

COPY

TABLE OF CONTENTS

Article I - General Provisions1

Article II - Interpretations & Definitions1

Article III - Agricultural District.....6

Article IV - Animal Feedlots.....6

Article V - Storage and Disposal of Waste Materials8

Article VI - Mining9

Article VII -Nonconforming Uses and Structures10

Article VIII - Miscellaneous14

Article IX - Administration.....15

 Variances (Board of Appeals & Adjustments)16

 Conditional Use Permits17

 Amendments21

 Enforcement21

 Validity, Severability & Effective Date.....22

Concord Township Zoning Ordinance

The Township Board of Supervisors of Concord Township hereby ordains this Ordinance for the purpose of promoting the health, safety, order, convenience and general welfare in Concord 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.

ARTICLE I GENERAL PROVISIONS

- A. Title. This Ordinance shall be known as the Concord Township Zoning Ordinance ("Ordinance").
- B. Authority. Concord Township ("Township") is empowered to enact, administer, enforce, and amend these zoning regulations through powers granted to townships by Minnesota Statutes, Sections 462.351 through 462.364.
- C. Application.
1. In interpreting and applying the provisions of this Ordinance, the provisions 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.
- D. Jurisdiction. The jurisdiction of this Ordinance shall apply to all areas within Concord Township except shoreland areas which are regulated by the county shoreland and flood plain Ordinance(s). These areas are currently defined as 1,000 feet from the ordinary high water level of a subject lake, 300 feet from the ordinary high water level of a subject river or stream or the landward extent of a flood plain designated by Ordinance on a river or stream.
- 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.

ARTICLE II INTERPRETATION 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, 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.

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

Accessory Building or Use. A subordinate building, structure or use which is located upon the same parcel or lot on which the principal building or use is situated and is incidental but reasonably necessary to the principal use of such lot, parcel or building.

Agricultural Use. The use of land for the growing and/or production of field crops or other cash crops (such as orchards) and/or for the raising of livestock and the conversion of such items into livestock products as a continuation of the farming operation on the land and not as an independent productive activity, for the production of income, including but not limited to the following:

1. Field crops including, but not be limited to, corn, soybeans, hay, oats, rye, wheat, fruit, vegetables, or other products suitable for human or animal consumption.
2. Livestock, including but not be limited to, dairy and beef cattle, swine, poultry, horses, sheep, game birds, fur-bearing, and other animals raised for human consumption or use and other animals commonly kept for commercial food producing purposes.
3. Livestock products, including but not be limited to milk, cheese, butter, eggs, meat, fur, leather, and honey.

Animal Feedlots. "Animal feedlot" means 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 where manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure during the months of May, June, July and August. 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. Confinement feedlots of over 499 animal units shall be considered an industrial use.

Animal Unit. "Animal unit" means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance the following equivalents shall apply to calculations of number of animals which may be referred to in this Ordinance as a number of animal units:

Animal	Animal Units per Animal	250 Animal Units Equals	499 Animal Units Equals
one mature dairy cow	1.4	179 animals	356 animals
one slaughter steer or heifer	1.0	250 animals	499 animals
one horse	1.0	250 animals	499 animals
one swine over 55 pounds	.4	625 animals	1248 animals
one duck	.2	1250 animals	2495 animals
one sheep	.1	2500 animals	4500 animals
one swine under 55 pounds	.05	5000 animals	9000 animals
one turkey	.018	13889 animals	27722 animals
one chicken	.01	25000 animals	49900 animals

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

Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services of a wholesale or retail nature. Home occupations and the on-site sale of farm products by the farmer who produced the products are not commercial uses for purposes of this Ordinance.

Conditional Use Permit. A permit specially and individually granted for a conditional use permitted in the Township. A Conditional Use Permit - Feedlot and Conditional Use Mining Permit shall be considered conditional use permits.

Essential Services. Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, hydrants or other similar equipment and accessories in conjunction therewith, but not including buildings or structures as defined herein.

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

Home Occupation. Any gainful occupation or profession engaged in on the premises by an occupant of a dwelling unit and which is a use that is incidental to the use of the dwelling unit for residential purposes. There shall be no more than two (2) non-household employees engaged in home occupation use of a residence.

Industrial Use. Except for the incidental processing of field crops, livestock and livestock products into agricultural products by the farmer who grew the crop or raised the livestock on the land as a continuation of the farming operation on the land, the manufacturing, compounding, processing, production, packaging, cleaning, servicing, testing, repair or storage (but not including storage by a retail use) of goods or products for sale, lease, rental or trade. Animal feedlots of over 499 animal units shall be considered an industrial use.

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

Manure Storage Area or Facility. An area or facility such as a lagoon or basin, associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage.

Mobile Home. A dwelling unit designed for transportation on public highways after fabrication on its own wheels or using a trailer or flatbed, and arriving at the site where it is to be occupied as a dwelling unit completely constructed and ready for occupancy, except for incidental unpacking operations and connection to utilities.

New Animal Feedlot. An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of one year or more.

Nonconforming Structure. A building or structure, or portion thereof, that does not comply with the applicable property development standards or other dimensional standards of this Ordinance, but which complied with all applicable property development standards and dimensional standards in effect at the time the building or structure was established.

Nonconforming Use. The use of any land, building or structure that does not comply with the use regulations of this Ordinance, but which complied with the use regulations in effect at the time the use was established.

Operator. Any landowner, operator or lessee of mineral rights engaged in or preparing to engage in mining or processing operations.

Principal Use. 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.

Property Owner. Person or persons or business entity holding legal title to the land.

Reclamation. Activity during and after a mining operation to return the area to a natural state as much as possible, and actions to substantially reduce adverse environmental effects from mining activity.

Recreation Area, Public. Includes uses that are commonly provided for the public at parks and playgrounds, such as swing sets and slides, picnic tables, ball fields, which are owned and operated by a unit of government for the purpose of providing recreation.

Recreational Use, Outdoor. Unintensive recreational uses requiring large amounts of space such as shooting clubs, golf courses, archery ranges, ice rinks and similar uses that are privately or publicly owned and intended to provide entertainment for and/or recreational opportunities for the public.

Recreation Use, Indoor. Includes all uses such as bowling alleys, roller and ice rinks, health clubs and game courts that are privately or publicly owned and intended to provide entertainment for and/or recreational opportunities for the public.

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 required minimum horizontal distance between a structure and other elements as provided by this Ordinance, and a road, street or highway right-of-way, lot line, or other reference point as provided by this Ordinance.

Sustainable Agriculture. A form or model of agricultural organization at the farm and community level that favors a diversity of livestock and/or cropping systems that rely on the existing natural resource base of soil, water, and biological systems of the subject area, and intended to provide a stable economic base for the local community.

Tire Recycling Facility. A facility where used and discarded tires are bought, dumped, exchanged, stored, and/or recycled.

Township Board or Town Board. The Concord Township Board of Supervisors.

Town Road. The term "town road" shall mean those roads, streets and highways which are defined as "town roads" under Minn. Stat. § 160.01, Sub. 6.

Undue Hardship. The term "undue hardship" shall have the meaning provided in Minn. Stat. § 462.357, Sub. 6.

Use. Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied.

ARTICLE III AGRICULTURAL DISTRICT

- A. Agricultural District. All lands lying within Concord Township are hereby zoned, and determined to be in an agricultural district ("Agricultural District") except as designated otherwise in the Dodge County Shoreline Management Ordinance or the Dodge County Flood Plain Ordinance.
- B. Purpose: The purpose of the Agricultural District is to preserve and promote use of land for agricultural uses and farm residences (especially those uses which promote a sustainable agricultural base for the Township), rural residential use, and only those other uses which are compatible with and complementary to such agricultural and residential uses and to an agricultural community that also provides complementary limited rural residential opportunities.
1. Permitted Uses. Agriculture; single family residences; duplexes; recreation areas, public; cemeteries; and home occupations.
 2. Conditional Uses. The following uses are allowed in the Agricultural District only as conditional uses in accordance with Article IX of this Ordinance and, if applicable, Article IV, V or VI: places of worship, schools, town halls, and similar public, or quasi-public, buildings and facilities; recreation use, outdoor; recreation use, indoor; multi-family housing; mobile home parks; commercial uses; industrial uses, including animal feedlots that exceed 499 animal units; the storage and disposal of waste materials as provided in Article V of this Ordinance; mining; and essential service construction projects.
 3. Prohibited Uses. Tire recycling facilities and open-lagoons for the storage of animal manure.

