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STEELE COUNTY RECORDER  
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# BLOOMING PRAIRIE TOWNSHIP ZONING ORDINANCE

Adopted: February 11, 2014

**The Town Board of Blooming Prairie Township hereby ordains:** The Blooming Prairie Town Board adopts this Zoning Ordinance for the purposes of promoting the health, safety and public welfare in Blooming Prairie Township, Steele County, Minnesota and for providing for the enforcement, administration and imposing penalties for the violation of this Ordinance. As to land uses not addressed by this Zoning Ordinance, the Blooming Prairie Town Planning Committee and the Blooming Prairie Town Board feel that the Steele County Zoning Ordinance provides adequate protection of Blooming Prairie residents so that other land use regulations are not necessary at the time of initial adoption of this Ordinance. The vision for Blooming Prairie Township is to be a sustainable community that encourages sustainable development.

This Blooming Prairie Zoning Ordinance is an amendment to, and hereby replaces, the Blooming Prairie Land Use Ordinance adopted on July 11, 2006.

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### **ARTICLE I – GENERAL PROVISIONS**

#### **DIVISION 10: GENERAL ORDINANCE PROVISIONS**

##### **Section 10-010 Title and Application**

This Ordinance shall be referred to as the Blooming Prairie Township Zoning Ordinance. This is an ordinance regulating the use of all land in the Township of Blooming Prairie for purposes identified herein for regulation, but not including other land uses that may be regulated by Steele County and the regulation of incorporated and shore land areas. This ordinance does not regulate all land uses in the Township, as Steele County will continue to administer those uses under the Steele County Land Use Ordinance, as well as subdivision and on-site septic regulations.

##### **Section 10-020 Intent and Purpose:**

The Town Board adopts this Ordinance pursuant to the provisions of Minnesota Statutes, Ch. 462, including Sections 462.351 - 462.364, for the following purposes:

1. Protecting the public health, safety, and general welfare of the Township;
2. To guide the future growth and development of the Township;
3. Protecting and preserving the natural environment of the Township;
4. To protect and promote the value of land throughout the Township; and

5. To bring about the gradual conformity of the uses of land and buildings throughout the Township through the zoning plan set forth in this Ordinance, and to minimize the conflicts among the uses of land and buildings;
6. To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land and buildings throughout the Township;
7. To preserve and enhance the quality and the economic and natural environmental values of the Township, and provide for the wise utilization of these land resources; and
8. To maintain integrity and safety of all Township Roads.

**Section 10-030      Definitions:**

The following words and terms, whenever they occur in this Ordinance, have the following definitions:

**Adjoining** - To be next to, nearby or sharing an edge or boundary. For purposes of this ordinance, parcels of land split by a road shall be considered adjoining.

**Agriculture** – the use of land for agricultural purposes, including: farming, dairying, pasturage agriculture, horticulture, forestry, animal husbandry, and the necessary accessory for packing, treating or storing the produce; provided that, however, the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

**Agricultural Structures** – structures customary and incidental to farming and the raising of animals, including barns and other animal shelters, corrals and fences, silos and storage sheds for machinery and crops.

**Animal Feedlot** – A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered to be animal feedlots. Two or more new animal feedlots under common ownership or operation are considered to be a single animal feedlot if they adjoin each other, are subject to a single environmental assessment worksheet or if they use a common area or system for the utilization of waste.

**Animal Unit (AU)** A unit of measure to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this definition the following equivalents shall apply.

<u>ANIMAL</u>	<u>UNIT</u>	<u>100 AU=</u>
One mature dairy cow	1.4 Animal Unit	71 animals
1 dairy calf (<500 lbs.)	0.5 Animal Unit	200 animals
One Slaughter Steer or Heifer	1.0 Animal Unit	100 animals
One Horse	1.0 Animal Unit	100 animals
One Swine (55 lbs. & up)	0.4 Animal Unit	250 animals
One Swine (<55 lbs.)	0.05 Animal Unit	2,000 animals
One Sheep	0.1 Animal Unit	1,000 animals
One Duck	0.02 Animal Unit	5,000 animals
One Turkey (10 lbs. & up)	0.018 Animal Unit	5,555 animals
One Turkey (<10 lbs.)	0.01 Animal Unit	10,000 animals
One Chicken	0.01 Animal Unit	10,000 animals

**Conditional Use** – a land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

**Enabling Entity** – This is defined as a natural person that functions in much the same role as a parent or relative would in assisting a beginning or young farmer by owning some of the adjoining land while the beginning or young farmer rents, leases, or runs livestock facilities on this or adjacent contiguous land.

