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COUNTY RECORDER
DODGE COUNTY, MN

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Sue A. Alberts
Dodge County Recorder
by , Deputy

ASHLAND TOWNSHIP
DODGE COUNTY,
STATE OF MINNESOTA

ZONING ORDINANCE

ASHLAND TOWNSHIP ZONING ORDINANCE

ARTICLE I. GENERAL PROVISIONS

The Ashland Township Board hereby ordains this Ordinance for the purpose of promoting the health, safety, order, convenience and general welfare in Ashland Township by regulating the use of land and buildings for trade, commerce, industry, residence and other purposes, by defining certain terms used herein and by providing for the enforcement and administration and imposing penalties for the violation of this Ordinance.

- A. Title. This Ordinance shall be known as the Ashland Township Zoning Ordinance (“Ordinance”).
- B. Authority. Ashland Township (“Township”) is empowered to enact, administer, enforce, and amend these zoning regulations through powers granted to townships by Minnesota Statutes 462.351-462.364.
- C. Application.
1. In interpreting and applying the provisions of this Ordinance, they should be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.
 2. 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, the regulations which are most restrictive shall apply.
 3. Should any provision in this Ordinance conflict with, or be found inconsistent with Minnesota Statutes Chapter 462, the provisions of the applicable section of Minnesota Statutes Chapter 462 shall apply, and supersede the inconsistent or conflicting terms of this Ordinance.
- D. Jurisdiction. The jurisdiction of this Ordinance shall apply to all areas within Ashland Township, except shoreland areas regulated by county shoreland or flood plain ordinances, or municipalities, which are governed by their own ordinances.

E. Scope. From and after the effective date of this Ordinance, no structure may be erected, constructed, enlarged, reconstructed or altered and no structure or land may be used or occupied for any purpose or in any manner that is not in conformity with this Ordinance.

F. Non-conforming Uses. It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. It is necessary and consistent with the establishment of zoning districts that non-conforming buildings, structures and uses not be permitted to continue without restriction.

1. Land.

The non-conforming use of land shall not in any way be expanded or extended either on the same or adjoining property.

2. Lot of Record.

A Non-conforming use or lot of record that has been recorded prior to the effective date of this ordinance may be used for any principal use permitted in the zoning district in which the lot is located.

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3. Structures.

a. Enlargement or Alterations

No non-conforming structure may be enlarged or altered in any way which increases its non-conformity. No addition or modification to a non-conforming structure with a conforming use shall exceed fifty percent (50%) of its current market value as determined by the Dodge County Assessor's records, unless the entire structure is made conforming.

b. Damage or Destruction

If a non-conforming structure is destroying by any means to an extent of more than fifty percent (50%) of its current market value, as determined by the Dodge County Assessor's records at the time of

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destruction, it shall not be reconstructed except in conformity with the provisions of the zoning code. If destroyed to less than fifty percent (50%) of its market value, said restoration shall begin within twelve (12) months or the structure shall be made conforming.

c. Relocation

If a non-conforming structure is moved any distance, for any reason whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

G. Use

1. Use Change

Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed back to a non-conforming use.

2. Use, Discontinuance

In the event that a non-conforming use of any structure or structure and land is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

3. Use, Zone Change

The foregoing provisions relative to non-conforming uses shall apply to buildings, land and uses which hereafter become non-conforming due to classification or reclassification of districts under this Ordinance.

H. Change In Use

Any non-conforming use of land or structure may be changed to another non-conforming use of the same nature or less intensive nature if no structural alterations are involved and if it is found that the relation of the structure and proposed use to surrounding property is such that adverse affects on the occupants and neighboring property will not be greater than if

*Violation of
STATE LAW
- NO "USE"
VACANCIES
Allowed*

the original non-conforming use continued. Approval for such a change shall be through the approval of a Conditional Use Permit that has considered the following factors:

1. The character and history of the use and of development in the surrounding area.
2. The comparable degree of noise, vibration, dust, odor, fumes, glare, or emissions detectable at the property line.
3. The comparative numbers and kinds of vehicular trips to the site.
4. The comparative amount and nature of outside storage, loading, and parking.
5. The comparative visual appearance.
6. The comparative hours of operation.
7. The comparative effect on existing vegetation.
8. The comparative effect on water drainage.
9. The comparative effect on the environment.
10. Other factors which tend to reduce conflicts of incompatibility with the character or need of the area.