ARTICLE IV ANIMAL FEEDLOTS

- A. Setbacks. Any new animal feedlot containing more than 499 animal units or any expansion of an existing feedlot that results in the feedlot having more than 499 animal units shall meet the following setback requirements:
1. The feedlot shall not be situated closer than 200 feet from the nearest adjoining property line.
 2. The feedlot shall be setback from the nearest residence, other than the operator's residence, by at least two feet for each animal unit, except that no feedlot shall be closer than one-fourth mile from any residence other than the operator's residence.

3. The new or expanded feedlot shall be setback from any existing feedlot containing 250 animal units by at least two (2) feet for each animal unit of the larger (greater number of animal units) of the existing feedlot or the new or expanded feedlot. No new or expanded feedlot subject to Section A of this Article shall be located less than one-fourth (1/4) of a mile from any existing feedlot having 250 or more animal units.
4. The new or expanded feedlot shall be setback from any place of worship, school, town hall, or similar use, intended as a public gathering place by at least three (3) feet per animal unit except that no such feedlot shall be located less than one-third mile from such building or use.
5. Feedlot buildings shall not be located less than 200 feet from the centerline of any public street, road or highway.

B. Conditional Use Permit - Feedlots.

1. Permitted Operations. A Conditional Use Permit - Feedlot is required for an animal feedlot that exceeds 499 animal units when any of the following conditions exist:
 - a. A new feedlot is proposed where a feedlot did not previously exist.
 - b. Any expansion or modification: (i) of an existing feedlot that will result in the feedlot having 500 or more animal units; (ii) of a feedlot that has already received a Conditional Use Permit - Feedlot and the expansion will result in the feedlot adding 100 or more animal units or having at least 100 more animal units than allowed under the existing permit; or (iii) if the feedlot already exists, resulting in the feedlot having 100 or more animal units than it had as of the effective date of this Ordinance.
 - c. An existing feedlot that is to be restocked with animals after being unused for one (1) or more years.
2. Fees. The minimum fee for a Conditional Use Permit - Feedlot shall be \$100.00 for the first 499 animal units plus \$25 for every additional group of 300 animal units involved in the proposed operation plus a sum of money equal to the amount the Township may expend for professional assistance and services to aid the Township in determining whether to grant or deny the permit. In the case of an expansion of a feedlot that previously obtained a Conditional Use Permit - Feedlot, only the additional animal units shall be counted to determine the fee. In the case of an expansion of a feedlot that has not been previously been granted a Conditional Use Permit - Feedlot, the total animal units at the location shall be used to determine the fee.
3. Findings: No Conditional Use Permit - Feedlot shall be issued unless the Town Board shall find that all other findings required for granting a conditional use permit as specified in Article IX have been met.

4. Hearing. A public hearing shall be held by the Township before the issuance of a Conditional Use Permit - Feedlot as provided in Article IX.

C. Applications. Applications for a Conditional Use Permit - Feedlot shall be made on a form supplied by the Zoning Administrator. The application shall be accompanied by the information about the project as required by Article IXB3 and such additional information needed to show compliance with this Ordinance. The application shall include at least the following:

1. A site plan drawn to scale showing the location and square footage of all existing and proposed buildings and manure storage areas.
2. A plan indicating operational procedure and the location and specifics of proposed animal waste facilities, including the quantity and type of effluent to be discharged from the site.
3. The method and plan for disposal of dead animals.
4. The manure management plan, including a map showing the location of all manure application sites. Land spreading agreements shall be provided if the applicant does not own the minimum area that will be used to apply animal waste.
5. A plan for controlling odor and mitigating odor impact on neighbors.
6. Such other information as the Town Board deems necessary to adequately review the application.

D. Special Conditions. In addition to the standards and requirements set forth in Article IX, the Town Board may impose additional conditions it considers necessary to protect the public health, safety and welfare, and maintain the feedlot's compatibility with the surrounding area. These conditions may include, but are not limited to, the planting of trees or shrubs to act as a windbreak and the requirement that liquid manure be injected into the soil.

E. Other Provisions. The provisions of Article IXB shall also apply to Conditional Use Permit - Feedlot applications, unless stated otherwise in those provisions.

ARTICLE V STORAGE AND DISPOSAL OF WASTE MATERIALS

- A. Lagoons. To control odor, protect property values, and promote public safety, open lagoons for the storage of animal waste from feedlots are prohibited.
- B. Manure Spreading. No manure may be spread by surface or irrigation within 1/2 mile of a public park, place of worship, or school.
- C. Waste. Any use that results in the storage or disposal of materials or animal waste that discharge across neighboring property or into the subsoil in such concentration as to

endanger the health, safety, or comfort of the public, or to cause injury or damage to any persons or property is prohibited.

ARTICLE VI MINING

- A. Purpose. The policy of Concord Township is to provide for the ongoing management during excavation of land disturbed by new mines opened or established after the adoption of this Ordinance.
- B. Conditional Use Permit-Mining. No person shall engage in opening and developing a new mine for processing of sand, gravel, limestone or other minerals on any land within the Township without first obtaining a Conditional Use Permit-Mining from the Township.
- C. Application for Permit. Any person desiring to commence the mining and/or processing of sand, gravel, limestone or other minerals shall make written application for a conditional use permit to the Township as provided in Article VIII. Application by the landowner for such permit shall be made upon a form furnished by the Township and shall include a plan for reclamation of the land.
- D. Setbacks. Mining operations shall not be conducted closer than 300 feet from 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 producing processing or loading shall not be conducted closer than 300 feet from any residence existing prior to the beginning of the mining operation. Excavating or stockpiling shall not be conducted closer than 200 feet from the centerline of any public street, road or highway.
- E. Other Provisions. In addition to Sections A through D above, the provisions of Article VIII B shall also apply to applications for a Conditional Use Permit – Mining unless stated otherwise in those provisions.
- F. Exemptions. The requirements of this Article VI shall not apply to the following:
1. The excavation, quarrying or removal of 100 cubic yards or less of sand, gravel, limestone or other minerals in any one calendar year.
 2. Excavations or drilling for purposes of exploration.
 3. Excavations for the sole purpose of preparing a site for residential, commercial or industrial development on property from which the material was extracted
 4. Land alterations for agricultural purposes.

ARTICLE VII

NONCONFORMING USES AND STRUCTURES

- A. Purpose. The purpose of this Article is to regulate the continued existence of legal nonconforming uses and structures by bringing about their gradual elimination, by regulating their enlargement, intensification, expansion or reconstruction, and by prohibiting their reestablishment after abandonment or destruction.
- B. General Prohibition; Authority to Continue.
1. Uses and Structures. No structure or use, or part thereof, shall hereafter be erected, constructed, expanded, enlarged, relocated or used except in conformity with the provisions of this Ordinance. Legal nonconforming uses and structures shall be allowed to continue so long as they remain otherwise lawful subject to the provisions of this Article. Nonconforming uses and structures which were not lawfully in existence on the effective date of this Ordinance are prohibited.
 2. Interpretation. This Article imposes a general prohibition on the enlargement or expansion of structures containing nonconforming uses; on the expansion of nonconforming uses of land; and on the change of use of any lawful nonconforming use to a use other than a use allowed under this Ordinance and in accordance with its provisions.
 3. Change of Tenant or Ownership. A change of tenancy, ownership or management of any nonconforming use or structure is allowed, provided there is no change in the nature or character of such nonconforming use or structure except pursuant to this Article.
- C. Loss of Nonconforming Rights.
1. Discontinuance. If the nonconforming use is discontinued for a continuous period of one (1) year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. Any subsequent use of the land or structure must conform to the requirements of this Ordinance. The owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use for the specified one-year period was due to circumstance beyond the owner's control. The owner shall bear the burden of proof.
 2. Change to a Conforming Use. When a nonconforming use has been changed to a conforming use, it may not thereafter be reestablished nor changed to another nonconforming use. Whenever the degree of nonconformity is reduced, the degree of nonconformity may not thereafter be increased.