**Kennel** – A site to hold, raise, breed or feed a maximum physical capacity of more than 20 dogs or cats (for private, hobby or commercial purposes).

**Maximum Physical Capacity** – The maximum physical capacity of animal feedlots to hold, feed, breed or raise animals.

**New Animal Feedlot** - An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a preexisting animal feedlot has been abandoned or unused for a period of five (5) years or more.

**Non-conforming Uses** – Any use or structure in existence as of the date of enactment of this Ordinance, which does not conform, to the land use restrictions contained in this Ordinance.

**Practical Difficulties** - As used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties shall have that definition and meaning as set forth in Minn. Stat. 462.357, subd. 6, as amended hereinafter from time to time by the Minnesota Legislature.

**Prohibited Animals** – Those wild exotic animals, including (i) “regulated animals” defined in Minnesota Statutes 346.155, subd. 2930, and (ii) all:

- a. Felidai, including lions, tigers, bobcats, cougars, jaguars, leopards, servals (but exempting domesticated cats);
- b. Ursidai, including bears;
- c. Canidai, including wolves, coyotes, jackals (but exempting foxes or domesticated dogs);
- d. Crocodilla, including alligators and crocodiles;
- e. Non-human primates and prosimians, including lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets;
- f. Reptilia, including all venomous or constricting snakes;
- g. Proboscidae, including elephants;
- h. Artiodatyla, including hippopotamuses, giraffes and camels;
- i. Perissodactylea, including rhinoceroses and tapirs.

**Residence** - A building or other shelter in which people live or have lived for more than 20 days within the last 24 months. A residential building principally used for residential accommodation having a permanently installed kitchen and bathroom facilities and occupied for human habitation, but not including rooms in hotels, tents, or trailer coaches.

**Setback** – the minimum horizontal distance between a structure, well or sewage disposal system and another element such as street or highway right-of-way, side property lot line, etc.

**Variance** – any modification or variation of official controls where it is determined that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

**Section 10-040: Standard Requirements:**

The following standards shall apply unless otherwise noted in this Ordinance.

1. More Restrictive Provisions to Govern. Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the more restrictive regulations shall prevail.
2. Interpretation. The terms of this Ordinance shall be held to the minimum requirements to satisfy the Intent and Purposes of this ordinance.
3. All lawful uses existing at the time of adoption of this Ordinance shall be permitted to continue in size, nature and location.
4. Conformity with Ordinance. All new and expanded land uses subject to this Zoning Ordinance shall comply with the requirements of this Ordinance. No

building or structure subject to this Zoning Ordinance shall be erected, constructed, expanded, enlarged, or used for any purpose that is not in conformity with this Zoning Ordinance.

**Section 10-050: Separability:**

The several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, use or structure, such judgment shall not affect the application of said provision to any other property, use or structure not specifically included in said judgment.

**Section 10-060: Vested Rights:**

Nothing in this or any referencing ordinance shall be interpreted or construed to give rise to any permanent vested rights. Land uses regulations are deemed to be subject to subsequent amendment, change or modifications as may be necessary to promote the public health, safety and general welfare.

**ARTICLE II – GENERAL ZONING DISTRICT AND REGULATIONS**

**DIVISION 20: ZONING DISTRICT**

**Section 20-010: Ag/Residential District.**

All lands lying within Blooming Prairie Township are hereby zoned and determined to be in an agricultural/residential district (“Ag/Residential District”), except for shoreland.

**Section 20-020: Purposes.**

The purposes of the Ag/Residential District include to preserve and promote the use of land for agricultural purposes, farm residences, rural residential uses and such other uses that are compatible with and complementary to such agricultural and residential uses.

**Section 20-030: Permitted Uses.**

The following land uses are permitted under this Ordinance without any building permit or review from the Township.

1. Agricultural uses, including new or expanded feedlots up to 300 animal units.

2. Residential: New residences shall be permitted a minimum of 1000 ft from any existing feedlot. If the existing animal feed lot is over 500 animal units the new residence must be set back 2 ft per animal unit.
3. Town hall.
4. Churches and cemeteries.
5. Parks and playgrounds.
6. Commercial, up to 10 employees.
7. Home occupation, including day care.
8. Wildlife refuges and conservation areas.
9. Essential services or utilities, including transmission and distribution lines and pipelines of public utility companies within existing public rights of way.
10. All uses not addressed by this Zoning Ordinance allowed as permitted uses or conditional uses within Blooming Prairie Township by the Steele County Land Use or Zoning Ordinance, as amended from time to time by the Steele County Board of Commissioners.
11. A person will be entitled to hold, raise, breed and feed a combined maximum physical capacity of 20 dogs or cats without being required to obtain a permit as a kennel from the Township.

