

ORDINANCE NO. 20

THE ZONING ORDINANCE OF THE TOWNSHIP OF EUREKA, MINNESOTA, RELATING TO AND REGULATING THE LOCATION, SIZE, USE AND HEIGHTS OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION AND FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY AND GENERAL WELFARE IN SAID EUREKA TOWNSHIP, AND FOR SAID PURPOSE, TO DIVIDE THE TOWNSHIP INTO DISTRICTS, AND MAKE DIFFERENT REGULATIONS FOR DIFFERENT DISTRICTS AND REPEALING ORDINANCES INCONSISTENT THEREWITH.

The Board of Supervisors of the Township of Eureka ordains as follows:

Section 1. TITLE

1.1 This Ordinance shall be known, cited and referred to as the Eureka Township Zoning Ordinance.

Section 2. LEGISLATIVE INTENT AND STATEMENT OF PURPOSE

2.1 It is the intent of this ordinance to indentify and classify all lands within the boundaries of Eureka Township, Minnesota according to their most logical and appropriate long-term use, as established in the Eureka Township Comprehensive Plan.

2.2 It is the purpose of this Ordinance to:

- a. Protect the public health, safety, morals, comfort, convenience, and general welfare.
- b. Protect and preserve lands identified for long-term agricultural use.
- c. Promote well managed and staged development of residential, commercial, industrial, recreational, and public areas.
- d. Conserve and manage the use of natural resources.

- e. provide for the compatability of different land uses and the most appropriate use of land throughout the Township.

Section 3. RULES

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

- a. The singular number includes the plural and the plural the singular.
- b. The present tense includes the past and future tenses, and the future the present.
- c. The word "shall" is mandatory, and the word "may" is permissive.
- d. The masculine gender includes the feminine and neuter genders.
- e. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. If no set definition is given in the Ordinance, the Board of Appeals shall interpret and define any word or section of the Ordinance.
- f. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- g. In event of conflicting provisions, the more restrictive provisions shall apply.

Section 4. DEFINITIONS

- 4.1 Accessory Use
or
Structure: A use or structure or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto.
- 4.2 Agricultural Use: An area which is used for the production of farm crops as well as for the raising thereon of farm poultry and domestic and non-domestic farm livestock such as horses, cattle, sheep, and swine.

- 4.3 Apartment: A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family, or a group of individuals living together as a single family unit. This includes any units in buildings with more than two dwelling units.
- 4.4 Alley: A public or private right-of-way which affords a secondary means of access to abutting property.
- 4.5 Basement: A portion of a building in which half or more of its floor-to-ceiling height is below the average grade of the adjoining ground.
- 4.6 Boarding-house: A building other than a motel, hotel or apartment where, for compensation and by prearrangement for definite periods, meals or lodgings are provided for at least three but not more than 20 persons unrelated to the owner or lawful possessor by blood or marriage. The term shall include the terms "rooming house" or lodging house."
- 4.7 Building: Any structure having a roof which may provide shelter or enclosure of persons, animals, chattel, or property of any kind and when said structures are divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.
- 4.8 Building Height: The vertical distance to be measured from the grade of a building line to the top to the cornice or a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the upper most point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.
- 4.9 Building Line: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

- 4.10 Carport: An automobile shelter having one or more sides open.
- 4.11 Commercial Agriculture: The use of land for the growing and/or protection of field crops, livestock, and livestock products, including but not limited to the following:
- a. field crops; including but not limited to: barley, soybeans, corn hay, oats, potatoes, rye, sorghum, sun flowers, carrots and radishes.
 - b. livestock, including but not limited to: dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds and other animals including dogs, ponies, deer, rabbits and mink.
 - c. livestock products; including but not limited to: milk, butter, cheese, eggs, meat and furs.

The above activities are not to be considered commercial agriculture unless: (1) at least 10 contiguous acres are devoted to such use; and (2) the use of the land for the above purposes is for the production of income and not as a hobby.

- 4.12 Community Water & Sewer Systems: Utilities systems serving a group of buildings, lots, or any area of the Township which are constructed and operated by the Township or other governmental unit having jurisdiction thereof.
- 4.13 Comprehensive Plan: "Comprehensive Plan" is a compilation of goals, policy statements, standards, programs and maps for guiding the physical, social and economic development, both public and private, of the municipality and its environs, as defined in the Minnesota Municipal Planning Act, and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

- 4.14 Comprehensive Sewer Plan: The plan and program of a local governmental unit for the collection, treatment and disposal of sewage which has been approved by the Metropolitan Waste Control Commission and the Metropolitan Council and adopted by the local governmental unit.
- 4.15 Conditional Use: A use which may be appropriate or desirable in a specified zone, but which may create special problems such as excessive height or bulk or abnormal traffic congestion so that not all locations within a specified zone might be suitable or in the best interest of the community.
- 4.16 Curb Level: The grade elevation established by the governing body of the curb in front of the center of the building. Where no curb level has been established, the engineering staff shall determine a curb level or its equivalent for the purpose of this Ordinance.
- 4.17 Drainage System: Any natural or artificial device for the conveyance or storage of water used to drain or store surface or underground water, including but not limited to streams, rivers, creeks, ditches, channels, conduits, gulleys, ravines or washes and including structures connected therewith including culverts, drainage tile, dams and bridges and water storage basins such as lakes, ponds, natural or man-made.
- 4.18 Dwelling, Attached: A dwelling which is joined to another dwelling.
- 4.19 Dwelling, Detached: A dwelling which is entirely surrounded by open space on the same lot.
- 4.20 Dwelling Unit: A residential building or portion thereof intended for occupancy by a single family but not including hotels, motels, boarding or rooming houses or tourist homes.

- 4.21 Exterior Storage: The storage of goods, materials, equipment, manufactured products and similar items not fully enclosed by a building. The term includes open storage.
- 4.22 Extraction Area: Any non-agricultural artificial excavation of earth exceeding fifty square feet of surface area or two feet in depth, excavated or made by the removal from the natural surface of the earth, or sod, soil, sand, gravel, stone or other natural matter, or made by turning, or breaking or undermining the surface of the earth.
- 4.23 Family: An individual, or two or more persons related by blood, marriage or adoption living together, or a group of not more than five persons who need not be related by blood, marriage or adoption, living together as a single house keeping unit in a dwelling unit, exclusive of usual servants.
- 4.24 Farm Real property used for commercial agriculture comprising 40 contiguous or more acres and which may comprise additional acreage which may or may not be contiguous to the principal 40 acres, all of which is owned and operated by a single family, family corporation, individual or corporate enterprise.
- 4.25 Farm Building: All buildings other than dwellings which are incidental to the farming operation, including but not limited to barns, granaries, silos, farm implement storage buildings and milk houses.
- 4.26 Farm Dwelling: A structure designed for habitation by human beings located on a farm, the occupant of which owns or is employed thereon.
- 4.27 Feedlot: A confined area used for feeding, breeding, or holding livestock for eventual sale in which animal waste may accumulate and including accessory structures thereto but not including barns or dairy farm operations.

- 4.28 Floor Area: The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space and including any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices.
- 4.29 Garage, Private: An accessory building or accessory portion of the principal building which is intended for and used to store the private passenger vehicles or other motor vehicles of the family or families resident upon the premises.
- 4.30 Historic Site: Structure or body of land or water of historic archeological, paleontological, or architectural content or value which has been designated as a historical site in the Federal Register of historical landmarks or by the Minnesota Historical Society or by resolution of a local governmental unit.
- 4.31 Home Occupation: Any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling when carried on within a dwelling unit and not in an accessory building provided that no signs other than those normally utilized in a residential district are present, no stock in trade is stored on the premises, over-the-counter retail sales are not involved, and entrance to the home occupation is gained from within the structure. Such uses include professional offices, minor repair services, photo or art studios, dressmaking, or teaching limited to 3 students at any one time, barber shops, beauty shops and similar uses; however, a home occupation shall not be interpreted to include tourist homes, restaurants, or similar uses.
- 4.32 Horticulture: The use of land for production for sale of fruits, including apples, grapes, and berries, vegetables, flowers, nursery stock, including ornamental shrubs and trees and cultured sod.