3. Loss Or Damage.

- a. Legal Nonconforming Structure Containing a Conforming Use. When a legal nonconforming structure is damaged or destroyed by any cause to the extent that the cost of restoration exceeds fifty percent (50%) of the replacement cost of the structure, reconstruction of the nonconforming structure is prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of this Ordinance.
- b. Legal Nonconforming Use Contained in Either a Conforming or Legal Nonconforming Structure. When any structure containing a legal nonconforming use is damaged or destroyed by any cause, to the extent that the cost of restoring or reestablishing the nonconforming use, including both structural repairs and equipment and fixture replacement, exceeds fifty percent (50%) of the replacement cost of the structure, then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of this Ordinance.
- c. Determination of Amount of Loss. Estimates of the cost of restoration and reestablishment shall be made by the Zoning Administrator. The Zoning Administrator may request photocopies of insurance claims and payments, appraisals or other relevant data in the possession of the property owner. Failure to provide such data upon request shall be prima facie evidence that the cost of restoration or reestablishment exceeds the applicable threshold for restoration of the structure or reestablishment of the use. Decisions of the Zoning Administrator regarding the cost to restore a structure or reestablish a use are subject to appeal to the Board of Appeals and Adjustments. In any case where restoration of a nonconforming structure is prohibited, and the structure was a necessary or integral component of a nonconforming outdoor use on the parcel, then the continuance of any nonconforming outdoor use on the parcel is prohibited as well.

D. Expansion or Alteration of Nonconforming Uses and Structures.

1. Legal Nonconforming Structure Containing a Conforming Use. Where a legal nonconforming structure contains a conforming use, such structure may be enlarged or altered so long as such enlargement or alteration does not increase the nonconformity.
2. Structure (Conforming or Nonconforming) Containing a Legal Nonconforming Use. Structures containing one or more legal nonconforming uses shall not be expanded or enlarged unless the Board of Appeals and Adjustments makes the following findings, and the expansion or enlargement meets all other applicable regulations of this Ordinance:

- a. The enlargement or expansion will be compatible with the adjacent property and the surrounding area.
 - b. The enlargement or expansion or relocation will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust and odors.
3. Expansion of Legal Nonconforming Use within an Existing Structure. Any legal nonconforming use may be extended throughout any part of a single, contiguous building, provided that the extension will not result in significant increases of traffic, noise, dust, odors or off-site parking problems. It is not the intent of this Ordinance to prohibit all increases in the activity or methods of operation of all nonconforming uses. Extension throughout a single, contiguous structure is allowed subject to the limitations in this Subsection and in Subsection D.5 below, of this Article. Expansion and enlargement of animal feedlots are also subject to Article IV of this Ordinance. Nothing in this provision shall authorize or allow the extension of a use to occupy any land or area outside the building.
4. Outdoor Expansion of Nonconforming Uses. No nonconforming outdoor use of land shall be expanded to occupy an area of land that is fifty percent (50%) more than the area that was occupied on the date such use first became a legal nonconforming use, nor shall such outdoor use be moved, in whole or in part, to any other portion of the parcel than was occupied by such use on the date the use first became a legal nonconforming use unless the expansion meets all other applicable regulations of this Ordinance and the Board of Appeals and Adjustments makes the findings set forth in Paragraph D.2 above.
5. Uses Allowed by Conditional Use Permit. Any use existing in the Township as of the effective date of this Ordinance which, under this Ordinance, is a use that is only allowed in the Township by conditional use permit, shall be deemed to have such a permit. Any expansion or enlargement of the structure in which the use takes place, or an increase of more than fifty percent (50%) in the amount of land used by an outdoor use, any change in the location of the use on the land, or any material change in the type of use (for example, the change of a retail use to an office use) shall require that a conditional use permit be applied for and obtained, as provided in Article IX. Expansion of animal feedlots shall also be subject to the provisions of Article IV of this Ordinance. For the purpose of this Subsection, the category of different types of uses are those defined in Article II and the following: educational facilities, (schools, libraries, museums and the like); office; retail sales; medical offices, clinics, hospitals, nursing homes; motels, hotels and other transient housing; daycare centers, nursery schools and day nurseries, professional and service occupations; banks; restaurants and other places for the sale and manufacture of food for customer consumption (on-site sales by the farmer who produced and processed the food is a permitted agricultural use); service establishments such as barber shops, tailors, laundry; manufacturing; warehousing, salvage. When a conditional use permit is issued, the use set forth on the permit shall be deemed the category of use for that permit and a change

from the use so stated on the permit regardless of the categories set forth in this Subsection of this Ordinance shall require an amendment to the permit.

6. Process. Any person having a legal or equitable interest in land may file an application for an expansion or enlargement of the nonconforming use (using a form provided by the Zoning Administrator). Application procedures be the procedures in Article IXB. The Planning Commission shall hold a public hearing on each complete application for an expansion or enlargement of a nonconforming use as provided in Article IXB.
7. Conditions. The Board of Appeals and Adjustments may impose such conditions on any proposed enlargement or expansion as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and the policies of the Comprehensive Plan.

E. Change of Use.

1. Standards. A nonconforming use may be changed to any use permitted in the district in which the use is located, to a use allowed with a conditional use permit (which shall be properly applied for an obtained), or to a use that is less intense than the existing use and is no more incompatible with adjacent property and the surrounding area than the existing, nonconforming use. In determining whether a use is "less intense", the Township shall consider, but is not limited to only considering, the following factors:
 - (a) Hours of operation.
 - (b) Traffic generation and safety.
 - (c) Off-street parking and loading.
 - (d) Nature of business operations.
 - (e) Number of employees.
 - (f) Building bulk.
 - (g) Aesthetic impacts on surrounding property.
 - (h) Property values.
 - (i) Noise, odor, heat, glare and vibration.
2. Process. Any person having a legal or equitable interest in land may file an application for a change of nonconforming use. The application shall use a form provided by the Zoning Administrator. Application procedures be the procedures in Article IXB. The Planning Commission shall hold a public hearing on each

complete application for a change of nonconforming use as provided in Article IXB.

3. Conditions. The Board of Appeals and Adjustments may impose such conditions on any proposed change from one nonconforming use to another as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Plan.

- F. Maintenance and Repair. Normal maintenance and repair, including exterior changes, may be performed on any nonconforming structure or on any conforming structure housing a nonconforming use, provided however, that no such work shall result in an expansion or enlargement of the use or of the structure or increase the extent of the nonconformity, except as otherwise allowed by this Article.

ARTICLE VIII MISCELLANEOUS PROVISIONS

- A. Excavation and Construction on Town Road Rights-of-Way. No person shall engage in any ditching, drainage project, excavation, fill or construction on any town road right-of-way without first securing a permit authorizing the project from the Town Board. A \$10 fee will be charged for this permit application.