**Section 20-040: Conditional Uses Subject to Conditional Use Permit.**

1. The establishment of any animal feedlots with a capacity to hold 301 – 1000 animal units.
2. The establishment of any commercial or industrial tire recycling facility.
3. Commercial, from 11 to 50 employees.
4. Manufactured (Mobile) Home Parks.
5. Junk yards/Salvage yards.
6. Mining operations of over 5 acres.
7. Essential services construction projects.
8. To hold, raise, breed and feed a combined maximum capacity from 21 to 40 dogs or cats on a kennel site.

**Section 20-050: Prohibited Uses.**

1. New or expanded feedlots with a capacity to hold over 1000 animal units.
2. There shall be no new earthen manure lagoons or basins for the storage of animal waste from feedlots.
3. No manure may be stockpiled within 1,000 feet of a public park, Church, school or neighboring residence. All stockpiled manure shall be spread within 90 days. A party seeking to stockpile manure up to 180 days or within 1,000 feet of a neighboring residence may obtain a written consent from all neighboring residents within ¼ mile.
4. There shall be no discharge of animal waste upon neighboring property or public roads from storage, transportation or disposal in such concentration as to endanger the public or private health, safety, and comfort of the public or as to cause damage to any person, property, business or other land use.

5. The establishment of any adult use or adult entertainment facilities within 2 miles of any residence.
6. The establishment of any industrial facility for storage of hazardous waste, biomedical waste or demolition waste.
7. The establishment of any commercial motorized racetracks, casinos or racinos with a seating capacity, whether by permanent structure or by temporary (including bench or chair seating), of greater than 10 people.
8. The establishment or rehabilitation of any multi-unit housing facilities with a total capacity of over 10 bedrooms at the facility.
9. Commercial, greater than 50 employees.
10. To hold, raise, breed or feed a combined maximum capacity of over 40 dogs or cats on a kennel site.
11. To hold, raise, breed or feed any prohibited animals at any location for any period of time for commercial production, non-commercial sanctuary, zoological or private purposes.

**Section 20-055: Non-conforming Uses**

Purpose: The intent of this Ordinance is to regulate nonconforming uses and structures so they can continue but will be prohibited from (i) enlargement, expansion or alteration, (ii) reestablishment after discontinuance or abandonment, or (iii) restoration after damage or destruction.

Continuation of Nonconforming uses: any person engaging in a nonconforming use as of the date of enactment of this Ordinance will be entitled to continue engaging in such nonconforming use. However, such person will not be entitled to enlarge, alter or expand such nonconforming use. A nonconforming use of a parcel of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

Abandonment of Nonconforming Uses: A person engaging in any nonconforming use which ceases or is abandoned for a period of at least 12 months is prohibited from reengaging in such nonconforming use. Any subsequent use must be a conforming use.

Continuation of Nonconforming Structure: any person using a nonconforming structure as of the date of enactment of this Ordinance, will be entitled to continue using such nonconforming structure and will be entitled to repair and maintain such nonconforming structure. However, such person will not be entitled to enlarge, alter or expand such nonconforming structure.

Damage to Nonconforming Structure: If a nonconforming structure is damaged or destroyed by at least 50 percent of its market value at the time of destruction, any subsequent reconstruction, use and occupancy must be a conforming structure.

Burden of Proof: The property owner, not the Township, will have the burden of proving that a nonconforming use or structure will be entitled to continue, under the provisions of this Ordinance.

**Section 20-060: Animal Feedlot Requirements.**

1. Animal Feedlots Setback – Any new feedlot with the capacity of more than 50 animal units, or any manure storage facility designed to hold animal waste from more than 50 animal units shall meet the setback requirements below:
  - a. The feedlot shall not be situated closer than 200 feet from the nearest adjoining property line.
  - b. The feedlot shall be set back from the nearest residence other than the operator's own personal residence by at least two feet per animal unit at the feedlot site, except that no feedlot shall be situated less than 1,000 feet from any neighboring residence. This setback is reciprocal for purposes of Minn. Stat. 462.357, subd. 6. New residences must be setback the same distance on the same conditions as the setback for new feedlots, unless the new residence is built to replace an existing residence. The Township may grant a variance from this requirement under Minn. Stat. 462.358, subd. 6.
  - c. The feedlot shall be set back from any public building such as a church, school, or government building by at least two feet per animal unit at the feedlot site except that no feedlot shall be situated less than 1,000 feet from a public building.
  - d. No feedlot buildings or manure storage area shall be constructed within 200 feet from the centerline of a township road.
  - e. No new feedlot may be constructed or expanded within ¼ mile of another feedlot.
2. All setbacks shall be enforced for new residences from existing feedlots at the maximum allowed setback requirement. New residences must be setback the same distance on the same conditions as the setback for new feedlots, unless the new residence is built to replace an existing residence. The Township may grant a variance from this requirement under Minn. Stat. 462.358, subdivision 6. This will allow an animal agricultural unit to expand to the maximum size allowed under the ordinance limits.
3. All other setbacks, including wells, frontage, side and any others not specifically mentioned in this ordinance shall comply with the Steele county zoning ordinance.
4. New or expanded feedlots over 200 animal units shall use the best available control technology (BACT) for odor control.

