in Section 7.2.4 of this Ordinance; and

4. Construction on the lot will comply with the other standards of this Section.

Standards Applicable to All Lots:

1. A home can be built on the lot that complies with all dimensional and setback requirements contained in Ordinance No. 14
2. The lot will support a sewage treatment system and secondary site consistent with this Ordinance and State, Local and Federal requirements for the same.
3. The lot is a separately conveyed parcel with a separate legal description and its own Property Identification Number (PIN) assigned by the Dakota County Assessor's Office.

Platting of Land, Clustering, and Lot/Parcel Splits

- The Town Board may approve a Conditional Use Permit for a Pre-1982 Lot of Record which fails to meet one or more of the current standards in this Chapter, but meets the setback and lot dimension standards in effect at the time of application, except for any such lot containing less than 32,670 square feet in area. In reviewing an application for a CUP on such a lot, the Town Board must find that the lot has been held in separate ownership since April 12 1982; any substandard Pre-1982 Lot of Record abutting other land under the same ownership following April 12 1982 must be combined to form a buildable lot that is not substandard.
- A lot of record that after creation and recording was subsequently consolidated with an abutting lot for the purposes of real estate sale or county tax consolidation, shall be deemed a buildable lot for single-family residential purposes provided it meets all of the following requirements:
 - The re-creation of the lots shall be completed through an approved lot split that shall have been approved by the Nininger Township Board and filed in the Office of the Dakota County Recorder prior to application for any building permit.
 - Any use or structure currently existing on the re-created lots shall conform to all building setback and driveway requirements of this ordinance.
- Clustering. The intended purpose of this section 7.2.4(1)A is to set the standards by which an owner of a parcel with full control of a residential building eligibility may transfer the residential building eligibility to other contiguous land in the same ownership subject to the limitations and restrictions contained herein.

When all of the land in a quarter-quarter section is under the same ownership, and no residence has been built within the quarter-quarter section, the owner of the qualifying quarter-quarter section has a building eligibility to build one single-family dwelling that may be transferred. It may be transferred only to another quarter-quarter section in the same Section that is owned by the same owner and which is contiguous to the quarter-quarter section from which the housing eligibility comes. Qualifying Pre-1982 Lots of Record also have a fully-controlled building eligibility onto other land in the same Section provided all of the following conditions are met:

- The land, be it a Pre-1982 Lot of Record or a quarter-quarter section, from which the building eligibility is being transferred (“granting land”) must:
 - Be contiguous with the quarter-quarter section to which the building eligibility is being transferred (“receiving land”);
 - Be owned by the same owner of the receiving land;
 - Be located in the same Section
- The quarter-quarter section which contains a receiving parcel is limited to a maximum of three (3) building-eligible lots of record within the quarter-quarter section. The maximum number of building eligibilities that may be transferred to receiving land within any single quarter-quarter section is three minus the number of existing single-family homes and undeveloped building-eligible Pre-1982 Lots of Record existing in the quarter-quarter section at the time of transfer.
- The landowner and Township shall execute a Clustering Agreement, which shall be recorded by the landowner within ninety (90) days of its approval by the Town with the Dakota County Recorder. The Agreement shall be recorded against all properties required to be identified in the Agreement by paragraph 4 below. Written proof of such recording must be presented by the landowner to the Town Clerk within one hundred twenty (120) days after the approval of the cluster agreement by the Township Board. No building permit shall be issued unless such recording has occurred
- The Clustering Agreement shall identify the Pre-1982 Lot of Record or the parcel and quarter-quarter section from which a building eligibility has been transferred, and shall state that any residential building eligibility on the Pre-1982 Lot of Record or parcel and quarter-quarter section no longer exists and has been clustered onto other land owned by the landowner. The agreement shall identify by legal description the parcel to which the residential building eligibility has been transferred.
 - No Non Buildable Transfers. A quarter-quarter section or a Pre 1982 Lot of Record shall be deemed not to have a transferable building density right if such parcel cannot qualify as a buildable site pursuant to current Nininger Township Zoning Ordinance requirements in effect at the date of application for such transfer.

Quarter-Quarter Sections. In the event a quarter-quarter section is owned by two (2) persons or entities and is adjoined by a quarter-quarter section owned by the same persons or entities, and such ownership results in two (2) legal parcels of 40 acres each, one such parcel owned by each of such persons or entities, the Board may permit a density transfer from one quarter-quarter section to the other in order to allow each such owner to have one residential density permit and to prevent use of both quarter-quarter density permits to be used by only one owner,

to the exclusion of the other owner. The method of this splitting of title is, by example the West ½ of the Northwest quarter quarter and the West ½ of the Southwest quarter quarter owned by party “A” and the East ½ of the same quarter quarters owned by party “B”. In this example, Party “A” would be entitled to one permit somewhere on the West ½ of either quarter quarter, and party “B” would be entitled to one permit somewhere on the East ½ of either quarter quarter.

- I. Wireless communication facilities, except within the Critical Area Overlay District and subject to Ordinance No. 11C.
- J. Accessory structures that meet the following criteria:
 - 1. No more than two (2) accessory structures per lot.
 - 2. The accessory structure will not be used for a home occupation.
 - 3. A combined maximum square footage of accessory structures on any one lot not to exceed the following:
 - 4. No accessory structure or use may commence or continue unless the primary use is in place. Simultaneous construction may be permitted by the Town Board.

<u>Parcel Size</u>	<u>Maximum Sq. Ft.</u>
Less than one acre	1,200 sq. ft.
Over 1.0 - 3.0 acres	1,500 sq. ft.
Over 3.0 - 6.0 acres	2,000 sq. ft.
Over 6.0 - 8.0 acres	2,500 sq. ft.
Over 8.0 - 10.0 acres	3,000 sq. ft.
Over 10.0 - 20 acres	4,000 sq. ft.
Over 20.0 - 30 acres	4,500 sq. ft.
Over 30.0 - 40 acres	5,000 sq. ft.
Over 40 acres	No maximum

- 4. Minimum setback distances, in addition to the requirements of Section 8.0:
 - From a property line. For lots over two acres: a distance equal to three times the height of the accessory structure including the roof, and in no event less than sixty (60) feet from a property line.
- 5. Review and approval by the Planning Commission regarding structure design and placement, color, materials and style.
- 6. Accessory structures with steel sides must use factory painted steel.
- 7. Accessory structures constructed of corrugated steel will not be permitted.
- 8. Sidewalls shall not exceed the following:
 - Lots under ten (10) acres: 12 feet
 - Lots of ten (10) acres or more: 14 feet