1. In the event that an existing waterway through, across or under a town road must be expanded to accommodate increased run-off; the person(s) responsible for the increased run-off shall be responsible for the cost of the improvements to increase the capacity of the waterway across the town road.
2. The permittee shall promptly restore the road right of way, including surface, to its original condition.
3. Any permit issued under this section shall be in accordance with the laws of State of Minnesota and shall state thereon that the permittee, and the permittee's assigns and successors, shall assume total responsibility and liability for the construction authorized by the permit and for the operation and maintenance of the project or installation for which the permit was given. The permittee, its successors and assigns, shall indemnify, hold harmless and defend the Township, its officers, agents and employees, against any and all actions, claims or demands whatsoever which may arise from, or on account of, the excavation or construction, or then maintenance or operation of any facility pursuant to the permit.

- B. Windbreaks. To minimize snow-drifting problems along town roads, field windbreaks shall be setback a distance of at least 200 feet from the centerline of the road. Building-site windbreaks shall be set back at least 100 feet from the centerline of the road. These requirements shall not apply to windbreaks existing as of the effective date of this Ordinance. A snow fence is not a field windbreak.

- C. Farming on Town Road Rights-of-Way. Except for hayland farming, it shall be unlawful to engage in any farming practice, including cultivated row cropping, small grain cropping, pasturing, and installation of drainage ditches or rock piles, within thirty-three (33) feet of the centerline of a town road. Fences are also prohibited within 33 feet of the centerline of a town road. If the actual right-of-way width of a town road is a matter of record in the Dodge County Recorder's office, the record right-of-way width shall govern. Existing nonconforming uses in violation of this requirement shall be eliminated within a period of one year from the effective date of this Ordinance.
- D. Deposits. The depositing of manure within thirty-three (33) feet of the centerline of a town road or any other public road shall be prohibited.

**ARTICLE IX
ADMINISTRATION, APPEALS & ADJUSTMENTS,
PERMITS, AMENDMENTS, ENFORCEMENT**

A. Administration.

1. Town Board of Supervisors. The Town Board shall be responsible for the administration of this Ordinance, shall have jurisdiction as the governing body in all matters under this Ordinance, and shall have the specific and general powers provided in this Ordinance. In addition to such powers and any other powers of the Town Board hereunder, the Town Board shall:
 - a. Appoint a Zoning Administrator and the members of the 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 text amendments or repeal of this Ordinance and any rezoning of land in the Township.
 - e. Act as the Board of Appeals and Adjustments.
2. Zoning Administrator. The Town Board shall appoint a Zoning Administrator to perform the administrative functions necessary to carry out the purposes of this Ordinance. The Town Board shall determine the duties of the Zoning Administrator, except as otherwise provided in this Ordinance. The duties of the Zoning Administrator shall include, but not limited to, the following:
 - a. Receive, file and distribute to the designated official bodies copies of all applications and related documents for appeals, amendments and applications for variances, and 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.

- b. Conduct inspections of building sites and/or uses of land to determine compliance with this Ordinance or any permit granted pursuant to this Ordinance.
 - c. Make periodic reports to the Town Board of zoning issues and activity and, at the annual March Town Meeting, make a report of all planning and zoning activity.
 - d. Administer notice procedures required for public hearings by this Ordinance.
3. Planning Commission. On or about April 1 of each year, the Town Board shall make appointments to the Township Planning Commission. The Planning Commission shall consist of one Township Supervisor and two other residents. The Town Board shall determine the functions, duties and responsibilities of the Planning Commission, except as otherwise provided in this Ordinance. The duties of the Planning Commission shall include, but are not limited to the following:
- a. Conduct a public hearing on each application for a conditional use permit and make a recommendation to the Town Board.
 - b. Conduct a public hearing on each application for a variance and make a recommendation to the Board of Appeals and Adjustments.
 - c. Conduct a public hearing on each amendment proposed to the Comprehensive Plan or this Ordinance and make a recommendation to the Town Board.
 - d. Conduct a public hearing on each application for a change to a nonconforming use, or as otherwise required under Article VII of this Ordinance, and make a recommendation to the Board of Adjustments and Appeals. From time to time at the direction of the Town Board, research planning and land use issues and make recommendations to the Town Board.
4. Board of Appeals and Adjustments/Variations. The Town Board shall act as the Board of Appeals and Adjustments. 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 application of the regulations and provisions of this Ordinance in accordance with the following and shall proceed as follows:
- a. Appeals. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning

Administrator or other administrative officer in the enforcement of this Ordinance.

- b. Variations. Hear and decide requests for variances from the literal provisions of this Ordinance in instances where the strict enforcement of such provisions would cause undue hardship because of circumstances unique to the individual property under consideration, and may grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance and the Comprehensive Plan. A variance may be granted only if the Board of Appeals and Adjustments finds that the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and a variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this ordinance. The Board of Appeals and Adjustments may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.
- c. Nonconforming Uses. Consider changes to nonconforming uses or other matters related to nonconforming uses as provided in Article VIIF.
- d. Fees. The procedure, fees and reimbursement for professional assistance and services for an application for a variance or a change of a non-conforming use shall be the same as those for conditional use permits (except that the Town Board shall act in its capacity as the Board of Appeals and Adjustments, as provided for in this Ordinance). Fees for variances concerning animal feedlots shall be the same as those for Conditional Use Permit – Feedlot, which shall be determined by animal units as provided in Article IV.
- e. Judicial Review. All appeals from the decision of the Board of Appeals and Adjustments shall be directed to the district court. Any such appeal must be filed within sixty (60) days of the Board's decision.

B. Conditional Use Permits (including Feedlot and Mining).

1. Application. Applications for conditional use permits and for amendments to an existing conditional use permit shall be made on a form supplied by the Zoning Administrator and shall include such additional information as deemed necessary by the Town Board. (The procedure for amendments shall be the same as for new permits except that the Zoning Administrator and Town Board may waive requirements for resubmission of information provided with a prior application.)
 - a. A drawing or aerial photo of the subject property showing the location and dimensions all existing and proposed residences, buildings and other structures, driveways, access roads, parking spaces, and loading areas.
 - b. A drawing or aerial photo indicating the dimensions and location of the project, and all lakes, ponds, water courses, wetlands, drainage ditches, roads, wells (including abandoned wells), contours and surface water drainage within 1,000 feet of the project.
 - c. A sketch of all proposed landscaping and screening.
 - d. A sanitary sewer and water plan with estimated use per day, if applicable.
 - e. Soil type.
 - f. A copy of any applications for permits made to any federal, state or local government agency or body.
 - g. Certification from the Dodge 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.
2. Fees. The application fee for a conditional use permit shall be in the sum of One Hundred Dollars (\$100.00) plus a sum of money equal to the amount the Township may expend for professional assistance and services to aid the Town Board of Supervisors in determining whether to grant or deny the permit. The fees for a Conditional Use Permit – Feedlot, which shall be determined by animal units as provided in Article IV.
3. Notice and Hearing Procedure. The procedure for considering applications for conditional use permits shall be as follows and shall also apply to requests for variances and changes to or modifications of nonconforming uses as provided for by this Ordinance:
 - a. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for a public hearing on the application. From the date

the Zoning Administrator receives the application containing all required information, the Town Board has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute Section 15.99 Subd. 3. The Planning Commission shall make a recommendation to the Town Board not less than ten (10) days before the deadline for the Town Board to take action. The failure of the Planning Commission to make a timely recommendation shall be deemed a favorable recommendation. (The time provisions shall also apply to proceedings of the Board of Appeals and Adjustments.)

- b. A public hearing shall be held on all conditional use permit applications, and as otherwise required by this ordinance. Notice of the public hearing shall be given at least ten days prior to said hearing by posting and by publication in the official paper for the publication of Concord Township Official Notices. Record owners of property located within 5,000 feet of the subject property shall be notified in writing of the public hearing. Notice of the time, place, and purpose of the hearing shall be mailed to such property owners at least ten (10) days prior to the hearing.

4. Re-permitting. When the facilities involved in a use which has previously received a conditional use permit are destroyed by fire or other cause to the extent of 50% of its market value as determined by the Zoning Administrator a new conditional use permit shall be required.

