

Randolph Township

Ordinance No. 2011

ZONING ORDINANCE

Adopted
November 22, 2011

Amendments to Ordinance No. 2011:

Ordinance No. 2011-A, September 18, 2012

Ordinance No. 2011-B, December 18, 2012

Ordinance No. 2011-C, March 17, 2015

Ordinance No. 2011-D, August 18, 2015

Ordinance No. 2011-E, June 16, 2015

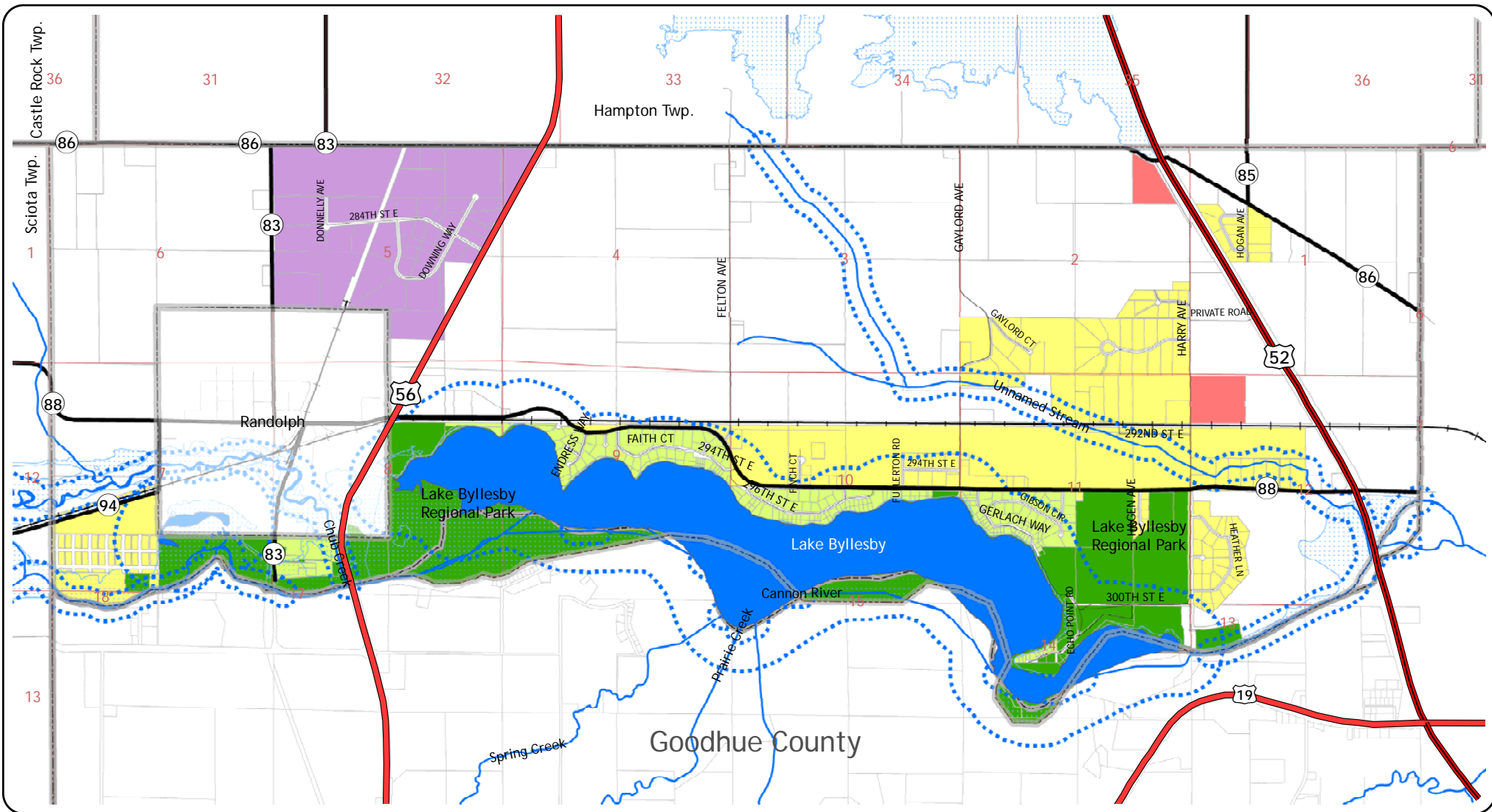
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RANDOLPH TOWNSHIP ZONING ORDINANCE










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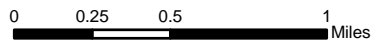
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Zoning

- | | | |
|---|--|---|
|  AP - Agricultural Preservation |  HC - Highway Commercial |  Shoreland Overlay |
|  SR - Shoreland Residential |  LI - Light Industrial |  Floodplain Area |
|  RR - Rural Residential |  Lake Byllesby Regional Park (AP) |  Streams |

Zoning Map Randolph Township Dakota County, MN



November 2011
Source: Dakota County GIS



ORDINANCE No. 2011

RANDOLPH TOWNSHIP ZONING ORDINANCE

SECTION 1 NAME

The name of this ordinance is *Ordinance No. 2011 Randolph Township Zoning Ordinance*, except as referred to herein as “this Ordinance.”

SECTION 2 PURPOSE

This Ordinance is enacted for the following purposes:

- To protect and promote the public health, safety, and welfare;
- To protect and preserve lands identified for long-term agricultural use;
- To divide Randolph Township into zones and districts to regulate land uses and improvements on the land;
- To promote orderly development of the agricultural, residential, business, recreational and public areas;
- To provide for adequate light, air and convenience of access to property through district regulations and performance standards;
- To provide for the compatibility of different land uses;
- To limit congestion and promote safety in the public rights-of-way;
- To guarantee the safe operation of private water and sewer systems;
- To accommodate adequate public services and facilities;
- To protect the quality of life in the Township;
- To protect the values of property;
- To conserve and manage natural resources and renewable energy sources; and
- To provide for the administration and enforcement of this Ordinance.

SECTION 3 GENERAL PROVISIONS

3.01 Authority and Scope

- A. This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, sections 462.352 to 462.365, as may be amended. The provisions of this Ordinance shall be interpreted and applied in accordance with and as permitted by the State of Minnesota. This Ordinance shall apply to all property within Randolph Township, hereafter the “Township.”
- B. Any building, structure or use lawfully existing on the effective date of this Ordinance, which is not in conformity with this Ordinance, shall be regarded as nonconforming and may be

continued subject to the requirements contained in this Ordinance.

- C. This Ordinance shall not repeal, annul, or in any way impair or interfere with the provisions of other ordinances or regulations of the Township except as expressly provided within this Ordinance.

3.02 Separability

The Township declares that the provisions of this Ordinance are separable in accordance with the following:

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

3.03 Interpretation

- A. In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements for the promotion of the public health, safety and welfare, and to accomplish the purposes of this Ordinance.
- B. Except as provided within this Ordinance, the provisions of this Ordinance are cumulative and in addition to the provisions of other laws and ordinances governing the same subjects.
 - 1. Where the provisions of this Ordinance impose greater restrictions than those of any law, other ordinance or regulation, the provisions of this Ordinance shall control.
 - 2. Where the provisions of any law, or other ordinance or regulation impose greater restrictions than this Ordinance, the greater restrictions shall be controlling.
- C. Words or terms defined in this ordinance shall have the meanings assigned to them unless such meaning is clearly contrary to the intent of this Ordinance.
 - 1. The singular number shall include the plural.
 - 2. The present tense shall include the past and future tenses.
 - 3. The word “shall” is mandatory and “may” is permissive.
- D. 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.

3.04 Compatibility with Comprehensive Plan

The Township has adopted the *2009 Randolph Township Comprehensive Plan*, including the *Dakota County Rural Collaborative Comprehensive Plan*, which may be amended from time to time. The *2009 Randolph Township Comprehensive Plan* establishes the goals and policies for land uses in the Township and describes the need for implementation of the comprehensive plan through official controls, including this Ordinance. The provisions of this Ordinance shall be consistent and compatible with the *2009 Randolph Township Comprehensive Plan*.

3.05 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.

3.06 Building Code Adoption

- 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.

3.07 Building Permits

All architects, contractors, subcontractors, builders and other persons responsible for the erecting, altering, changing, or remodeling of any building or structure must consult with the Township Building Official before beginning or undertaking such work to determine what permits may be required, including but not limited to building permits, plumbing permits, electrical permits, and mechanical permits.

- A. No work shall be completed on any building or structure requiring a permit until such permit has been issued.
- B. The Building Official shall inform the applicant for any required permit what plans, details, and specifications are required in order to issue a permit.
- C. All building permit applications are to be examined and processed by the Building Official in the timeframe prescribed by State law.
- D. If the proposed work does not conflict with any portion of this Ordinance, the permit shall be granted after the appropriate fee is paid to the Building Official. If the building permit is not issued, the reason(s) for denial shall be made known to the applicant.
- E. Building permits are valid for one year from date of issue. In the event that construction is not completed by the expiration date of the building permit, construction shall not continue until a new permit is issued.

3.08 Peddling Registration

Unsolicited door-to-door merchandise sales or product peddling is prohibited in Randolph Township without prior registration with the Township Clerk. Registration requires completion of a Township application and signature by the Clerk. A cash registration fee of \$75.00 is required at the time of application. Applicants must present company information, business liability insurance, product information, vehicle information, and a valid driver's license. The registration form, signed by the Township Clerk, must be carried by the applicant at all times within the Township. Door-to-door sales are restricted to the hours of 9:00 a.m. to 6:00 p.m. Monday through Saturday. Failure to register such business is a violation of this Ordinance and subject to all penalties under the law. Failure to leave private property immediately upon request by a property owner or resident of the Township is also a violation of this Ordinance and subject to all penalties under the law. No sales or displays of products for sale are allowed on any public property or public right-of-way.

Non-profit organization sales and volunteer organization fundraising events, such as Girl Scout cookie sales, school organization sales, athletic associations sales, and similar sales, raffles and fundraising efforts are exempt from the registration and fees required in this Section.

3.09 Street Access Required

All permitted buildings and structures shall be located on property with direct access to a public road, unless as otherwise specifically permitted in this Ordinance. Driveway or right-of-way access permits are required by the Township, Dakota County, or State of Minnesota, depending on the jurisdictional ownership of the roadway. Access locations shall be consistent with the access spacing guidelines of the roadway jurisdiction.

3.10 Relocated Structures

No existing building or structure shall be moved or relocated within or into the Township without approval by the Township and without a permit. Upon consideration of the findings and recommendations by the Building Official, the Planning Commission shall not approve the relocation of any building or structure without certifying the following:

- A. The building or structure is compatible in appearance and character with other buildings and structures on the same property.
- B. The building or structure is compatible in appearance and character with other buildings and structures on surrounding properties.
- C. The building or structure can meet all current building code requirements.
- D. The placement of the building or structure is consistent with all other requirements of this Ordinance.

3.11 Single Family Dwellings

- A. All single family dwellings, except temporary farm dwellings authorized in subsection C. below, shall meet the following standards:
 - 1. Minimum structure width of 24 feet.
 - 2. Minimum 3/12 pitch roof.
 - 3. Minimum single-story, living-area square footage of 1000 square feet.
- B. The use and occupancy of a tent, recreational vehicle, unfinished dwelling, or other temporary dwelling for the purpose of living quarters or residency is prohibited.
- C. Manufactured homes may be used for temporary dwellings for farm employees in the AP Agricultural Preservation District by Interim Use Permit, subject to the following minimum requirements:
 - 1. Homes must meet all building code standards.
 - 2. Homes must be anchored and secured according to minimum federal standards.
 - 3. Homes must include skirting around the chassis that is compatible with the home.
 - 4. Homes must be served with sewer and water systems as required in Section 6.01 of this Ordinance.
 - 5. Homes must be removed upon termination of the farm employment.
 - 6. Other conditions included in the Interim Use Permit.

3.12 Home Occupations

A business use of any residence is permitted, provided such activity is conducted solely by occupants of a dwelling, provided such activity is clearly secondary to the principal residential use on the property, and provided such activity does not change the nature of the principal use. The home occupation shall have no exterior evidence of the business activity, no significant increase in traffic or demand for parking, and no significant increase in levels of noise, air, water quality or other impacts. The use of an accessory structure for repair or services rendered in the home occupation is permitted, but the home occupation shall not include the rental of space,

equipment or goods. The sale of goods is not permitted, except for home made or custom made goods by the home occupant. No signage of the home occupation is permitted, except a nameplate, not exceeding 1.5 square feet, attached near the building entrance.

3.13 Residential Accessory Structures

Detached accessory structures are permitted on residential properties, subject to the following standards and restrictions:

- A. The exterior walls of accessory structures 150 square feet or larger in area shall be similar to and compatible with the materials, style, and color of the exterior walls of the residence.
- B. The roof of accessory structures 150 square feet or larger in area shall be similar to and compatible with the materials, style, color, and pitch of the roof of the residence.
- C. No accessory structure shall be used for human occupancy.
- D. No accessory structure shall contain a basement or second story.
- E. No accessory structure shall exceed the height of the residence.
- F. No accessory structure shall be used for commercial purposes, except authorized home occupations.
- G. Accessory structures shall meet the same setback requirements as the principal structure, except that accessory structures less than 150 square feet may be set back 10 feet from rear lot lines.
- H. No more than three detached accessory structures are permitted on residential properties in the SR Shoreland Residential District, RR Rural Residential District, or AP Agricultural Preservation District.
- I. In the SR Shoreland Residential District, or on parcels less than 2.5 acres in the RR Rural Residential District or AP Agricultural Preservation District, the aggregate total square footage of residential accessory structures shall not exceed 1080 square feet, the sidewall height shall not exceed nine feet, and the maximum structure height shall not exceed sixteen feet.
- J. On parcels 2.5 acres or greater in the RR Rural Residential District or AP Agricultural Preservation District, the aggregate total square footage of residential accessory structures shall not exceed 2200 square feet, the sidewall height shall not exceed twelve feet, and the maximum structure height shall not exceed the height of the residence or 16 feet, whichever is greater.
- K. Structures that are accessory to agricultural uses on properties with agricultural or “Green Acres” tax classifications are exempt from any requirements of Section 3.13.