Standards for Granting Conditional Use Permits

In addition to the standards described in Section 6.5 of the Zoning Ordinance, the following regulations shall apply as minimum requirements for granting conditional use permits in the Agriculture District:

- A. Each application for a non-farm structure shall include a survey and legal description for the land on which it is proposed to be placed. Such survey shall also include location of the proposed structure, all existing structures, wells and onsite sewage treatment systems.
- B. Access to the parcel shall be in accordance with the Township thoroughfare plan.
- C. The use of the structure is compatible with the conduct of agriculture.
- D. The use of the structure will not promote the establishment of non- agricultural uses or structures in the district. Commercial uses not exclusively related to agriculture are specifically prohibited.
- E. Any use involving a business, service or process related to agriculture not completely enclosed in the structure shall be located on a lot appropriately fenced and buffered or landscaped so as to minimize the danger to public health and safety.
- F. Conditional Use Permits may be recorded by the Township and, as such, shall constitute a burden on any future use of the land for which a conditional use permit is granted by the Township.

7.2.5 Interim Uses The following interim uses may be approved by the Town Board in the Agriculture District, provided that the provisions and requirements of Section 6.8 are fulfilled:

(Reserved for Future Use)

7.2.6 Prohibited Uses and Structures

All other uses and structures that are not specifically permitted or allowed by conditional or interim use permit shall be prohibited in the A Agriculture District.

7.3 RR - Rural Residential District

7.3.1 Intent

This district is intended to allow a higher density of residential development in an agricultural setting, where public utilities are not available, but a rural character is maintained to create desirable living areas.

7.3.2 Area and Height Limit Regulations

Area and height limitations are set forth in Section 8.0.

7.3.3 Permitted Uses and Structures

The following shall be permitted use:

- A. Agricultural uses, as defined by this Ordinance.
- B. Farm buildings and accessory structures. No more than two (2) accessory structures are permitted in the Rural Residential District. On parcels less than 40,000 square feet the combined size of the two structures may not exceed 1,200 square feet with a maximum of 10 foot sides. On parcels 40,000 square feet or larger, the combined size of the two accessory structures may not exceed 1,500 square feet with a maximum of 12 foot sides.

- Any accessory buildings using steel sides must use factory painted steel.
 - Accessory buildings constructed of corrugated steel will not be permitted.
- C. Farm drainage and irrigation systems.
- D. Forestry, grazing and gardening.
- E. Single family residential dwellings at a density not to exceed one (1) unit per ten (10) acres.
1. Each lot created shall contain no more than one single-family home provided it meets the following requirements:
 - a. When an owner elects to create a lot less than ten (10) acres in size, a development agreement that verifies that the development density has been utilized shall be required, and recorded with the County Recorder.
 - b. Each lot shall be a separately conveyed parcel of at least one (1) buildable acre in area, unencumbered by wetlands, floodplains, excessive slopes or large easements and described by a certificate of survey.
 - c. The parcel on which the dwelling unit is located shall have at least 150 feet of frontage along a public road.
- F. The minimum lot size in the Rural Residential areas in Sections 13 and 18 shall be 2.5 acres with a one (1) acre minimum buildable area.
- G. Historic Sites.
- H. Home Occupations.
- I. Roof Mount Retail Solar

7.3.4 Conditional Uses

The following conditional uses may be approved by the Town Board in the Rural Residential District, provided that the provisions and requirements of Section 6.5 of the Zoning Ordinance are fulfilled:

- A. Single family residential dwellings may be clustered at a density not to exceed an average of one (1) dwelling unit per ten (10) acres, subject to the following terms:
1. Where there is a parcel of twenty (20) acres or more under single ownership the owner may, by conditional use permit, cluster the total permitted number of dwelling units, subject to all other requirements of this Ordinance.
 2. A transfer of development density rights may be allowed under this provision. It shall be the responsibility of the owner who applies for a subdivision involving development transfer to obtain an agreement signed by all property owners relinquishing their development rights, and the rights of their heirs, representatives or their assigns, to any future claims to subdivide lots in excess of the number permitted in this district or transferred under this provision. This agreement shall be recorded at the office of the County Recorder.
 3. In any instance where clustering is used, or where the lot size is less than the permitted density, i.e. ten acres, a development agreement that

verifies the development density has been utilized shall be executed and recorded with the County Recorder.

- B. Outdoor recreation areas.
- C. Churches, cemeteries, local government buildings and facilities.
- D. Public utility and public service structures and other utility lines, including but not limited to: overhead and underground wires; conduits and pipes for the transmission of electricity, crude petroleum, oil, gasoline, natural and artificial gas, and other petroleum products (but not including direct service lines from a main line to a consumer); distribution substations; gas regulator stations; communications equipment buildings; pumping stations and other utility structures; all are subject to the performance standards in Section 16.0 and all other applicable standards and regulations.

7.3.5 Interim Uses - The following interim uses may be approved by the Town Board in the Agriculture District, provided that the provisions and requirements of Section 6.8 are fulfilled:

(Reserved for Future Use)

7.3.6 Prohibited Uses and Structures - All other uses and structures that are not specifically permitted as uses of right or by conditional or interim use permit shall be prohibited in the RR Rural Residential District.

Prohibited Uses and Structures

All other uses and structures that are not specifically permitted as uses of right or by conditional use permit shall be prohibited in the RR Rural Residential District.

7.4 FO - Floodplain Overlay District

7.4.1 Intent

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

7.4.2 Township Regulations

Land use regulations of the Agriculture (A) or Rural Residential (RR) districts, as appropriate, shall apply for all lands in the Floodplain Overlay (FO) District except that all structures designated for human habitation shall be conditional uses. The yard area, density and lot width and depth regulations of the Agriculture (A) or Rural Residential (RR) districts, as appropriate, shall apply for all uses permitted in this District.

7.4.3 Dakota County Regulations

The Dakota County Floodplain Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulations in the Dakota County Floodplain Ordinance differ from any said regulation contained herein, the most restrictive specific regulation shall apply. A building permit must be acquired from Dakota County, prior to Nininger Township considering issuance of a permit.

7.4.4 General Regulations

Structures and individual on-site sewage treatment systems are not permitted in the floodplain overlay district. Both structures and on-site treatment systems may be permitted as a conditional use. Conditions for granting conditional uses are set forth in Section 6.5 of the Zoning Ordinance. See Dakota County Shoreland and Floodplain Management Ordinance for sign regulations in the FO District. Structures in the FO district may only be permitted as a conditional use. A conditional use permit must be obtained in order to grant a structure in this district.