5. Filing. The Zoning Administrator shall file a certified copy of any conditional use permit with the Dodge County Recorder. It shall include the legal description of the subject property.

6. Findings. In reviewing an application for a conditional use permit, the 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. A conditional use permit may be granted only if the Town Board makes the following findings:
 - a. The project is in compliance with the setback and other provisions of this Ordinance.
 - b. The project is comparable with the Township Comprehensive Plan.

- c. The project will not be injurious to the use and enjoyment of other property nor substantially diminish or impair property values in the area.
 - d. The project will not create an excessive burden on parks, schools, streets, public drainage systems and other public facilities and utilities which serve, or are proposed to serve, the area.
 - e. The appearance of the project will be compatible with adjacent properties.
 - f. The roads that serve the project are adequate to handle increased traffic during construction and operation, and that the project will not cause traffic hazards or congestion.
 - g. The project and the establishment of the use will not impede the normal and orderly development and improvement of surrounding property for uses predominant to the area.
 - h. Adequate utilities, drainage, and other necessary facilities have been or are being provided.
 - i. Adequate access roads and other measures have been or will be taken to provide sufficient off-street parking and that adequate on-site loading space will be provided.
 - j. Adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibration 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.
 - k. The county has certified that all property taxes for the property have been paid for the property in question.
 - l. Such other information as is deemed necessary and reasonable by the Town Board to adequately review the request has been provided to the Township.
7. Inspections. The Town Board, its agents and employees and the Zoning Administrator are authorized to enter upon all property that is the subject of and governed by a conditional use permit for the purpose of determining compliance with the conditions of the permit. If an application for a conditional use permit is pending, then upon reasonable notice, the Planning Commission, Town Board, Zoning Administrator, and their agents may make inspections to insure that the property qualifies for a conditional use permit or the terms and conditions of the conditional use permit that have been granted are being fully complied with.

8. Appeals. All appeals from the decision of the Town Board relating to the granting or modifying of a conditional use permit shall be filed with the district court within sixty (60) days of the Board's decision.
 9. 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, attainment of performance standards set forth in 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.
 10. Change of Use. The use or type of use stated on the permit shall be the only use allowed under the permit without regard to the list of uses in Subsection D.5 of Article VII above. If the use stated on the permit is one of several within a definition provided in Article II, then a change to another use within the definition shall require an amendment to the permit as provided in Subsection B.1 of this Article IX. If the use stated on the permit is a defined term in Article II, then any use listed in that definition shall be deemed included in the permit.
- C. Amendments. An amendment to this Ordinance may be initiated by the Town 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 November 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 Town Board until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date the amendment was referred to by the Planning Commission, and the Planning Commission has not made a recommendation. All amendments shall comply with the following:
1. Notice. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing.
 2. 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 Town Board, who shall make the final decision regarding adoption of the proposed amendment.
 3. Filing. Amendments adopted by the Town Board shall be filed for record in the County Recorder's Office by the Zoning Administrator.
- D. Enforcement, Violation and Penalty.

1. Any person who violates any provision of this Ordinance or fails to comply with any provision of this Ordinance or makes 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.
2. In the event of a violation or a threatened violation of this Ordinance, the Town Board or any member thereof, in addition to the other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violation(s) or threatened violation(s).
3. 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 in addition to the prosecution of the misdemeanor.
4. All appeals from any decision by the Town Board shall be directed to the district court. Any such appeal must be filed within sixty (60) days of the Board's final action.

E. Validity, Severability and Effective Date.

1. Validity. The Concord Township Comprehensive Plan and this Ordinance are adopted pursuant to Minnesota Statutes Chapter 462 and their validity shall be determined in accordance with the laws of the State of Minnesota. The Comprehensive Plan shall be considered as adopted before this Ordinance.
2. Severability. Should any section, clause or provision of this Ordinance or the Comprehensive Planning be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance or the Comprehensive Planning as a whole or any part thereof except that part so declared to be invalid.
3. Effective Date. The Concord Township Zoning Ordinance and Concord Township Comprehensive Plan shall be effective upon adoption.

Adopted by the Concord Township Board of Supervisors on this ___ day of _____, 1998.

CONCORD TOWNSHIP BOARD OF SUPERVISORS

By _____
Supervisor

By _____
Supervisor

By _____
Supervisor

ATTEST:

Clerk of Concord Township

CONCORD TOWNSHIP

COMPREHENSIVE PLAN

&

ZONING ORDINANCE

Passed 9/30/98

1998 COMPREHENSIVE PLAN FOR CONCORD TOWNSHIP

This Plan is the result of an extensive effort on the part of the Concord Township Board of Supervisors, Concord Planning Commission, and Concord Planning Committee. The Plan is intended to reflect the values and goals that the township's residents feel are important. It indicates a desire and commitment by the township to protect the natural environment and retain the valuable agriculturally productive land in the township. The Comprehensive Plan will serve as the basis for making decisions that will preserve and enhance the identity and uniqueness of Concord Township.

Concord Township has authority under Minnesota Statutes Section 462.351 through 462.364 to conduct planning and zoning activities. The township is governed by an elected Township Board of Supervisors, consisting of three members elected for terms of three years, and a Clerk and Treasurer each elected for two year terms by the township electorate.

Community Description

Population

The 1990 U.S. Census shows that Concord Township has a population of 557 residents and 192 households of which approximately half are farm sites and half are non-farming. The 1970 census showed a population of 727 and 196 households, and the 1980 census showed the population at 659 and 199 households. This data indicates that the number of households is stable while population is decreasing. Dodge County Planning Office does not anticipate the rate of population decrease to continue since the decrease is due mostly from a decrease in household size from 3.7 in 1970 to 2.9 in 1990.

Geography and Water

The physical appearance of Concord Township consists of a topography of flat to rolling farm land with many marshes and sloughs and other major waterways. Concord is located on the northern edge of Dodge County and borders Goodhue County on its north edge. There are currently 19,796.63 tillable acres of farmland in the township. There are currently 22,990.45 deeded acres.

One impact upon land use is the designation of protected waters by the Minnesota Department of Natural Resources. Two significant watercourses travel the length of the township from west to east. The Middle Fork of the Zumbro River enters the township in Section 7 and exits in Section 24. Two smaller creeks enter the Zumbro, one from Section 6 and the other from Section 21 to 23. The other major watercourse is Milliken Creek, which enters the township in Section 31 and exits from Section 36. There are many other minor creeks and streams in the township that flow into these watercourses which flow to Milton Township and eventually dump into the Mississippi River Basin.

Wildlife Resources

Concord Township has one state wildlife management area located in Section 36.

Roads and Other Features

The township has approximately 38 miles of township roads, 32 miles of Dodge County roads of which 12 miles are black-topped, and 6 miles of Minnesota State Highway 56 lay in the western third of the township running primarily north and south.

The City of West Concord is located in the west central portion of the township. The City has seen a 14% increase of population between 1980 and 1990. The 1990 census indicated 810 residents in West Concord. Some residential growth is occurring to the south and west of the City. Another source of residential development area is found in the unincorporated area of Concord. Concord has approximately 40 residents and one business (Concord Store and Locker).

Utility and other Public Services

Goodhue County Cooperative Electric Association provides electrical service to a small number of residents in some northeast sections of the township. Steele Waseca Rural Electric Association provides electrical service to a small number of residents in some southwest sections of the township. The rest of the township depends on NSP for their electrical services. All township residents rely on private wells for their water.

The County of Dodge provides most of the social services to the township residents. The Dodge County Sheriff's Department provides police protection. The township contracts with the West Concord Fire Department for fire protection.

Solid waste management, including recycling services are provided by Dodge County. L&D Recycling is located in Concord Township and can be contracted for private use.

Kasson Mantorville Phone Company and GTE provide telephone service to the residents of the township.