- 4.33 Irrigation System: Any structure of equipment, mechanical or otherwise, used to supply water to cultivated fields or supplement normal rainfall, including but not limited to wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.
- 4.34 Junk Yard: An open area where waste, used, or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to, scrap iron and other metals, paper, rags, rubber, tires, and bottles. A junk yard includes uses established entirely within enclosed buildings. This definition does not include sanitary landfills.
- 4.35 Lot: A parcel of land, subdivided or otherwise, capable of legal description, and having a principal frontage along a public road.
- 4.36 Lot of Record: Any lot which is one unit of a plat heretofore duly approved and filed, or one unit of an Auditor's Subdivision or a Registered Land Survey that has been recorded in the office of the Register of Deeds of Dakota County, Minnesota, prior to the effective date of this Ordinance.
- 4.37 Lot Area: The area of a lot in a horizontal plane bounded by the lot lines.
- 4.38 Lot, Corner: A lot situated at the junction of, and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty-five degrees.
- 4.39 Lot Depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.
- 4.40 Lot Line: The property line bounding a lot except that where any portion of a lot extends into the public right-of-way, the line of such public right-of-way shall be the lot line for applying this Ordinance.

- 4.41 Lot Line, Front: That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the township.
- 4.42 Lot Line, Rear: That boundary of a lot which is opposite the front lot line. If the rear line is less than ten feet in length, or if the lot forms a point at the rear, the lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from the front lot line.
- 4.43 Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.
- 4.44 Lot, Sub-standard: A lot or parcel of land for which a deed has been recorded in the office of the Dakota County Register of Deeds upon or prior to the effective date of this Ordinance which does not meet the minimum lot area, structure setbacks or other dimensional standards of this Ordinance.
- 4.45 Lot, Through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be front lot lines for applying this Ordinance.
- 4.46 Lot Width: The maximum horizontal distance between the side lot lines of a lot measured within the first thirty feet of the lot depth.
- 4.47 Landscaping: Plantings such as trees, grass and shrubs.
- 4.48 Mining: The extraction of sand, gravel, rock, soil or other material from the land in the amount of 400 cubic yards or more and the removing thereof from the site without processing shall be mining. The only exclusion from this definition shall be removal of materials associated with construction of a building provided such removal is an approved item in the building permit.

- 4.49 Mobile Home: A housing unit designed for transportation after fabrication on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connections to utilities and the like. A mobile home shall be contiguous to a one family dwelling.
- 4.50 Mobile Home Park: Any premises on which lots are rented for the placement of non-transient occupied mobile homes.
- 4.51 Modular Home: A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site. A module home shall be contiguous to a one family dwelling.
- 4.52 Motel: A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accomodation of automobile transients. The term includes the term "tourist court."
- 4.53 Multiple Residence: Three or more dwelling units in one structure. The definition includes apartment buildings.
- 4.54 Non-Farm Dwelling: A structure intended for occupancy by human beings, the occupant of which is not employed or an owner of the farm on which it is located.
- 4.55 Open Sales Lot: Any land used or occupied for the purpose of buying and selling any goods, materials, or merchandise and for the storing of same under the open sky prior to sale.
- 4.56 Parking Space: A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

- 4.57 Planned Unit Development: An urban development having two or more principal uses or structures on a single lot and developed according to an approved plan. Where appropriate this development control advocates: (1) a mixture of land uses, one or more of the non-residential uses being regional in nature, (2) the clustering of residential land uses providing common and public open space, the former to be maintained either by the residents of the development or the local community and, (3) increased administrative discretion to a local professional planning staff and the setting aside of present land use regulations and rigid plat approval processes.
- 4.58 Planning Commission: The Planning Commission of Eureka Township.
- 4.59 Poultry Operation: A confined area or structure used for raising, feeding, breeding or holding chickens, turkeys, and other poultry for eventual sale or the production of eggs, in which animal wastes may accumulate.
- 4.60 Prefabricated Home: A non-mobile housing unit, the walls, floors and ceilings of which are constructed at a central factory and transported to a building site where final construction is completed, permanently affixing the unit to the site. A prefabricated home shall be contiguous to a single family dwelling.
- 4.61 Principal Structure Or Use: The purpose or activity for which the land structure or building thereon is designed, arranged or intended or for which it is occupied or maintained.
- 4.62 Public: Land owned or operated by municipal, school district, county, state, or other governmental units.
- 4.63 Quarter Quarter Section: An approximately 40 acre parcel of land constituting the northeast, northwest, southwest or southeast quarter of a quarter section of the United States Government System of land survey.

- 4.64 Reclamation Land: The improvement of land by disposition of material to elevate the grade. Any parcel upon which 400 cubic yards or more of fill are deposited shall be considered as reclaimed land.
- 4.65 Recreation Area: A parcel of land which may include water bodies and incidental buildings thereto maintained for active or passive recreation, including but not limited to parks, playground, golf courses, hunting preserves, polo grounds, nature trails, bridle paths, beaches campsites, ski and snowmobile trails, and canoe routes; but not including stadiums, arenas, bowling alleys, swimming pools, (except privately-owned pools not open to the public), and other recreational activities for which a structure is required to house the principal activity.
- 4.66 Road: A public thoroughfare supporting access by pedestrians and vehicles to abutting properties, including without limiting, streets, highways, freeways, parkways, thoroughfares, roads, avenues, boulevards, lanes, or places, however described; however not including privately-owned driveways and access routes.
- 4.67 Single Family Dwelling: A free-standing (detached) permanent structure designed for habitation by human beings, designed for and occupied by one family only.
- 4.68 Story: That portion of a building included between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story.
- 4.69 Structural Alteration: Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders, or foundations.
- 4.70 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.

- 4.71 Townhouse: A single family building attached by party walls with other single family buildings, and oriented so that all exits open to the outside.
- 4.72 Use, Non-conforming: A use of land, building or structures lawfully existing at the time of adoption of this Ordinance which does not comply with all the regulations of this Ordinance of 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.
- 4.73 Use, Permitted: A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards of such district.
- 4.74 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 an undue or unnecessary hardship, or that strict conformity with the provisions of this Ordinance would be unreasonable, impractical or feasible under the circumstances.
- 4.75 Yard: A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest level to the sky except as permitted in this Ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.
- 4.76 Yard, Front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting street, right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
- 4.77 Yard, Rear: The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

- 4.78 Yard, Side: The yard extending along the side lot line between the front and rear yards to a depth or width required by setback regulations for the zoning district in which such lot is located.
- 4.79 Zoning Amendment: A change authorized by the governing body either in the allowed use within a district or in the boundaries of a district.
- 4.80 Zoning District: An area or areas within the limits of the township for which the regulations and requirements governing use are uniform.

Section 5. GENERAL PROVISIONS

5.1 Application of This Ordinance

- a. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- b. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- c. Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

5.2 Separability

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

- a. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.

- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, buildings or structures.

5.3 Substandard Lot Provisions

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

- a. Has 250 feet frontage on a public right-of-way;
- b. Was under separate ownership from abutting lands upon or prior to the effective date of this Ordinance;
- c. Its area is at least 2 1/2 acres and dimensional measurements are within sixty percent of the requirements of this Ordinance;
- d. Its development for single family residential purposes will not violate the general intents and purposes of this Ordinance including but not limited to the prevention of pollution of applicable waters and surrounding lands and the preservation of the health, safety, and welfare of the general public.

5.4 Non-conforming Uses and Structures

Any structure or use existing upon the effective date of the adoption of this Ordinance and which does not conform to the provisions of the Ordinance may be continued for a certain period of time subject to the following conditions:

- a. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
- b. If a non-conforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance. The County Assessor shall notify the Building Inspector or Planning Commission in writing of all instances of non-conforming uses which have been discontinued for a period of twelve consecutive months.

- c. If a non-conforming use is replaced by another use, the new use shall conform to this Ordinance.
- d. If a non-conforming structure is destroyed by any cause, to an extent exceeding fifty percent of its fair market value as indicated by the records of the County Assessor, a future structure on the site shall conform to this Ordinance.
- e. Any non-conforming use of land or sewage disposal system may be continued for a period of five years after the effective date of this Ordinance, after which such non-conforming use shall cease.
- f. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

Section 6. ADMINISTRATION

6.1 Enforcing Officer

The Town Board of Eureka Township shall instruct the Township building inspector to enforce this Ordinance and perform the following duties:

- a. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- b. Serve as an ex-officio non-voting members of the Planning Commission.
- c. Receive, file, and forward all applications for appeals, variances, special uses, building permits or other matters to the designated official bodies.

6.2 Maintenance of Records

The Town Board of Eureka Township shall instruct the Town Clerk to perform the following duties:

- a. Maintain permanent and current records of this Ordinance, including but not limited to; all maps, amendments, and special uses, variances, appeals and applications therefore.

- b. Receive, file, and forward all applications for appeals, variances, special uses or other matters to the designated official bodies.

6.3 Appeals and the Board of Adjustment and Appeals.

The Town Board of Eureka Township shall, through the passing of a resolution, provide for the establishment of a Board of Adjustment and Appeals.