7.5.4 Disclaimer of Liability

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

7.5 SO - Shoreland Overlay District

7.5.1 Intent

The SO District is intended to apply to properties in the Agriculture (A) or Rural Residential (RR) districts, as appropriate. Shoreland areas in Nininger Township are those that lie within 300 feet of the Vermillion River, 1000 feet of the Mississippi River within Spring Lake Park, and 300 feet east of the Park, or the landward extent of a floodplain designated by ordinance, whichever is greater. Such properties require special regulations for the minimum protection of public health, safety, and aesthetics.

7.5.2 Township Regulations

Land use regulations of the Agriculture (A) or Rural Residential (RR) districts, as appropriate, shall apply for all lands in the SO district. The height, yard area, density and lot width and depth regulations of the A or RR districts shall apply for all uses permitted in this District.

7.5.3 Dakota County Regulations

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

regulation shall apply. A building permit must be acquired from Dakota County, prior to Nininger Township considering issuance of a permit.

7.5.4 General Regulations

Individual on-site sewage treatment systems must be set back 150 feet from the normal high water mark. See Dakota County Shoreland and Floodplain Management Ordinance for sign regulations in the SO District.

7.6 CA - Critical Area Overlay District

7.6.1 Intent

The purpose of the Critical Area Overlay District is to: protect and preserve the open, scenic and natural characteristics of the river corridor designated as "Rural Open Space" in Nininger Township for the benefit of the health, safety and welfare of the citizens of the region; prevent and mitigate irreversible damage to the region; enhance the natural, aesthetic and historical value; protect the river as an essential element in the regional transportation, sewer and water and recreational systems; and, protect and preserve the biological and ecological functions of the corridor. The Critical Area district reflects the existing Spring Lake Park Reserve, and recommends the preservation of prime farmland, discouraging industrial and commercial development and limiting residential development to a low density.

7.6.2 Township Regulations

Land use regulations in the Agriculture (A) or Rural Residential (RR) districts shall apply for all lands in the Critical Area Overlay (CA) District, with the exception that commercial and industrial uses are prohibited within the Critical Area District. The density provisions, lot width and depth regulations and yard setbacks of the A or RR districts, as appropriate shall apply for all uses permitted or allowed in this District.

7.6.3 General Regulations

In addition to standards and regulations for Districts established herein, the following standards and regulations apply to the Critical Area Overlay District:

- A. General advertising signs that could be visible from the Mississippi River shall be prohibited. No sign shall be placed within 100 feet of the Mississippi River normal high water mark, and is compatible with preserving the aesthetic qualities of the District.
- B. On-site sewage treatment systems must be at least 150 feet from the ordinary high water level and 100 feet from the bluffline.
- C. Development on slopes greater than 12% is prohibited.
- D. Communication towers and antennae are prohibited.
- E. Mining and structures on slopes greater than 12% are prohibited.
- F. Clearcutting, except for authorized public services such as roads and utilities, is prohibited on islands, public recreation lands, bluff faces and slopes greater than 12%, within 200 feet of the ordinary high water level and within 40 feet landward of bluffs.

- G. New roads shall not be constructed within 200 feet of the ordinary high water level or 100 feet of the bluffline. Roads should avoid areas of wetlands; soils susceptible to erosion and other unstable soils; open space recreation areas; forests by running along the fringe of wooded areas; and creating tunnel vistas.
- H. When planning and designing public transportation facilities, consideration shall be given to the provision of:
 - Scenic overlooks for motorists
 - Safe pedestrian crossings and facilities along the Corridor
 - Access to the riverfront where there is public ownership
 - Reasonable use of land between the river and the transportation facility.
- I. Selective cutting of trees within the bluffline setback in excess of four (4) inches in diameter at breast height is permitted, provided that cutting is spaced in several cutting operations a continuous tree cover is maintained, uninterrupted by large openings, and adequate buffering of the development from the river is retained. In cases where the existing tree cover has been interrupted by large openings in the past, selective cutting should be performed so as to maintain a continuous tree cover in the remaining wooded areas.
- J. The above cutting provisions will not be deemed to prevent:
 - The removal of diseased or insect infested trees of designated exotic or nuisance species, or of rotten or damaged trees that present safety hazards;
 - Selective pruning for the health of understory vegetation, shrubs, plants, bushes and grasses,
 - The harvesting of crops.
- K. Structure setback from:
 - Mississippi or Vermillion River shoreline (ordinary high water level) - 200 feet.
 - Bluffline - 100 feet
- L. All development shall be located in such a manner as to minimize site alteration, alteration of the natural topography, and the removal of vegetation. Any removal or alteration shall be the minimum area necessary for a structure or development undertaken pursuant to an approved permit or site plan.
- M. All development proposals must include and implement measures and best management practices for preventing erosion, minimizing the volume and rate of runoff, and improving the quality of runoff, minimally in accordance with standards found in Protecting Water Quality in Urban Areas, MN Pollution Control Agency (October 1989) and subsequent amendments, and Minnesota Construction Site Erosion and Sediment Control Planning Handbook, Board of Water & Soil Resources and Association of Metropolitan Soil and Water Conservation Districts, as amended.
- N. Requirements for area and height regulations are set forth in Section 8.0.

7.6.4 Site Plans

The Town Board, upon recommendation of the Planning Commission, will review and approve site plans for developments. With the exception of modification of single-

family residences or construction of single-family residences, site plans are required to be submitted and must meet the following requirements:

- A. Site plans must adequately assess and minimize adverse effects and maximize beneficial effects.
- B. Site plans must provide detailed description of the proposed project, including activities proposed, soil types, topography, expected physical changes to the site after development, and measures which address adverse environmental effects.
- C. Standards to insure structures, roads, screening, landscaping, construction placement, and maintenance and storm water runoff are compatible with the character and use of the Critical Area corridor.
- D. Address opportunities for establishment of open space and public viewing, where applicable, and specific conditions with regard to buffering, landscaping and revegetation.

7.6.5 Dedication of Land

For the development of residential subdivisions and planned developments, a developer is required to dedicate to the public reasonable portions of appropriate riverfront access land or other lands within the Critical Area Overlay District, if available, for parks, access to recreational areas or other designated public purposes in accordance with the Township Subdivision Ordinance. In the event of practical difficulties or physical impossibility, the developer shall be required to contribute an equivalent amount of cash to be used only for the acquisition or maintenance of land for parks, open space, storm water drainage areas or other public services within the Critical Area Overlay District.