3.14 Swimming Pools

- A. Permits Required. No swimming pool shall be constructed, erected, repaired or altered without first obtaining the necessary building, plumbing, and/or electrical permits from the Township.
- B. Plans And Specifications Required. Detailed plans and specifications are required to be submitted with permit application for a swimming pool. Plans shall be drawn to scale by competent professionals and shall include details for site excavation, construction, plumbing, electrical, and fencing. The Township Building Official shall determine the plan detail necessary to obtain permits for proposed swimming pool construction.
- C. Security Fencing
 - 1. All swimming pools shall be enclosed with five-feet-high security fencing (chain link or decorative) that discourages climbing. All fencing gates shall be equipped with self-closing and self-latching devices. Gates providing access to public swimming pools, shall have locking devices to prevent after hours entry. All gates shall have the latch mounted no less than 54 inches above the walking surface on either side of the gate.
 - 2. Exception. In the Agricultural Preservation Zoning District, the requirement for security fencing may be waived for a private swimming pool, provided the swimming pool is fitted with an automatic safety cover. The Township shall have complete discretion in determining whether a particular proposed automatic safety cover is adequate to waive the requirement for security fencing. Manufacturer's detailed information including the weight resistance shall be submitted with the pool permit application
- D. Performance Standards
 - 1. Swimming pools shall meet all yard setback requirements for the zoning district in which they are located. No part of the pool or deck shall encroach into the required yard.
 - 2. Water lines to a swimming pool shall not be located closer than ten feet from any sanitary sewer line or sanitary sewer system.
 - 3. Swimming pools shall not be located closer than ten feet from any sanitary sewer line or septic tank. No part of the pool shall be closer than 20 feet from the drain field.
 - 4. Pool equipment such as filters, pumps and heaters shall not be located in a front or side yard
 - 5. Discharge from swimming pools shall not overflow onto any adjacent property and must meet Minnesota Pollution Control Agency discharge standards for chlorinated water.
 - 6. Swimming pool construction, operation and maintenance shall be consistent with all federal, state, and local laws and regulations.

7. Lighting at all outdoor swimming pools shall be shrouded and downcast to minimize ambient lighting or direct lighting on adjacent property.

3.15 Fences

- A. Fences within the Shoreland Residential District and Rural Residential District may be placed on the property line, except fences located in the front yard (that area between the principal structure front yard setback line and any public right-of-way) must be decorative or chain link fences and may not exceed three (3) feet in height. A decorative fence means a fence that can be seen through with minimum three-inch spacing between vertical or horizontal fencing boards, posts or slats.
- B. The Planning Commission may modify specific dimensional standards for pre-manufactured decorative fencing, provided the modifications are consistent with the intent of this Ordinance and the modifications do not result in standards that others with similar situations, site conditions, and circumstances would not be granted.
- C. No fence may create a visual obstruction at any intersection.
- D. Electric fences, hog wire, barbed wire and similar animal fencing are not allowed in the Shoreland Residential District and Rural Residential District.
- E. Property owners with fences located within any recorded easements are liable for costs of any fence removal or replacement in the event the easement holder conducts any work within the easement area.
- F. The maximum height of any fence in the Shoreland Residential District and Rural Residential District shall be six (6) feet, except when a residential property line abuts a commercial or industrial use the fence may be eight (8) feet in height along that property line. The maximum height of a decorative fence shall be three (3) feet.
- G. Required security or screening fences for commercial, industrial or institutional uses shall be a minimum of six (6) feet in height.
- H. All fences shall be constructed and maintained in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be constructed so that the side containing the framing supports and cross pieces face the interior of the fence owner's lot.

3.16 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.

3.17 Height Exceptions

Height regulations set forth in other sections of this Ordinance may be increased for certain accessory uses as follows:

- A. Chimneys, flagpoles, church towers, radio antennae, and television antennae: 50 percent in excess of the maximum height allowed in the Zoning District.
- B. Power poles: one hundred ten (110) feet.

- C. Wireless telecommunication towers and wind energy conversion systems: less than two hundred (200) feet.
- D. Agricultural Service Establishment conveyors, elevators, grain storage bins, and similar appurtenances: less than two hundred (200) feet.

3.18 Structure Setback Provisions

- A. Principal and accessory structure setback dimensions are measured from property lines to the outer edge of the structure footing or foundation. In the absence of permanent footings or foundations, the setback shall be measured from the outer wall of a building or closest part of a structure to the property line. Unless otherwise specified in this Ordinance all structures shall meet the setback requirements established for principal structures. No structure with permanent footings or foundations shall be located within any public easement area.
- B. The yard area abutting public right-of-way shall be considered the front yard. Corner lots shall have front yards abutting both public rights-of-way.
- C. On corner lots, both yard areas opposite the public rights-of-way shall be considered side yards.
- D. In any instance where a lot abuts parallel public rights-of-way, the front yard shall be the area abutting the public right-of-way where access is gained. The opposite yard area shall be considered the rear yard.
- E. The following are exceptions to structure setback requirements:
 - 1. Roof overhangs, cornices, eaves, awnings, and similar structural or architectural components, provided the encroachment is three (3) feet or less.
 - 2. Door steps, landings, unenclosed porches, and similar features, provided the encroachment is five (5) feet or less and any porch or landing is no greater than forty (40) square feet in area.
 - 3. Cantilevered windows, greenhouses, or other enclosures, provided the encroachment is three (3) feet or less.
 - 4. Uncovered and unenclosed ground level decks or patios, provided the encroachment is no more than one-half (1/2) the principal structure side yard and rear yard setback and no more than one-third (1/3) the principal structure front yard setback.
 - 5. Rear yard, uncovered and unenclosed decks, supported by post footings and unenclosed around the post footings or below the deck, provided the encroachment is ten (10) feet or less. On corner lots with two (2) front yards and two (2) side yards, a similar encroachment is allowed on the rear of the principal structure or attached to the wall opposite from the side of the principal structure where driveway access is gained.

3.19 Site Plan Review

A site plan review and approval by the Planning Commission is required for all building permit applications. Applications for site plan review shall include the following minimum submittal requirements:

- A. Legal description and ownership of the property.
- B. A narrative description of the proposed property uses.

- C. Scaled drawings of the property including property dimensions, the locations of all existing easements, the locations and setbacks of all existing buildings, and the locations and setbacks of all other structures and uses, such as driveways, parking areas, private sewage systems, and private wells.
- D. Scaled drawings of the proposed uses, easements, and buildings including all dimensions and property setbacks.
- E. Legal descriptions of proposed easements.
- F. Scaled drawings of building elevations and descriptions of exterior building materials.
- G. Scaled locations and descriptions of any proposed fencing, screening, landscaping, or site lighting.
- H. A site grading plan, including erosion and sedimentation control plans.
- I. Scaled delineations of any wetlands or floodplain areas.
- J. Identification of any wetland or floodplain encroachments and detailed mitigation plans.
- K. The Township may request additional information necessary to process the building permit application. The Township may also waive information not deemed necessary to process the building permit application.
- L. The applicant shall furnish the Township with ten (10) sets of plans for review and referral.

3.20 Public Nuisance

No noise, odors, vibrations, 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 or be inconsistent with standards established by the Minnesota Pollution Control Agency. All personal and business activities shall be conducted in a manner that is not dangerous, threatening or a nuisance to public health, safety, and welfare. Normal farm practices shall not be considered a public nuisance, except as provided in subsection A. below.

A. The following are declared to be nuisances affecting public health:

1. The effluence from any cesspool, septic tank, drain field, sewage disposal system, or animal waste containment facility, 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.
3. Property or buildings kept or activities conducted in a manner that poses a fire hazard.
4. Buildings for farm animals or animal feedlots shall not be located closer than 100 feet from any property containing a residential dwelling.
5. Carcasses of animals not buried or destroyed, or otherwise disposed of within 24 hours after death.

B. 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. The outdoor keeping of non-farm animals which make habitual or excessive barking, howling, crying, whining, baying, or other detectable sounds which disturb the peace and quiet of adjacent or nearby properties. Habitual or excessive animal noises are those which occur repeatedly for a period of five minutes or more with a time lapse of 30 seconds or less of no sounds or are those intermittent sounds lasting for a period of 30 minutes or more.
 4. Any distinctly and loudly audible noise, except noise generated from normal farm practices, that unreasonably annoys, disturbs, or endangers the comfort, peace, or welfare of any person, or precludes their enjoyment of property.
- C. The following are declared to be miscellaneous nuisances:
1. It shall be unlawful for any person to store or keep any vehicle of a type requiring a license to operate on a public highway, but without a current license, whether such vehicle be dismantled or not, outside of an enclosed building in residential districts.
 2. It shall be unlawful to create or maintain a junkyard, vehicle dismantling yard, or scrap yard, except as specifically provided in this Ordinance.
 3. It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.
 4. Vacant lots shall be kept clean of debris and shall not be used for unauthorized storage or kept in an unsightly condition.

SECTION 4 DEFINITIONS

Words and terms, as they occur in this Ordinance, shall be defined in accordance with the definitions in this section. Other words and terms used in this Ordinance, but not defined in this section shall have a common dictionary or customary meaning.

Agriculture - crop production, fruit and vegetable growing, animal husbandry and livestock operations, dairy production, forestry and nurseries, horticulture, bee raising, and similar farming activities.

Agriculture, accessory use - Customary uses associated with farm-owner agriculture including grain cleaning, milling, processing, and storage.

Agricultural service establishments - Land uses primarily engaged in performing agricultural services on a fee or contract basis, independent from farm-owner agricultural operations, including agricultural produce brokering, cleaning, milling, processing, storage, and shipping; and farm equipment service and repair.

Animal Unit - A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this rule, the following equivalents shall apply:

<u>Animal</u>	<u>No. of Animal Units</u>
<u>Dairy</u>	
one calf (less than 500 lbs.)	0.2
one young-stock (500-1000 lbs.)	0.7
one heifer	1.0
one cow	1.4
<u>Beef</u>	
one calf (less than 500 lbs.)	0.2
one cow/calf unit	1.2
one cow, slaughter steer or heifer	1.0
<u>Swine</u>	
one swine (less than 55 lbs.)	0.05
one swine (55 lbs. 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.

Assembly, production, and packaging – The creation of new products through combining and assembling finished or semi-finished materials and the packaging of products for sale and distribution.

Basement - A portion of a building located partly underground with more than half of its floor to ceiling height below the average grade of the adjoining ground.

Berm - A shelf or raised flat area that breaks the continuity of the slope of the land.

Board of Supervisors - the elected governing body of Randolph Township.

Building - A structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or personal property.

Building height - The vertical distance measured from the mean curb level along the front lot line or from the mean ground level for all of the portion of the structure having frontage on a public right-of-way, whichever is higher, to the:

highest point of the coping of a flat or shed roof, or
to the deck line of a mansard roof, or
to the average height of the highest gable of a pitched or hip roof.

Building permit – A permit to allow construction and inspection of a building or structure.

Cluster development - The grouping of single family dwellings within a specified area while maintaining the same overall allowable density in the same area.

Comprehensive Plan - The document entitled *Dakota County Rural Collaborative Comprehensive Plan* and *Randolph Township Comprehensive Plan Addendum*, as may be amended from time to time.

Conditional use permit - A permit to allow a conditional use in a particular zoning district as approved by the Town Board.

Contiguous - To border upon or share all or a portion of a common property line, public right-of-way, alley or railroad.

Convenience store - A retail establishment, typically associated with gasoline sales, providing a limited variety of retail sales, including but not limited to groceries, beverages, automotive and household products, prepackaged meals, limited food preparation, and similar goods offered to motorists and neighborhood patrons.

County - Dakota County, Minnesota.

County Comprehensive Plan - The document entitled *The DC2030 Dakota County Comprehensive Plan*, as may be amended from time to time.

Day care facility, state licensed - A day care facility licensed by the State serving twelve (12) or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.

Distribution facility - A facility designed for the receipt, storage, and distribution of materials and products.

Dwelling - A building or portion thereof designed or used exclusively for residential occupancy.

Dwelling single family detached residential - A detached dwelling unit designed for occupancy by one (1) family.

Dwelling unit - A dwelling unit which one (1) family occupies with sanitary, culinary and sleeping facilities separate from those of other living units and intended for the exclusive use of a single family.

Educational uses - A public or private elementary, middle, secondary, post-secondary or vocational school having a course of instruction meeting the compulsory education requirements of the State of Minnesota.

Essential services – Includes private and public underground or overhead gas, electrical distribution, water, cable television, telephone, transportation facilities and sewage disposal systems, including poles, wires, pipes, conduits, cables, and associated accessory equipment, that are required for the protection of the public health, safety, and general welfare, and serve the immediate area through installation within the public right-of-way or easements. This definition does not include electrical transmission lines with a nominal voltage greater than 36 kilovolts and commercial telecommunication facilities.

Exterior storage - The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a structure.

Family - An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five (5) persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

Feedlot - A lot or building intended for the confined feeding, breeding, raising or holding of livestock and specifically designed as a confinement area in which manure may accumulate.

Feedlot, commercial animal - A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of more than fifty (50) animal units 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.

Fireplaces, outdoor wood burning - A permanent or temporary structure located outside of a residential home that includes an area surrounded by non-combustible and non-smoke or odor-producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only and which area is depressed below ground, on the ground or on a raised bed. This definition shall not include barrels used for outside burning or outdoor wood-fired stoves or boilers.

Forestry and nurseries – Areas for the growth, propagation, study and maintenance of trees, shrubs, vines, perennials, biennials, grafts, cuttings, and buds whether cultivated or wild.

Freight terminal – A distribution facility designed to move large quantities of non-agricultural materials and goods via multi-modal systems such as truck and railroad freight receipt and delivery.