The Board of Adjustment and Appeals shall consist of three members whose appointment, term of office, or removal from the Board shall be provided in the resolution creating the Board of Adjustment and Appeals. No elected officer of the community nor any employee of the community shall serve as a member of the Board of Adjustment and Appeals. The members of the Board of Adjustment and Appeals shall serve without compensation, but may be paid their necessary expenses in attending meetings of the board and in the conduct of the business of the Board.

The Board of Adjustment and Appeals shall elect a chairman and vice-chairman from among its members and shall appoint a secretary who need not be a member of the Board. It shall adopt rules for the transaction of its business and such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The Board shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

The meetings of the Board of Adjustment and Appeals shall be held at the call of the charman and at such other times as the

board in its rules of procedure may specify.

The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of zoning maps, and it shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official charged with enforcing the Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board, bureau or commission of the Town.

Hearings by the Board of Adjustment and Appeals shall be held within such time and upon such notice to interested parties as is provided in its adopted rules for the transaction of its business. The Board shall, within a reasonable time, make its order deciding the matter and shall serve a copy of such order upon the appellant or petitioner by mail. Any party may appear at the hearing in person or by agent or attorney.

The Board of Adjustment and Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The reasons for the Board's decision shall be stated. The decision of such board shall not be final and any person having an interest affected by such decision shall have the right to appeal to district court in the county in which the land is located on questions of law and fact.

6.4 Zoning Amendments

6.41 Procedure

- a. An amendment to the text of the Ordinance or the zoning map may be initiated by the Town Board, the Planning Commission or by application of a property owner. Individuals wishing to initiate an amendment to the zoning ordinance shall fill out an application as indicated in the appendix and submit it to the Secretary of the Planning Commission or Town Clerk.
- b. Property owners or occupants within 1/2 mile of the property in question shall be notified of the proposed zoning amendment in writing. Notification shall be by registered mail. The Town Board or City Council of any municipality within 1/2 mile of the property shall also be notified by mail.
- c. A public hearing on the rezoning application shall be held by the Planning Commission within forty five days after the request for the zoning amendment has been received. Notice of said hearing shall be published in the official newspaper designated by the Town Board. The Planning Commission shall make its report to the Town Board at the next regular meeting of the Town Board following the hearing recommending approval, disapproval or modified approval of the proposed amendment.
- d. The Town Board must take action on the application within sixty days following referral by the Planning Commission. The person making the application shall be notified of the action taken. The Town Board shall maintain records of amendments to the text and zoning map of the Ordinance.
- e. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

6.5 Conditional Use Permits

6.51 Criteria for Granting Conditional Use Permits

In granting a conditional use permit, the Town Board shall consider the advice and recommendations of the Planning Commission

and the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding area, and the effect of the proposed use on the Comprehensive Plan. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission or Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which they consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:

- a. Increasing the required lot size or yard dimension.
- b. Limiting the height, size or location of buildings.
- c. Controlling the location and number of vehicle access points.
- d. Increasing the street width.
- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location or lighting of signs.
- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- h. Designating sites for open space.

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

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

6.52 procedure

- a. The person applying for a conditional use permit shall fill out and submit to the Planning Commission Secretary or Town Clerk an application together with a fee of \$100.00.
- b. The application shall be referred to the Planning Commission. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, property owners within 350 feet of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.
- c. The Planning Commission shall hold a public hearing on the proposal.
- d. The petitioner or his representative shall appear before the Planning Commission in order to answer questions concerning the proposed conditional use.
- e. The report of the Planning Commission shall be placed on the agenda of the Town Board at its next regular meeting following referral from the Planning Commission, but not later than sixty days after the applicant has submitted the application.
- f. The Town Board must take action on the application within sixty days after receiving the report of the Planning Commission. If it grants the conditional use permit, The Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

- g. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit except that the fee shall be \$50; amended conditional use permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
- h. No application for a conditional use permit which has been denied shall be resubmitted for a period of six months from the date of said order of denial.
- i. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten days prior to the review; it shall be the responsibility of the Clerk to schedule such public hearings and the owner of land having a conditional use permit shall not be required to pay a fee for said review. A public hearing for annual review of conditional use permit may be granted at the discretion of the Town Board.

6.6 Variances

6.61 Criteria for Granting Variances

A variance may be granted only in the event that all of the following circumstances exist:

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

- e. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicants land is located.

6.62 Procedure

- a. The person applying for a variance shall fill out and submit to the Town Clerk or Planning Commission Secretary an application together with a fee of \$100.00.
- b. The application shall be forwarded to the Zoning Board of Adjustment and Appeals. Property owners within 1/2 mile of the property in question shall be notified, although failure of any property owner to receive such notification shall not invalidate the proceedings. Notification shall be by registered mail.
- c. The Zoning Board of Adjustment and Appeals shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper of the Township at least 10 days prior to the hearing.
- d. The petitioner or his representative shall appear before the Zoning Board in order to answer questions concerning the proposed variance.
- e. The report of the Zoning Board shall be placed on the agenda of the Town Board at its next regular meeting following referral from the planning Commission, but not later than ninety days after the applicant has submitted the application.
- f. The Town Board must take action on the application within sixty days after receiving the report of the Zoning Board. If it grants the variance, the Town Board may impose conditions (including time limits) it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.

6.7 Building Permits

Building permits shall be required and administered as provided by Eureka Township Ordinance No. 8.

Section 7. DISTRICT PROVISIONS

7.1 Purpose

The zoning districts are designed to implement the intents and purposes of the Comprehensive Plan.

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

For the purposes of this Ordinance, Eureka Township is hereby divided into the following zoning districts when the regulations outlined herein will apply.

RR-I	Rural/Residential District
MWP	Marsh and Wetlands Protection District
FP	Flood Plain District

The locations and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map of Eureka Township, and said map is hereby made part of this Ordinance.

7.2 RR-I Rural/Residential District

7.21 Intent

This district is intended for application in those areas of the Township where whole sections of untillable, vacant land have become subject to increased amounts of single family residential development. Despite the fact that poor soils, rough topography and insufficient irrigation make these lands uneconomical for agricultural purposes,

there are some suitable sites for single family home construction. However, because of the fact that there are severe environmental constraints on residential development in this area, and because of the fact that urban services such as central sewer and water will not be provided for at least 15 years; and because significant amounts of residential development will adversely affect surrounding agricultural operations, residential development in this district must be kept to a reasonable rural density.

7.22. Permitted Uses and Structures

The following shall be permitted uses by right:

- a. Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance.
- b. Farm buildings and accessory structures.
- c. Farm drainage and irrigation systems.
- d. Forestry, grazing and gardening.
- e. One single-family farm dwelling unit per farm.
- f. Four single-family non-farm dwelling units per each quarter quarter section not containing a farm dwelling unit provided:
 - 1) The dwelling units shall be located on a separately conveyed parcel which shall equal or exceed 2 1/2 acres in area and said building units shall be entirely located within a quarter quarter section.
 - 2) The parcel on which a dwelling unit is located shall have at least 165 feet of frontage along a public road.
 - 3) The driveway serving a parcel shall be separated from adjacent driveways on the same side of the road by the following distances:
 - a) Township road: 100 feet
 - b) County/State highway: 300 feet
 - c) Minimum distance from the intersection of two or more of the above: 300 feet

- 4) All structures shall be setback as follows for permitted and conditional uses:
 - a) Lot width: 165 feet
 - b) Lot depth: 165 feet
 - c) Side yard setbacks for structures: 10 feet
 - d) Rear yard setbacks for structures: 30 feet
- 5) All dwellings shall be separated by at least 500 feet from the nearest farm building.
- 6) There shall be no maximum height limitation.

g. Historic Sites.

h. Home occupations.

7.23 Conditional Uses

The following conditional uses may be approved by the Town Board in the RR-I Rural/Residential District provided that the provisions and requirements of Section 6.61 of the zoning ordinance are fulfilled:

- a. Outdoor recreation areas;
- b. Churches, cemeteries, airports, schools, local government buildings and facilities and government owned facilities for the maintenance of roads and highways;
- c. Feed lots and poultry operations;
- d. A second single-family farm dwelling in the quarter quarter section containing the farm dwelling, provided that:
 - 1) It is occupied by one who owns, or is employed by the farm on which it is located.
 - 2) It meets the requirements of Section 7.22, g, 1-4.
- e. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling; hay baling and threshing; sorting; grading and packing fruits and vegetables for the grower; agricultural produce, milking and processing; horticultural services; crop dusting; fruit picking; grain cleaning; land grading; harvesting and plowing; farm equipment service and repair; veterinary services;

boarding and training of horses; commercial hunting and trapping; and the operation of game reservations; roadside stands for the sale of agricultural produce grown on the site.