7.6.6 Notification of Department of Natural Resources (DNR)

The DNR will be notified, at least 30 days prior to action by the Township when the following may be proposed in the Critical Area:

- Any development requiring discretionary action or a public hearing
- Development on slopes greater than 12 percent
- Removal of five or more contiguous acres of vegetative cover
- Alteration of more than 50 linear feet of riverbank
- Grading or filling of 20 or more acres of land
- Withdrawal or discharge of river water.
- Any Metropolitan Council action or review
- Any rezoning, variance, ordinance amendment or conditional use permit
- Activities that change the course, current or cross-section of a protected water below the ordinary high water level or appropriation and use of waters of the State.

A	Agriculture District
RR	Rural Residential District
FO	Floodplain Overlay District
SO	Shoreland Overlay District
CA	Critical Area Overlay District

Section 8.0
District Density Setback and Height Limit Regulations

	<u>ZONING DISTRICT</u>				
	A	RR	CA	FO	SO
Minimum Lot Size	1 acre	1 acre ¹	1 acre ¹	(3)	80,000 sq. ft.
Minimum Buildable Area	1 acre	1 acre	1 acre ¹	1 acre ¹	1 acre
Minimum Lot Width	150 feet	100 feet	(2)	(3)	250 feet
Minimum Lot Depth	175 feet	175 feet	175 feet	(3)	(2)
Maximum Density Per Quarter - Quarter Section	1 single-family dwelling	4 single-family dwellings	(2)	(3)	(2)
Minimum Side Yard Setbacks for structures	10 feet (5)	10 feet	10 feet	(3)	10 feet
Minimum Rear Yard Setbacks for structures	15 feet (5)	15 feet	15 feet	(3)	10 feet
Maximum Height of Structures	Agric. Struct.: 200 feet Others: 35 feet	Agric. Struct.: 200 feet Others: 35 feet	35 feet	(3)	25 feet
Structure Setback from Normal High Water Mark	200 feet	200 feet	200 feet	(3)	200 feet
Structure Setback from River Bluffline	100 feet	40 feet	100 feet	(3)	30 feet
Separation Distances Between Single-Family Dwellings and Ag. Struct.	300 feet****	100 feet	(2)	(3)	(3)
Minimum Setbacks for Structures*					
From Centerline Of:					
- Local Road	80 feet	85 feet	110	(3)	40 feet
- Collector	110 feet	110 feet	110 feet	(3)	50 feet
- Arterial	130 feet	130 feet	130 feet	(3)	50 feet
Minimum Driveway Separation Distance Between Adjacent Parcels:					
- On a local road	100 feet	100 feet	100 feet	(3)	(2)
- On a collector road	300 feet	125 feet	300 feet	(3)	(2)
- From an intersection of 2 or more of the above	100 feet	80 feet	100 feet	(3)	(2)

(1) Within the RR district of Sections 13 & 18, the minimum lot size is 2.5 acres. The minimum buildable area is 1.0 acre.

(2) Underlying zoning

(3) As referred to in the Dakota County Shoreland and Floodplain Management Ordinance

(4) Except farm buildings, transmission lines, bridges, historical structures.

(5) Except for lots over two acres, see Sec-7.2.4(L)4 The stricter provisions will always apply.

* Except existing structures in plat of original Town of Nininger:

Setbacks in original Town of Nininger shall be approved as they exist as a non-conforming use.

Reconstruction of such uses shall be applied for as needed.

** For restrictions regarding accessory structures see respective sections.

*** Except animal feedlots and animal storage facilities (See Section 9.5.3)

**** Does not apply to Ag. Structures under same ownership as the single family dwelling

Driveway grades shall comply with MnDOT design manual as illustrated in Figure 5.3.04B as may be amended.

- 8.1 Minimum Frontage. Minimum frontage on a public road shall be maintained or exceeded on each lot for the entire depth of said lot from the public road to the rear property line and at no point shall the width of any lot be less than one hundred fifty feet (150 feet), except a platted lot, which may be altered according to the Nininger Township Subdivision Ordinance.

9.0

PERFORMANCE STANDARDS

9.1 Intent

These performance standards are designed to prevent and eliminate those conditions that are hazardous and endanger people, private and public property, and the natural environment. The performance standards established in this section shall apply to all future structures and land uses in all zoning districts. The standards shall also apply to existing development, where so stated. The Town Board, Planning Commission, and Building Inspector shall be responsible for enforcing these standards.

Before any building permit is approved, the Town Board shall determine whether the proposed use will conform to the performance standards. The petitioner, developer, or landowner shall supply data necessary to demonstrate conformance with these standards at the request of the Planning Commission or Town Board. Such data may include, but is not limited to environmental information on soils, topography, geology, water courses, wetlands, tree cover, locations of road right-of-ways, boundary lines, equipment and construction processes to be used, hours of operation, and provisions of disposal of all wastes produced by the use.

9.2 Performance Standards for Structures and Accessory Uses

9.2.1 Dwelling Units Prohibited

No basement, garage, tent, trailer or accessory building shall be at any time used as a dwelling. The basement portion of a finished home may be used for normal eating and sleeping purposes, provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.

9.2.2 Landscaping Maintenance

Screening shall consist of earth mounds, walls, fences and plant materials. Such things as loading docks, parking areas, and outdoor storage shall be screened from all residential areas and public streets to a height and depth consistent with the size and extent of the problem.

Parking areas that accommodate more than five (5) cars shall be landscaped and planted on the perimeter and throughout the lot to the extent of at least 5% of the actual surfaced area.

All structures requiring landscaping and fences shall be maintained so as not to be unsightly or present harmful health or safety conditions.

9.2.3 No accessory building or structure may be built on or placed on any parcel unless there is a primary use or structure thereon, or unless the accessory use is constructed concurrently with the primary use structure.

9.3 Traffic Control

9.3.1 Internal Traffic Control

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

9.3.2 Intersections

On corner lots, nothing shall be placed or allowed to grow in such a manner as materially to, impede vision between a height of two and one-half, and ten feet above the centerline grades of the intersecting streets, to a distance such that a clear line of vision is possible of the intersecting street from a distance of 50 feet from the intersection of the Right-of-Way lines. At intersections with arterials, the distance shall be 75 feet.

9.3.3 Driveway Cuts

For residential driveways, clear and unimpeded vision shall be provided at the intersection of the driveway with any public road. Vision must not be impeded between a height of two and one-half and ten feet above the centerline grade of the public street, such that a clear line of vision is possible in either direction for a distance of 500 feet along the public road centerline.

9.3.4 Cul-De-Sacs

Because of the rural nature of the Township and the difficulty of providing services to residences on dead-end roads and cul-de-sacs, and to protect the general health, safety and welfare of Township residents, cul-de-sacs will not be allowed as an acceptable road design in Nininger. Dead end roads may be allowed, if the developer can show that the road can be extended to become an integral part of the road system in the near future.