5. Neighbor Notification. Proposers of new or expanded feedlots over 200 animal units shall notify in writing each property owner and resident located within two miles of the proposed new or expanded feedlot forty five (45) days before submitting a completed application to the Township.
6. Abandonment of Manure Storage Structure. All manure storage structures must be properly closed within six months of abandonment, permit revocation or other permanent cessation of livestock production at the facility. Closure must comply with applicable standards established by the Minnesota Pollution Control Agency. In the event that the storage structure is not properly closed within six months, the Township may remove any remaining structure and assess the costs against the property in the same manner as in enforcement of this Ordinance.
7. Manure application. Feedlot owners, managers and commercial manure pumpers and haulers shall remove and transport liquid manure from the manure storage structure for land application via umbilical hose system or other method approved by the Town Board in writing as part of a conditional use permit or variance that protects township roads from damage.
8. All feedlots shall comply with all terms and conditions of the applicable Steele County ordinance provisions and the applicable requirements of the Minnesota Pollution Control Agency.

#### **Section 20-070 Rezoning Requirements**

Any lands lying within Blooming Prairie Township that are proposed for anything other than agricultural use must be rezoned. All final decisions concerning the granting, denial, or amendments from an agricultural district must be approved by the Blooming Prairie Township Board.

##### **A. Amendment Findings for Rezoning:**

1. The proposal is consistent with the policies of the Blooming Prairie Township and Steele County Land Use Plans.
2. The amendment is in the public interest.
3. The proposed development is timely based on surrounding land uses, proximity to development, and the availability and adequacy of infrastructure.
4. The proposal permits land uses within the proposed district that appropriate on the property and compatible with adjacent uses and the neighborhood.
5. The proposal does not result in a spot zoning.

#### **Section 20-080 Manufactured (Mobile) Home Parks**

Mobile Home Parks. The mobile home park must comply with all state and county regulations pertaining to mobile home parks. A Mobile Home Park must meet the following requirements.

1. The Town Board shall approve the location, size and general layout of all roads, streets and alleys in the mobile home park to assure adequate roads to handle traffic and off-street parking
2. There shall be a sewage collection facility that meets the criteria, rules, and regulations of the Minnesota Dept of Health and the Minnesota Pollution Control agency. All utilities, so far as possible shall be installed underground in order to eliminate overhead wires, poles, etc.
3. There shall be an adequate central park, playground and recreational area with adequate recreational equipment for adults and juveniles within the mobile home park.
4. Adequate provisions shall be made for the storage of refuse, stored materials, and other materials owned by the occupants of the mobile home park in order to eliminate the unsightly storing of said materials.
5. In order to protect the natural beauty of the area, there should be adequate vegetative screening around the mobile home park. There shall be a setback for vegetative screening of at least 50 feet from the property line and at least 200 feet from the centerline of any public road.
6. Each mobile home lot shall be provided with a parking pad to afford adequate parking for two automobiles.
7. Each mobile home lot shall be provided with a yard light or other lighting device to provide light for that portion of the mobile lot located near the streets and alleys in the mobile home park.

**Section 20-090 Junkyard/Salvage Yards.**

Junkyards or salvage yards shall be setback 300 feet from the property line and from the centerline of a public road and be out of public view by vegetative screening or fencing approved by the Town Board if the yard is visible from a neighboring occupied residence or public road.

**Section 20-100 Mining**

1. Mining Setback Requirements. Mining operations shall not be conducted closer than 300 feet from the boundary of any residence nor closer than 50 feet from the boundary of any adjoining property line, unless the written consent of the owner of such adjoining property is first secured. Dust and noise produced during processing or loading shall not be conducted closer than 300 feet from the boundary of any residential structures existing prior to the beginning of the

mining operation. Excavating or stockpiling shall not be conducted closer than 100 feet from the centerline of any existing or platted street, road or highway.