- f. Mining and extraction operations, provided that they otherwise satisfy the requirements of Eureka Township Ordinance No. 13.
- g. Public utility and public service structures including electric transmission lines and distribution substations, gas regulator stations, communications equipment and buildings, pumping stations and reservoirs.
- h. Highway--neighborhood commercial uses.

7.24 Prohibited Uses and Structures

All other uses and structures which are not specifically permitted as a right or by conditional use permit shall be prohibited in the RR-I Rural/Residential District.

7.25 Minimum Lot Size

For farm dwellings: 1 acre.

For non-farm single-family dwellings: 1 acre.

For conditional uses: 1 acre.

7.26 Minimum Yard Dimension Requirements

For permitted and conditional uses:

- a. Lot width: 165 feet.
- b. Lot depth: 165 feet.
- c. Side yard setback for structures: 10 feet.
- d. Rear yard setback for structures: 30 feet.
- e. Structure setback from:
 - Township Road: 80 feet from centerline.
 - County Road: 110 feet from centerline.
 - State Road: 130 feet from centerline.

7.27 Maximum Height

- a. For farm uses: None.
- b. For non-farm and conditional uses: 35 feet.

7.3 Marsh and Wetlands Protection District

7.31 Intent

The purpose of the MW-I District is to provide for the protection, preservation, proper maintenance and use of Township wetlands, to minimize the disturbance to them and to prevent damage from excessive sedimentation, eutrophication or pollution, to prevent loss of fish or other beneficial aquatic organisms, and/or loss of wildlife and vegetation or the habits of the same; to provide for the protection of the Township's potable fresh water supplies from the dangers of overdraft, pollution, or mismanagement; to secure safety from floods; to reduce the financial burdens imposed upon the communities through rescue and relief efforts occasioned by the occupancy or use of areas subject to periodic flooding; to prevent loss of life, property damage, and the losses and risks associated with flood conditions; to preserve the location, character, and extent.

7.32 MWP: Definition

Wetlands shall include any low areas permanently or seasonably covered with shallow waters; referred to generally as marshes, swamps, bogs, wet meadows, sloughs, or intermittent lakes.

7.33 Wetlands Permit

Except as hereinafter provided in this Ordinance, no person shall perform any of the following actions or otherwise alter the ecological characteristics of a wetland without first having

obtained a written permit from the Town Board authorizing the same: deposit or remove any material within a wetland; excavate within a wetland; construct, alter or remove any structure within, upon or across a wetland; remove any vegetation within a wetland; alter any embankment within a wetland, or change the flow of water through the wetland. The above actions are hereinafter collectively referred to as "work".

7.34 Exceptions

The permit requirements established by this Ordinance shall not apply to:

- a. Any public agency or its contractor or any person performing work within a right-of-way of any public agency pursuant to a permit issued by such public agency.
- b. Emergency work necessary to preserve life or property. When emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the Town Clerk prior to the commencement of work. The Town Clerk shall review the facts and determine whether an emergency exists and shall by written memorandum authorize the commencement of the emergency exception. A person commencing emergency work shall within ten days following the commencement of that activity, apply for the issuance of a wetlands permit and on the issuance thereof may be required to perform such work as is determined to be reasonably necessary to correct any impairment to the wetland occasioned by such work.
- c. Work consisting of the alteration, repair or maintenance of any lawful use of land existing on the date of adoption of this Ordinance
- d. All farm and agricultural uses excluding the placement of structures.

7.35 Application for and Processing of Permit

A separate application for a permit shall be made to the Township for each work activity for which a permit is required

except that only one application need be made for two or more such acts which are to be done on the same parcel. The application shall include a map of the site and a plan and a cost estimate of the proposed development and such other engineering data, surveys, and other information and material as the Town Board may require in order to determine the effects of such development on the affected land and water uses, such as (1) extent of wetland, (2) a description of the amount and location of work to be performed, (3) a survey of the ecological characteristics of the wetland, (4) maps and data on soils, water table and the flood capacity of the wetland. When proposed work includes construction of alteration of structures, three sets of plans and specifications for such work shall be submitted with the application.

The wetlands permit application shall be processed in accordance with the procedures specified for the processing of conditional use permit and the wetlands permit may be processed at the same time and in connection with the processing of an application for a building permit or any other permit required to be granted.

7.36 Issuance of Permit

- a. No wetland permit shall be issued unless the Town Board finds and determines that the proposed work complies with the following general and specific, if applicable requirements:
- b. General Standards:

Those wetlands which serve the following functions shall not be altered:

1. That have a continuing scientific or educational

value due to their location, size, flora, fauna and other characteristics of the wetland.

2. That clearly contribute to storm water flood control or to the maintenance of domestic water supplies, minimum desirable stream flows, or lake water levels.
3. That significantly contribute to the improvement of water quality.
4. That currently or potentially serve a useful recreational function for a significant number of users.
5. That make a significant contribution to scenic views.
6. That provide significant resting, feeding, nesting or spawning or breeding areas for water fowl, other birds, fish or mammals.
7. That contain unique/endangered plant species or areas of historical significance.

c. Specific Requirements

The maximum extent of filling which may be permitted in a wetland shall be determined by flood storage and nutrient stripping capacity requirements for the wetland watershed.

Dredging may be allowed only when a boat channel is required to access a navigable lake or for a marina or when it would be beneficial to the wetland. Dredging when allowed should be accomplished in the following manner:

1. Dredging shall be located so as to maximize the activity in the areas of minimum vegetation.
2. Dredging activities shall not significantly change the water flow characteristics.
3. The size of the dredged area shall be limited to the absolute minimum.
4. Disposal of the dredged material shall not result

in significant change in the current flow, or in destruction of vegetation, fish spawning areas, or in pollution of water.

5. Work in the wetland will not be performed during the breeding season of water fowl or fish spawning season.
6. In other residential developments, dredging shall be located so as to provide for the use of boat channels and marina by two or more adjacent property owners.
7. The width of the boat channel to be dredged shall be no more than the minimum required for the safe operation of boats at minimum operating speed.
8. No part of any septic tank system or of any other sewage disposal system requiring on-land or in the grounds disposal of waste shall be located closer than 150 feet from the edge of wetland unless it can be shown that no effluent can reach the wetland because of existing physical characteristics of the site. On-site sewage disposal systems shall be permitted only if they meet state regulations and local regulations.
9. Run-off from developed property and construction projects adjacent to a wetland may be directed to the wetland only when reasonably free of silt and debris and chemical pollutants, and at such rates which will not disturb wetland vegetation or increase turbidity.
10. No liquid waste shall be discharged in a wetland or disposed of in a manner that would cause the waste to enter the wetland.
11. Wetlands may not be used for disposal of material which logically should be disposed of in a landfill; and no part of a wetland should be used for a sanitary landfill.
12. Floor elevation of buildings located within the district, if used for living quarters or work space, must be at least three feet above the seasonal high water level of the wetland.
13. No development shall be allowed in the wetland protection district which will endanger the health, safety, and welfare of persons and which will

result in unusual maintenance costs of road and parking areas or the breaking or leaking of utility lines.

14. Removal of vegetation within the wetlands shall be permitted only when and where work within the wetland has been approved in accordance with the standards of this Ordinance.
15. Removal of vegetation within the district but outside the wetland shall be limited to that reasonably required for the placement of structures and the use of the property.

7.37 Conditions

A Wetlands Permit may be approved subject to compliance with conditions reasonable and necessary to ensure compliance with the requirements contained in Section 7.36 which are specifically set forth in the permits. Such conditions may among other matters, limit the size, kind of character of the proposed work, require the construction of other structures, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require the alteration of the site design to ensure buffering, or require the conveyance to the county or another public entity of certain lands or interest therein.

7.38 Time of permit - Extensions; Renewals

- a. A permittee shall begin the work authorized by the permit within sixty (60) days from the date of issuance of the permit unless a different date for the commencement of work is set forth in the permit. The permittee shall complete the work authorized by the permit within the time limits specified in the permit which in no event shall exceed more than twelve months from the date of issuance. Should the work not be commenced as specified herein, then the permit shall become void; provided, however, that if prior to the date established for commencement of work, the permittee makes written request to the Town Clerk for an extension of time to commence the work, setting forth the reasons for the required extension, the Town Clerk may grant such

extension. A permit which has become void may be renewed at the discretion of the engineer upon payment of renewal fee. If the Town Clerk does not grant such renewal, a permit for such work may be granted only upon compliance with the procedures herein established for an original application.

b. Notice of Completion

The permittee shall notify the Town Clerk in writing of the termination of the work authorized.

c. Inspection

The Town Board may require inspections of the work to be made periodically during the course thereof by the building inspector and shall cause a final inspection to be made following the completion of the work. The permittee shall assist the Town Clerk in making such inspections.