Concord Township is located primarily in the Triton School District (No. 2125) with an option to attend either Kenyon/Wanamingo in the north and Kasson/Mantorville in the southeast.

Historic Features

There are many historic features in the township, including the Concord Town Hall, the Concord Church of Christ, the West Concord Church of Christ, the St. Vincent Catholic Cemetery, the Fairpoint Cemetery, the Concord Cemetery, and many old homes and barns. The township takes great pride in caring for the many acres of tillable lands and woodlands. These features are a significant part of the serenity and antiquity of our rural agricultural area.

Community Development

Agricultural land-cropping and livestock production are the predominant land uses in Concord Township. In addition to pastured livestock and some dairy farming, there are approximately 18 feedlots of which none are in excess of 400 animal units.

Other known development in the township includes field tiling businesses (Section 18, 30, and 33), a co-op fertilizer distribution center in Section 32, and an active and inactive gravel pit in Section 23.

Many persons who have employment outside of the Township have elected to build and maintain homes in the Township because they enjoy the rural nature and character of the area. A desire for rural living styles on larger lots has spurred increased interest in moving to rural areas like Concord Township. To avoid potential conflicts, a major intent of this plan is to preserve the rural character of Concord Township and assure that industrial, commercial, and residential developments do not affect the quality of life now enjoyed in Concord Township, nor threaten the health, safety, and welfare of our citizens, nor reduce property values, create environmental problems, or damage township roads during their construction and operation.

Trends in Agricultural Development

Grain farming and livestock production are essential to the economic well being of the community, state, and nation. Their efficient and economic production must be the concern of all producers and consumers if we are to have a continued abundance of high quality, nutritious food and agricultural products at reasonable prices and provide a profit to the producers. There continue to be conflicts over land use between residential, commercial uses and the development of agricultural land. More recently, however, conflicts between residential and agriculture have accelerated with the problems associated with larger scale livestock operations.

The manure and accompanying odor from confinement livestock operations cause potential health and environmental problems. Concord Township and its citizenry are mindful that animal manure provides beneficial qualities to the soil and aides in the production of agricultural crops and replenishes the soil with nutrients. However, when such manure is improperly stored, transported or disposed of, it may negatively affect the township's environment. Large accumulations of manure emit chemicals and gases such as hydrogen sulfide, methane, and ammonia which may negatively affect the health and safety of township residents. The Minnesota Department of Health, together with the Minnesota Department of Agriculture and the Minnesota Pollution Control Agency (MPCA) have concluded that tests results of hydrogen sulfide emissions from feedlots are a concern and should be considered a "significant issue"¹.

¹ MPCA Feedlot Rule Update, July, 1996.

Research by Dr. Susan S. Schiffman² of Duke University in North Carolina found that persons living near swine operations who experienced the odors had significantly more tension, more depression, more anger, less vigor, more fatigue, and more confusion than those not exposed. The study concluded that "Odors from swine operations have a significant negative impact on mood of nearby residents."

A scientific workshop held at the University of Iowa University in 1995³ and the Center for Rural Affairs⁴ have identified some of the social costs associated with large confinement livestock operations. Odors can affect the quality of life by alterations of outdoor family activities, increase traffic problems, and the presence of flies. Concentration of production can result in the loss of smaller, independent livestock producers because of market control. There may be job loss and control of economic conditions as the result of by-passing local economic systems.

The Iowa workshop⁵ and the Center for Rural Affairs have also identified economic threats to neighboring residents from large hog facilities. While the demand for construction, disposal, and worker sites for a large-scale facility can result in a one-time positive impact on farmland values, most studies indicated the negative externalities commonly associated with such facilities such as by-passing local economic systems would all tend to decrease property values of neighboring residents.

The Iowa workshop identified alternatives to the model of industrial agriculture that has dominated agricultural development over the past 50 years. Sustainable agriculture, also known as "post-industrial agriculture," views farming as a part of an integrated food and fiber system. The workshop defined sustainable agriculture as follows, "Sustainable agriculture would likely have the following features: a diversity of livestock and cropping systems that builds the natural resource base of the soil, water, and biological systems while providing a stable economic base for the local, state, and national economies."⁶ The scientists state that agriculture should sustain a strong rural economy and the family farm structure of agriculture.

Concord Township is preparing a plan and adopting zoning to help assure local control to protect the health, safety, and welfare of our citizens, protect the economic environment of the township, protect open agricultural lands, and to help facilitate local discussion when large, controversial projects are proposed, including confinement feedlots. We recognize that we cannot control the future direction of agriculture, but we can try minimize any negative impacts upon our citizens.

² Schiffman, Susan S. et al. "The Effect of Environmental Odors Emanating From Commercial Swine Operations on the Mood of Nearby Residents" *Brain Research Bulletin* 37, 4 (1995) 369-375.

³ Thu, Kendall N., rapporteur. "Social Issues." In *Understanding the Impacts of Large-Scale Swine Production: Proceedings from an Interdisciplinary Scientific Workshop*, edited by Kendall Thu (Associate Director, Iowa's Center for Agricultural Safety and Health), pp. 71-116. Des Moines, Iowa, June 29-30, 1995.

⁴ Thompson, Nancy. "Are Large Hog Operations Good for Rural Communities?" In "Center for Rural Affairs, 3-4. Walthill, NE, November, 1997

⁵ Lasley, Paul., rapporteur. "Economic Development" In *Understanding the Impacts of Large-Scale Swine Production: Proceedings from an Interdisciplinary Scientific Workshop*, edited by Kendall Thu, pp. 117-151. Des Moines, Iowa, June 29-30, 1995.

⁶ Ibid. p. 146.

SUSTAINABLE COMMUNITIES / SUSTAINABLE DEVELOPMENT

Both the state and federal executive branches and agencies are working in support of establishing policies for a sustainable state and country.⁷ We support their goals, and it is our intent to follow their lead to assure a sustainable future for our township.

Minnesota 1996 legislation defines "sustainable development" as follows:

development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

"Sustainable community" is defined by Minnesota Planning Agency in "Common Ground: Achieving Sustainable Communities in Minnesota" as:

a community that uses its resources to meet current needs while ensuring that adequate resources are available for future generations. A sustainable community seeks a better quality of life for all its residents while maintaining nature's ability to function over time by minimizing waste, preventing pollution, promoting efficiency and developing local resources to revitalize the local economy. Decision-making in a sustainable community stems from a rich civic life and shared information among community members. A sustainable community resembles a living system in which human, natural and economic elements are interdependent and draw strength from each other.

The vision for Concord Township is to be a sustainable community that encourages sustainable development.

⁷ President Bill Clinton appointed a council of twenty five leaders to "transform their vision of sustainable development into a concrete plan of action", according to a July, 1996 newsletter of the Minnesota Sustainable Development Initiative. The President's Council on Sustainable Development issued a report entitled, "Sustainable America: a New Consensus." The Cornerstone of the President's Council is sustainable development that allows meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Minnesota Governor Arne Carlson supports a "Sustainable Minnesota" and in 1996, appointed a citizen's group that, together with the Minnesota Environmental Quality Board, put together "Challenges for a Sustainable Minnesota: A Minnesota Strategic Plan for Sustainable Development." The Plan is a strategy for moving Minnesota toward development that improves people's lives over the long term while sustaining the natural resources future generations will need.

GOALS, OBJECTIVES, AND POLICIES

The goals, objectives, and policies outlined in this section of the Plan are intended to be the foundation for all programs, actions, and growth decisions which may be made by the township in the future, and are intended to set a basic direction for our vision for how the township should look in fifteen years.