Greenhouses - Structures for the commercial indoor growing of plants and vegetables.

Historic site – Areas of historic, geological, or archeological interest which has been placed on the National Register of Historic Places or designated by resolution of the Township, County or State as a place of special interest.

Home occupation - An activity conducted solely by occupants of a dwelling, which is clearly secondary to the principal residential use on the property, and does not change the nature of the principal use. It shall have no exterior evidence of the occupation, no significant increase in traffic or demand for parking, no significant increase in levels of noise, air, water quality or other impacts.

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

Junk yard - Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including but not limited to scrap metals or scrap materials or the abandonment or dismantling of machinery, motor vehicles, or other vehicles, or parts thereof. It does include uses established entirely within enclosed buildings. It does not include sanitary landfills that are licensed by Dakota County and meet all the requirements of the Dakota County Solid Waste Ordinance.

Kenel – An area or facility, authorized by Interim Use Permit, where more than four (4) dogs over the age of six (6) months are kept.

Land disturbing activity – All activities that removes or buries vegetative covers, exposes soil areas and/or results in a change in surface topography including: construction activity, excavation, fill, grading, stockpiling soil, the construction of any structure, and/or any other activity that may cause or contribute to erosion or the movement of sediment.

Livestock - Farm animals including but not limited to cattle, horses, swine, sheep, goats, poultry, and fur bearing animals.

Lot - A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means that is adequate for occupancy by a use permitted in this Ordinance, abutting a public street, and of sufficient size to provide the required setbacks and area required by this Ordinance.

Lot, corner - A lot abutting upon two (2) intersecting streets. The greater frontage of a corner lot shall be the lot depth and the lesser frontage is the lot width.

Lot, depth - The mean horizontal distance between the front lot line and rear lot line.

Lot, double frontage - A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.

Lot, through - A lot which contains two (2) lot lines opposite each other that abut two (2) substantially parallel streets, and which is not a corner lot.

Lot, width - The shortest distance between the side lot lines measured at the midpoint of the building line.

Lot line - A property boundary line of any lot, except any portion of the lot that extends into the abutting street or alley.

Lot line, front - A lot line abutting a public right of way and in case of a corner lot, it shall be both lot lines abutting a public right of way.

Lot line, rear - The lot line opposite and most distant from the front lot line.

Lot line, side - Any lot line other than a front or rear lot line.

Lot size - The total area within the lot lines of a lot excluding dedicated public rights of way.

Lot of record - A parcel of land whose legal description was established in the Dakota County property records by plat, subdivision, or as otherwise permitted by law prior to November 9, 1982 and which contains identical lot lines as were present on November 9, 1982.

Manufacturing - The blending of materials or transformation of materials and substances into new products, including the assembly of components manufactured.

Manufactured home - A structure, transportable in one or more sections, that is built on a permanent chassis and is designed for single family residential use with or without a permanent foundation when attached to the required utilities. The term does not include a recreational vehicle.

Mining operation - The removal of stone, sand and gravel, granite, or other material from the land for commercial, industrial, or governmental purposes.

Minnesota Rules Chapters 7080-7083 – The statewide standards for the design, construction, and maintenance for individual sewer systems established by the Minnesota Pollution Control Agency (MPCA).

MPCA - Minnesota Pollution Control Agency.

Quarter/quarter section - An approximately forty (40) acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter section in the United States Government System of rectangular land survey.

Park, neighborhood - A public or private park situated in a residential neighborhood intended to serve the public recreation needs of the neighborhood.

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

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

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

Photovoltaic (PV) system - A complete set of components for converting sunlight into electricity by the photovoltaic process, including the array and balance of system components.

Recreation, commercial outdoor - A privately owned business offering outdoor recreational facilities, services, or equipment for a fee, such as private golf courses, etc.

Recreation, public - Includes all uses such as tennis courts, ball fields, picnic areas, and other similar recreational uses provided for the public at parks, playgrounds, and other sites owned and operated by a governmental unit.

Recycling facility - A facility designed to receive, store, sort, reclaim, package, and transfer recyclable materials for reuse and re-manufacturing.

Religious institutions - Churches, synagogues, temples, mosques, and similar places of worship.

Right of way - Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a street, trail, railroad, utility lines, oil or gas pipeline, or other similar uses.

Roadway, collector - Roads that provide connections between cities and minor business concentrations within the County, as designated in the Randolph Township Comprehensive Plan and the Dakota County Transportation Plan, as may be amended.

Roadway, local - Township roads that serve the shortest trips and providing access to adjacent property, as designated in the Randolph Township Comprehensive Plan and the Dakota County Transportation Plan, as may be amended.

Roadway, minor arterial - Roadways that serve medium to short trips as designated in the Randolph Township Comprehensive Plan and the Dakota County Transportation Plan, as may be amended.

Self storage facility (mini storage) - An enclosed, secured structure containing separate units or compartments of varying sizes for indoor storage of personal belongings through rental arrangements.

Setback - The minimum horizontal distance between a structure, improvement, or use and a property line, right of way, ordinary high water level, roadway or other specified feature.

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

Sign, flashing - A sign where light is not maintained as stationary or constant in intensity and color at all times when the sign is in use and exhibits changing light or color effect more than once in a twenty four (24) hour period by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

Sign, freestanding - A sign that is self-supporting and affixed to a supporting frame structure or anchored in the ground and not attached to a building.

Sign, off-premises - A commercial speech sign that directs the attention of the public to any type of business, activity or product that is not located on the same premises where such sign is located.

Sign, on-premises - A commercial speech sign that directs the attention of the public to any type of business, activity or product that is located on the same premises where such sign is located.

Sign, wall - A single faced sign attached to or erected against an exterior wall of a building with the face in a parallel plane to the plane of the building wall and which does not project more than eighteen (18) inches.

Site or building plan - A development plan for property shows the existing and proposed conditions of the property, including topography, wetlands, open spaces, means of ingress/egress, parking, grading, drainage, utilities, structures, building elevations and other information which may reasonably be required by the Township.

Solar energy - Electromagnetic energy transmitted from the sun (solar radiation).

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

Solar electric system, Retail - A 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.

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

Solar panel - See Photovoltaic (PV) module.

Speech, commercial - Speech advertising a business, profession, commodity, service or entertainment.

Speech, non-commercial - Dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

State - State of Minnesota.

State licensed residential facility or housing with services establishment - Any facility required to be licensed by the Minnesota Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons with a twenty-four (24) hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home. Residential facilities include, but are not limited to, state institutions under the control of the Commissioner of Human Services, foster homes, residential treatment centers, maternity shelters, group homes, residential programs, supportive living residences for functionally impaired adults or schools for handicapped children.

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.

Structure, accessory - A building or other structure subordinate to the principal structure or use of the property and located on the same lot as the principal building or use including but not limited to garages, sheds, storage buildings and other similar structures.

Structure, agricultural - Non-residential structures specifically designed and utilized for agricultural purposes. Such structures shall include, but not be limited to pole barns, grain storage structures, storage structures for agricultural equipment, animal shelters, and irrigation systems.

Substandard Lot - A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Recorder upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, length of water frontage, structure setbacks or other dimensional standards of this Ordinance.

Subsurface sewage treatment systems (SSTS) – A subsurface sewage treatment system that employs sewage tanks or other treatment devices with final discharge into the soil below the natural soil elevation or elevated final grade that are designed to receive a sewage design flow of five thousand (5,000) gallons per day or less. SSTS includes the holding tanks and privies that serve these same facilities.

Tank farm – A principal use of property involving three or more above ground storage tanks for the bulk storage of liquids, gases, and dry materials.

Telecommunication facilities - Licensed wireless services used for commercial purposes including cellular, personal communication telecommunication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and similar services.

Telecommunication tower - A free-standing, self-supporting lattice, guyed, or monopole structure constructed from grade intended to support antennas, except towers used for amateur radio operations

Township – Randolph Township, a Minnesota municipal corporation organized under the laws of the State of Minnesota.

Use, accessory - A subordinate use or structure which is secondary and associated with the principal use and is located on the same lot as the principal building or use. Except in the AP Agricultural Preservation District, an accessory use is not permitted without a principal use.

Use, accessory residential - Customary uses subordinate to a residential dwelling, including accessory structures, swimming pools, gazebos, screen houses, playhouses, dog houses, fixed outdoor barbeques, recreational fire pits, and similar customary accessory residential uses.

Use, conditional - A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all standards of this Ordinance for the location or operation of such use. The Township may impose additional conditions in specific instances to protect the public health, safety or welfare.

Use, interim - An interim use is a temporary use of property until a certain date established by the Town Board or until the use is no longer permitted by this Ordinance.

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

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

Use, principal or structure - The purpose or activity for which the land, structure or building thereon is designed, arranged or intended or for which it is occupied or maintained.

Uses, agricultural - The production of livestock, dairy animals, dairy products, poultry or

poultry products, fur-bearing animals, horticultural or nursery stock, fruit, vegetables, forage, grains, timber, trees, bees and honey, excluding commercial feedlots.

Uses, commercial - Any use of land and incidental structures used for the display and sale of goods and services including eating and drinking establishments.

Uses, industrial - All manufacturing, compounding, processing, packaging, treatment or assembly of products and materials, and the storage of equipment and materials.

Uses, institutional – Uses that are under public or semi-public ownership and provide a benefit or service to the public, including but not limited to educational facilities, religious organizations, cemeteries, municipal buildings and facilities and non-profit organization meeting places.

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 property, or that strict conformity with the provisions of this Ordinance would not allow the property to be used in a reasonable manner.

Waste management facility - An area or facility designed to store, treat, transfer, or dispose of solid or hazardous waste, excluding recycling facilities.

Water level, ordinary high - The boundary of public waters at an elevation delineating the highest water level as defined by the Minnesota Department of Natural Resources which has been maintained for a sufficient period of time to leave evidence upon the landscape; commonly that point where the vegetation changes from predominantly aquatic to predominately terrestrial. For tributary rivers, the ordinary high water level (OHWL) is the elevation of the top of the bank of the channel as approved by the Township.

Wetland Conservation Act - An Act adopted by the State of Minnesota, as amended from time to time, classifying, governing and defining wetlands within the State of Minnesota.

Windmills or wind turbines (wind energy conversion systems) - An apparatus capable of converting wind energy into electricity.

Yard - A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky, except as permitted in this Ordinance. A yard shall extend along a lot line and at right angles to the lot line to a depth or width specified in the yard regulation for the zoning district in which the lot is located.

Yard, front - The area located between the full width of the front lot line and the front setback line for the zoning district in which the lot is located.

Yard, rear - The area located between the full width of the rear lot line and the rear setback line for the zoning district in which the lot is located.

Yard, side - The area extending along the side lot line between the front and rear yards, having a width as specified for the zoning district in which the lot is located.

Zoning Administrator - the Randolph Township Clerk or authorized representative.

Zoning, amendment - A change authorized by the Town Board either in the allowed use within a zoning district or in the boundaries of the district.

Zoning, district - An area or areas within Randolph Township for which the regulations and requirements governing use, lot and size of building and premises are uniform.

Zoning, map official - The map or maps incorporated into this Ordinance as a part thereof designating the zoning districts.

SECTION 5 ZONING DISTRICTS/USE REGULATIONS

5.01 Establishment of Zoning Districts

For the purposes of this Ordinance, Randolph Township is hereby divided into the following zoning districts:

- AP Agricultural Preservation District
- RR Rural Residential District
- SR Shoreland Residential District
- HC Highway Commercial District
- LI Light Industrial District
- FO Floodplain Overlay District
- SO Shoreland Overlay District

5.02 Zoning Map

The locations and boundaries of the districts established by this Ordinance are set forth on the Randolph Township Zoning Map, which is made part of this Ordinance.

5.03 Interpretation of the Zoning Map

Where due to the scale, lack of detail or illegibility of the Zoning Map attached hereto, there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of the map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Board of Adjustments and Appeals. The Board of Adjustments and Appeals, in interpreting the Zoning Map or deciding any appeal, shall apply the following standards:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the Zoning Map.
- B. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map or rezoning description, shall be determined by the use of the map scale shown thereon.
- D. Overlay district boundaries follow water bodies and watercourses in a parallel fashion or may be established according to a base elevation.
- E. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of the property and the history of Zoning Ordinances and amendments in the Township as well as other relevant facts.

5.04 Uses Not Allowed

Uses which are not specifically identified within the Randolph Township zoning districts as permitted uses, accessory uses, conditional uses, or interim uses shall be prohibited.

5.05 AP Agricultural Preservation District

A. Purpose

In addition to the general purposes stated in Section 2, the purpose of the AP district is to allow agriculture as the primary use of the land.

B. Permitted Uses

1. Agriculture and accessory agricultural uses.
2. Stands for the sale of agricultural products raised on the premises.
3. Single family residential dwellings at a density not exceeding one (1) home per quarter/quarter section.
4. Accessory residential uses and structures.
5. Home occupations.
6. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
7. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
8. Township governmental facilities and structures.
9. Essential services.

C. Conditional Uses

1. County and state administrative and highway service facilities and structures.
2. Public recreation.
3. Religious and educational institutions.
4. Historic sites.

D. Interim Uses

1. Golf courses.
2. Mineral extraction, subject to the requirements of Section 6.15 of this Ordinance.
3. Communication towers, subject to the requirements of Section 6.17 of this Ordinance.
4. Wind energy conversion systems, subject to the requirements of Section 6.18 of this Ordinance.
5. Dog kennels, subject to the requirements of Section 6.13K. of this Ordinance.
6. Temporary residential dwellings for farm employees.
7. Wholesale solar electric systems.
8. Retail solar electric systems.

E. Special Requirements

Authorized uses shall be developed consistent with the Performance Standards in Section 6 of this Ordinance.

5.06 RR Rural Residential District

A. Purpose

In addition to the general purposes stated in Section 2, it is intended that the RR District provide limited opportunities for non-farm rural residential single family dwelling opportunities in

transitional areas between agricultural areas and existing shoreland residential development areas.