7.39 Responsibility; Effect

- a. Responsibility. Neither the issuance of a permit nor compliance with the conditions thereof, not with the provisions of this Ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the Township or its officers or employees for injury of 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.
- b. Special Assessment. The land within a designated wetlands district area which is restricted hereby and for which a development or other restrictive easement is conveyed to the Township shall not be subject to special assessments to defray the costs of other municipal improvements for which such assessments are authorized pursuant to Minnesota Statutes Chapter 429.

7.4 FP - Flood Plain District

7.41 Intent

This district is intended for application in those areas of the Township that are subject to periodic inundation which results

in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely effect the public health, safety and general welfare. It is the purpose of this Ordinance to protect the public health, safety and general welfare, by regulating the placement of structures and facilities in flood prone areas.

7.42 Permitted Uses

The following shall be permitted uses by right:

- a. Any and all forms of commercial agriculture and commercial horticulture as defined by this Ordinance.
- b. Forestry, grazing and gardening.
- c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, picnic grounds, boat launching sites, swimming areas, parks, wildlife and nature preserves, target ranges, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, hiking and horseback riding trails.
- d. Residential open space uses such as lawns, gardens, parking areas, and play areas.

7.43 Prohibited Uses and Structures

All uses and structures which are not specifically permitted as of right shall be prohibited in the Flood Plain District.

Section 8. PERFORMANCE STANDARDS

8.1 Intent

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

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

8.2 Performance Standards for Structures and Accessory Uses

8.3 Dwelling Units Prohibited

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

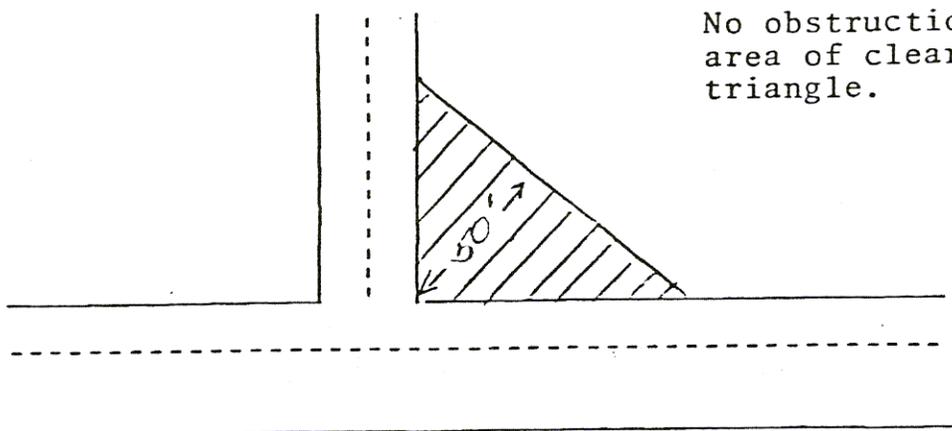
8.4 Landscaping Maintenance

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

8.5 Traffic Control

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

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



8.6 Parking

Parking spaces accessory to one and two-family dwellings shall be located on the same lot. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short-term parking (six hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having an automobile driver's license.

8.7 Setbacks

8.71 Side and Rear Setbacks

Subject to regulations contained in the building code and other applicable regulations including this Ordinance.

8.8 Soil Erosion and Sedimentation Control

8.81 General Standards

- a. All development shall conform to the natural limitations presented by the topography and soil as to create the best potential for soil erosion.
- b. Slopes over eighteen percent in grade shall not be developed.

- c. Development on slopes with a grade between twelve to eighteen percent shall be carefully reviewed to insure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.
- d. Erosion and siltation control measures shall be coordinated with the different stages of development. Appropriate control measures shall be installed prior to development when necessary to control erosion.
- e. Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.
- f. The drainage system shall be constructed and operational as quickly as possible during construction.
- g. Whenever possible, natural vegetation shall be retained and protected.
- h. Where the topsoil is removed, sufficient arable soil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of four (4) inches and shall be of a quality at least equal to the soil quality prior to development.
- i. When soil is exposed, the exposure shall be for the shortest feasible period of time. No exposure shall be planned to exceed 60 days. Said time period may be extended only if the Planning Commission is satisfied that adequate measures have been established and will remain in place.
- j. The natural drainage system shall be used as far as is feasible for the storage and flow of runoff. Storm water drainage shall be discharged to marshlands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control. Temporary storage areas or retention basins scattered throughout developed areas shall be encouraged to reduce peak flows, erosion damage, and construction cost.

8.82 Exposed Slopes

The following control measures shall be taken to control erosion during construction.

- a. No exposed slope should be steeper in grade than five (5) feet horizontal to one (1) foot vertical.
- b. Exposed slopes steeper in grade than ten (10) feet horizontal to one (1) foot vertical should be contour plowed to minimize direct runoff of water.
- c. At the foot of each exposed slope, a channel and berm should be constructed to control runoff. The channelized water should be diverted to a sedimentation basin (debris basin, silt basin or silt trap) before being allowed to enter the natural drainage system.
- d. Along the top of each exposed slope, a berm should be constructed to prevent runoff from flowing over the edge of the slope. Where runoff collecting behind said berm cannot be diverted elsewhere and must be directed down the slope, appropriate measures shall be taken to prevent erosion. Such measures should consist of either an asphalt paved flow apron and drop chute laid down the slope or a flexible slope drain. At the base of the slope drain or flow apron, a gravel energy dissipator should be installed to prevent erosion at the discharge end.
- e. Exposed slopes shall be protected by whatever means will effectively prevent erosion considering the degree of slope, soils material, and expected length of exposure. Slope protection shall consist of mulch, sheets of plastic, burlap or jute netting, sod blankets, fast growing grasses or temporary seedings of annual grasses. Mulch consists of hay, straw, wood chips, corn stalks, bark or other protective material. Mulch should be anchored to slopes with liquid asphalt, stakes, and netting, or should be worked into the soil to provide additional slope stability.
- f. Control measures, other than those specifically stated above, may be used in place of the above measures if it can be demonstrated that they will as effectively protect exposed slopes.

8.9 Preservation of Natural Drainageways

8.91 Waterways

- a. The use of storm sewers is not an acceptable alternative to the use of the natural above ground drainage system to dispose of runoff. Storm sewers may only be used where it can be demonstrated that the use of the above ground

natural drainage system will inadequately dispose of runoff. Above ground runoff disposal waterways may be constructed to augment the natural drainage system. The natural and constructed waterways may be coordinated with an open space trail system. The trail system shall be confined to the edges and not the bottom of the waterway.

- b. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.
- c. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
- d. The banks of the waterway shall be protected with a permanent turf vegetation.
- e. The banks of the waterway should not exceed (5) feet horizontal to one (1) foot vertical in gradient.
- f. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
- g. The bed of the waterway should be protected with turf, sod, or concrete. If turf or sod will not function properly, rip rap may be used. Rip rap shall consist of quarried limestone, fieldstone (if random rip rap is used) or construction materials provided said construction materials are limited to asphalt, cement, and concrete. The rip rap shall be no smaller than two (2) inches square nor no larger than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.
- h. If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the side walls. Either gravel or rip rap would be allowed to prevent erosion at these points.

8.92 Waterway Velocity

- a. The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.

- b. Flow velocity should be controlled through the installation of diversions, berms, slope drains, and other similarly effective velocity control structure.

8.93 Sediment Control

- a. To prevent sedimentation of waterways, pervious and impervious sediment traps and other sediment control structures shall be incorporated throughout the contributing watershed.
- b. Temporary pervious sediment traps could consist of a construction of bales of hay with a low spillway embankment section of sand and gravel that permits a slow movement of water while filtering sediment. Such structures would serve as temporary sediment control features during the construction state of development. Development of housing and other structures shall be restricted from the area on either side of the waterway required to channel a twenty five (25) year storm.
- c. Permanent impervious sediment control structures consist of sediment basins (debris basins, desilting basins, or silt traps) and shall be utilized to remove sediment from runoff prior to its disposal in any permanent body of water.