9.4 Parking

Parking shall be prohibited on all public roads in all rural residential zones between the hours of midnight and six o'clock a.m.

9.4.1 Residential Standards

A. All residential development shall provide off-street parking for residents in accord with the following minimum standards:

<u>Type</u>	<u>Required Parking Spaces</u>
Single Family	2
Duplex	4

B. Parking spaces accessory to dwellings shall be located on the same lot. Parking in residential areas (off-street and on-street) shall be limited to the use of residents of those homes. Except for short-term parking (six hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot

shall not exceed twice the number of persons residing on the premises and having an automobile driver's license.

9.4.2 Other Standards

In the event that certain commercial, industrial or otherwise classified uses of land are allowed within the Township as a result of the issuance of a conditional use permit, rezoning, or other circumstance, parking areas shall conform to the following minimum site requirements. In figuring the needed area, one parking space shall equal 300 square feet of area.

Churches and Places of Assembly	One space for each three seats or for each five feet of pew length, based upon maximum design capacity.
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Bed and Breakfast	One space per rental unit, plus one space per employee.
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9.4.3 Design and Maintenance

- A. Minimum parking setbacks from property lines and buildings shall be five (5) feet.
- B. All parking areas shall be surfaced with a durable all-weather surface material and graded to dispose of all surface water.
- C. Off-street parking shall be on the same site as the structure it is intended to service, and shall not occupy the required front yard setback of any building.
- D. Aisles shall be 14 feet wide for 45 degree parking, 18 feet wide for 60 degree parking, and 24 feet wide for 90 degree parking.
- E. Each space shall be so designed to allow the exit of the car therein without first moving another car.

9.5 Animal Feedlots And Manure Handling

Intent and Purpose

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

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

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

9.5.1 Administration

Permit Required

Any person owning or operating a proposed or existing animal feedlot having ten (10) or more animal units shall make application to the Township if any of the following conditions exist:

1. A new animal feedlot is proposed;
2. A change in operation of an existing feedlot is proposed. A change in operation includes:
 - a. An increase beyond the permitted maximum number of animal units.
 - b. An increase in the number of animal units that are confined at an unpermitted lot;
 - c. A change in the construction or operation of an animal feedlot that would affect the storage, handling, utilization, or disposal of animal manure;
3. Ownership of an existing animal feedlot is changed;
4. A National Pollutant Discharge Elimination System (NPDES) permit application is required under state or federal rules or regulations;
5. An inspection by authorized MPCA or County staff determines that the animal feedlot creates or maintains a potential pollution hazard.

9.5.2 Permit Application

A permit application shall include the following:

- Owner's and operator's name and address
- Proposed location, including quarter section, township and range;
- Animal types and maximum number of animals of each type which will be confined at the feedlot;
- A sketch identifying dimensions of the feedlot, all setbacks required in Section 203, and homes, buildings, existing manure storage areas and/or structures, takes, ponds, water courses, wetlands, dry-runs, tile inlets, sink holes, roads and wells located within the required setback areas;
 - Plans for buildings or structures as required by this Ordinance

9.5.3 Township Action

Action by Nininger Township on an Animal Feedlot application is conditional upon the following additional requirements being met by the applicant:

- Receipt of a Feedlot Permit from the Minnesota Pollution Control Agency
- Approval of a Nutrient Management Plan by the Minnesota Pollution Control Agency

9.5.4 Certification

Any commercial operator of an animal feedlot that has received a permit from the Township or any individual or business that stores, spreads or processes animal manure

in the Township will be certified by the Minnesota Pollution Control Agency for an initial period of five (5) years.

Animal feedlot owners and individuals or businesses that store, spread, or process animal manure in the Township shall be re-certified every five (5) years. Re-certification shall be received upon completion of appropriate training under the supervision and provided by the University of Minnesota Extension Services.

9.5.5 Acreage and Setback Requirements

Minimum Area

Minimum land requirements for an animal feedlot will be based upon the minimum amount of land required to meet the setback requirements in this Section, and the requirements for spreading of manure as identified in the Nutrient Management Plan.

Minimum Setbacks

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

1. Residence not owned by feedlot owner, family or employee

<u>Animal Units</u>	<u>Minimum Distance</u>
Less than 10	Specified local building setbacks
10 - 50	100 feet
51-150	500 Feet
151- 750	1,000 feet
751 or more	1/4 mile

2. Public parks

1/4 Mile

3. Water Well

100 Feet

Measurements

The separation distances established in this section shall be measured from the perimeter of the animal feedlot or animal waste storage facility to the nearest referenced boundary or the exterior wall of the principal structure containing the referenced use, whichever applies. In the event a use is not contained within a structure, an imaginary perimeter boundary shall be drawn around the referenced use, and measurements shall be taken from that perimeter boundary.

9.5.6 Land Application of Manure

Application Rates

Manure application rates for new or expanded feedlots will be based upon requirements identified in the Nutrient Management Plan.

Injection and Incorporation

Manure from an Animal Waste Storage Facility must be injected or incorporated into the soil within forty-eight (48) hours of spreading, or an alternate timeframe approved by the MPCA.

9.5.7 Manure Storage and Transportation

Compliance with State and Local Standards

All animal manure shall be stored and transported in conformance with State of Minnesota statutes and rules, and local ordinances.

Potential Pollution Hazard Prohibited

No manure storage facility shall be constructed, located or operated so as to create or maintain a potential pollution hazard. A certificate of compliance or a permit must be issued by the Minnesota Pollution Control Agency.

Storage Capacity for New Animal Waste Storage Facility

Storage capacity for animal manure from new Animal Waste Storage Facilities shall not be less than seven (7) months, subject to the review and approval by the Minnesota Pollution Control Agency, or the ability to demonstrate that manure is handled in an environmentally acceptable manner.

Engineer Approval of Plans

All plans for an animal manure storage facility must be prepared and approved by an engineer licensed by the State of Minnesota. A report from an engineer licensed by the State of Minnesota must be submitted to and approved by the Minnesota Pollution Control Agency prior to use of the structure for manure storage.

Abandoned Manure Storage Facilities

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

Emergency Notification and/or Spill Response

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

9.5.8 Other Regulations

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

9.6 Solar

The following requirements shall apply to solar electric systems in all districts. No permits may be issued prior to the Town Board's approval of the site plans.