B. Permitted Uses

1. Agriculture, excluding livestock operations.
2. Horses, poultry, sheep, goats, and rabbits, not exceeding one (1) animal unit per two (2) acres.
3. Stands for the sale of agricultural products raised on the premises.
4. Accessory agricultural uses compatible with the limited agricultural use of the property.
5. Single family residential dwellings at a density not exceeding eight (8) homes per quarter/quarter section.
6. Accessory residential uses and structures.
7. Home occupations.
8. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
9. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
10. Neighborhood park.
11. Essential services.
12. Retail solar electric systems.

C. Conditional Uses

1. Public recreation.
2. Religious institutions, subject to the Performance Standards in Section 6 of this Ordinance.
3. Historic sites.

D. Interim Uses

(Reserved for future use).

E. Special Requirements

Animal structures shall be located behind the principal dwelling and shall not be located closer than 75 feet from the side or rear property line.

5.07 SR Shoreland Residential District

A. Purpose

In addition to the general purposes stated in Section 2, it is intended that the SR District provide higher density residential dwelling opportunities in areas of historical development adjacent to lakes and high amenity water resource areas. SR District properties located within the Shoreland Overlay District are subject to the jurisdiction of Dakota County Ordinance No. 50 Shoreland and Floodplain Management Ordinance.

B. Permitted Uses

1. Single family residential dwellings.

2. Residential accessory uses and structures.
3. Home occupations.
4. A state licensed residential facility or a housing with services establishment registered to serve six (6) or fewer persons, except those as provided for under Minnesota Statute 462.357, subdivision 7.
5. A state licensed day care facility serving twelve (12) or fewer persons or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children.
6. Neighborhood park.
7. Essential services.
8. Retail solar electric systems.

C. Conditional Uses

1. Public recreation.
2. Historic sites.

D. Interim Uses

(Reserved for future use)

5.08 HC Highway Commercial District

A. Purpose

In addition to the general purposes stated in Section 2, it is intended that the HC District provide limited opportunities for highway-oriented convenience commercial retail and service opportunities in the Township.

B. Permitted Uses

1. Essential services.

C. Conditional Uses

1. Historic sites.
2. Gasoline service stations and convenience store.
3. Commercial service businesses.
4. Contractor and trade businesses.

D. Interim Uses

1. Telecommunication towers.
2. Wind energy conversion systems.
3. Retail solar electric systems.
4. Wholesale solar electric systems

E. Special Requirements

Authorized uses shall be developed consistent with the Performance Standards in Section 6 of this Ordinance.

5.09 LI Light Industrial District

A. Purpose

In addition to the general purposes stated in Section 2, it is intended that the LI District provide limited opportunities for light industrial development opportunities in the Township.

B. Permitted Uses

1. Essential Services.

C. Conditional Uses

1. Agricultural service establishments.
2. Warehouses and distribution facilities.
3. Assembly, production, processing, and packaging, except waste management facilities.
4. Freight terminals.
5. Manufacturing.
6. Buildings accessory to principal use.
7. Self-service storage facilities.
8. Accessory outside storage of non-hazardous materials.
9. Adult uses, subject to the requirements of Section 6.19 of this Ordinance.

D. Interim Uses

1. Telecommunication towers.
2. Wind energy conversion systems.
3. Temporary outdoor storage of construction vehicles, materials, and equipment, assembly of materials for off-site construction, and construction employee offices and staging for off-site construction activities.
4. Retail solar electric systems.
5. Wholesale solar electric systems

E. Special Requirements

Authorized uses shall be developed consistent with the Performance Standards in Section 6 of this Ordinance.

5.10 FO Floodplain Overlay District

Areas within Randolph Township that are subject to flooding potential and that are generally depicted on the Zoning Map as a floodplain overlay area are subject to the jurisdiction of Dakota County Ordinance No. 50 Shoreland and Floodplain Management Ordinance. All land disturbances and development activities within floodplain areas identified by Dakota County Ordinance No. 50 must be coordinated through Dakota County. The zoning district requirements within the underlying zoning within the FO District shall govern land uses, except as modified and regulated by Dakota County Ordinance No. 50.

5.11 SO Shoreland Overlay District

Areas within Randolph Township that are located within 1000 feet of lakes and 300 feet of waterways and that are generally depicted on the Zoning Map as a shoreland overlay area are subject to the jurisdiction of Dakota County Ordinance No. 50 Shoreland and Floodplain Management Ordinance. All land disturbances and development activities within shoreland areas identified by Dakota County Ordinance No. 50 must be coordinated through Dakota County. The zoning district requirements within the underlying zoning within the SO District shall govern land uses, except as modified and regulated by Dakota County Ordinance No. 50.

5.12 Dimensional Standards

Minimum lot area, lot width, lot depth, setbacks, maximum density, height, and lot coverage are listed for all zoning districts below. Front yards exist on both sides of corner lots that abut public rights of way. Special requirements for accessory structures are included in Section 3.12. Exceptions to height restrictions is included in Section 3.17. Business and institutional development standards are located in Section 6.16.

<u>District</u>	<u>Lot Area</u>	<u>Lot Width</u> ¹	<u>Lot Depth</u>	<u>Maximum Density</u>	<u>Front Yard</u> ²	<u>Side Yard</u> ³	<u>Rear Yard</u> ⁴	<u>Maximum Height</u> ⁵	<u>Lot Coverage</u> ⁶
AP	2.5 Acres	200'	200'	1: ¼-¼ section	80'/130'	10'	50'	35'	25%
RR	2.5 Acres	200'	200'	8: ¼-¼ section	80'/130'	10'	30'	35'	25%
SR	1.5 Acres	200'	200'	NA	80'/130'	10'	30'	35'	25%
HC	5.0 Acres	500'	500'	NA	80'/130' ⁷	20'	30' ⁸	35'	40%
LI	1.0 Acre	100'	200'	NA	80'/130' ⁹	15'	40' ¹⁰	60'	40%

¹ Minimum street frontage width and minimum width at front building setback, except minimum frontage on a cul-de-sac is 60' and minimum width at setback is 150'

² Minimum structure setback from centerline of roadway: 80' - Township roads; 135' - Township cul-de-sacs; 130' - County/State Highways; corner lots or lots with frontage on two intersecting roads have front yards abutting both roads

³ Corner lots or lots with frontage on two intersecting roads shall meet minimum side yard setbacks for both yard areas opposite the front yards (no rear yard setback)

⁴ Accessory buildings may occupy half of the yard area

⁵ Maximum height of agricultural structures and equipment in LI, AP, and RR Districts shall be less than 200 feet; mechanical equipment, chimneys, elevators and similar appurtenances shall not extend more than 15 feet above the maximum allowable district height

⁶ Maximum ratio of impervious surface area to total site area

⁷ Parking and loading areas may occupy one-half of the required yard area

⁸ Parking and loading areas may occupy one-half of the required yard area

⁹ Parking and loading areas may occupy one-half of the required yard area

¹⁰ Parking and loading areas may occupy one-half of the required yard area

SECTION 6 PERFORMANCE STANDARDS

6.01 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 1 acre.
- 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.

6.02 Odors and Emissions

Odors and emissions from any use shall not exceed the regulations set forth by Minnesota Pollution Control Agency rules.

6.03 Dust and Particulates

Dust and particulate matter from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency rules.

6.04 Noise and Vibrations

Noise and vibrations generated from any use shall be in compliance with and regulated by Minnesota Pollution Control Agency rules.

6.05 Glare and Illumination

Glare or illumination from any source of lighting from any use shall be aimed or deflected away from adjoining property and public rights of way, except street lighting and traffic signals.

6.06 Solid and Hazardous Waste

All waste generated from any use shall be managed in compliance with and regulated by Minnesota Pollution Control Agency rules, Dakota County Ordinance No. 110, and Dakota County Ordinance No. 111. Waste generated on any premises shall be kept in containers designed for waste collection and stored in a structure or within an enclosed or screened area. The accumulation, storage, processing or disposal of waste, compost, or recyclable materials on

any premises, which is not generated on that premises, is prohibited, except as specifically provided in this Ordinance.

6.07 Bulk Storage

The storage of all bulk liquids, fuels, chemicals, and gases shall be in compliance with and regulated by Minnesota Pollution Control Agency rules, Minnesota State Fire Marshal rules and the Minnesota State Building code. The storage of bulk liquids, fuels, chemicals, and gases shall be prohibited in residential zoning districts except for home heating fuels and gases. The storage of bulk liquids, fuels, chemicals, and gases in other zoning districts shall require a Conditional Use Permit, Interim Use Permit or site plan review.

6.8 Outside Storage

All products, materials and equipment, except as specifically provided in this Ordinance, shall be stored within permitted structures, except for the following:

- A. Agricultural products, vehicles, equipment, and appurtenances owned by the owner of the property within the AP District and used in connection with farming operations.
- B. Licensed, operable vehicles, in residential zoning districts, owned by the occupants of the property and not exceeding one vehicle per licensed occupant.
- C. Clothes lines, antennae, air conditioners, outdoor grills, play equipment, ornaments, monuments, and similar customary uses.
- D. Temporary storage of materials and equipment during construction and landscaping.
- E. Storage of products, materials and equipment, excluding rubbish or junk, which is necessary to an approved business operation in a commercial or industrial district, and which is appropriately screened from adjoining properties and rights-of-way. The site plan review process is required to determine the appropriateness for storage permitted in this section, surfacing required for the storage area, and the screening required.
- F. Outside display of vehicles, equipment, and merchandise for direct sale to consumers when such outside display is customary and necessary to the trade and is an allowable use within the zoning district. The site plan review process is required to determine the appropriateness of the storage or display proposed, surfacing required for the display area, and any additional landscaping or screening which may be required.

6.09 Stormwater Management

Land disturbances, controlling erosion and sedimentation, and managing stormwater shall be in accordance with the North Cannon River Watershed Management Organization Model Stormwater Ordinance, “An Ordinance Establishing Erosion Control and Stormwater Management Requirements for Land Disturbances,” adopted by the Township.

6.10 Wetland Protection and Management

Wetlands shall be protected and managed in accordance with the Wetlands Conservation Act of 1991, as amended.

6.11 Right to Farm

The Township has found that protecting and preserving land for agriculture is in the best interests of the community and protects the public health, safety and welfare by implementing

community goals and policies. Agriculture often includes such activities as the intense use of farm equipment and machinery; plowing during dry and windy conditions; the raising of livestock and fowl; the use of irrigators over extended periods of time; and the use of soil amendments, including manure, herbicides and pesticides. These activities may be considered nuisances or inconveniences in more urban settings; however, these activities are common in an agricultural community and vital to the sustenance of an agricultural economy. For the purposes of this Ordinance, farm activities or agricultural activities shall not be considered a public nuisance, provided that such activities do not violate any State statute or rule or any other laws or ordinances.

6.12 Feedlot Management

Animal feedlots shall be registered and managed in accordance with Minnesota Rule Chapter 7020 and the requirements of Dakota County. The following table identifies the minimum separation of feedlots from existing residences on adjacent properties and the minimum separation of future residences on adjacent properties from existing feedlots.

Animal Units	Minimum Residential Separation
51-150	500 Feet
151-750	1,000 feet
751 or more	¼ mile

6.13 Animal Control

A. Definitions. For the purposes of this Section the following terms shall have the following meaning:

1. *Animal*: Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry), or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as domestic, farm, and non-domestic.
2. *Animal, Domestic*: Any animal of a species commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.
3. *Animal, Farm*: Any animal of a species commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, llamas, ostriches, emus, burros, donkeys, and other animals associated with a farm, ranch, or stable.
4. *Animal, Non-Domestic*: Any animal of a species commonly considered to be naturally wild and not naturally trained or domesticated, or of a species commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - a. Any member of the large cat family (family felidae), including lions, tigers, cougars, bobcats, leopards, and jaguars.

- b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - d. Any member or relative of the rodent family including any skunk (whether or not descended), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles, and alligators.
 - f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this definition, including but not limited to bears, deer, monkeys, and game fish.
5. *Animal Control Officer*: The person or party authorized by the Township to enforce this Ordinance.
 6. *At Large Animal*: The condition of an animal when it is off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, or chain, or otherwise restrained or confined.
 7. *Call Fee*. A \$50 fee (or as may be modified by other ordinance) per call to investigate a complaint or nuisance defined in this Ordinance.
 8. *Daily Fee*. A \$15 per day fee (or as may be modified by other ordinance) for impounding, feeding, and caring for an animal.
 9. *Dog*: Any member of the canine species, either male or female, commonly accepted as a domesticated household pet, and other domesticated animals of a dog kind.
 10. *Impound Fee*. A \$70 fee (or as may be modified by other ordinance) for the transportation of an animal to the impound facility, registration of the animal, owner contact efforts, and other administrative requirements.
 11. *Owner, Animal*: Any person or persons, firm, association, or corporation owning, keeping, or harboring an animal.
 12. *Township*: Randolph Township, Dakota County, Minnesota.
- B. Running at Large Prohibited. It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, or the parents or the guardians of any such person under 18 years of age, to run at large. Dogs on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the Township has posted an area with signs reading “Dogs Prohibited” or similar statement.
- C. Vaccination. All dogs kept harbored, maintained, or transported within the Township shall be vaccinated at least once every three years by a licensed veterinarian for Rabies (with a live

modified vaccine) and Distemper. A certificate of vaccination must be kept, on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description, and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the Township Clerk or animal control officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the Township Clerk or animal control officer. Failure to do so shall be deemed a violation of this Section.