## 2. Exemptions.

Any mining operation legally commenced prior to the adoption of this Ordinance shall be exempt from the above requirements pertaining to the operation of motor vehicles, dust and noise control, safety regulations and the maintenance of the appearance of the property.

Any person that shall excavate, quarry or remove any sand gravel, limestone or other materials not exceeding 200 cubic yards in any calendar year shall be exempt from all provisions of this Ordinance.

Excavations or drilling for the purposes of exploration.

Excavations for the sole purpose of preparing a site for residential commercial or industrial development on property from which the material was extracted, excavation of clay for public or private highway purposes or land alterations for agricultural purposes shall be exempt from the provisions of this section.

### **Section 20-110 Recycling Storage/Recycling Facility**

The facility must be approved by appropriate State of Minnesota and Federal agencies. No storage or recycling facility shall be located within 300 feet from a property line or from the centerline of any public road.

### **Section 20-120 Rural Commercial**

- A. The minimum lot size for any commercial or industrial use shall be no less than 300 feet of road frontage and 10 acres in area.
- B. To protect Township gravel roads, commercial businesses should be located on paved county and state roads only.
- C. Non-agricultural waste generated outside the township must get a conditional use permit from the Township Board before waste can be brought into the township.
- D. Shall follow all Steele County site development, landscaping and screening requirements for business and industrial zoning district.
- E. Any rural commercial must be set back at least 1000 feet from an existing feed lot of 500 animal units or less. An additional 2 feet per animal unit over 500 animal units is required.

### **Section 20-130 Recreational Uses**

Recreational uses include, but are not limited to, campgrounds, driving range, golf course, or racetrack. There shall be a setback for vegetative screening of at least 50 feet from the property line and at least 200 feet from the centerline of any public road.

### **Section 20-140 Essential Services or Utilities**

The Town Board shall, subject to limitations as set forth in the laws of Minnesota, require a Conditional Use Permit for essential services construction projects such as transmission lines of voltage of 35 KV or greater, bulk gas or fuel being transferred from station to station via pipeline and not intended for in route consumption, and electric substations, radio towers, electric wind generators, or similar essential service or utility structures. Pipelines, if permitted, shall be placed at least five (5) feet below ground surface.

### **Section 20-150 Excavation and Construction on Township Road Right of Way**

No person shall engage in any ditching, drainage project, excavations, fill or construction on township road right of way within 33 feet of the centerline of a public road without first securing a permit authorizing the project from the town board

- A. In the event of enlargement of an existing waterway through a town road, the person responsible for the increased watershed shall also be responsible for the cost of increasing waterway capacity across the town road.
- B. Following excavation, the road right of way, including surface, shall be restored to its original condition.
- C. A permit if issued under this section, shall be in accordance with the laws of the state of Minnesota and shall state thereon that said person, firm or corporation shall assume total responsibility and liability for the construction, operation and maintenance. The Permittee or assigns shall defend, indemnify and hold harmless, and defend the Township, its officers, agents or employees against any and all actions, claims or demands whatsoever which may arise from or on account of the issuance of said permit for the excavation or construction, maintenance or operation of any facility stated.

### **Section 20-160 Windbreaks**

In order to minimize snow drifting problems along town roads, it shall be required that field windbreaks be setback a distance of at least 200 feet from the centerline of the road. Building site windbreaks are to be set back at least 50 feet from the centerline of the road. These requirements shall not apply to existing windbreaks. A snow fence is not a field windbreak.

**Section 20-170 Farming on Town Road Right of Ways.**

It shall be unlawful to engage in a farming practice other than hay land farming within the road right of way or within 33 feet of the centerline of a township road. This shall be construed to mean that cultivated row cropping, small grain cropping, pasturing, drainage ditches, fences or rock piles is prohibited on township road right of ways or within 33 feet of the centerline of the township road. In any case that the actual right of way width of a township road is a matter of record in the County Recorders Office that right of way width as found of record shall govern. Existing non-conforming uses in violation of this requirement shall be eliminated within a period of one year from date of adoption of this ordinance.

**Section 20-180 Depositing of Manure and Rocks in Road Right of Ways.**

The depositing of manure or rocks of the right of way or within 33 feet of the centerline of a township road or any other public road right of way shall be prohibited.

**Section 20-190 Noise**

Any device designed for the purpose of emitting and generating noises to frighten and deter birds and animals from entering on private property shall remain inoperative and silent between 8:00pm in the evening to 8:00 am in the morning.