- A. Site plans shall include the following minimum information, unless waived by the Zoning Administrator:
 - 1. Legal description and ownership of the property.
 - 2. Name, address, phone number, contact person for the applicant.
 - 3. Name, address, phone number of the property owner.
 - 4. Acreage and complete legal description of the property on which the facility will be located including all contiguous property owned by the applicant.
 - 5. Existing property lines and property lines extending 100 feet from the exterior boundaries of the facility.
 - 6. Existing buildings and any impervious surface.
 - 7. Dimensions, location and spacing of solar PV panels.
 - 8. Description of racking method, including fixed or tracking technology.
 - 9. Description and location of buildings, inverters, transformers, disconnects and combiners and other structures and equipment.
 - 10. Planned new electrical equipment other than at the existing building or substation that is the connection point for the facility.
 - 11. Elevation of the facility accurately depicting the facility and its relationship to structures on adjoining properties.
 - 12. Specifications and proposed installation methods for all planned major equipment including panels, mounting systems and foundations for poles or racks.
 - 13. The planned number of panels to be installed.
 - 14. Description of the method of connecting the array to a building or substation.
 - 15. Proposed kilowatt generation capacity.
 - 16. The Township may request additional information necessary to process the permit application. The Township may also waive information not deemed necessary to process the permit application.
- B. Non-functioning solar electric systems must be removed from a property.
- C. It shall be unlawful for any person, firm or corporation to construct or operate a solar solar system in Nininger Township without first obtaining a permit for the same as required in this Ordinance.

9.7 Weapons and Firearms

9.7.1 Shooting Firearms Prohibited. No shooting of firearms shall be permitted within the territorial limits of Nininger Township by any person under any circumstances whatsoever except:

- A. By a landowner or his guest by expressed invitation on standard form provided by the Township upon lands owned by him may shoot or carry a firearm provided that no shot, bullet, or ammunition component used shall pass beyond the boundaries of his property,

nor shall any discharge of a firearm by a guest occur within 200 feet or by the landowner occur within 50 feet of any building on adjoining property or occupied residence nor in any event create a nuisance or danger to other persons.

- B. By law enforcement or military personnel while in the course of their duties.
- C. By any person shooting at a Shooting Range, which holds a valid permit from the Township, during the time and under the regulations specified by the Shooting Range for shooting.
- D. A handgun carried in compliance with Minnesota Statutes 624.714 and 624.715.
- E. A user of public land that is managed for public hunting or is using public hunting as a method of wildlife management provided the user is participating in legal hunting activities that are sanctioned by the land administrator and Department of Natural Resources Rules and Regulations, and provided that shot, bullet or ammunition component used shall not pass beyond the boundaries of the property.

All other shooting of firearms in Nininger Township is prohibited.

9.7.2 Firearm Possession Prohibited. It shall be unlawful for any person within Nininger Township to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

- A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Natural Resources or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.
- B. Shall not within the previous five years have been:
 - 1. Convicted of a felony under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons.
 - 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical, or narcotics, or other similar drugs or influences.

9.7.3 Transportation of Firearms.

A. A person may not transport a firearm in a motor vehicle unless the firearm is:

- 1. Unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

2. Unloaded and in the closed trunk of a motor vehicle; or
3. A handgun carried in compliance with Minnesota Statutes 624.714 and 624.715.

B. The restrictions in subsection A. do not apply to a disabled person if:

1. The person possesses a permit under Minnesota Statutes 97B.055, subdivision 3;
2. The person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and
3. The firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

9.7.4 Possession And Transporting Of Assault Weapons. It shall be unlawful for any person within the Township of Nininger to carry on his person or to transport by any means any assault weapon for any purpose whatever except by law enforcement officers or military personnel in the course of their duties.

9.7.5 Hunting with Firearms in Certain Areas.

- A. A person may not hunt or take a wild animal with a firearm within 500 feet of a building occupied by a human or livestock without the written permission of the owner, occupant, or lessee:
 1. on another person's private land; or
 2. on a public right-of-way.
- B. A person may not take a wild animal with a firearm without the permission of the owner, occupant, or lessee, within 500 feet of a stockade or corral containing livestock.
- C. A person may not take a wild animal on any land where the person is prohibited from entering.

10.0

WATER AND SOIL RESOURCE MANAGEMENT

{Note: Water and soil resource management and wetlands regulations are contained in Ordinance No. 2010 Water Resources Management Ordinance adopted as part of the Dakota County Rural Collaborative}

11.0

PRIVATE SEWAGE TREATMENT SYSTEM AND WATER SUPPLY SYSTEM STANDARDS

- A. Private Sewage Treatment System Standards. Standards for the installation and repair of individual sewage treatment systems (ISTS) or subsurface sewage treatment systems (SSTS) are established by the Minnesota Pollution Control Agency and implemented by Dakota County Ordinance No. 113 Subsurface Sewage Treatment Systems, which ordinance is hereby adopted by reference.
1. No person shall install, repair or alter ISTS/SSTS without first obtaining a permit as provided herein. Applications provided by the Township must be completed in writing prior to issuance of a permit. Permit fees are established by the Town Board.
 2. Installation, repair, pumping, and hauling of ISTS/SSTS requires licensing per Dakota County Ordinance No. 113.
 3. Soil tests must be completed and must be favorable for the operation of ISTS/SSTS before a permit will be issued.
 4. Installations, alterations, repairs, maintenance and inspections shall be performed in accordance with Dakota County Ordinance No. 113.
 5. No ISTS/SSTS shall be permitted on any site less than 40,000 s.f.
- B. Private Water Supply System Standards. All private water supply systems constructed in the Township shall meet the standards established by the Minnesota Department of Health and regulations adopted by Dakota County in Ordinance No. 114.12.0

12.0

REFUSE

All junk yards are prohibited. All waste materials, debris, refuse or garbage, produced by a permitted use, shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds. Existing uses shall comply with this provision within six (6) months following enactment of this Ordinance.

13.0

RELOCATING STRUCTURES

A conditional use permit shall be required for all permanent relocation of structures.

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

14.0

TREES AND WOODED AREAS PRESERVATION

The following restrictions shall apply to all development occurring in wooded areas. Structures shall be located in such a manner that the maximum number of trees shall be preserved. No trees shall be cut, except those occupying the actual physical space in which a structure is to be erected. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees are cut, he will restore the density of trees to that which existed before development; but in no case shall he be compelled to raise the density above ten (10) trees per acre.

Forestation, reforestation or landscaping shall utilize a variety of tree species, and shall not utilize any species presently under disease epidemic. Species planted shall be native species, hardy under local conditions and compatible with the local landscape. Development, including grading and contouring, shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected, and shall provide existing trees with a watering equal to one-half the crown area.