I. Expansion of Non-Conforming Use

Non-conforming uses in the ag district may be modified or expanded in certain situations subject to approval as a Conditional Use. In acting on an application for modifying or expanding a non-conforming use, the decision maker shall use criteria to determine the impact of modifying or expanding the non-conforming use. A proposal where the Township finds significant injurious impact should be denied or approved with conditions which will mitigate the impact of the modification or expansion.

*EXPANSIONS
MAY BE
VARIANCES*

Potential modifications or expansions which the Township may consider shall include:

1. Rebuilding of a structure devoted to a non-conforming use if destroyed to an extent greater than 50% of the replacement value of the structure.
2. Expanding a non-conforming use of a structure to a portion of the structure not manifestly arranged or designed for such use at the time the use became non-conforming. Such expansion shall not increase the intensity of the use.
3. The addition of new principal buildings or accessory structures on the same parcel of land occupied or under the same ownership on the effective date that the use became non-conforming. The new structures added must be for such purpose that if not associated with the non-conforming use they would be permitted by the zoning district on the property. The applicant must show that the intensity of the use will not substantially increase over the current level of activity with the addition of new structures.

ARTICLE II. INTERPRETATIONS AND DEFINITIONS

A. Interpretation. For purposes of this Ordinance, certain words or terms used herein shall be interpreted as follows:

1. The word "person" includes firm, association, organization, company, partnership, cooperative, or corporation as well as individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
3. The word "shall" is mandatory; the word "may" is permissive.
4. The word "lot" shall include the word "plot", "piece", and "parcel".
5. All distances, unless otherwise specified, shall be measured horizontally.

6. All stated and measured distances shall be taken to the nearest integral foot. If a fraction is one-half (1/2) or less, the integral foot next below shall be taken.
7. The masculine gender includes the feminine and neuter genders.

B. Definitions. For the purpose of this Ordinance, certain terms and words are defined as follows:

Accessory Use or Structure. A use or structure or portion of a structure, subordinate to and serving the principal use of a structure on the same lot and customarily incidental thereto. Due to the subordinate nature of its use, it can reasonably be located at or greater than normal structure setbacks within the shoreland area.

Agricultural Use. The use of land for the growing or production of field crops or other cash crops, orchards, the raising of livestock, and livestock products for the production of income. For purposes of this definition, the following terms are defined as:

1. Field crops shall include but not be limited to corn, soybeans, hay, oats, rye, wheat, fruit, vegetables, or other products suitable for human or animal consumption.
2. Livestock shall include but not be limited to dairy and beef cattle, hogs, poultry, horses, sheep, game birds, fur-bearing, or other animals.
3. Livestock products shall include but not be limited to milk, cheese, butter, eggs, meat, fur, leather, and honey.

Animal Feedlots. A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals exceeding ten (10) animal units and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.

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

<u>Animal</u>	<u>Unit</u>
One mature dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 animal unit
One horse	1.0 animal unit
One swine over 55 pounds	0.4 animal unit
One sheep	0.1 animal unit
One swine under 55 pounds	0.05 animal unit
One duck	0.02 animal unit
One turkey	0.018 animal unit
One chicken	0.01 animal unit

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

Conditional Use. A land use or development as defined by Ordinance that would be inappropriate generally but may be allowed with appropriate restrictions as provided by official controls upon a finding that (1) certain conditions as detailed in the Zoning Ordinance exist; (2) the use or development conforms to the comprehensive land use plan of the County; and (3) is compatible with the existing neighborhood.