8.94 Maintenance of Erosion Control System

- a. The erosion and velocity control structures shall be maintained in a condition that will insure continuous functioning according to the provisions of this Ordinance.
- b. Sediment basins shall be maintained as the need occurs to insure continuous desilting action.
- c. The areas utilized for runoff waterways and sediment basins shall not be allowed to exist in an unsightly condition. The banks of the sediment basins and waterways shall be landscaped.
- d. Prior to the approval of any plat for development, the developer shall make provision for continued maintenance on the erosion and sediment control system.

8.10 Sewage Disposal Standards.

8.101 General Provisions

- a. Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged onto the ground

surface, into abandoned wells, or bodies of surface water, or into any soil or rock formation, the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground which does not comply with the other requirements of this Ordinance.

- b. Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.
- c. In areas with a high ground-water table the final disposal unit shall be a tile field. The bottom of the trenches shall not be less than 4 feet above the highest known or calculated water table.
- d. The portions of any buried sewer shall be of adequate size and constructed of cast-iron, vitrified clay, cement-asbestos, concrete or other pipe material acceptable to the State Board of Health. Clay pipe and clap pipe fittings shall conform to A.S.T.M. specifications for standard strength or extra strength clay pipe and clay pipe fittings. No building drain or building sewer shall be less than 4 inches in diameter.
- e. The system shall consist of a building sewer, a septic tank, and a soil absorption unit. The soil absorption unit shall consist of a sub-surface disposal field. All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the disposal field.
- f. Septic tank effluent shall not be discharged into an agricultural tile line or drainage system.

8.102 Septic Tank Standards

The standards for septic tanks and drainfields shall be as provided for from time to time by the Eureka Town Board.

8.103 Seepage Pit

Seepage pits shall only be allowed in areas where it can be proven that drainfields will not function properly and where it can be proven that a seepage pit will function without the risk of failure or pollution of ground-water. Standards for construction

of a seepage pit shall be the same as those recommended in "Code Regulation Individual Sewage Disposal Systems" recommended by the Minnesota Department of Health in 1969.

8.11 Refuse

All waste materials, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and weeds. Existing uses shall comply with this provision within six months following enactment of this Ordinance.

8.12 Bulk Storage (Liquid)

All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the Town Board may have assurance that fire, explosion, or water or soil contamination hazards are not present (that would be detrimental to the public health, safety, and general welfare). All existing, above ground liquid storage tanks having a capacity in excess of one thousand (1000) gallons shall secure a conditional use permit within twelve (12) months following enactment of this Ordinance. The Town Board may require the development of diking around said tanks. Diking shall be suitably sealed, and shall hold a leakage capacity equal to one hundred fifteen (115) per cent of the tank capacity. Any existing storage tank that, in the opinion of the Town Board constitutes a hazard to the public safety shall discontinue operations within five years following enactment of this Ordinance.

8.13 Relocating Structures

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

8.14 Tree and Woodlands Preservation

The following restrictions shall apply to all residential development occurring in wooded areas. Structures shall be located in such a manner that the maximum number of trees shall be preserved. No trees shall be cut except those occupying the actual physical space in which a structure is to be erected. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site and that if trees

are cut, he will restore the density of trees to that which it existed before development, but in no case shall he be compelled to raise the density above ten trees per acre.

Forestation, reforestation or landscaping shall utilize a variety of tree species and shall not utilize any species presently under disease epidemic. Species planted shall be hardy under local conditions and compatible with the local landscape.

Development including grading and contouring shall take place in such a manner that the root zone aeration stability of existing trees shall not be affected and shall provide existing trees with a watering equal to one-half the crown area.

Development in woodlands shall not reduce the existing crown cover greater than fifty percent and shall be conducted in such a manner that the understory and litter is preserved.

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

8.15 Nuisance Characteristics

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

8.151 Odors

Odors shall not be allowed to exceed the standards stated in the Minnesota State Air Pollution Control Regulations, numbers 9 and 10.

8.152 Toxic Matter

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

The measurement of toxic matter shall be at the lot boundary line and measured at ground level or habitable elevation and shall be the average of any 24 hour period. The release of any airborne toxic matter shall not exceed 1/30th of the Threshold Limit Values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the governing body that the proposed levels will be safe to the general population.

8.153 Exhaust Emission

No exhaust pipe, flue, chimney or whatever shall emit an emission that exceeds those standards set forth in Minnesota State Air Pollution Control Regulations, numbers 1, 5 and 6.

8.154 Animals .

Any building in which farm animals are kept shall be a distance of one hundred feet or more from any other occupied lot and any open or roofed enclosed in which animals are kept shall be a

distance of two hundred feet or more from any occupied residential lot. The governing body may order the owner of any animals to apply for a special use permit if it is deemed to be in the interest of the public health, safety, or general welfare.

8.155 Miscellaneous Nuisances

- a. It shall be unlawful for any person to store or keep any junk car outside of an enclosed building in residential or agricultural districts.
- b. It shall be unlawful to create a nuisance affecting the health, peace or safety of any person.

The following are declared to be nuisances affecting public health:

1. The effluence from any cesspool, septic tank, drainfield or human sewage disposal system, discharging upon the surface of the ground, or dumping the contents thereof at any place except as authorized.
2. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
3. Carcasses of animals not buried or destroyed or otherwise disposed of within 48 hours after death.

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.

8.16 Garages

For all single family dwellings constructed after the enactment of this provision, it shall be required that there be erected either attached to the dwelling, or as a separate structure, a garage, capable of housing and enclosing two motor vehicles.

Section 9.

9.1 Performance Standards for Agricultural Operations.

All farms in existence upon the effective date of this Ordinance and all farms which are brought into the Township by annexation shall be a permitted use where the operator can conduct a farming operation. However, all regulations contained within Section 8 and other Township Ordinances in effect shall apply to all changes of the farming operation which will cause all or part of the area to become more urban in character. Setback and other regulations shall apply to farming operations just as they do to residential developments. The Town Board may require any farm operation to secure a Conditional Use permit to expand or intensify said operations in the event of the following:

The farm is adjacent to, or within five hundred feet of any non-farm dwelling unit and may be detrimental to living conditions by creating safety hazards or by emitting noise, odor, vibrations or the like.

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

Section 10.

10.1 Performance Standards for Commercial Operations

In addition to those standards outlined in Section 8 of this Ordinance, the following requirements shall apply to commercial uses in all districts.

10.2 Off-Street Parking

Parking areas shall conform to the following minimum site requirements; in figuring the needed area, one parking space shall equal 300 square feet of area.

Churches, Theaters, Auditoriums, and other places of assembly	One space for each three seats or for each five feet of pew length. Based upon maximum design capacity.
Business and Professional Offices	One space for each 400 square feet of gross floor space.
Medical and Dental Clinics	Five spaces per doctor or dentist plus one space for each employee.
Hotel or Motel	One space per rental unit plus one space per employee.
Schools	At least one parking space for each four students based on design capacity, plus one additional space for each classroom.

Hospital	At least one parking space for each three hospital beds, plus one space for each four employees, other than doctors, plus one parking space for each resident and regular staff doctor.
Sanitarium, Convalescent Home, Rest Home, Nursing Home or Institution	At least one parking space for each four beds for which accommodations are offered, plus one parking space for each two employees on maximum shift.
Drive-in Food Establishment	At least one parking space for each fifteen square feet of gross floor space in building allocated to drive-in operation.
Bowling Alley	At least five parking spaces for each alley plus additional spaces as may be required herein for related uses such as restaurant, plus one additional space for each employee.
Motor Fuel Station	At least two off-street parking spaces for each service stall.
Retail Store	At least one off-street parking space for each one hundred fifty square feet of gross floor area.
Restaurants, Cafes, Bars, Taverns, Night Clubs	At least one space for each three seats based on capacity design.
Funeral Homes	Sufficient off-street parking shall be required to accommodate the maximum number of guests expected to be in attendance at a funeral home at any given time. The number of required spaces shall be determined by the local governing body after due consideration is given to the expected parking needs of the funeral home.
Industrial, Warehouse, Storage, Handling of Bulk Goods	At least one space for each employee on maximum shift or one space for each two thousand square feet of gross floor area, whichever is larger.

Uses not specifically noted

As determined by the governing body following review by the Planning Commission.

10.3 Drive-In Business Development Standards

These standards shall apply to all drive-in businesses except auto service stations.

10.31 General Standards

- a. No person shall construct, operate, or maintain a drive-in business within the community without first obtaining a license.
- b. The hours of operation shall be a condition for the granting of any drive-in business license.
- c. In the process of reviewing a license application, the Town Board of the community may review the reputation of the applicant and the desirability of a drive-in business at the proposed location with reference to whether there will be an unreasonably disturbance of the neighborhood or interference with rights of the surrounding property owners.