- D. Farm Animals. Except as provided in Section 5.06 of this Ordinance, farm animals shall only be permitted in the AP Agricultural Preservation Zoning District.
- E. Sale of Non-domestic Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale any non-domestic animal within the Township limits. Any owner of such an animal at the time of adoption of this Ordinance shall have thirty days in which to remove the animal from the Township after which time the Township may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the Township as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.
- F. Running at Large. Any animal running at large may be hereby declared a public nuisance. The animal control officer or any law enforcement officer may impound any dog or other animal found running at large and shall give notice of the impounding to the owner of such dog or other animal, if known. In case the owner is unknown, the animal control officer shall post notice at the Town Hall that if the dog or other animal is not claimed within the time specified in subsection (H), it will be sold, removed, or otherwise disposed of. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any domestic animal, including dogs running at large.
- G. Biting Animals. Any animal that has not been inoculated by a valid rabies vaccine or bears no evidence of such vaccination, and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the impound facility for a period of not less than seven days, at the expense of the owner. The animal may be released at the end of such time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner's property, subject to reclaiming the animal as specified in subsection (H).
- H. Reclaiming Animals from the Pound. All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, for at least seven days, unless sooner reclaimed by the owners or keepers as provided by this Section, and a determination is made the animal is free from any disease or harmful condition. In the event the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this Ordinance:
 - 1. Payment of a \$50 call fee and \$70 impound fee; and
 - 2. Payment of a \$15 daily fee for animal care costs at the impound facility; and
 - 3. Valid certification of vaccination for rabies and distemper shots; and

4. Payment for any veterinarian fees and costs for inspecting or treating biting, dangerous, or diseased animals as defined in this Ordinance.
- I. Unclaimed Animals. At the expiration of the time established in subsection (H), if the animal has not been reclaimed in accordance with the provisions of this Section, the animal control officer may let any person claim the animal by complying with all provisions in this Section, release the animal to an animal shelter, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains.
 - J. Kennels. The keeping or boarding of more than four dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel;” except that a fresh litter of pups born of the dog(s) allowed on the premises may be kept for a period of six months before such keeping shall be deemed to be a kennel. Kennels are only permitted in the AP Agricultural Preservation District. No person may operate a kennel without first obtaining an Interim Use Permit from the Township. Minimum standards for the operation of a kennel shall include the following:
 1. All dogs kept in a Dog Kennel require up-to-date rabies vaccinations.
 2. The minimum acreage for a Dog Kennel is ten (10) acres.
 3. No more than thirty (30) dogs shall be allowed in a Dog Kennel.
 4. All dogs in a Dog Kennel allowed out of doors must be contained on the permittee’s property by a security fence.
 5. Dog houses, cages, runs, or other out of doors containment areas shall be fenced and kept a minimum of seventy-five (75) feet from all property lines, but shall not be allowed in the front yard of the property.
 6. The keeping of five (5) or more dogs shall require adequate screening from any adjacent residence within one hundred fifty (150) feet of out of doors dog containment areas. Adequate screening shall mean a privacy fence or landscaping sufficient to prevent views from neighboring residences to out of doors dog containment areas.
 7. Dogs shall have access to clean water at all times.
 8. Dogs shall be fed nutritious foods on a daily basis.
 9. Food and water supplies and containers shall be kept in sanitary conditions.
 10. Dog food shall be kept in locations and containers sufficient to prevent vermin infestation.
 11. All dogs, including those under the age of six (6) months, shall be kept in safe conditions and treated in a manner promoting the dogs’ health and comfort.
 12. Dog excrement shall be removed from indoor and out of doors containment areas on a daily basis. Excrement shall be disposed of in a manner consistent with solid waste disposal or by other manner approved by the Township.
 13. Dogs shall be kept and provided for in a manner consistent with the Minnesota Department of Agriculture’s “Best management Practices for Care of Dogs and Cats by Dealers, Commercial Breeders, and Brokers,” pursuant to 1994 Minnesota Laws, Chapter 642, Section 8, as may be amended from time to time.
 14. All other applicable requirements and provisions for animal control, as described in this Ordinance, shall be met.
 15. Dogs shall not be allowed to habitually bark and cause a public nuisance, as described in Section 3.17 and Section 6.13 of this Ordinance.

16. Permittees shall allow Township personnel and its agents access to the kennel facilities at any time, upon reasonable notice, to inspect the facilities.

- K. Habitual Barking. It shall be unlawful for any person to keep or harbor a dog or other animal, except farm animals in the AP Agricultural Preservation Zoning District, that habitually barks, howls, whines or makes other discernible animal noises. Habitual barking, howling, whining, or other discernible animal noises shall be defined as barking, howling whining, or other discernible animal noises for a period of five minutes or more with a time lapse of 30 seconds or less of no sounds or are those intermittent sounds lasting for a period of 30 minutes or more. Such animal noises must also be audible off of the owner's or caretaker's premises.
- L. Damage to Property. It shall be unlawful for any person's dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.
- M. Cleaning up Litter. The owner of any animal, or the person having the custody or control of any animal, shall be responsible for cleaning up any feces of the animal whether on their own property, on the property of others, or on public property, and disposing of such feces in a sanitary manner.
- N. Complaints and Remedies. Complaints for animal nuisances must be registered with the Township Clerk during normal business hours or may be reported directly to the animal control officer. Any person who is found guilty of violations of this section shall be punished by a fine of seventy-five dollars (\$75.00) and any animals kept contrary to this Section may be impounded as provided in this Section.
- O. Seizure of Animals. The animal control officer or law enforcement officer may enter upon private property and seize any animal provided that the following exist:
 - 1. There is an identified complainant other than the animal control officer or law enforcement officer making a contemporaneous complaint about the animal;
 - 2. The animal control officer or law enforcement officer reasonably believes that the animal meets either the barking dog criteria set out in this Section; or the criteria for an at large animal set out in the definition in this section;
 - 3. The animal control officer or law enforcement officer can demonstrate that there has been at least one previous complaint of a barking dog, inhumane treatment of the animal, or that the animal was at large at this address on a prior date;
 - 4. The animal control officer or law enforcement officer has made a reasonable attempt to contact the owner of the property and those attempts have either failed or have been ignored;
 - 5. The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, innkeeper, or other authorized person to have such key shall not be considered unauthorized entry; and
 - 6. Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.
- P. Animals Presenting a Danger to Public Health and Safety. If, in the reasonable belief of the animal control officer or law enforcement officer, an animal presents an immediate danger to the health and safety of any person, or an animal is threatening imminent harm to any person, or an animal is in the process of attacking any person, the animal control officer or law

enforcement officer may destroy the animal in a proper and humane manner. Otherwise the animal control officer or law enforcement officer may apprehend the animal and deliver it to the impound facility for confinement under Section 5. If the animal is destroyed, all costs of disposal including veterinarian cost must be paid by the owner of the animal. If the animal is found not to be a danger to the health and safety of the Township, it may be released to the owner or keeper in accordance with subsection (H).

- Q. Diseased Animals Running at Large. No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the Township, any animal which is diseased so as to be a danger to the health and safety of the Township, even though the animal be properly licensed under this Section.
- R. Confinement of Diseased Animals. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the impound facility by the animal control officer or law enforcement officer. The animal control officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the Township, the officer shall cause such animal to be destroyed in a proper and humane manner and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for the costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.
- S. Release. The animal shall be released to the owner or keeper, if determined free of disease and public health threat, in accordance with subsection (H).
- T. Interference with Officers. No person shall in any manner molest, hinder, or interfere with the animal control officer or any law enforcement officer to capture dogs or other animals and convey them to the impound facility while engaged in such operation. Nor shall any unauthorized person break open the impound facility, or attempt to do so, or take or attempt to take from animal control officer or any law enforcement officer any animal taken up by him or her in compliance with this Ordinance, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Ordinance.

6.14 Woodland Preservation

In residential areas, structures shall be located in such a manner that the maximum number of trees shall be preserved. If large numbers of trees are cut in residential areas, trees shall be replanted in a density and manner satisfactory to the Town Board. Clearcutting of woodlands for non-agricultural purposes is prohibited, unless the action involves a utility or roadway, required by the public, and includes a reforestation plan required by the Town Board.

6.15 Mineral Extraction

- A. Purpose. In addition to the purposes stated in Section II this Ordinance, it is the purpose of this section to establish regulations for mineral extraction which accomplish the following objectives:
 - 1. Protect and preserve the agricultural economy and social characteristics of the agricultural community.
 - 2. Protect agricultural land from premature conversions to non-farm uses.
 - 3. Prevent the permanent conversion of productive farmland to non-farm uses.

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

D. Mineral Extraction Permit Application. An application for a mineral extraction permit shall be submitted to the Township on a form supplied by the Township. Information shall include but not be limited to the following:

1. Name, address, phone number, contact person for the operator.
2. Name, address, phone number of the landowner.
3. Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners.
4. Acreage and complete legal description of the property on which the mineral extraction permit will apply.
5. Estimated type and quantity of material to be extracted.
6. Estimated time frame to operate the facility.
7. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility.
8. A description of the estimated average daily and peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles.
9. A description of the haul routes within the Township to be used in the operation of the facility.
10. A description of the soil, vegetation, mineral content and topography of the subject property.
11. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property.
12. A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property.
13. Existing topography of the subject property, illustrated by contours not exceeding ten-foot intervals.
14. Proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot intervals.
15. Copies of MPCA application documents and operating permits.
16. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, groundwater contamination, traffic and aesthetics.
17. A description of the plan to mitigate potential impacts resulting from mineral extraction.
18. A description of the method in which complaints about any aspect of the facility operation or off-site transportation are to be received and the method in which complaints are to be resolved.

E. Mineral Extraction Permit Process

1. Mineral extraction shall be reviewed, considered and processed as an interim use.
2. Applicants must obtain an Interim Use Permit application for mineral extraction from the Township Clerk.
3. Applicants are encouraged to appear before the Planning Commission and Town Board for conceptual presentations of the proposed mineral extraction activity.

4. A copy of the application and required supporting information shall be forwarded to the Township or its designee. Within ten (10) business days of receipt of the information a determination of the completeness of the application and supporting documentation will be made. If the application is incomplete, the Township will identify the information which must be submitted before formal review may commence.
 5. Upon a determination of completeness, the application will be forwarded to the Planning Commission for formal review. The Township clerk or Planning Commission shall set a public hearing for consideration of the Interim Use Permit, according to the procedures identified in Section 7.06.
 6. The Planning Commission shall hold the public hearing for the Interim Use Permit; make findings on the consistency of the application with the terms and conditions of this Ordinance; and make recommendations to the Town Board on the issuance of a permit.
 7. If the application can not be acted upon by the Town Board within sixty (60) days of receipt of the completed application, the Township clerk, or designee, shall notify the applicant in writing that the permit can not be processed within that time frame because of the frequency of Township meetings and that action on the permit will be completed within one hundred twenty (120) days of receipt of the completed application.
 8. The Town Board shall act on the permit after receiving a recommendation from the Planning Commission and within the timeframe specified above; however, the Town Board shall act on the permit regardless of a recommendation, if the Planning Commission has not made a recommendation within (90) days of receipt of the completed application.
 9. The permit review timeline may be extended by written authorization from the applicant.
 10. The Town Board shall make findings on the permit application and shall either approve the permit application, approve the permit application with modification or deny the permit application.
 11. The term of the Interim Use Permit shall be for a maximum operational period of three (3) years and a maximum one (1) year period to complete site rehabilitation. The Town Board may, at its sole discretion, consider a one time extension of the operational term. The maximum term of the extension shall be three (3) years. Factors to be considered in any extension shall include, but not be limited to, the size of the permit area, the amount of material already extracted, the effect on site rehabilitation and agricultural end use, the effect on physical features of the site and potential impacts on neighboring properties.
 12. An application for mineral extraction on the same site or abutting property for which an Interim Use Permit has been issued shall not be accepted or processed for a period of two (2) years from the date of expiration of that permit.
 13. Reapplication for an Interim Use Permit which has been denied by the Town Board shall not be accepted or processed for a period of one (1) year from the date of denial.
- F. Performance Standards. Mineral Extraction facilities shall operate and conform with the following performance standards and requirements:
1. **Maximum Extraction Area.** The maximum extraction area to be included in the facility permit shall be five (5) acres. The Town Board may consider expanding the permit area,

if it is found that existing site conditions and the rehabilitation plan warrant a larger extraction area to fulfill the intent and comply with the conditions of this Ordinance.

2. **Maximum Density of Extraction Facilities.** The maximum density of active permitted facilities or the maximum number of permitted facilities within a geographic area shall be one permitted facility per section (640 acre area) of land in the Township.
3. **Minimum Separation of Extraction Facilities.** The minimum separation between active permitted facilities in the Township shall be a straight line distance of one mile.
4. **Mineral Extraction Permit Term.** The maximum term for mineral extraction, processing of material and the removal of material shall be three (3) calendar years. The Town Board may, at its sole discretion, consider a one time extension of the operational term. The maximum term of the extension shall be three (3) years. Factors to be considered in any extension shall include, but not be limited to, the size of the permit area, the amount of material already extracted, the effect on site rehabilitation and agricultural end use, the effect on physical features of the site and potential impacts on neighboring properties. Site rehabilitation must be completed by August 15 of the following year.
5. **Seasonal Duration.** Mineral extraction operations shall only occur between May 1 and November 15 of the operational permit year. Final site grading and rehabilitation must be completed between May 1 and August 15 of the final permit year. The Town Board may authorize the removal of material stockpiled on the site during the non-operational months (November 16 to April 30), provided all other provisions of this ordinance are met and the Interim Use Permit is amended consistent with the procedures in Section 612.
6. **Hours of Operation.** Mineral extraction facilities shall operate only between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 12:00 p.m. on Saturday.
7. **Access.** Mineral extraction facilities shall have direct property access to a 9-ton or greater design road. The Town Board may require financial guarantees from facility operators to ensure that potential damages to local roads or bridges from facility vehicles will be repaired. The facility operator and Town Board may agree to minimum roadway improvements or maintenance obligations as a condition of the permit.
8. **Haul Routes.** Haul routes for mineral extraction facilities shall be identified by the operator. In general, the haul routes designated shall minimize the use of gravel roads.
9. **Roadway Dust Control.** The permit shall specify the manner in which the operator will control dust on gravel roads used in hauling facility materials. In lieu of other approved remedies, water trucks must be used on gravel roads when the number of facility vehicles exceeds three (3) one-way trips per hour.
10. **Facility Dust Control.** The permit shall specify the manner in which the operator proposes to control potential airborne dust generated within the facility.
11. **Authorized Use.** The Interim Use Permit for the mineral extraction facility shall allow mineral extraction equipment, crushing equipment, screeners, conveyors, loading equipment, site rehabilitation equipment and material hauling vehicles for authorized activities and use of the facility. All other use, equipment or activities shall be

considered accessory uses. Mineral extraction excludes the removal of topsoil from the site, unless specifically authorized in the permit.