Development in wooded areas shall not reduce the existing crown cover greater than fifty percent (50%), and shall be conducted in such a manner that the understory and litter is preserved.

Notwithstanding the above, the removal of trees seriously damaged by storms, other acts of God, or diseased trees shall not be prohibited.

15.0

NUISANCE CHARACTERISTICS

No noise, odors, vibration, smoke, air pollution, liquid or solid wastes, heat, glare, dust or other such adverse influences shall be permitted in any district, that will in any way have an objectionable effect upon adjacent or nearby property. All wastes in all districts shall be disposed of in a manner that is not dangerous to public health and safety and will not damage public waste transmission to disposal facilities. The following standards apply to all districts.

15.1 Odors

Odors shall not be allowed to exceed the standards stated in current Minnesota State Air Pollution Control Regulations.

15.2 Noise

Noise shall be measured on any property line of the tract on which the operation is located, except for agricultural activities, noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness or intensity.

15.3 Vibration

No activity or operation shall at any time cause earth vibrations perceptible beyond the limits of the immediate site on which the operation is located.

15.4 Toxic Matters

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

The measurement of toxic matter shall be at the lot boundary line and measured at ground level or habitable elevation, and shall be the average of any 24-day of the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the governing body that the proposed levels will be safe to the general population.

15.5 Exhaust Emissions

No exhaust pipe, flue, chimney or similar structure shall emit an emission that exceeds those standards set forth in current Minnesota State Air Pollution Control Regulations.

A. Dust and Dirt. Solid or liquid particulates shall not be emitted at any point in concentrations or amounts exceeding limitations established in the latest revision of Minnesota Pollution Control Agency (MPCA) regulations listed below, which are hereby incorporated by reference:

- APC-4 Emissions Limitations from Fuel-Burning Equipment
- APC-5 Restriction of Emission of Particulate Matter from Industrial Processes
- APC-7 Incinerators

B. Smoke. Smoke shall not be emitted from any source with opacity or frequency exceeding limitation in MPCA regulation APC-11, Restriction of Emission of Visible Air Contaminants, the latest revision of which is hereby incorporated by reference. All open burning must be conducted in conformance with MPCA regulation APC-8, Open Burning Restrictions, the latest revision of which is hereby incorporated by reference.

15.6 Glare

Glare, whether direct or reflected, such as front spot lights or high temperature processes, and as differentiated from general illumination, shall not be visible beyond the limits of the immediate site from which it originates.

15.7 Farm Animals

Any building in which farm animals are kept shall be a distance of one hundred (100) feet or more from any other occupied lot, and any open enclosure in which animals are kept shall be a distance of two-hundred (200) feet or more from any occupied residential lot.

Conditional use permits shall be required if animal units exceed the following densities:

<u>Contiguous Acres</u>	<u>Animal Units Per Acre</u>
less than 6	1
6 to 20	2
more than 20	No limit, except feedlots on acreage of less than 40 contiguous acres shall require a conditional use permit.

The keeping or raising of any non-domestic animals except for non-domestic fowl shall also require a conditional use permit, unless such domestic animals are kept on an acreage of at least 40 contiguous acres.

15.8 Dogs

- A. It shall be unlawful to own or keep a dog that is dangerous to persons or property. Any dog which causes an injury to any person or damages to any property shall be deemed dangerous or a nuisance. Any dog that has bitten a person or is believed to have bitten a person shall be leashed and detained at the owner's residence for a period of ten (10) days, during which time a licensed veterinarian shall examine the dog, which shall be at the expense of said owner. Upon expiration of ten (10) days, if the veterinarian determines the dog does not have a disease that may have been transmitted by such a bite, provided written approval of the veterinarian has been delivered to the Town Clerk, the dog may be released.
- B. It is unlawful for any person to keep or allow to be kept, any dog, which shall be barking, howling whining, or making any other loud noise disruptive to the peace.
- C. In addition, violations of the above regulations result in the following penalties:

Bitings

Verbal warning - First Offense

Disposal of the dog - Second Offense

Other

Verbal warning - First Offense \$500.00 Fine - Second Offense

Disposal of the dog - Third Offense

{Note: Dog regulations are contained in Ordinance No. 01-0 Nininger Township Dog Ordinance}

15.9 Wastes

All solid waste material, debris, refuse or garbage, except animal manure, shall be kept within a completely enclosed building or properly contained in a closed, container designed for such purpose. All liquid wastes containing any organic or toxic matter shall be discharged either into a public sanitary sewer or treated in a manner prescribed by the State and County Health Department. Used or discarded building materials, trees, and similar materials, shall not be dumped or buried in the Township, unless a permit has been issued by the Town Board. Sanitary landfills, demolition landfills, or other commercial waste disposal facilities are prohibited in Nininger Township.

15.10 Agricultural Nuisance

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

15.11 Miscellaneous Nuisances

- A. It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on the public highway, but, without a current license attached thereto, whether such vehicle be dismantled or not, outside of an enclosed building.
- B. It shall be unlawful to create or maintain a junkyard or vehicle dismantling yard, except as provided herein.
- C. It shall be unlawful to create a nuisance affecting the health, peace or safety of any person. The following are declared to be nuisances affecting public health:
 - 1. The effluent from any cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place, except as authorized.
 - 2. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substance.

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

- 1. The placing or throwing on any street, alley, road, highway, sidewalk or other public property of any glass, tacks, nails, bottles or other nuisance which may injure any person or animal or damage any pneumatic tire when passing over the same.
- 2. The ownership, possession or control -of any unused refrigerator or other container with doors which fasten automatically when closed, of sufficient size

to retain any person to be exposed and accessible to the public without removing the doors, lids, hinges or latches or providing locks to prevent access by the public.

3. Abandonment or disposing of waste or unused products such as couches, chairs, tires, refrigerators or gas tanks at any place in the township not owned or occupied by the party abandoning such property.

15.12 Firearms

It shall be unlawful for any person to have in possession out of doors upon the land of another, any unlicensed firearm, for which a license is required, said firearm to include rifle, shotgun, pistol, or device capable of propelling metal pellets by air, spring, CO2 or other means, without having on his or her person written permission from the owner or tenant of said land to discharge such firearm thereon.

15.13 Tests – Compliance

The owner or operator of any permitted use shall be required to show compliance with the performance standards set forth above. In cases where compliance cannot be demonstrated to the satisfaction of the Township Board or where reasonable doubt exists, the Board may require the owner or operator to have investigations or tests made by an independent testing organization. Costs of such investigations or tests shall be paid by the owner or operator. In all cases the use must comply with the requirements of State and County Health Departments and the Minnesota Pollution Control Agency. The procedures stated above shall not limit the Township from making investigations and tests it considers necessary.