Conditional Use Permit. A permit specially and individually granted for a conditional use permitted in the Township.

Dwelling Site. A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit. Two (2) or more rooms within a structure which are arranged, designed or used as living quarters for one (1) family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall be included for each dwelling. A mobile home, with the above accommodations, located in areas approved for mobile homes shall be

considered a dwelling unit, camper-trailer, camper-bus, or tent are not considered dwelling units.

Excavations. Any artificial alteration of the earth, excavation or made by the removal from the natural surface of the earth of soil, sand, gravel, stone or other matter or aggregates.

Farm Dwelling. A dwelling unit located on a farm.

Feedlot. See "Animal Feedlot" above.

Feedlot Permitted. An Animal Feedlot which has obtained a feedlot authorization from the Dodge County Feedlot officer and a Minnesota Pollution Control Agency (MPCA) Certificate of Compliance and other required State and Federal permits.

Lagoon. A biological treatment system designed and operated for biodegradation, converting organic matter in animal wastes to more stable end products. This system is differentiated from a storage facility by design in that it is a system that reduces the amount of material that needs to be removed. A lagoon is also more of a long term facility versus the more short term storage facility.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

Manure Storage Area. An area used for the temporary storage of animal manure or run-off containing animal manure until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

Manure Storage Facility. A permanent site used in conjunction with an animal feedlot on which animal manure or run-off containing animal manure is stored until it is utilized as domestic fertilizer or removed to a permitted animal manure disposal site.

Non-conforming Use. A use, structure, or parcel of land lawfully in existence, recorded, or authorized before the effective date of this Ordinance

and not conforming to the Ashland Township regulations for the district in which it is situated.

Non-farm Dwelling. A dwelling located on a separately described parcel of land less than fifty-three (53) contiguous acres.

Set Back. The minimum horizontal distance between a structure, sewage treatment system, or other facility and a property line, an ordinary high water level, top of bluff, road, sewage treatment system, or other facility.

Township Board or Town Board. The Ashland Town Board.

Undue Hardship. When used in the connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls; 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 shall not constitute a hardship if a reasonable use for the property exists under the terms of this Ordinance.

Use. The purpose or activity for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied, and shall include the performance of such activity as defined by the performance standards of this Ordinance.

Use, Accessory. (See Accessory Structure or Use)

Use, Principal. The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be used, occupied or maintained under this Ordinance. The use of any other building, other structure and/or land on the same lot and incidental or supplementary thereto and permitted under this Ordinance shall be considered an accessory use.

Variance. A modification of a specific permitted development standard required in this ordinance to allow an alternative development standard not stated as acceptable, but only as applied to a particular property for the purpose of altering an "Undue Hardship". Economic considerations alone shall not constitute a hardship.

ARTICLE III.
Agricultural District, General Setbacks, Lot Size

A. Agricultural District. All lands lying within Ashland Township are hereby zoned and determined to be in an Agricultural District ("Ag District") except as designated otherwise in the Dodge County Shoreline Management Ordinance or the Dodge County Flood Plain Ordinance. Uses not listed as Conditional Uses or Prohibited Uses in the Township are deemed Permitted Uses by the Township. Citizens should know, however, that they may need to apply for the other types of permits with Dodge County, state, federal or other governmental authorities when seeking to allow other types of land uses.

*LESS RESTRICTIVE
THIS WOULD ALLOW
INDUSTRIAL & COMMERCIAL
USES AS "PERMITTED"*

B. Purpose, Ag Covenant, and Official Notice to Landowners.

To provide a district that will retain, conserve, and enhance agricultural land in the County and to protect this land from scattered residential development.

C. Ag Covenant. The Township will view the agricultural district as a zone in which land is used for commercial agricultural production. Owners, residents, and other users of property in this zone or neighboring properties may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations, including but not limited to noise, odors, dust, operation of machinery of any kind including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, residents, and users of this property or neighboring property should be prepared to accept such inconveniences or discomfort from normal agricultural operations, and are hereby put on official notice that this declaration may prevent them from obtaining a legal judgment against such normal agricultural operations.