12. Accessory Uses. Accessory uses are those uses not included as authorized use of the mineral extraction facility. The Town Board may consider accessory uses as part of the Interim Use Permit or an amended Interim Use Permit, provided the review and consideration for accessory uses is consistent with Section 7.06 of this Ordinance. All other accessory uses are prohibited.
13. Backhauling. No material may be hauled or backhauled from an off-site location to the mineral extraction facility unless specifically authorized in the Interim Use Permit. Examples of authorized backhauling may include importation of clay for roadway mix or topsoil for site rehabilitation.
14. Setbacks. No extraction activity shall be allowed within fifty (50) feet of any adjacent property, roadway easement or utility, unless the Town Board finds that a lesser setback will result in more appropriate site rehabilitation. Facility equipment shall not be located closer than one thousand (1000) feet from a residence, unless a written waiver is received from the owner of the residence for a lesser setback. The Town Board may reduce the setback to five hundred (500) feet if it finds that the natural topography or artificial berming and screening are sufficient to protect the residence from facility impacts. No waiver or setback reductions shall be construed as a waiver of noise standards affecting the facility.
15. Depth to Groundwater. No excavations or extraction shall occur within ten (10) feet of the historical high groundwater elevation on the site.
16. Noise. Maximum noise levels associated with the mineral extraction facility shall be consistent with the daytime noise standards established by the Minnesota Pollution Control Agency.
17. Air Quality/Water Quality. All activities associated with the mineral extraction facility shall be conducted in a manner consistent with Minnesota Pollution Control Agency rules and operating permits.
18. Vibration. Operators must use all practical methods to minimize impacts of equipment vibration on adjacent properties.
19. Explosives. The use of explosives is prohibited, unless specifically authorized in the Interim Use Permit.
20. Weed Control. The facility operator shall be required to control noxious weeds on the site and mow or harvest other vegetation as needed or required by the Township.
21. Fencing. The Town Board may require the facility or portions of the facility to be fenced during operation or during the off-season. The Town Board may also require that fencing or a gate be placed at the facility entrance to prevent unauthorized access.
22. Site Rehabilitation. The rehabilitation plan must include final grade contours, topsoil replacement, seeding and fertilizing, erosion control and sedimentation control details and specifications. The plan must also identify seasonal erosion and sedimentation control measures during facility operation. Final site rehabilitation shall conform to the following minimum requirements:

- (a) Final grades shall not exceed twelve (12) per cent. During final site restoration, grading may occur within the fifty (50) feet extraction setback area, if such allowance enhances overall site grading and the relationship with adjacent properties.
 - (b) All of the topsoil on the site prior to extraction, must be retained on the premises and re-spread on the surface of the final grade. Retained topsoil shall be spread at an even depth over the final graded surface.
 - (c) The exposed topsoil shall be seeded with alfalfa or pasture grasses consistent with specifications recommended by the Dakota County Soil and Water Conservation District, Minnesota Extension Service or National Resources Conservation Service. The Town Board may waive the above seeding requirement if the area is prepared for crop production in the same or following growing season.
 - (d) Soil erosion and sedimentation control practices during and after site rehabilitation shall be consistent with minimum recommendations of the Dakota County Soil and Water Conservation District.
 - (e) All equipment, machinery, vehicles, materials and debris shall be removed from the site prior to final site rehabilitation.
23. Additional Regulations. The Town Board may impose additional regulations and requirements necessary to protect the public health, safety and welfare.
24. General Compliance. The mineral extraction facility shall be operated in compliance with all federal, state and local regulations and laws.
25. Inactivity. In the event less than five thousand (5000) cubic yards of material are removed from the facility in any permit calendar year, the Town Board may declare the facility inactive, terminate the Interim Use Permit and require site rehabilitation.

G. Enforcement.

- 1. The operator grants the Township's officers and representatives access to the facility during normal operation hours to inspect the mineral extraction facility and enforce the provisions of this Ordinance.
- 2. The operator shall be responsible for the repair and maintenance of public and private property in the Township which is acknowledged by the operator to be or proven to be damaged by it, its agents or employees in conducting business or any other activity associated with the mineral extraction facility.
- 3. A development agreement will be required for all mineral extraction permits.
- 4. The operator shall hold the Township harmless against all claims by third parties for damage or costs incurred in the development of the subject property. The operator shall indemnify the Township for all costs, damages, or expenses incurred by the Township arising from such claims, including attorney's fees.

H. Termination. The Township shall have the authority to terminate the mineral extraction permit on the happening of any of the following events:

- 1. The date of termination specified in the interim use permit.

2. Upon a violation of a condition under which the permit was issued, but only after the Township has first provided written notice to the operator (and the landowner, if different from the operator), describing with particularity the specific violation(s) and the steps necessary to cure the violation(s). Excepting threats to public health, safety and welfare or violations with simple remedy, the operator shall have a period not exceeding sixty (60) consecutive days to cure the specific violation(s). If the 60-day remedy period overlaps with or occurs within a period of seasonal shutdown, and the violation(s) are not easily remedied or do not pose a threat to public health, safety and welfare, the 60-day period may be extended to include the seasonal shutdown period. Upon notice of violation(s) which may threaten the public health, safety and welfare or are easily remedied, the operator shall respond promptly and cure the violation(s) in the shortest reasonable timeframe.
 3. Upon a change in the Township's zoning regulations which renders the use non-conforming.
 4. Upon a determination that the facility has been inactive.
- I. Financial Guarantee. The Township shall require a cash escrow or a letter of credit, in a form acceptable to the Township, to guarantee compliance with this Ordinance and the terms and conditions of the development agreement. The Township shall have the right to use the financial guarantee to remove stockpiles and complete site rehabilitation and correct other deficiencies or problems caused by the operator, in the event the operator is in default of the permit obligations. The amount of financial guarantee shall be equal to Four Thousand Dollars (\$4000.00) for every acre authorized in the permit. The financial guarantee shall remain in full force and effect for a minimum period of one and one-half (1 1/2) years beyond the expiration date of the permit.
 - J. Liability Insurance. The operator shall, at all times procure and maintain at the operator's expense general public liability insurance and automobile liability insurance. This insurance shall cover claims for bodily injuries, wrongful death, and property damage occurring as a result of the operator's performance of its duties under this Ordinance. Such insurance shall afford protection to a limit of not less than Five Hundred Thousand Dollars (\$500,000) in respect to injuries or death to a single person, to a limit of not less than One Million Dollars (\$1,000,000) in respect to any one accident or occurrence, and to a limit of not less than Two Hundred Thousand Dollars (\$200,000) in respect to property damage. The Township shall be named an additional insured on all such policies of insurance. The operator shall file with the Township a certificate evidencing coverage before the commencement date of the term of the mineral extraction permit. The certificate shall provide that the Township must be given thirty (30) days written notice of the cancellation of insurance.
 - K. Violations and Penalties. Any person who violates or fails to comply with any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished to the maximum extent authorized by law. Each day the violation continues shall constitute a separate offense.
 - L. Fees.
 1. The applicant shall pay an application fee and the estimated expenses for processing the Interim Use Permit before the application will be considered complete.

2. The applicant shall reimburse the Township for all out of pocket expenses incurred by the Township in the review and processing of the mineral extraction permit, facility inspections and the enforcement of this Ordinance.

6.16 Development Standards for Businesses and Institutions

- A. Transportation, Emissions, Noise, and Public Service Studies. For any new or expanded business or institutional use, the Town Board may require a transportation study, groundwater or surface water study, air quality study, noise study, public service study, or similar study to determine whether any possible impacts from a proposed use will be mitigated to protect the public health, safety, and welfare.
- B. Access Roads. New or expanded businesses and institutions shall be required to use paved roads in the Township, unless specific measures and guarantees for proper maintenance and dust control of gravel roads are approved by the Town Board.
- C. Parking and Loading Standards.
 1. Location: all parking, drives and loading areas shall be located on the lot containing the building that they serve, unless an easement has been granted for access or loading to a public roadway or railway.
 2. Stalls and Aisles. Parking stalls shall be 10 feet by 20 feet and aisles shall be 24 feet in width.
 3. Setbacks. All parking, loading areas and drives shall be setback 10 ft. from road right of way and 5 ft. from adjacent property.
 4. Surface. All parking, loading and driving areas shall be surfaced with asphalt, bituminous or concrete.
 5. Amount: The following amount shall be required in addition to handicapped spaces required by law:
 - a. warehouses, wholesale businesses, and distribution facilities – one space per 1,000 sq. ft. gross building area
 - b. manufacturing and assembly – one space per 350 sq. ft. gross building area
 - c. freight terminals and self service storage facilities – One space for the largest number of employees on site per shift
 - d. office and retail - one space per 250 sq. ft. of gross building area.
 - e. other uses – as determined by the Town Board
 6. Reduction of constructed parking stall. The Township Board may allow reductions in the number of required parking stalls to be constructed if warranted by unique circumstances of the specific use of the building on the lot provided the following:
 - a. The applicant submits a proof of future parking plan demonstrating that the minimum number of required spaces can be provided on the lot in compliance with the applicable setback requirements of this Ordinance,
 - b. The applicant construct the minimum number of parking stalls required for the occupancy load of the building by the State Building Code, as may be amended,
 - c. The Township may require the installation of a portion or all of the required parking stalls whenever the need arises as demonstrated by vehicles parking on public streets for a continuous period of time or outside the parking area on or off the lot.

7. Loading docks. Loading docks or berths for trucks shall be screened by berms, landscaping and/or fencing from the property line of any adjacent public or residential use and any County or State highway. The berms, landscaping and/or fencing shall be of the height and amount necessary to reasonably screen the adjacent uses or roadways.

D. Building Standards.

1. The exterior wall surface of the building shall be constructed of wood siding, brick, decorative concrete block, stone, glass, architectural concrete, cast in place or precast panel; curtain wall panels of finished steel, fiberglass and aluminum or other compatible materials. Unadorned concrete block and pole type metal buildings shall not be allowed as the primary structure on the building.
2. Accessory buildings shall be compatible in building design and material to the primary building on the property.
3. Dumpsters, trash bins, and recycling receptacles shall be located within the building or screened from public view by a fence or wall designed with the same or compatible materials as the primary building.

- E. Outside storage. Outside storage may be allowed as a principal use, as regulated in a Conditional Use Permit, and storage that is accessory to a principal use may be allowed in designated areas to the rear of the primary building, as regulated in a Conditional Use Permit. The Township may require appropriate screening by walls or fences to effectively conceal these areas from dissimilar surrounding land uses and public roads.

F. Landscaping:

1. All open areas of a lot not used and improved for building, parking, loading or driving areas shall be landscaped with lawn, ground cover, trees, shrubs, etc. or left in a natural state. Any areas left natural shall be kept free of litter, debris and noxious or unsightly weeds.
2. Where a lot is adjacent to an existing residence or a residential district property line, a 20 ft. wide landscaped yard shall be provided along the property line adjacent to the residential use. Landscaping shall consist of deciduous trees, coniferous trees, and shrubs spaced between the trees in locations that will form a screen.
3. The minimum planting size of landscaping is as follows:
 - a. deciduous – 2 ½” diameter
 - b. coniferous – 6 ft. high
 - c. shrubs – 2 ft. in height

G. Lot signage:

1. One ground-mounted sign per business is permitted that is no larger than 80 sq. ft., located in the front yard of the lot and setback 20 ft. from the front property line.
2. All other signs shall be limited to building wall signage along public roadway frontages of 80 sq. ft. or 20% of the side of the building on which it is located, whichever is greater.
3. The Town Board may modify the above standards at its own discretion and may allow directional signs in a conditional use permit, with appropriate findings.

6.17 Communication Towers

- A. Interim Use Permit Required. An Interim Use Permit is required for the construction or erection of any communications towers. Co-location uses are exempt from the IUP process, but require Planning Commission and Town Board approval.
- B. Co-location on Existing Structures. New towers or antennae must be co-located on existing structures in the Township, unless it can be documented that it is impractical to co-locate on an existing structure because of technical performance, system coverage or system capacity an existing structure cannot support co-location from a structural engineering standpoint or the lease rate of an existing structure is not “Rate Reasonable”. Rate Reasonable shall mean that the co-location lease rate is not more than one hundred fifty (150) percent of the co-location lease rate for towers within ten miles for which such lease rate information can be obtained. The determination that co-location on an existing structure is not practical because of technical performance, system coverage or system capacity shall be supported by findings from a qualified engineer.
- C. Co-location Requirements for New Structures. New towers shall be designed and constructed to permit the future co-location of other commercial wireless telecommunication services, according to the following criteria:

<u>Height of Structure</u>	<u>Number of Co-location Required</u>
Less than 120’	No co-location required
Between 120’ and 160’	1 additional user accommodated
Between 161’ and 199’	2 additional users accommodated

1. In the event a tower must be constructed in excess of one hundred sixty (160) feet in height, the owner of the tower shall reserve the right of co-location for one (1) of the two (2) additional users to the Township for the use by the Township for government communication services including but not limited to uses such as fire, police or rescue.
 2. In satisfying co-location requirements, the owner of the tower must provide adequate access to the tower site and space within the owned or leased area to accommodate co-location user’s equipment needs. Nothing in these regulations shall prevent the owner of the tower from requiring a remuneration from a co-location user, excepting the co-location use reserved for the Township, and provided such remuneration is Rate Reasonable. The owner of the tower may also establish reasonable technical requirements for co-location to protect the owner’s investment and guarantee effective telecommunication service.
 4. The Township may utilize its reserved right for co-location in any manner consistent with the safe and efficient operation of communications services. The owner of the tower shall have the authority to determine whether the Township’s use of the tower is compatible with commercial wireless telecommunications services users on the tower. The owner of the tower shall have the authority to review all plans for co-location uses and require reasonable modifications for such plans to ensure safe and efficient operation of the communications services and protect the owner’s investment.
- C. Tower and Antenna Design. Towers and antennae shall be located and designed to blend into the surrounding environment to the maximum extent possible. Towers shall be of a

monopole design unless it is determined that an alternative design would be appropriate for the particular site or circumstances. All towers shall be painted in a color best determined by the Township to blend into the particular environment.