16.0

UTILITY LINES

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

- A. Each road crossing shall be approved by the proper road authority.
- B. Primary consideration shall be given to underground utility placement when feasible in order to minimize visual impact.
- C. Routes for utilities should avoid areas of bluffs and steep slopes; scenic intrusions into rivers, valleys, and blufflines; wetlands; soils susceptible to erosion and other unstable soils; open space recreation areas; forests by running along the fringe of wooded areas; and creating tunnel vistas.
- D. Placement of overhead transmission lines should take into consideration the impact on views and the appearance of the structures as much as practicable.
- E. Cleared portions of rights-of-way for proposed transmission lines shall be minimized. Where vegetation has been removed, new native vegetation shall be planted and maintained in the right-of-way. If possible, native vegetation which does not restrict use or pose a hazard shall be allowed to grow in the right-of-way.
- F. River crossings for utilities shall be minimized and concentrated at existing crossings where possible.
- G. In the event of repair or improvement of a road, the line owner shall pay for necessary movement and replacement of the line.
- H. In the event of necessary repairs or improvement of existing public drainage ditches, the line owner shall pay for necessary movement and replacement of the line.
- I. Drain tile lines shall be repaired or replaced where cut or damaged by construction, for at least 5 feet from the damaged sections.
- J. High voltage power lines, pipelines and associated structures (except service lines from a main to a customer), shall be at least 100 feet from residential dwelling units.
- K. Utility lines shall be located within or along existing railroad, highway, utility line rights-of-ways, section lines, other established boundaries and/or easements, or other such routes as approved by the Town Board.
- L. The owner and/or builder of the utility line shall be responsible to pay for such inspection procedures incident to the line's construction and maintenance, as the Town Board determines to be reasonably necessary to protect the public interest.
- M. For underground pipelines that transport products under pressure, but not residential water lines:
 1. All underground lines shall be bored and cased through public and private roads, unless the road authority approves case and backfill crossing.
 2. All underground lines shall be at least five feet below the bottom of drainage ditches and shall not impede the flow of water.
 3. All underground lines shall be at least one foot below existing and proposed drain tile lines. The utility line owner shall be responsible for:
 - a. The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line;

- b. Additional expenses for installation of future drain tile caused by existence of the utility line; and
 - c. Cost of repair of drain tile and crop loss due to setting after utility line construction.
 - 4. Where feasible, underground utility lines shall be at least 20 feet from parallel drain tile.
 - 5. Except as otherwise stated, underground utility lines shall be at least 4 feet below the ground surface.
- N. Underground electrical and telephone lines shall be subject to the provisions contained in the State electrical code.
- O. The owners of utility lines shall be held strictly liable for any and all damages that may arise out of the operation and malfunction of any utility line or facilities incidental to the operation of the utility line.
- P. The Town Board may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

17.0

SIGNS

17.1 Sign Regulations

The regulations established in this Section are designed to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, prevent and reduce potential traffic hazards caused by distracting and obstructing signs and to remove safety hazards to pedestrians that may be caused by signs projecting over public right-of-way. In addition to the following individual provisions, no sign in the Township shall exceed 80 feet in area nor 20 feet in height.

17.2 Public Right-of-Way

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

17.3 On-Site Advertising Signs

All new signs larger than 40 square feet in area shall require an Interim Use Permit.

17.4 Off-Site Advertising Signs

Off-site advertising signs are prohibited except directional signs, which shall require an Interim Use Permit.

17.5 Change in Advertising Message

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

17.6 Poorly-Maintained Signs

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

17.7 Symbolic Signs

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

17.8 Temporary Announcement Signs

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

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

4. Political signs.
5. All such temporary signage shall be promptly removed after the event for which they are allowed has concluded.

17.9 Lighting

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

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

17.10 Non-Conforming Signs

Signs erected prior to the date of enactment of this Ordinance, which do not conform to the sign regulations contained herein, shall not be expanded, modified or changed in any way except in conformity with these sign regulations. Non-conforming signs must be removed or modified to conform to this Ordinance within five (5) years of adoption of this Ordinance.

18.0

PERFORMANCE STANDARDS FOR AGRICULTURAL OPERATIONS

All farms in existence upon the effective date of this Ordinance, shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained within Sections 9 and 19 and other Township Ordinances in effect, shall apply to all changes of the farming operation which will cause all or part of the area to become more intensively used or more urban in character. Setback and other regulations shall apply to farming operations, just as they do to residential developments. The Town Board may require any farm operation to secure a Conditional Use Permit to expand or intensify said operations in the event of the following:

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

19.0

RIGHT TO FARM

19.1 RIGHT TO FARM

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

1. Right to Farm. Individuals owning or renting property that abuts or is located near an agricultural operation may be subject to inconveniences or discomforts arising from such operation. Such discomfort or inconveniences may include but are not limited to noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the inconveniences described above may occur as a result of any agricultural operation that is in conformance with existing laws and regulations and with accepted agricultural customs and standards. The Township has determined that the use of real property for agricultural purposes is a high priority and favored and that those inconveniences arising from such agricultural operations should not be considered to be a nuisance provided that the operation is conducted or maintained on agricultural land and is operating in accordance with all applicable state statutes or rates or any issued permit. Such operations shall not be considered as or become a nuisance, public or private, if the operation was not a nuisance when it began. This provision does not apply to operations or activities considered a nuisance as defined under Minnesota Statutes, Chapter 561.19, Subdivision 2.
2. Disclosure in Building Permits. Prior to the issuance of any building permit for a use on agricultural land, the owner of the property shall be required to sign a Right-to-Farm Disclosure Statement. The disclosure shall be on a form provided by the township and made available to the public. The township shall file building permit disclosure forms with the Town Clerk.
3. Failure to provide a Right-to-Farm Disclosure Statement. The purpose and intent of the Right to Farm provisions of this ordinance shall apply if the township fails to provide a Right-to-Farm Disclosure Statement to an applicant of a building permit.
4. Failure to sign a Right-to-Farm Disclosure Statement. The purpose and intent of the Right to Farm provisions of this ordinance shall apply if an applicant of a building permit fails or refuses to sign the Right-to-Farm Disclosure Statement.

20.0

ENFORCEMENT OF THE ZONING ORDINANCE

Any person, firm or corporation who shall violate any of the provisions hereof, who shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, may be punished by the maximum fine and imprisonment allowed by law. Each day that a violation continues shall constitute a separate offense.