When an owner of land in an agricultural district has received a permit for purposes of an agricultural use on his or her property and has received those permits by demonstrating that the intended use of his or her property is an agricultural use that is appropriate in an agricultural district, then such use is a part of normal and accepted agricultural practices and operations in Ashland Township, Dodge County, Minnesota.

Official Notice to Landowners: The Ag Covenant applies to all properties located in the Township's Agricultural District and will be separately recorded in a manner that will cause it to be viewed and acknowledged during title search on all properties located within the Township of Ashland.

D. Permitted Uses. Any use not listed as a Conditional Use or Prohibited Use and feedlots of up to 500 Animal Units.

1. Feed Lots up to 500 animal units for which a feed lot permit has been issued by the Minnesota Pollution Control Agency;

<u>Animal</u>	<u>Unit</u>	<u>500 Animal Units</u>
One mature dairy cow	1.4 animal unit	358
One slaughter steer or heifer	1.0 animal unit	500
One horse	1.0 animal unit	500
One swine over 55 pounds	0.4 animal unit	1,250
One sheep	0.1 animal unit	5,000
One swine under 55 pounds	0.05 animal unit	10,000
One duck	0.02 animal unit	25,000
One turkey	0.018 animal unit	27,778
One chicken	0.01 animal unit	50,000

E. Conditional Uses

1. Animal Feedlots of 501-2000 Animal Units.

F. Prohibited Uses.

1. Animal Feedlots with an excess of 2,000 Animal units.

ARTICLE IV.

Administration, Appeals & Adjustments, Permits, Amendments

A. Administration.

1. The Town Board. The Town Board shall be responsible for the administration of this Zoning Ordinance. The Supervisors shall have jurisdiction in all matters permitted by law and shall have the specific and general powers provided in this Ordinance, among others, including those as follows:

- a. May appoint a Zoning Administer and may appoint members of a Planning Commission and, except as provided in this Ordinance, determine their functions, duties, and responsibilities.
- b. Make all final determinations of questions relating to the interpretation of this Ordinance.
- c. Make all final decisions concerning the granting, denial, amendment, revocation or interpretation of Conditional Use Permits.
- d. Consider, adopt or reject proposed zoning district or text amendments or repeal of this Ordinance.
- e. To act as the Board of Appeals and Adjustments, or final decision maker on behalf of the Township.

B. Zoning Administrator. A Zoning Administrator may be appointed to perform the functions necessary to carry out the purposes of this Ordinance. The Administrator's duties may include, but are not limited to:

1. Receive, file and distribute to the designated official bodies copies of all applications and related documents for appeals, variances, amendments, conditional use permits, as required hereunder and as such bodies deem necessary for them to be able to perform their functions set forth in this Ordinance.
2. Provide the Township Clerk with information of upcoming meetings and hearings of the Planning Commission in sufficient time to post and/or publish notices of Planning Commission meetings and hearings.
3. Conduct inspections of building sites and/or uses of land to determine compliance with this Ordinance or any permit granted pursuant to this Ordinance.
4. Make periodic reports to the Township Board of zoning issues and activity, and make a report of annual activity at the Annual March Township Meeting.

C. Planning Commission. The Township Board may annually and on or about April 1st of each year make appointments to an Ashland Township Planning Commission which shall consist of one duly elected Supervisor of Ashland Township and at least two residents. The Township Board shall determine the functions, duties and responsibilities of the Planning Commission, except as otherwise provided in this Ordinance. Duties of the Planning Committee may include, but are not limited to the following:

1. Conduct public hearings on all conditional use permits or variance requests and make a recommendation to the Township Board.
2. Conduct public hearings on all amendments proposed to the Land Use Plan and Ordinance.
3. Periodically hold meetings to review the Township Plan and Ordinance.