10.32 Location

- a. No drive-in business shall be located within 1000 feet of a school, hospital, or public recreation area.
- b. No drive-in shall be located within 400 feet of any residentially zoned property.
- c. No drive-in shall be located on any street other than one designated as thoroughfare or business service road.
- d. No drive-in business shall be located such that it may increase traffic volumes on nearby residential streets.

10.33 Landscaping

The landscaping plan must be approved by the Town Board of the community prior to issuance of a license and said plan shall include complete specifications for plant materials and other features.

At least 30% of the gross lot area shall be landscaped.

10.34 Site Plan

- a. The site plan shall clearly indicate suitable storage containers for all waste material.
- b. The parking area shall be paved with asphalt or concrete to specifications approved by the Town Board of the community.
- c. Adequate area shall be designated for snow storage such that clear visibility shall be maintained from the property to any public street.
- d. A suitable screening fence shall be erected along all property lines except those which are also public right-of-way lines.
- e. The design of any structure shall be compatible with other structures in the surrounding area.
- f. No drive-in business shall be located on a lot of less than one acre.
- g. A Plan shall be submitted showing adequate provision for surface water drainage.
- h. Electronic devices such as loudspeakers, automobile service devices, drive-in theater car speakers and similar instruments shall not be located within 400 feet of any residentially zoned or used property nor within 200 feet of any adjacent lot regardless of use or zoning district.
- i. No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- j. No permanent or temporary signs visible from the public street shall be erected without approval from the Town Board of the community.
- k. No plan shall be approved which will in any way constitute a hazard to vehicular or pedestrian circulation. No access drive shall be within forty feet of intersection street curb lines.

10.35 Revocation of License

The Town Board of the community shall have the authority to revoke or suspend the license issued when it is found:

- a. That the licensee is operating in violation of any governing law, ordinance, or regulation;
- b. That the licensee has not complied with all standards and provisions;
- c. That the licensee has failed to properly maintain all landscaped areas, structures, waste disposal containers, access drives, parking areas, lighting, screening, and other features in a state of good repair and appearance;
- d. That the drive-in business constitutes a nuisance by reason of noise, disorderly conduct or immoral activity on the premises.

10.4 Service Station Standards

10.41 Lot Size

A service station site shall be a minimum of one acre in size.

10.42 Setbacks

The building or buildings shall be set back at least thirty-five feet from the street right-of-way. Near residential districts, the service buildings, signs, and pumps shall be a minimum of twenty-five feet from adjoining property. In commercial areas, the structures shall be set back at least ten feet from adjoining property.

10.43 Curbs and Gutters

Curbs and gutters shall be installed on all streets giving access to the station. There should be a six inch curb along all interior driveways.

10.44 Fencing and Screening

When adjacent or near to residential property, there shall be a screening fence as approved by the Town Board.

When adjacent to commercial property, there shall be a bumper-type fence about eighteen inches high between the station and the adjacent commercial property.

10.45 Pedestrian Circulation

Sidewalks or other designated pedestrian ways shall be clearly indicated and provided for the safety of pedestrians passing by the station.

10.46 Surfacing

At least 5% of the site shall be landscaped; all areas not landscaped or covered by structures should be paved or blacktopped so that there will be proper storm water drainage and a dust-free operation.

10.47 Trash Enclosures

A receptacle shall be provided for trash which should be a minimum of six feet by four feet and be constructed of a solid, non-combustible material. Trash enclosures should present a good appearance to the public. The station should be well-maintained so as not be unsightly.

10.48 Signs

An overabundance of signs is to be avoided. Special caution shall be taken to avoid signs which blow away and present safety hazards during high winds. Signs shall not be permitted within the street right-of-way.

10.49 Access Drives

In the absence of local regulations, the drives shall conform to Minnesota Highway Department Technical Manual 5-292, Plate No. 715. In general, however, driveways shall not exceed twenty-four feet in width or be spaced closer than thirty feet apart. No more than two access drives to any street should be permitted. Off-street parking should not be such that permits backing onto any street.

10.410 Architecture

If possible, the station should be of a type that is reasonably compatible with the surroundings. Most national oil companies have a variety of building types which could be viewed for selection of the most suitable.

10.411 Outdoor Displays

The storage of used tires, batteries, and other such items for sale outside the building should be controlled, such items should be displayed in specially designed containers and be limited to one or two areas well back from the street right-of-way line. Junk cars, empty cans, and other unsightly materials should not be permitted in areas subject to public view.

Section 11. Signs

11.1 The purpose of this section is to protect, insure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout Dakota County. By the construction of Public Roads, the public has created views to which the public retains a right-of-view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

11.2 Permit Required. Except as otherwise provided in this Ordinance, no sign shall be erected, constructed, altered, rebuilt, relocated, until a permit for the same has been issued by the Town Board. An application shall be submitted in such form as may be prescribed and shall include such information as may be required for complete understanding of the proposed work.

11.3 No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress from any door, window, or fire escape; that tends to accumulate debris as a fire hazard, or that is attached to a standpipe or fire escape.

11.4 No sign may be erected that, by reason of position, shape, movement, color, or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard. No signs shall be permitted which would interfere with traffic control.

11.5 Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such individual signs do not exceed three (3) square feet and are utilized exclusively for purposes intended.

11.6 Private signs are prohibited within the public right-of-way of any street or easement.

11.7 Illuminated signs may be permitted but flashing signs, except ones giving time, date, temperature, weather or similar public service information shall be prohibited. Signs giving off an intermittent or rotating beam or ray of light shall also be prohibited.

11.8 Political signs. Political signs are allowed in any district on private property with the consent of the owner of the property. Such signs must be removed within seven (7) days following the date of the election of elections to which they applied.

11.9 Displays. In any zoning district, animal displays, lights directed skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to an object, product, place, activity, person, institution, organization or business, shall require a special use permit. Mobile signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this Ordinance just as permanently affixed signs.

11.10 Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public way. No illuminated signs should be located within twenty-five (25) feet of a roadway surface.

11.11 Real Estate signs may be placed in any yard providing such signs are not closer than ten (10) feet to any property line.

11.12 Real Estate signs may be erected for the purpose of selling or promoting a single family or multiple family residential project of ten (10) or more dwelling units provided:

- a. Such signs shall not exceed one hundred (100) square feet in area.
- b. Only one (1) such sign shall be erected on each road frontage with a maximum of three (3) such signs per project.
- c. Such signs shall be removed when the project is eighty percent (80%) completed, sold or leased.
- d. Such signs shall not be located closer than one hundred (100) feet to any existing residence.
- e. Time limits may be imposed for review.

11.13 Multiple family dwelling project identification signs may be erected for the purpose of identifying a multiple family dwelling project of three (3) or more dwellings. Such sign shall not exceed seventy (70) square feet and only one (1) such sign shall be erected at each entrance to the project, but in no case shall there be more than four (4) such signs for any one project.

11.14 Construction signs not exceeding thirty-two (32) square feet in area shall be allowed in all zoning districts during construction. Such signs shall be removed when the project is completed.

11.15 Signs shall not be painted directly on the outside wall of a building. Signs shall not be painted on a fence, tree, stone, or other similar objects in any district.

11.16 Roof signs are prohibited in all districts.

11.17 Signs on benches, newsstands, cab stands, bus stop shelters, and similar places, shall require a special use permit.

11.18 Electrical signs. All signs and displays using electric power shall have a cut-off switch on the outside of the sign and on the outside of the building or structure to which the sign is attached. No electrically illuminated signs shall be permitted in a residential or agricultural district.

11.19 Inside signs. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.

11.20 Offensive signs. No sign shall contain any indecent or offensive picture or written matter.

11.21 Required signs. In all zoning districts one (1) identification sign shall be required per building except accessory structures and residential buildings which shall be required only to display the street address or property number.

11.22 If two or more signs erected before the date of enactment of this Ordinance are in violation of the spacing requirements as herein provided, the Zoning Administrator shall notify the owners of such devices and give such owners full opportunity to be heard. He shall thereafter make a finding as to the date of erection of each of the devices. The device or devices last erected shall be deemed nonconforming and shall be removed by the owner or owners.

11.23 Advertising signs shall not be located closer than three thousand (3000) feet to any other sign on the same side of a street or highway.

11.24 Multi-faced signs shall not exceed two (2) times the allowed square footage of single-faced signs.

11.25 No sign that exceeds one hundred (100) square feet in area shall be erected or maintained:

- a. Which would prevent any traveler on any street from obtaining a clear view of approaching vehicles on the same street for a distance of five hundred (500) feet.
- b. Which would be closer than thirteen hundred fifty (1350) feet to a national, state or local park, historic site, picnic or rest area, church, or school.
- c. Which would be closer than one hundred (100) feet to residential structures.
- d. Which would partly or totally obstruct the view of a lake, river, rocks, wooded area, stream or other point of natural and scenic Beauty.