**Section 20-200 Unlicensed Vehicles**

Four (4) or more inoperative or unlicensed motor vehicles stored in excess of three (3) months shall be set back 200 feet from the property line and from the centerline of a public road and be out of public view by vegetative screening fencing if the vehicles are visible from a public road.

**Section 20-210 Road Damage**

Anyone engaging in farming, commercial or noncommercial activities which damages or impairs Township Roads will be responsible for repair or cost of repairs at the discretion of the Township Board.

**ARTICLE III –ADMINISTRATION**

**DIVISION 30 ADMINISTRATION**

**Section 30-010: Zoning Administrator**

The entire Town Board shall be responsible for administration and enforcement of these regulations or may appoint a zoning administrator. The Town Board or zoning administrator shall perform the following duties:

1. Enforce and administer the provisions of this Ordinance.
2. Maintain permanent and current records of this ordinance, including but

- not limited to maps, amendments, variances and conditional uses.
- 3. Receive, file, and forward, along with recommendations, all applications for appeals.
- 4. Institute in the name of the Township, any appropriate actions or proceedings against a violator as provided for.
- 5. Serve as ex-officio, non-voting member of the Planning Commission.
- 6. Compensation, if any, shall be set by the township board.

**Section 30-020: Planning Commission**

There is hereby created a Planning Commission consisting of one officer of the Blooming Prairie Town Board and two (2) other legal voting residents of the township. The members of the Planning Commission shall be appointed by the Town Board consistent with the bylaws as adopted by the Blooming Prairie Town Board. The Planning Commission now in existence shall continue as presently constituted.

- A. The Planning Commission may elect a Chairperson, Vice-Chairperson and Secretary/Treasurer from among its members. It may adopt rules or bylaws for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Planning Commission may cause all such records of its proceedings, findings and determinations to be filed at the Blooming Prairie Township office.
- B. The Planning Commission shall be advisory in nature, and shall serve at the pleasure of the Town Board. In this advisory role the Planning Commission shall:
  - 1. Assist the Town Board in the formulation of goals, policies and programs for the future development of Blooming Prairie Township.
  - 2. Assist the Town Board in the preparation of development controls designed to promote development consistent with adopted goals and policies.
  - 3. Review applications for conditional use permits, variances and Ordinance amendments, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to the Town Board.

**Section 30-030 The Board of Adjustment and Appeals**

There is hereby created a Board of Adjustments and Appeals of one officer of the Blooming Prairie Town Board (not the same officer that is on the Planning Commission) and two (2) other legal voting residents of the township. The members of the Board of Adjustments and Appeals shall be appointed by the Town Board.

The Board of Adjustment and Appeals shall act upon all questions as they may arise in the administration of this Ordinance.

- A. The Board of Adjustment and Appeals shall elect a Chairperson and Vice-



- B. The Planning Commission must make an affirmative finding on all of the criteria listed above in order to make a recommendation to the Board of Adjustment and Appeals to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.
- C. The Planning Commission may impose conditions upon a variance that relate to the purposes and objectives of this Ordinance. If conditions are imposed, the variance shall not be effective until the conditions are fully complied with. A conditional variance shall be in effect only as long as the condition is complied with. If a condition is not complied with, the variance may be revoked and the Township may pursue the enforcement remedies set forth in Section 30-090 herein.
- D. Procedure for applying for a Variance:
1. An applicant desiring a variance shall fill out and submit to the Blooming Prairie Township Board or Zoning Administrator a completed Variance Request form, copies of which will be made available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission. The application shall be accompanied by information as is necessary to educate the residents about the project, including but not limited to:
    - a. A map or aerial photo showing all existing homes, as well as all proposed and existing buildings, driveways, access roads, parking spaces, and loading areas.
    - b. A map or aerial photo indicating location and dimensions of the facility, lakes, ponds, water courses, wetlands, drainage ditches, roads, wells (including abandoned wells), contour and surface water drainage within 1,000 feet of the facility.
    - c. A site plan drawn to scale showing the location of all proposed landscaping, windbreaks, and screening plans, if applicable, as well as all approaches from public roads, and the existing and proposed buildings and manure storage areas and their square footage.
    - d. A copy of any applications for permits made to any federal, state or local authority for the same project.
    - e. The plan for the manner in which negative impacts to neighbors will be controlled or mitigated.
    - f. The names and addresses of all owners and managers of the facility. This includes the names and addresses of all individual owners of any corporation, cooperative, partnership, limited liability company, etc.
    - g. Certification from the County that all property taxes have been paid.