- D. Tower Setbacks. All towers shall be setback from structures, rights-of-way and property lines at a distance equal to the height of the towers and antenna. The setbacks may be reduced to a distance agreed upon by the Township, if the tower applicant furnishes a registered engineer's certification that the tower is designed to collapse or fall within a distance or zone shorter than the total tower height. The Township may waive or modify setback requirements for antennae proposed to be co-located on existing towers or structures.
- E. Lighting. Towers shall not be illuminated unless required by a state or federal agency.
- F. Security. The site area for new or modified commercial wireless telecommunications services towers shall be totally fenced in to discourage access by unauthorized persons. The Township shall review and approve or modify all plans for fencing and security measures.
- G. Accessory Structures. The applicant shall submit site plans, elevations and construction details for all towers, antennae and accessory structures to be located on a site. All equipment must be enclosed within a building. The Township may require that any accessory structures be designed compatible with surrounding structures or natural environment and may require that landscaping materials be provided to screen accessory structures or equipment. Co-location users must construct buildings compatible with existing buildings on the premises.
- H. Signs. Signs, other than warning signs, equipment labels, emergency information or owner identification, are prohibited on any towers, antennae or accessory structures or equipment. No permitted signs shall exceed three (3) square feet in area.
- I. Interference. No wireless telecommunications service shall be permitted that causes any interference with commercial or private use and enjoyment of other legally operating telecommunications devices, including but not limited to radios, televisions, personal computers, telephones, personal communications devices, garage door openers, security systems and other electronic equipment and devices. An applicant must furnish Minnesota registered engineer's certification that no such interference will occur or identify what interference may occur and how the applicant will mitigate any potential inference that may occur.
- J. Construction Requirements. All wireless telecommunication towers, antennae and accessory uses shall be designed and constructed in accordance with all provisions of this Ordinance and all applicable state and federal codes. All plans must be certified by an engineer registered in the State of Minnesota.
- K. Abandonment. All towers and antennae not used for a period of twelve (12) consecutive months shall be considered abandoned and shall be removed. In the event any towers and antennae have not been removed within ninety (90) days written notice by the Township after abandonment, the Township shall have the right to remove the towers and antennae and assess the property. The applicant must furnish a copy of the relevant portions of an executed lease, which identifies the applicant's obligation to remove abandoned or unused towers and antennae, prior to issuance of a conditional use permit to erect a tower.

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

6.18 Wind Energy Conversion Systems

Performance standards for Wind Energy Conversion Systems, or “wind generators,” shall include the following:

- A. Wind generators are allowed in the AP District by Interim Use Permit, according to the procedures in Section 7.06 of this Ordinance.
- B. The maximum height of a wind generator, including the tower and highest point of a rotor blade above the ground, shall be less than two hundred (200) feet.
- C. Towers shall be set back from all property lines and road easements or road rights-of-way a distance equal to two (2) times the height of the tower, including the highest point of the rotor blade above the ground.
- D. No wind generator shall be located closer than five hundred (500) feet from an existing residence located on adjacent property.
- E. No wind generator shall be located closer than one thousand (1000) feet of any existing residential zoned property.
- F. The minimum ground clearance of the turbine, rotor blade or airfoil shall be twenty (20) feet.
- G. All wind generators shall have an automatic speed control and braking device.
- H. The Town Board shall determine whether a monopole or lattice tower shall be used to support the wind generator and what color the wind generator shall be.
- I. No lighting shall be permitted on the wind generator, except ground-level maintenance and security lighting. Such lighting shall be shrouded and aimed downward to minimize glare and illumination.
- J. No signage shall be allowed except warning, security, maintenance, and identification information affixed to the security fencing around the base of the wind generator. Such signage shall not exceed ten (10) square feet in area.
- K. Mechanical equipment accessory to the wind generator shall be enclosed within an accessory building, compatible with the wind generator design, or within equipment cabinets designed for such equipment, as determined by the Town Board. The base of the wind generator and all accessory equipment shall be enclosed with security fencing, approved by the Town Board. Screening of accessory buildings and equipment may be required by the Town Board.
- L. Issuance of an Interim Use Permit does not replace or eliminate the requirement for all other necessary permits, including but not limited to grading permits, stormwater permits, building permits, electrical permits, fencing permits, and right-of-way permits.
- M. Towers, turbines, rotor blades, and accessory equipment shall be designed and constructed in accordance with all provisions of this Ordinance and all applicable local, state, and federal laws, rules, regulations, licenses, and permits.
- N. The wind generator and all related equipment shall be maintained in proper working conditions at all times.

- O. No more than one (1) wind generator with an output of 40 kW or more shall be allowed per quarter-quarter section.
- P. The maximum term for a wind generator Interim Use Permit shall not exceed twenty (20) years.
- Q. Abandonment or disuse of the wind generator for a period of twelve consecutive months shall be grounds for termination of the Interim Use Permit.

6.19 Adult Uses

A. Definitions. For the purposes of this Section the following terms shall have the following meanings:

1. *Adult Uses* - Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” (as such terms and phrases are defined below) which are capable of being seen by members of the public:

a. Specified Anatomical Areas:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

b. Specified Sexual Activities:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
- (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breast; or
- (5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or

- (6) Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 - (7) Human excretion, urination, menstruation, vaginal or anal irrigation.
2. *Adult Uses - Accessory* - A use, business, or establishment having 10 percent or less of its stock in trade or floor area allocated to, or 20 percent or less of its gross receipts derived from movie rentals, magazine sales, or sales of other merchandise in which there is an emphasis on “specified sexual activities” or “specified anatomical areas.”
 3. *Adult Uses - Principal* - A use, business, or establishment having more than 10 percent of its stock in trade or floor area allocated to, or more than 20 percent of its gross receipts derived from, any adult use.
 4. *Adult Use - Body Painting Studio* - An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
 5. *Adult Use - Bookstore* - A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age and if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 6. *Adult Use - Cabaret* - A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”
 7. *Adult Use - Companionship Establishment* - A companionship establishment, which excludes minors by reason of age and which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment, and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
 8. *Adult Use - Conversation/Rap Parlor* - A conversation/rap parlor which excludes minors by reason of age and which provides the service of engaging in or listening to conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
 9. *Adult Use - Health/Sport Club* - A health/sport club which excludes minors by reason of age and if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
 10. *Adult Use - Hotel or Motel* - Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”

11. *Adult Use - Massage Parlor, Health Club* - A massage parlor or health club which restricts minors by reason of age and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
12. *Adult Use - Mini-Motion Picture Theater* - A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age and if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
13. *Adult Use - Modeling Studio* - An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
14. *Adult Use - Motion Picture Arcade* - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
15. *Adult Use - Motion Picture Theater* - A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age and if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
16. *Adult Use - Novelty Business* - A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
17. *Adult Use - Sauna* - A sauna which excludes minors by reason of age and which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
18. *Adult Use - Steam Room/Bathhouse Facility* - A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age and if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
19. *Church* - A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and associated accessory uses.

20. *School* - A public school as defined in Minnesota Statute, Section 120A.05, as amended or a nonpublic school or a nonsectarian nonpublic school as defined in Minnesota Statute, Section 123B.41, as amended.

21. *Youth Facility* - A public playground, park, public swimming pool, public library or licensed day care facility.

- B. Purpose. The Town Board finds it necessary to provide for the regulation of businesses or commercial enterprises which operate as massage parlors, saunas, rap parlors, conversation parlors, adult sensitivity groups, adult encounter groups, escort services, dancing services, hostess services, and similar adult uses operating under different names in order to protect the public health, safety, and welfare, and to guard against the inception and transmission of disease. The Town Board further finds that commercial enterprises such as the type described above, and all other similar establishments whose services include sessions offered to adults, conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operating in a manner contravening, subverting, or endangering the morals of the community by being sites of acts of prostitution, illicit sex, and occurrences of violent crimes, thus requiring close inspection, licensing and regulation.

The Town Board finds that control and regulation of commercial enterprises of these types, in view of the abuses often perpetrated, require intensive police and public health efforts by the Township and local governmental units contracting with the Township to provide such services. As a consequent, the concentrated use of such services in such control detracts from and reduces the level of services available to the rest of the community and thereby diminishes the ability of the Township to promote the general health, welfare, morals, and safety of the community. The Town Board finds that the regulations of this Ordinance will protect property values, eliminate or reduce blight, prevent deterioration of neighborhoods, prevent the exodus of residents and businesses from Township neighborhoods, and prevent the increase of crime and juvenile delinquency.

C. Adult Uses.

1. Purpose. The nature of adult uses is such that they are recognized as having adverse secondary characteristics, particularly when they are accessible to minors and located near residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the nature of adult uses requires that they not be allowed within certain zoning districts, or within minimum distances from each other or residential uses. Special regulation of adult uses is necessary to ensure that the adverse secondary effects do not contribute to the blighting or downgrading of the surrounding property and lessening of its value.
2. General. Adult uses as defined in this Section shall be subject to the following general provisions:
 - a. Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
 - b. Adult uses, either principal or accessory, shall be prohibited from locating in any place which is also used to dispense or consume alcoholic beverages.

- c. An adult use which does not qualify as an accessory use pursuant to subsection C of this Ordinance, shall be classified as an adult use - principal.

D. Adult Uses - Principal.

1. Adult use-principal shall be located at least 1,000 feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located, from the property line of:
 - a. A licensed day care center;
 - b. A public or private educational facility classified as a preschool, or an elementary, junior high or senior high school;
 - c. A public library;
 - d. A public park;
 - e. Another adult use - principal;
 - f. An on-sale liquor establishment;
 - g. Any church, or church related facility or organization; or
 - a. Any residential property.
2. Adult use-principal activities will be allowed only by Conditional Use Permit in the Industrial land use category as specified in the Comprehensive Plan and the Light Industrial District as specified in this Ordinance.
3. Adult use-principal activities, as defined by this Ordinance, shall be classified as one use. No two adult uses-principal shall be located in the same building or upon the same property and each use shall be subject to this Section.
4. Adult use-principal shall adhere to the following signing regulations.
 - a. Sign messages shall be generic, not graphic in nature and shall only identify the type of business which is being conducted.
 - b. Sign messages shall not contain material classified as advertising.
 - c. Signs shall comply with the requirements of size and number for the district in which they are located.
5. Adult use-principal shall be limited to 10 a.m. to 10 p.m. for its hours of operation. A differing time schedule may be approved by the Town Board if it can be satisfactorily demonstrated by the operator to the Township that extended operational hours:
 - a. Will not adversely impact or affect uses or activities within 1,000 feet.
 - b. Will not result in increased policing and related service calls.
 - a. Are critical to the operation of the business.

E. Adult Uses - Accessory.

1. Adult use-accessory shall:

- a. Comprise no more than 10 percent of the floor area of the establishment in which it is located.
 - b. Comprise no more than 20 percent of the gross receipts of the entire business operation.
 - c. Not involve or include any activity except the sale or rental of merchandise.
2. Adult use-accessory shall be located at least 1,000 feet, as measured in a straight line from the closest point of the property line of the building upon which the adult use-principal is located, from the property line of:
- a. A licensed day care center;
 - b. A public or private educational facility classified as a preschool, or an elementary, junior high or senior high school;
 - c. A public library;
 - d. A public park;
 - e. Another adult use - principal;
 - f. An on-sale liquor establishment;
 - g. Any church, or church related facility or organization; or
 - h. Any residential property.
3. Adult use-accessory shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:
- a. Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation of the business.
 - b. Magazines. Publications classified or qualifying as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - c. Other Use. Adult Uses-Accessory not specifically cited shall comply with the intent of this Section, subject to the approval of the Town Board.
4. Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

6.20 Solar Electric Systems

- A. Solar electric systems require an interim use permit in AP, HC, and LI zoning districts.
- B. Wholesale solar electric systems shall be limited to the AP Agricultural Preservation District, LI District and HC District.
- C. Retail solar electric systems in residential zoning districts shall be limited to roof top systems. Roof top solar electric systems shall be mounted parallel to the plane of the roof, shall not extend more than one foot above the plane of the roof, shall not be located any closer than three feet from any side, top or bottom edge of the roof, and shall not occupy more 75 per cent of the area of the roof plane it is affixed to.