D. Amendments to Ordinance. An amendment to this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of not less than ten (10) percent of the legal voting residents of the Township that registered for the last General Election held in the Township. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and report and may not be acted upon by the supervisors until it has received the recommendation of the Planning Commission on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the Planning Commission. All amendments shall comply with the following:

Notice. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the township at least 10 days prior to the day of the hearing.

Hearing. The Planning Commission shall conduct the hearing, but any action taken by the Planning Commission on an amendment shall be considered a recommendation to the Township Board which shall decide whether to amend the Ordinance.

Amendments adopted by the Township Board shall be filed for record in the County Recorder's Office.

E. Board of Appeals and Adjustments. The Town Board shall act as the Board of Appeals and Adjustments, or final decision making body for the Township. Any decision by the Board of Appeals and Adjustments shall be deemed a decision by the Town Board acting in its capacity as the governing body of the Township. The Board of Appeals and Adjustments may vary or modify the strict applications of the regulations and provisions of this Ordinance in accordance with the following and shall proceed as follows:

1. Appeals. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of this Ordinance.
2. Variations. Hear and decide requests for Variations from the literal provisions of the Ordinance in instances where their strict enforcement of such provisions would cause Undue Hardship because of circumstances unique to the individual property under consideration, and may grant such variations only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance. (See definition of "Undue Hardship" above.) The Board of Appeals and Adjustments may impose conditions in the granting of variations to ensure compliance and to protect adjacent properties. The Township shall provide to applicants a form for Variance requests.

NEED TO ADDRESS PRACTICAL DIFFICULTIES

Variations may only be granted as noted below and consistent with Minnesota Statutes § 394:

SHOULD OPERATE UNDER 462

- a. when they are in harmony with the general purposes and intent of the official control;
- b. in cases when there are practical difficulties or particular hardships in the way of carrying out the strict letter of any official control;
- c. when the terms of the variance are consistent with the comprehensive plan;
- d. hardship in connection with the granting of a variance means that the property in question cannot be put to a reasonable use if used under the conditions allowed by

the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance granted, will not alter the essential character of the locality;

- e. economic considerations alone will not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance;
 - f. no use variances (uses different than those allowed in the district) may be issued.
3. Judicial Review. All appeals from the decision of the Supervisors acting as the Board of Appeals and Adjustments shall be directed to the Dodge County District Court in the State of Minnesota, Third Judicial District. Any such appeal must be commenced within thirty (30) days of the Township's final action. Copies of any notices of appeals and any other documents filed with the court in connection with any appeal must be provided to the Town Clerk prior to the filing of the documents with the court.

F. Animal Feedlots and Animal Feedlot Conditional Use Permits.

- 1. A Certificate of Compliance must be applied for from the MPCA at any time:
 - a. A new feedlot is proposed where a feedlot did not previously exist;
 - b. A change in operation of an existing animal feedlot proposed;
 - c. A change in ownership, which includes the transfer of a feedlot operation from one member of a family to another member of the family. Any change in ownership shall not require the securing of or a review of any zoning or conditional use permit.
 - d. An existing feedlot is to be restocked after being abandoned, or unused for five (5) or more years;
 - e. An inspection of MPCA or Township staff reveals that the feedlot is creating a potential pollution hazard.
- 2. Standards for Conditional Use Permits.

The Township may impose, in addition to the standards and requirements set forth in this Ordinance, additional conditions which the Planning Commission or Township Board considers necessary to protect the public health, safety, and welfare. This may include, but is not limited to, any of the following:

- a. Conditional use permits shall be in effect only as long as sufficient land specified for spreading manure is available and is being used for such purposes as regulated otherwise by this Ordinance.
 - b. All manure storage lagoons shall conform with MPCA design standards. All plans for manure storage lagoons shall be designed, and the plans signed, by an agricultural or civil engineer registered in the State of Minnesota, or by the United States Department of Agriculture Soil Conservation Service, but no earthen lagoons or earthen basins will be permitted in any case.
 - c. An agricultural or civil engineer registered in the State of Minnesota or the United States Department of Agriculture Soil Conservation Service shall provide the County with a signed construction report and certification that the manure storage system was constructed to the standards of the approved plans.
3. Information requirements for a Feedlot Conditional Use Permit shall include:
- a. A completed permit application listing all owners and signed by at least one of the owners;
 - b. The maximum number of animals of each type that will be confined at the feedlot at one time;
 - c. A description of the geological condition, soil types, and the seasonal high water table;
 - d. A map of aerial photo indicating dimensions of the feedlot, showing all existing homes, buildings, lakes, ponds, watercourses, wetlands, dry runs, rock out-croppings, roads, ells, land contours, and surface water drainage within one half (1/2) mile of the feedlot;
 - e. Manure management planning shall include the following information:
 - i. ASCS aerial photos of the location of all manure application sites and acreage reports.
 - ii. Written land spreading agreements shall be provided if the applicant does not have the minimum acreage requirements to apply animal waste. Minimum acreage requirements are listed under #6(b) below. *DOES NOT EXIST.*
 - iii. Manure handling and application techniques

- iv. Plans for proposed manure storage and/or pollution abatement structure
 - v. An analysis of the soils and manure when required by the enforcement officer.
 - f. A map of the site showing the following information:
 - i. The locations and dimensions of all animal confinement buildings including outside lots
 - ii. The locations and dimensions of all animal confinement buildings including those not located in a building
 - iii. The location of any well, active or abandoned, and its distance to the nearest confinement building or outside lot.
 - iv. The drainage patterns on the site.
4. Setbacks for feedlots.
- a. New feedlots are prohibited from locating in the 100-year floodplain;
 - b. New feedlots shall not be located closer than 100 feet from any public or private well, including wells that have not been sealed in accordance with Minnesota Department of Health regulations;
 - c. New feedlots shall be setback a minimum of 30 feet from the top of a steep slope or as determined by the Zoning Administrator. The expansion of an existing feedlot that is already located at less than 30 feet from a steep slope may occur, but the addition will be encouraged to not further encroach upon the slope setback;
 - d. New feedlots shall be setback a minimum of 300 feet from the normal high water mark of a stream, river, or lake. The expansion of an existing feedlot that is already located at less than the 300 feet may expand, but the addition shall not further encroach upon the shoreline setback.
 - e. New feedlots must be setback at least 100 feet from a public or private drainage ditch. The expansion of existing feedlots located less than 100 feet from a drainage ditch are encouraged to locate away from the drainage ditch.
 - f. Feedlot setbacks are ^{TYPED FROM} non-farm dwellings, other than the owner's or operator's dwelling and/or their family member's dwelling (based upon cumulative animal units per feedlot site):

Number of Animal Units

Setback Requirements

Up to 499

500 feet

500 to 999

500 feet * (see below)

1000 or more

1/4 mile * (see below)

< 30 AU.

25 FEET

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LESS RESTRICTIVE THAN STATE

*A Feedlot Advisory Board, Planning Commission, or Zoning Administrator may be requested to conduct a site review of any proposed feedlot that will contain 500 animal units or more or of an existing feedlot on which an expansion will occur and the number of animal units will exceed 500. The Advisory Board or other entity will provide to the Planning Commission or Town Board findings of fact and make recommendations regarding setbacks, locational concerns, the need for vegetative screening, or any other technical information deemed necessary.

ALSO, DOES THIS VIOLATE STATE RECIPROCAL LAW?

g. A Single Animal Feedlot site containing more than 2,000 animal units is prohibited.