- h. Such other information as is deemed necessary and reasonable by the Town Board to adequately review the request.
    - i. Written assurances that any damage to bridges and roads by heavy loads will be repaired by the applicant/permit holder.
  - 2. The Board or Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
  - 3. The Planning Commission shall hold a public hearing in accordance with Minn. Stat. Ch. 462 and the provisions of this Ordinance.
  - 4. The planning Commission will forward their recommendation to the Board of Adjustment and Appeals within thirty (30) days after receiving the application. If it recommends the variance, the Planning Commission 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.
  - 5. The Board of Adjustment and Appeals will act upon the request within 30 days of receipt from the Planning Commission.
  - 6. An application for a variance shall not be resubmitted for a period of twelve months following denial.
  - 7. Variances shall be recorded in the office of the Steele County Recorder.
- E. Procedure for filing an Appeal:
- 1. An appeal of an administrative decision made in the enforcement of this Ordinance shall be made by filling out and submitting to the Board or Zoning Administrator an Application for Appeal, which will be available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Board of Adjustment and Appeals. Such appeal shall be heard by the Board of Adjustment and Appeals within sixty (60) days of the date that such complete application is submitted.

**Section 30-050 Conditional Use Permits.**

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application to the Board or Zoning Administrator and upon review and recommendation of the Planning Commission, and approval and issuance of a Conditional Use Permit by the Blooming Prairie Town Board. The applicant for a conditional use permit shall fill out and submit to the Board or Zoning Administrator an Application for Conditional Use Permit, which application shall contain all information required of a variance application.

When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Board or Zoning Administrator and the Planning Commission prior to consideration of the permit.

A. In considering the granting of any conditional use permit throughout the Township, the Planning Commission and Town Board shall evaluate the effect of the proposed use upon:

1. The maintenance of the public health, safety and welfare.
2. The location of the site with respect to existing and proposed access roads.
3. Its compatibility with adjacent land uses.
4. Its compatibility with the intent of the zoning district in which such use is proposed.
5. Its compatibility with the objectives of this Ordinance.

B. Upon consideration of the factors listed above, the Planning Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, which it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:

1. Increased setbacks.
2. Periods and/or hours of operation.
3. Type of construction.
4. Deed restrictions.
5. Landscaping and vegetative screening.
6. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.

C. An applicant for a Conditional Use Permit may be required to furnish the Planning Commission, in addition to the information required for the building or other permit or variance, the following:

1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover.
2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover.
3. Plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations.
4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations.
5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this ordinance.

- D. The Planning Commission and the Town Board, in evaluating each conditional use application, may request the Steele County Soil and Water Conservation District or Natural Resources Conservation Service to make available expert assistance to assist in the evaluation and consideration of such application.
- E. Procedure for applying for a Conditional Use Permit:

Notification to Township: The Town Board shall, be notified by letter at least 10 days before applying for federal, state, or county permit for the construction of any facilities or structures that will require any conditional Use Permit or Excavation Permit from Blooming Prairie Township.

1. An applicant desiring a conditional use permit shall fill out and submit to the Blooming Prairie Township Board or Zoning Administrator a completed Conditional Use Permit Application form, copies of which will be available from the Township. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
2. The Board or Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
3. The Planning Commission shall hold a public hearing in accordance with Minn.Stat. Ch. 462, the provisions of this Ordinance and other applicable laws, if any, governing notices and public hearing.
4. The Planning Commission will forward their recommendation to the Town Board within thirty (30) days after receiving the application. If it recommends the conditional use permit, the Planning Commission may impose conditions it considers necessary to protect the public health, safety and welfare.
5. The Town Board will act upon the request within 30 days of receipt from 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.
6. If a time limit or periodic review is included as a condition by which a conditional use permit is granted, the conditional use permit may be reviewed at a public hearing with notice of said hearing published at least ten (10) days prior to the review; it shall be the responsibility of the Zoning Administrator 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 waiver from a public hearing for annual review of conditional use permits may be granted at the discretion of the Town Board.
7. An application for a conditional use permit shall not be resubmitted for



**Section 30-080**

**Public Notice and Hearing Requirements.**

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, variance requests, and requests for amendments shall be reviewed at a public hearing conducted at least ten (10) days following official public notification including publication in the official newspaper of Blooming Prairie Township and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, and Conditional Use Permits, all property owners within two miles of the property or ten (10) surrounding property owners of record, whichever includes the most property owners, must be notified; In the case of amendments to official controls which involve changes in district boundaries of five acres or less, all record owners of property within one mile must be notified.