- D. Retail solar electric systems located in agricultural, commercial or industrial zoning districts may include roof top systems and ground-mounted systems. Roof top systems shall not project more than four feet above the plane of the roof nor be located closer than six feet from the outer edge of the rooftop. Ground-mounted systems shall not exceed ten feet in height, shall not be located in any required yard area, and shall not exceed 10% lot coverage or 10,000 square feet, whichever is less. Square footage is calculated by the area encumbered by the outermost measurements of the solar equipment layout.
- E. Wholesale solar electric systems shall be set back a minimum 125 feet from the centerlines of roadways, a minimum of 75 feet from all property lines, and a minimum of 500 feet from any adjacent property residential dwelling. The maximum height of wholesale solar electric system equipment (PV Panel) shall not exceed 10 feet while other structures and accessory appurtenances shall not exceed 15 feet. A minimum six feet high security fence shall enclose wholesale solar electric systems.
- F. Wholesale solar electric systems shall not be lighted, except for shrouded, downcast security lights on major equipment or storage buildings. Signage shall be limited to equipment labeling, security warnings and messages, entrance identification and directional signs, and a single site identification sign. No individual sign shall exceed thirty-six square feet in area or extend more than 15 feet in height and shall not be illuminated.
- G. No solar energy equipment or solar electric systems shall create or cause unreasonable glare on other property or public roadways. Unreasonable glare shall mean a public safety hazard as determined by the Board of Supervisors or the appropriate roadway authority.
- H. No solar electric system shall create or constitute a public nuisance, as regulated in this Ordinance.
- I. Electric power lines within all ground mounted solar electric systems shall be buried underground.
- J. All solar energy systems shall be consistent with applicable State Building Codes, State Electrical Codes, and State Plumbing Codes.
- K. All applicable solar energy equipment shall be certified by the Underwriters Laboratories (UL), Canadian Electrical Code (CSA 22.1), or the Solar Rating and Certification Corporation (SRCC).
- L. The system owner or the property owner shall remove all solar electric systems unused, abandoned or inoperable for more than twelve months.
- M. In addition to the Site Plan Review requirements of Section 3.19, solar electric system applications shall include the following details:
 - 1. Grading plan.
 - 2. Location of access roads.
 - 3. Locations of overhead and underground electric lines.
 - 4. Dimensions, location and spacing of PV panels.
 - 5. Description of the racking method, including fixed or tracking technology.
 - 6. Description and location of buildings, inverters, transformers, disconnects & combiners, and other structures and equipment.
 - 7. Typical elevations or photos of sample solar arrays.
 - 8. Site lighting and signage.
 - 9. Decommissioning plan and site restoration plan, including financial assurances.
- N. Fencing, landscaping, and other screening may be required for any ground mounted or solar electric system. Deviations from dimensional standards (including setbacks) may be

considered through public hearing procedures for permitting, based upon mitigation of off-site impacts through fencing, landscaping, screening, or other mitigation measures.

- O. All ground mounted solar electric systems shall prepare a stormwater management plan consistent with the North Cannon River Watershed Management Organization Model Stormwater Ordinance, “An Ordinance Establishing Erosion Control and Stormwater Management Requirements for Land Disturbances.” Any site grading shall be accompanied by an erosion and sedimentation control plan consistent with Best Management Practices for control components.
- P. All permit applications for ground mounted solar electric systems shall include a description of the vegetation or material under the solar system components and the method of ground care and vegetative maintenance.

SECTION 7 ADMINISTRATION AND ENFORCEMENT

7.01 Administration and Enforcement

- A. Administration. The Township Clerk or designee, as directed by the Town Board, shall act as the Zoning Administrator and shall be responsible for the administration and enforcement of this Ordinance.
- B. Zoning Administrator. The duties of the Zoning Administrator shall include, but not be limited to the following:
1. Inspect uses of land within the Township as available to determine compliance with the terms and provisions of this Ordinance.
 2. Respond to complaints about compliance or enforcement of this Ordinance.
 3. Maintain current and permanent records of this Ordinance, including but not limited to all maps, amendments, conditional use and interim use permits, variances, building permits, certificates of occupancy and applications for all zoning requests.
 4. Receive, file, and forward all applications for all amendments, appeals, variances, conditional or interim uses, building permits or other related matters to all designated official bodies.
 5. Receive for deposit in the Township account all required fees for zoning applications and building permits.
 6. Instruct the Building Official to administer building and occupancy permits, and make and maintain records thereof.
 7. Consult the Planning Commission at any time to confirm any interpretation of this Ordinance when in question.
- C. Planning Commission. The Board of Supervisors shall appoint members of a Planning Commission according to its own policies and procedures. The Planning Commission members shall serve at the pleasure of the Board and shall serve annual terms. Planning Commission members shall annually elect a chair to conduct all meetings of the Commission and shall elect a secretary to record the proceedings of the Commission. The duties of the Planning Commission shall include, but not be limited to the following:
1. Oversight or preparation and upkeep of the Comprehensive Plan.
 2. Oversight or preparation and upkeep of official controls, including, but not limited to, zoning and subdivision regulations.
 3. Site plan and building permit review and recommendation.
 4. Conditional and interim use permit review and recommendation.
 5. Review and recommendation on appeals and variances.
 6. Subdivision review and recommendation.
 7. Other duties as requested by the Town Board.

7.02 Appeals

Any person aggrieved by any procedure or decision of the Zoning Administrator may appeal the procedure or decision to the Board of Appeals and Adjustments. The Planning Commission shall

act as the Board of Appeals and Adjustments. 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 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.

7.03 Variances

- A. 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 Randolph Township Comprehensive Plan . “Practical difficulties” means:
 - 1. The property in question cannot be used in a reasonable manner under certain requirements of this Ordinance, and
 - 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner, and
 - 3. The variance, if granted, would not alter the essential character of the locality, and
 - 4. 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 paragraph (A) of 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.

- B. 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:

1. The fee required.
 2. Evidence of ownership or an interest in the property.
 3. 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.
 4. Other information as may be required by the Township.
- C. Procedure. The procedure to hear a petition for a variance shall include the following:
1. The Township Clerk receives a variance application and appropriate fees.
 2. 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.
 3. 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.
 4. The Board of Appeals and Adjustments shall hear the variance petition of the applicant and comments from any interested parties.
 5. The Board of Appeals and Adjustments shall make findings and a recommendation on the variance.
 6. The Board of Supervisors shall review the recommendation of the Board of Appeals and Adjustments, make findings, and make a decision on the variance.
- D. 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:
1. The applicant proposes to use the property in a reasonable manner.
 2. The plight of the applicant is due to circumstances unique to the property not created by the applicant.
 3. Granting the variance would be in harmony with the general purposes of this Ordinance.
 4. Granting the variance would be consistent with the Randolph Township Comprehensive Plan.
 5. Granting the variance would not alter the essential character of the locality.
 6. The decision to grant the variance is not based upon economic considerations alone.
 7. Granting the variance will not result in a use that is otherwise not allowed in the zoning district.
- E. A certified copy of the variance shall be recorded with the Dakota County Office of Property Taxation and Records.
- F. 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.

7.04 Amendments to Zoning Ordinance

- A. An amendment to this Ordinance may be initiated by the Planning Commission, the Town Board, or by application of a property owner or representative of the property owner. Such amendment shall be consistent with the intent and purpose of this Ordinance and the Comprehensive Plan
- B. Applications. All petitions for amendments which are initiated by the owner of property to be rezoned shall be filed with the Township Clerk.
 - 1. The fee required.
 - 2. Evidence of ownership or an interest in the property.
 - 3. A written description of the proposed amendment.
 - 4. Other information as may be required by the Township.
- C. The procedure to amend this Ordinance shall include the following:
 - 1. The Township Clerk receives an ordinance amendment application and required fees.
 - 2. 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.
 - 3. Mail notice of the amendment affecting any property rezoning 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.
 - 4. The Planning Commission shall hear the amendment request of the applicant and comments from any interested parties.
 - 5. The Planning Commission shall make findings and a recommendation on the amendment to the Board of Supervisors.
 - 6. The Board of Supervisors shall review the recommendations of the Planning Commission, make findings, and make a decision on the amendment.

7.05 Conditional Use Permits

- A. Conditional uses are intended to allow uses that may be appropriate in certain zoning districts, provided specific conditions are placed upon the use to guarantee compatibility with other uses and to guarantee compliance with specific performance standards. The Town Board may require studies for potential transportation, air and water emissions, noise, public service, and other impacts as a part of any application for a conditional use permit. It shall be unlawful to use any structure or land for any purpose requiring a conditional use permit in the zoning district in which the property is located without first obtaining a conditional use permit from the Township. Conditional use permits shall only be considered for uses identified as conditional uses within a particular zoning district.
- B. An application for a conditional use permit shall be filed with the Township Clerk and shall include the following:
 - 1. The fee required.

2. Evidence of ownership or an interest in the property.
 3. 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.
 4. Sufficient information to determine that the relevant requirements in Section 6 Performance Standards will be met.
 5. Other information as may be required by the Township.
- C. The procedure to consider a conditional use permit shall include the following:
1. The Township Clerk receives a conditional use permit application and required fees.
 2. Upon determination of a complete application, 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.
 3. Mail notice of the proposed conditional 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.
 4. The Planning Commission shall hear the conditional use permit request of the applicant and comments from any interested parties.
 5. The Planning Commission shall make findings and a recommendation on the conditional use permit to the Board of Supervisors.
 6. The Board of Supervisors shall review the recommendations of the Planning Commission, make findings, and make a decision on the conditional use.
- D. In the recommendations by the Planning Commission and action by the Board of Supervisors the following minimum findings shall be made regarding the conditional use:
1. The proposed use will not negatively impact the public health, safety and welfare.
 2. The proposed use is consistent with the Comprehensive Plan and this Ordinance.
 3. The proposed use can be adequately served by private utilities and essential services, including fire and police protection.
 4. The proposed use will be harmonious with surrounding uses.
 5. The proposed use can be adequately served by the existing transportation system.
 6. The proposed use will meet all performance standards of this Ordinance.
 7. The potential for any impacts on adjacent properties or the environment can be mitigated by conditions of the permit.
 8. Activities within the proposed use will not create a public nuisance.
- E. 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.

- F. A conditional use that has been approved must be placed into effect within of twelve (12) months of approval or it shall become null and void, unless the Township extends the approval at its own discretion for a valid reason. No re-application for a conditional use that has been denied shall be accepted for a period of twelve (12) months after denial.
- G. A certified copy of the conditional use permit shall be recorded with the Dakota County Office of Property Taxation and Records. The Board of Supervisors may revoke a permit upon violation of any condition of the permit, any state or federal law, county regulation or any Township ordinance. The conditional use permit shall remain in effect for so long as the conditions agreed upon by the applicant are observed, and shall expire if normal operation of the use has been discontinued for twelve (12) or more months.

7.06 Interim Use Permits

- A. 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.
- B. An application for a interim use permit shall be filed with the Township Clerk and shall include the following:
 - 1. The fee required.
 - 2. Evidence of ownership or an interest in the property.
 - 3. 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.
 - 4. Other information as may be required by the Township.
- C. The procedure to consider a interim use permit shall include the following:
 - 1. The Township Clerk receives a interim use permit application and required fees.
 - 2. 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.
 - 3. 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.
 - 4. The Planning Commission shall hear the interim use permit request of the applicant and comments from any interested parties.
 - 5. The Planning Commission shall make findings and a recommendation on the interim use

permit to the Board of Supervisors.

6. The Board of Supervisors shall review the recommendations of the Planning Commission, make findings, and make a decision on the interim use permit.
- D. 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:
1. The proposed use will not negatively impact the public health, safety and welfare.
 2. The proposed use is consistent with the Comprehensive Plan and this Ordinance.
 3. The proposed use can be adequately served by private utilities and essential services, including fire and police protection.
 4. The proposed use will be harmonious with surrounding uses.
 5. The proposed use can be adequately served by the existing transportation system.
 6. The proposed use will meet all performance standards of this Ordinance.
 7. The potential for any impacts on adjacent properties or the environment can be fully mitigated by conditions of the permit.
 8. Activities within proposed use will not create a public nuisance.
- E. 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.
- F. 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.
- G. An interim use permit shall not be assigned to another party, unless approved in writing by the Board of Supervisors.
- H. 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.

7.07 Applications and Fees

Applications for all permits and actions required in this Ordinance may be obtained by contacting the Township Clerk. The fees required for all permits and actions are established by separate Township ordinance.

7.08 Responsibility

The issuance of a permit and compliance with the conditions thereof or other provisions of this Ordinance shall not relieve any person from any other responsibility imposed by other law; nor relieve any person from any other responsibility for any damages caused to person or property; nor shall the issuance of any permit serve to impose any liability on the Township of Randolph or its officers or employees for injury or damage to persons or property. A permit issued pursuant to this Ordinance does not relieve the permittee of the responsibility for securing and complying with any other permit which may be required by any other law, ordinance, or regulation.

7.09 Enforcement and Penalties

- A. Administrative Remedy. Whenever any activity is being done contrary to the provisions of this Ordinance, the work shall be stopped when written notice is served on any persons engaged in the doing or causing such work to be done or when such notice is posted at the site of the activity. The Zoning Administrator or Building Official may, in writing, suspend a permit for violation of any provisions of this Ordinance.
- B. Civil Remedy. In the event of a violation of this Ordinance, the Township may institute appropriate actions or proceedings to include injunctive relief to prevent, restrain, correct or abate such violations or threatened violations, and the Township Attorney may institute such action.
- C. Criminal Remedy. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any of the provisions of this Ordinance or who shall make any false statement in any document required to be submitted under the provisions of this Ordinance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense.

7.10 Separability

The various sections, subsections, paragraphs, sentences, phrases, and words in this Ordinance are declared separable. If any word, phrase, sentence, paragraph, subsection, or section of this Ordinance is found by a court of competent jurisdiction to be invalid, such a finding or ruling shall not affect the remaining portions of this Ordinance.

7.11 Repeal

Ordinance No. 2000 Randolph Township Zoning Ordinance and all amendments thereto are hereby repealed.

7.12 Effective Date

This Ordinance was adopted by the Randolph Township Board of Supervisors on November 22, 2011 and shall be effective upon publication according to law.

ATTEST:

Don Marthaler, Chair

Geri Baumgartner, Clerk

Published in the Cannon Falls Beacon December 15, 2011.

Incorporated into Ordinance No. 2011 and reprinted in October 2015:

Ordinance No. 2011-A, adopted September 18, 2012 and published September 27, 2012;

Ordinance No. 2011-B, adopted December 18, 2012 and published December 27, 2012;

Ordinance No. 2011-C, adopted March 17, 2015 and published April 2, 2015;

Ordinance No. 2011-D, adopted August 18, 2015 and published September 24, 2015;

Ordinance No. 2011-E, adopted June 16, 2015 and published October 1, 2015.