GOALS

- * Protection of public health , safety, and general welfare**
- * Assurance of the best quality of life for residents**
- * Preservation of the rural character of the township**
- * Sustainable agriculture as the primary land use in the township**
- * Orderly and balanced development that is consistent with the township's rural character**
- * Compatibility among different land uses**
- * Maintain a stable, balanced tax base**
- * Conservation and protection of unique and sensitive natural, historical and physical resources**
- * Safe and adequate roads for the mobility of the public**

OBJECTIVES AND POLICIES

A. Development

Objectives:

1. To preserve the rural character of the township

Policy:

- Assure that all development, including agriculture, is orderly and balanced and is consistent with the township's rural character and will not affect the environment or create a nuisance, be injurious to the public health , safety, or comfort of the township's citizenry.
- Encourage development that maintains a stable, balanced tax base.
- Encourage resettling of abandoned farm sites
- Discourage large development from building on township roads.
- Discourage development that will lower property values in a neighborhood.

2. To promote sustainable agriculture as the main land use in the township

Policy:

- Assure that agricultural development is consistent with policies that preserve the rural character as listed above and protect the environment as listed below.
- Discourage high density feedlots
- Encourage the family farm structure of agriculture

B. Environmental Protection

Objectives:

- 1. Assure compatibility of development with the natural environment**
- 2. Conserve the township's unique and essential resources**
- 3. Provide for the protection of the township's residents and property from natural and manmade hazards**

Policy:

- Assure that any development that may occur in the township in the future will be compatible with the capability and limitations of the land.
- Encourage low density development that preserves agricultural land and maintains the rural character of the township
- Protect ground and surface water
- Assure an adequate water supply
- Protect air quality
- Encourage the residents to use recycling and other means to clean up junk and other debris, to mow ditches and keep weeds under control.
- Discourage incinerator waste storage or disposal in the township
- Discourage nuclear waste or disposal in the township
- Discourage contaminated soil storage or disposal in the township
- Discourage excessive animal waste storage or disposal in the township
- Discourage medical waste disposal in the township

C. Transportation

Objective:

- 1. To provide safe and adequate roads for the mobility of the public.**

Policy:

- Establish controls for township roads to protect and preserve the right of way.
- Assure that no waste or debris are placed in the road right of way.
- Require that the construction of new developments which may impact township roads include the cost to repair such roads in the total project cost.
- Make those who cause excessive wear and tear on the township roads responsible for the cost to repair and restore those roads.
- Enforce weight restrictions on township roads.
- Assure any excavating in road surfaces or right of way be returned to equal or better condition at the cost of those doing the excavating.

The Township also understands that it may be preempted by state regulations to regulate certain activities such as the Minnesota Pollution Control Agency's authority to regulate pollution and protect water quality. It is the Township's intent to enact an ordinance to control the land use issues such as, but not limited to, protecting roads, minimizing nuisances, providing safety measures, and protecting property values through setbacks and other zoning tools.

The Concord Township Board of Supervisors and its citizenry understand that a proper balance must be achieved between adopting such procedures and measures to protect the environment and the necessity of fostering a strong, healthy, and sustainable economy in the township including the production of livestock and grain, and other activities, whether the endeavors be accomplished by its private citizens or public entities.

This Concord Township Comprehensive Plan and proposed Zoning Ordinance is deemed to provide such a balance of interests and is designed to undergird, support and effectuate these goals and policies.

CONCORD TOWNSHIP ZONING ORDINANCE

TABLE OF CONTENTS

Article I - General Provisions1

Article II - Interpretations & Definitions1

Article III - Agricultural District.....6

Article IV - Animal Feedlots.....7

Article V - Storage and Disposal of Waste Materials.....9

Article VI - Mining9

Article VII -Nonconforming Uses and Structures10

Article VIII - Miscellaneous14

Article IX - Administration.....15

 Variances (Board of Appeals & Adjustments)16

 Conditional Use Permits17

 Amendments21

 Enforcement21

 Validity, Severability & Effective Date.....22

Concord Township Zoning Ordinance

The Township Board of Supervisors of Concord Township hereby ordains this Ordinance for the purpose of promoting the health, safety, order, convenience and general welfare in Concord 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.

ARTICLE I GENERAL PROVISIONS

- A. Title. This Ordinance shall be known as the Concord Township Zoning Ordinance (“Ordinance”).
- B. Authority. Concord Township (“Township”) is empowered to enact, administer, enforce, and amend these zoning regulations through powers granted to townships by Minnesota Statutes, Sections 462.351 through 462.364.
- C. Application.
1. In interpreting and applying the provisions of this Ordinance, the provisions 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.
- D. Jurisdiction. The jurisdiction of this Ordinance shall apply to all areas within Concord Township except shoreland areas which are regulated by the county shoreland and flood plain Ordinance(s). These areas are currently defined as 1,000 feet from the ordinary high water level of a subject lake, 300 feet from the ordinary high water level of a subject river or stream or the landward extent of a flood plain designated by Ordinance on a river or stream.
- 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.

ARTICLE II INTERPRETATION 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, 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.

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

Accessory Building or Use. A subordinate building, structure or use which is located upon the same parcel or lot on which the principal building or use is situated and is incidental but reasonably necessary to the principal use of such lot, parcel or building.

Agricultural Use. The use of land for the growing and/or production of field crops or other cash crops (such as orchards) and/or for the raising of livestock and the conversion of such items into livestock products as a continuation of the farming operation on the land and not as an independent productive activity, for the production of income, including but not limited to the following:

1. Field crops including, but not be limited to, corn, soybeans, hay, oats, rye, wheat, fruit, vegetables, or other products suitable for human or animal consumption.
2. Livestock, including but not be limited to, dairy and beef cattle, swine, poultry, horses, sheep, game birds, fur-bearing, and other animals raised for human consumption or use and other animals commonly kept for commercial food producing purposes.
3. Livestock products, including but not be limited to milk, cheese, butter, eggs, meat, fur, leather, and honey.

Animal Feedlots. "Animal feedlot" means 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 where manure may accumulate or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure during the months of May, June, July and August. 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. Confinement feedlots of over 499 animal units shall be considered an industrial use.

Animal Unit. "Animal unit" means a unit of measure used to compare differences in the production of animal manures that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. For purposes of this Ordinance the following equivalents shall apply to calculations of number of animals which may be referred to in this Ordinance as a number of animal units:

Animal	Animal Units per Animal	250 Animal Units Equals	499 Animal Units Equals
one mature dairy cow	1.4	179 animals	356 animals
one slaughter steer or heifer	1.0	250 animals	499 animals
one horse	1.0	250 animals	499 animals
one swine over 55 pounds	.4	625 animals	1248 animals
one duck	.2	1250 animals	2495 animals
one sheep	.1	2500 animals	4500 animals
one swine under 55 pounds	.05	5000 animals	9000 animals
one turkey	.018	13889 animals	27722 animals
one chicken	.01	25000 animals	49900 animals

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

Commercial Use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services of a wholesale or retail nature. Home occupations and the on-site sale of farm products by the farmer who produced the products are not commercial uses for purposes of this Ordinance.

Conditional Use Permit. A permit specially and individually granted for a conditional use permitted in the Township. A Conditional Use Permit - Feedlot and Conditional Use Mining Permit shall be considered conditional use permits.

Essential Services. Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, hydrants or other similar equipment and accessories in conjunction therewith, but not including buildings or structures as defined herein.

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

Home Occupation. Any gainful occupation or profession engaged in on the premises by an occupant of a dwelling unit and which is a use that is incidental to the use of the dwelling unit for residential purposes. There shall be no more than two (2) non-household employees engaged in home occupation use of a residence.

Industrial Use. Except for the incidental processing of field crops, livestock and livestock products into agricultural products by the farmer who grew the crop or raised the livestock on the land as a continuation of the farming operation on the land, the manufacturing, compounding, processing, production, packaging, cleaning, servicing, testing, repair or storage (but not including storage by a retail use) of goods or products for sale, lease, rental or trade. Animal feedlots of over 499 animal units shall be considered an industrial use.