5. Manure application will comply with MPCA Rule 7020.2225; or its successor Rule.

6. General standards:

a. Animal units is a unit of measure for animal manure production and is defined herein;

b. Animal units per acre guide for determining the number of tillable acres required for spreading manure:

<u>Livestock</u>	<u>Animal Unit</u>	<u>Animals per Acre</u>
1 mature dairy cow	1.4	1.4
1 slaughter steer/heifer	1	2
1 horse	1	2
1 swine over 55 lbs.	0.4	5
1 duck	0.2	10
1 sheep	0.1	20
1 swine under 55 lbs.	0.05	40
1 turkey	0.018	167
1 chicken	0.01	300

More RESTRICTIVE

c. New concrete manure storage pits shall provide a six (6) month storage capacity. Animal manure, when utilized as domestic fertilizer, shall not be stored for longer than one (1) year;

- d. Manure application rates shall comply with the Best Management Practices, as established by the following agencies;
 - i. United States Department of Agriculture and Soil Conservation Service
 - ii. University of Minnesota Department of Agriculture Engineering
 - iii. Minnesota Pollution Control Agency.
- e. Standards for the transportation of manure;
 - i. All vehicles used to transport animal manure on township, county, state highways, or through municipalities shall be leak proof
 - ii. Manure spreaders with end gates shall be in compliance with this provision provided the end gate works effectively to restrict leakage and the manure spreader is leak proof
 - iii. This section shall not apply to animal manure being hauled to fields adjacent to feedlot operations or fields divided by roadways provided the animal manure is for use as domestic fertilizer.
- f. No earthen lagoons or earthen basins will be permitted for manure storage.

7. Public Hearing. A public hearing shall be held on all Conditional Use Permit applications. Notice of public hearing shall be given at least ten days prior to said hearing by posting and by publication in the official newspaper for the publication of Ashland Township Official Notices. The hearing may be continued from time to time. The Town Board shall make all final decisions on whether to grant Conditional Use Permits.

*Board NOT
Issuing
Zoning
Permit*

8. Filing. A certified copy of any Conditional Use Permit shall be filed with the Dodge County Recorder. It shall include the legal description of the property included.

9. Findings. In reviewing a Conditional Use Permit application, the Ashland Town Board shall consider the effect of the proposed use upon the health, safety, and general welfare of the occupants of surrounding lands, existing and anticipated traffic conditions, including parking facilities on adjacent streets and land, and the effect on property values and scenic views in the surrounding area. It shall make the following findings, among others, where applicable:

- a. The project is in compliance with the setback and other provisions of this Ordinance unless a variance has been granted by the Township.

- b. The use is not in conflict with the land use plan of the Township.
- c. That the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair neighboring property values in the area.
- d. That if the use is not compatible with existing uses in the area, it must be out of view or separated by screening from adjacent land so that existing homes or businesses will not be depreciated in value or the scenic view of recreation and wildlife areas will not be affected.
- e. The use will not create an excessive burden on parks, schools, streets, water supply, public drainage systems and other public facilities and utilities which serve or are proposed to serve the area.
- f. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- g. That the bridges and the road on which the project is proposed are adequate to handle increased traffic during construction and operation, and that the use will not cause traffic hazards or congestion.
- h. Existing businesses nearby will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare, odor, or general unsightliness.
- i. That the establishment of the use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant to the area.
- j. That adequate utilities, drainage, and other necessary facilities have been or are being provided.
- k. That adequate access roads and other measures have been or will be taken to provide sufficient parking off the township road and adequate loading space to serve the use.
- l. That adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibrations in order that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- m. The County has certified that all property taxes for the property have been paid for the property in question.

10. Special Conditions. In addition to those standards and requirements expressly specified by this Ordinance, the Planning Commission may recommend, the Township Board of Supervisors may impose special conditions to a Conditional Use Permit which it considers necessary to protect the public health, safety, and general welfare, to avoid the diminution of values of surrounding land, and to protect the best interest of the surrounding area or the community as a whole. Violation of any special condition attached to any conditional use permit shall be considered a violation of this Ordinance.