11.26 Signs by Special Use Permit. Where a use is permitted in a zoning district by special use permit the sign for that use shall require a special use permit unless the sign is otherwise provided for in this Ordinance.

11.27 Permitted signs in Agricultural Districts.

- a. Type. Nameplate, Real Estate, Ground, Political, Temporary, Wall and Identification.
- b. Advertising by major roads by special use permit only.
- c. No sign shall be so constructed as to have more than two (2) surfaces.
- d. Number per Lot Frontage. One (1) of each of the permitted type signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.
- e. Size. Not more than a total of twenty (20) square feet with a five (5) foot maximum for any dimension.
- f. Height. No sign shall exceed ten (10) feet above grade.
- g. Setback. Any sign over two (2) square feet shall be set back at least ten feet (10) from any lot line.

11.28 Permitted signs in Residential Districts.

- a. Type. Nameplate, Real Estate, Political, Ground, Temporary, Wall, and Identification. No sign shall be so constructed as to have more than two (2) surfaces.
- b. Number Per Lot Frontage. One (1) of each of the permitted type signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.

- c. Size. Not more than a total of sixteen (16) square feet with a four (4) foot maximum for any dimension.
- d. Height. No sign shall exceed eight (8) feet above grade.
- e. Setback. Any sign over one and one-half (1 1/2) square feet shall be set back at least ten (10) feet from any lot line.

11.29 Permitted signs in Commercial Districts.

- a. Type. Business, Nameplate, Illuminated, Ground, Pedestal, Motion, Political, Real Estate. Shopping Center where there are three (3) or more businesses, Temporary, and Wall. Advertising by special use permit only.
- b. Number Per Lot Frontage. One advertising sign on any lot having a frontage of one hundred and fifty (150) feet or more. One (1) real estate sign, two (2) temporary signs, one (1) nameplate sign, one (1) political sign for each candidate, and one (1) business sign or one (1) shopping center sign.
- c. Size.
 - 1. Except as provided herein, the total square footage of sign area for each lot shall not exceed three (3) square feet of sign area for each lineal foot of lot frontage, except where a location is a corner lot, the amount may be increased by one and one-half (1 1/2) square feet of sign area per front foot of public right-of-way along a side lot line.
 - 2. No sign shall exceed two hundred (200) square feet in area.
 - 3. Each real estate sign, temporary sign and political sign shall not exceed thirty-five (35) square feet in area.

4. Each nameplate sign shall not exceed one hundred (100) square feet in area.
- d. Height. No sign shall exceed thirty-five (35) feet in height above average grade.
- e. Setback. Any sign over six (6) square feet shall be set back at least ten (10) feet from any lot line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line. All signs over one hundred (100) square feet shall be set back at least fifty (50) feet from any residential or agricultural district.

11.30 Permitted Signs in Industrial Districts.

- a. Type. Advertising, Business, Nameplate, Illuminated, Ground, Pedestal, Political, Real Estate, Temporary, Wall and Motion.
- b. Number Per Lot Frontage. One (1) advertising sign on any lot having a frontage of one hundred fifty (150) feet or more. One (1) of each of the permitted type signs except temporary signs where two (2) will be permitted and political signs where one (1) for each candidate will be permitted.
- c. Size.
 1. Except as provided herein, the total square footage of sign area for each lot shall not exceed five (5) square feet for each lineal foot of lot frontage except where a location is a corner lot, the amount may be increased by one and one-half (1 1/2) square feet of sign area per front foot of public right-of-way along a side lot line.

2. No sign shall exceed six hundred (600) square feet in area.
3. Each real estate sign, temporary sign and political sign shall not exceed thirty-five (35) square feet in area.
- d. Height. No sign shall exceed forty-five (45) feet in height above grade.
- e. Setback. Any sign over ten (10) square feet shall be set back at least ten (10) feet from any lot line. In no case shall any part of a sign be closer than two (2) feet to a vertical line drawn at the property line. All signs over one hundred (100) square feet shall be set back at least fifty feet from any residential or agricultural district.

11.31 Sign Design, Construction, and Maintenance.

- a. Required marking on signs.
 1. Every sign, for which a permit is required shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and voltage of any electrical apparatus used in connection therewith.
 2. Every outdoor advertising sign erected under the provisions of this Ordinance shall be plainly marked with the name of the person, or firm erecting such sign.
- b. Projecting Signs. Except for marquee signs, signs shall in no case project from a building or structure to any point within two (2) feet of a line drawn perpendicularly upward from the

curb line. No projecting sign shall be less than nine (9) feet above the sidewalk or the ground level. All projecting signs for which a permit is required shall be constructed entirely of fire resistant materials approved by the Zoning Administrator for this purpose. All metal supports and braces shall be galvanized or be of corrosive resistant material. Signs shall not be hung with the legend perpendicular to the building wall.

c. Ground Signs.

1. No ground sign shall be erected, constructed, altered, rebuilt, or relocated to a height exceeding thirty-five (35) feet above the ground.
2. No ground sign for which a permit is required shall be erected to a height of more than twelve (12) feet above the ground unless the face is constructed of sheet metal or other noncombustible facing materials.
3. The bottom of the facing of every ground sign shall be at least three (3) feet above the ground, which space may be filled with platform or decorative trim of light wood or metal construction.
4. No private sign shall be erected, constructed, or maintained within the boundary of any street, avenue, highway, alley or public ground of the town, county, or state in which it is to be located.
5. The soil used for the dug-in type of anchor or post support shall be carefully placed and thoroughly compacted.

The anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

- d. Wall Signs. Wall signs attached to exterior walls of solid masonry or concrete shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter which shall be embedded at least five (5) inches. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of wall signs attached to buildings with walls of wood. No wall sign shall be entirely supported by an unbraced parapet wall.
- e. Sign Maintenance.

1. Painting. The owner of any sign shall be required to have such sign properly painted at least once every two years, if needed, including all parts and supports of the sign, unless such parts or supports are galvanized or otherwise treated to prevent rust.
2. Area around sign. The owner, or lessee of any sign or the owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.

11.32 Non-conforming signs. All signs not in conformity with the provisions of this Ordinance shall be treated in the same manner as other non-conforming uses as provided in section 5.4.

11.33 Obsolete signs. Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, or land upon which the sign may be found within ten (10) days after written notice from the Town Board.

11.34 Unsafe or Dangerous Signs. Any sign which become structurally unsafe or endangers the safety of a building or premises or endangers the public safety, shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land upon which the sign is located within ten (10) days after written notification from the Town Board.

11.35 Permit Fee. The application shall be accompanied by a fee of ten dollars (\$10.00) or ten cents (10¢) per square foot of sign area, whichever amount is larger. Whenever a fee is paid to a township for a similar permit, the Town Board may waive part or all of the county fee as set forth herein.

11.36 Expiration of Permit. All sign permits for an Advertising sign, Business sign, Motion sign, Pedestal sign, or any sign over one hundred fifty (150) square feet in area shall expire three (3) years from the date of issuance. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

11.37 Exemptions. No permit shall be required under this Ordinance for the following signs:

1. All signs under twenty (20) square feet in area except those that require a special use permit.
2. Real Estate signs under fifteen (15) square feet in area
3. Political signs.

Section 12. Responsibility; Effect

12.1 Responsibility. Neither the issuance of a permit nor compliance with the conditions thereof, nor with the provisions of this Ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability on the Township of Empire 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.

12.2 Penalty. Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor and may be punished by imprisonment for a period not to exceed 90 days or by a fine in an amount not to exceed \$300.00 or both, Each day the violation continues shall constitute a separate offense.

12.3 Severability. If any part of this Ordinance is held to be unconstitutional or otherwise illegal, the remainder of this Ordinance shall be deemed and held to be valid and remain in force and effect as if such portion had not been included herein. If this Ordinance or any provision herein is held to be

inapplicable to any person, property or work, such holding shall not affect the applicability hereof to any other person's property or work.

12.4 Repeal

Any provisions of the Eureka Township Ordinances in effect on the date of passage of this Ordinance are hereby repealed to the extent that they are inconsistent with the provisions of this Ordinance.

Chairman

Clerk

Notice of Public Hearing published in the Dakota County Tribune on the _____ day of _____, 1978.

Public Hearing held on _____ day of _____, 1978.

Passed by the Town Board on the _____ day of _____, 1978.

Published in the Dakota County Tribune on the _____ day of _____, 1978.