**Section 30-090**

**Enforcement and Penalties.**

- A. The Town Board, Zoning Administrator or an authorized Township representative shall conduct Zoning Ordinance compliance inspections prior to the issuance of permits and during the course of construction of activities under conditional use permit. No person shall hinder or otherwise interfere with the Town Board, Zoning Administrator or authorized Township representative in the performance of their duties and responsibilities. Refusal to allow reasonable access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
- B. The Town Board, Zoning Administrator or an authorized Township Representative shall have the authority upon one (1) days written notice to the property owner of record to inspect existing facilities and land uses to verify conformity with this Ordinance
- C. In the event of violation or threatened violation of this Ordinance, the Town Board, in addition to other remedies including prosecution under Section 30-090(C) of this Ordinance, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Blooming Prairie Township Attorney to institute such action after approval and authority for such action has been granted by the Blooming Prairie Town Board.
- D. This Ordinance is enforced with the imposition of civil and/or criminal penalties provided for under Minnesota law. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.
- E. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision,

shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines as provided in Minn. Stat. 609.03. Each day that the violation continues shall constitute a separate offense.

- F. Any person damaged as a result of a violation of this Ordinance may pursue appropriate legal remedies in District Court, including but not limited to an injunction, mandamus and administrative remedies in addition to the prosecution of the misdemeanor.
- G. A violation of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity. In the event any land is used or is proposed to be used in such a manner as to be in violation of this Ordinance or in the event any building, structure, alteration thereof or part thereof, is, or is proposed to be used or erected in violation of this Ordinance, the Town Board or Zoning Administrator may issue cease and desist orders to halt the progress of any on-going violation. Once a cease and desist order has been issued, the activity shall not be resumed until the violation is corrected and the cease and desist order is lifted. In addition, the Town Board or Zoning Administrator, may institute an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, correct, abate or remove such unlawful use, construction, reconstruction, alteration or maintenance.

**Section 30-100                      Fees.**

- A. In order to defray the administrative costs associated with the processing of applications for conditional use permits, variance requests, amendments, and appeals, a schedule of permit fees shall be adopted by the Blooming Prairie Town Board. The schedule of fees shall be posted at the Blooming Prairie Town Hall, and may be altered or amended by resolution of the Blooming Prairie Town Board.
- B. In the event of a violation of this Ordinance, any costs of enforcement, including administrative expense and legal expense incurred in the enforcement proceedings, may be assessed against the party found to have violated the ordinance. Within 45 days after the conclusion of a civil or criminal case, Blooming Prairie Township may certify the costs of enforcement for assessment against the violator's property where the violator has either been found to have violated this Ordinance by the Court or has admitted the violation. The Town Clerk shall prepare a bill for the amount certified and mail a copy by certified mail to the violator's last known address or the violator's address of record with the Steele County Auditor's Office. If the total amount of the bill is not paid within thirty days of receipt of mailing, Blooming Prairie Township may certify the bill as any other special assessment. The violator may appeal the certification of the costs of enforcement to the Blooming Prairie Township Board of Adjustment by filing an objection to the assessment within fifteen days upon receipt of notice of the certification. The appeal must include a detailed

explanation for the objection.

- C. Any person making application for a permit after the commencement of work requiring a permit shall be charged a double permit fee. The Planning Commission, Board of Adjustment or the Zoning Administrator may require correction and/or restoration of the concerned property to its original state in the event the application for a permit is denied or the action permitted does not include all or part of the work commenced prior to approval of said permit.

**Section 30-110 Adoption and Effective Date.**

**A. Public Hearing Date: February 11, 2014**

Adopted by the Blooming Prairie Town Board of Supervisors on this 11<sup>th</sup> day of February 2014.

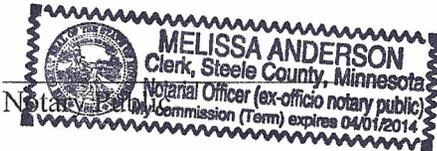
Gerald M. Wencl  
Gerald M. Wencl, Chair

Mirry Anderson  
Attest:  
Town Clerk

**B. Effective Date: February 11, 2014**

The foregoing instrument was acknowledged before me this 11 day of February 2014, by Gerald M. Wencl, Chair of the Blooming Prairie Township Board.

Subscribed and sworn to before me this 11<sup>th</sup> day of February 2014.



The foregoing instrument was acknowledged before me this 11 day of February 2014, by Mirry Anderson Clerk of Blooming Prairie Township.

Subscribed and sworn to before me this 11 day of February 2014



STATE OF MINNESOTA )  
 )  
COUNTY OF STEELE ) ss

This instrument was drafted by:

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