These special 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.
 - i. The use of odor, noise, or dust control measures.
11. Inspections. The Town Board, its agents, employees and zoning administrator are authorized to enter upon all property that is the subject of an application for a Conditional Use Permit (or variance request) or is governed by a Conditional Use Permit, 1) to make inspections to insure that the property qualifies for a permit; and 2) to assure that the terms and conditions of a permit that has been granted are being fully complied with.
12. Review of Conditional Use Permits. Any Conditional Use Permit may include, at the discretion of the Town Board, a provision for periodic review to determine compliance with the conditions of the permit, and whether changed circumstances or conditions require changes to the permit. The Town Board may also elect, upon adoption of an appropriate resolution following verification of a complaint that a condition has been violated, to conduct a review of the permit. Said review shall only take place following written notice to the owner of the subject property and a duly noticed public hearing. Following such

hearing, the permit may be amended based on changed conditions and experiences with the site.

13. Reapplication. No application for a Conditional Use Permit shall be considered by the Town Board within one year following a denial of such request, except the Town Board may permit a new application, if in the opinion of the Town Board new evidence or a change of circumstances warrant it.
14. Expiration. If the construction described in any Conditional Use Permit has not begun within one year from the date of issuance thereof, said permit shall expire, and a new application must be made.
15. Notification to Township. The Town Board shall be notified by letter within five days by the applicant of any permit applications to federal, state or county agencies for construction of any facilities or structures that will require any Conditional Use Permit or Excavation Permit from Ashland Township. A copy of the application to other agencies shall be included with the letter.

ARTICLE V

Miscellaneous Provisions

- A. Reserved for Future Use.
- B. 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 without first securing a permit authorizing the project from the Town Board.
 1. 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 cost of increasing waterway capacity across the town road.
 2. Following excavation, the road right-of-way, including surface, shall be restored to its original condition.
 3. 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 permitted 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.

- C. Reserved for Future Use.
- D. Reserved for Future Use.
- E. Reserved for Future Use.
- F. Fees. Fees are established by Ashland Township Board, and may be changed from time to time at the discretion of the Town Board.
- G. Enforcement, Violation, and Penalty

Any person who shall be convicted of violating any of the provisions of this Ordinance or shall fail to comply with any of the provisions of this Ordinance or shall knowingly make any false statements in any document required to be submitted under the provisions hereof shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine and/or imprisonment as authorized by law for the punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to the other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations based upon the standard set forth in this Ordinance.

Any person damaged as a result of a violation of this Ordinance may pursue appropriate legal remedies in a court of competent jurisdiction or governmental agency, including but not limited to an injunction, mandamus and administrative remedies.

Appeals. All appeals from any decision by the Town Board shall be appealed to a court of competent jurisdiction. Any such appeal must be filed within sixty (60) days of the Board's final action. Copies of any notices of appeals and any other documents filed with the court in connection with any appeal must be provided to the town clerk via personal service prior to the filing of the documents with the court.

H. Validity, Severability, Repeal and Effective Date.

1. Validity. The Ashland Township Zoning Ordinance is adopted pursuant to Minnesota Statutes Chapter 462 and its validity shall be determined in accordance with the laws of the State of Minnesota. The Plan shall be considered as adopted before the Ordinance.
2. Severability. It is hereby declared that the several provisions of this Ordinance and Land Use Plan are severable in accordance with the following:
 - a. If any court competent jurisdiction shall adjudge any section, clause or provision of this Ordinance to be invalid, such judgment shall not affect any other sections, clauses or provisions of the Ordinance not specifically included in said judgment.
 - b. If any court competent jurisdiction shall adjudge invalid the application of any section, clause, or provision of this Ordinance to a particular property, building, or structure, such judgment shall not affect other property, building, or structures.
 - c. Effective Date. The Ashland Township Zoning Ordinance shall be effective on May 8, 2006, 2006.

Adopted by the Ashland Town Board on May 8, 2006, 2006.

ASHLAND TOWN BOARD:

By: _____
Supervisor

By: Lee Buzgala
Supervisor

By: Wayne McCalley
Supervisor

ATTEST:

By: Bettye Marquardt
Bettye Marquardt, Clerk of Ashland Township