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

Manure Storage Area or Facility. An area or facility such as a lagoon or basin, associated with an animal feedlot where animal manure or runoff containing animal manure is stored until it can be utilized as domestic fertilizer or removed to a permitted animal manure disposal site. Animal manure packs or mounding within the animal feedlot shall not be considered to be manure storage.

Mobile Home. A dwelling unit designed for transportation on public highways after fabrication on its own wheels or using a trailer or flatbed, and arriving at the site where it is to be occupied as a dwelling unit completely constructed and ready for occupancy, except for incidental unpacking operations and connection to utilities.

New Animal Feedlot. An animal feedlot constructed and operated at a site where no animal feedlot existed previously or where a pre-existing animal feedlot has been abandoned or unused for a period of one year or more.

Nonconforming Structure. A building or structure, or portion thereof, that does not comply with the applicable property development standards or other dimensional standards of this Ordinance, but which complied with all applicable property development standards and dimensional standards in effect at the time the building or structure was established.

Nonconforming Use. The use of any land, building or structure that does not comply with the use regulations of this Ordinance, but which complied with the use regulations in effect at the time the use was established.

Operator. Any landowner, operator or lessee of mineral rights engaged in or preparing to engage in mining or processing operations.

Principal Use. 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.

Property Owner. Person or persons or business entity holding legal title to the land.

Reclamation. Activity during and after a mining operation to return the area to a natural state as much as possible, and actions to substantially reduce adverse environmental effects from mining activity.

Recreation Area, Public. Includes uses that are commonly provided for the public at parks and playgrounds, such as swing sets and slides, picnic tables, ball fields, which are owned and operated by a unit of government for the purpose of providing recreation.

Recreational Use, Outdoor. Unintensive recreational uses requiring large amounts of space such as shooting clubs, golf courses, archery ranges, ice rinks and similar uses that are privately or publicly owned and intended to provide entertainment for and/or recreational opportunities for the public.

Recreation Use, Indoor. Includes all uses such as bowling alleys, roller and ice rinks, health clubs and game courts that are privately or publicly owned and intended to provide entertainment for and/or recreational opportunities for the public.

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 required minimum horizontal distance between a structure and other elements as provided by this Ordinance, and a road, street or highway right-of-way, lot line, or other reference point as provided by this Ordinance.

Sustainable Agriculture. A form or model of agricultural organization at the farm and community level that favors a diversity of livestock and/or cropping systems that rely on the existing natural resource base of soil, water, and biological systems of the subject area, and intended to provide a stable economic base for the local community.

Tire Recycling Facility. A facility where used and discarded tires are bought, dumped, exchanged, stored, and/or recycled.

Township Board or Town Board. The Concord Township Board of Supervisors.

Town Road. The term "town road" shall mean those roads, streets and highways which are defined as "town roads" under Minn. Stat. § 160.01, Sub. 6.

Undue Hardship. The term "undue hardship" as used in connection with the granting of a variance means that the property in question cannot be put to a reasonable use if used under 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 an undue hardship if reasonable use for the property exists under the terms of this Ordinance.

Use. Any purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied.

ARTICLE III AGRICULTURAL DISTRICT

- A. Agricultural District. All lands lying within Concord Township are hereby zoned, and determined to be in an agricultural district ("Agricultural District") except as designated otherwise in the Dodge County Shoreline Management Ordinance or the Dodge County Flood Plain Ordinance.
- B. Purpose: The purpose of the Agricultural District is to preserve and promote use of land for agricultural uses and farm residences (especially those uses which promote a sustainable agricultural base for the Township), rural residential use, and only those other uses which are compatible with and complementary to such agricultural and residential uses and to an agricultural community that also provides complementary limited rural residential opportunities.
1. Permitted Uses. Agriculture; single family residences; duplexes; recreation areas, public; cemeteries; and home occupations.
 2. Conditional Uses. The following uses are allowed in the Agricultural District only as conditional uses in accordance with Article IX of this Ordinance and, if applicable, Article IV, V or VI: places of worship, schools, town halls, and similar public, or quasi-public, buildings and facilities; recreation use, outdoor; recreation use, indoor; multi-family housing; mobile home parks; commercial uses; industrial uses, including animal feedlots that exceed 499 animal units; the storage and disposal of waste materials as provided in Article V of this Ordinance; mining; and essential service construction projects.
 3. Prohibited Uses. Tire recycling facilities and open-lagoons for the storage of animal manure.
- C. Setbacks. Unless otherwise specified in this Ordinance;
1. The minimum setback distance between a building (including mobile home) and the property line shall be twenty five (25) feet.
 2. The minimum setback distance between a building or structure shall be 50 feet from the right-of-way line.

**ARTICLE IV
ANIMAL FEEDLOTS**

A. Setbacks. Any new animal feedlot containing more than 499 animal units or any expansion of an existing feedlot that results in the feedlot having more than 499 animal units shall meet the following setback requirements:

1. The feedlot shall not be situated closer than 200 feet from the nearest adjoining property line.
2. The feedlot shall be setback from the nearest residence, other than the operator's residence, by at least two feet for each animal unit, except that no feedlot shall be closer than one-fourth mile from any residence other than the operator's residence.
3. The new or expanded feedlot shall be setback from any existing feedlot containing 250 animal units by at least two (2) feet for each animal unit of the larger (greater number of animal units) of the existing feedlot or the new or expanded feedlot. No new or expanded feedlot subject to Section A of this Article shall be located less than one-fourth (1/4) of a mile from any existing feedlot having 250 or more animal units.
4. The new or expanded feedlot shall be setback from any place of worship, school, town hall, or similar use, intended as a public gathering place by at least three (3) feet per animal unit except that no such feedlot shall be located less than one-third mile from such building or use.
5. Feedlot buildings shall not be located less than 200 feet from the centerline of any public street, road or highway.

B. Conditional Use Permit - Feedlots.

1. Permitted Operations. A Conditional Use Permit - Feedlot is required for an animal feedlot that exceeds 499 animal units when any of the following conditions exist:
 - a. A new feedlot is proposed where a feedlot did not previously exist.
 - b. Any expansion or modification: (i) of an existing feedlot that will result in the feedlot having 500 or more animal units; (ii) of a feedlot that has already received a Conditional Use Permit - Feedlot and the expansion will result in the feedlot adding 100 or more animal units or having at least 100 more animal units than allowed under the existing permit; or (iii) if the feedlot already exists, resulting in the feedlot having 100 or more animal units than it had as of the effective date of this Ordinance.
 - c. An existing feedlot that is to be restocked with animals after being unused for one (1) or more years.

2. Fees. The minimum fee for a Conditional Use Permit - Feedlot shall be \$100.00 for the first 499 animal units plus \$25 for every additional group of 300 animal units involved in the proposed operation plus a sum of money equal to the amount the Township may expend for professional assistance and services to aid the Township in determining whether to grant or deny the permit. In the case of an expansion of a feedlot that previously obtained a Conditional Use Permit - Feedlot, only the additional animal units shall be counted to determine the fee. In the case of an expansion of a feedlot that has not been previously been granted a Conditional Use Permit - Feedlot, the total animal units at the location shall be used to determine the fee.
3. Findings. No Conditional Use Permit - Feedlot shall be issued unless the Town Board shall find that all findings required for granting a conditional use permit as specified in Article IX have been met.
4. Hearing. A public hearing shall be held by the Township before the issuance of a Conditional Use Permit - Feedlot as provided in Article IX.

C. Applications. Applications for a Conditional Use Permit - Feedlot shall be made on a form supplied by the Zoning Administrator. The application shall be accompanied by the information about the project as required by Article IXB1 and such additional information needed to show compliance with this Ordinance. The application shall include at least the following:

1. A site plan drawn to scale showing the location and square footage of all existing and proposed buildings and manure storage areas.
2. A plan indicating operational procedure and the location and specifics of proposed animal waste facilities, including the quantity and type of effluent to be discharged from the site.
3. The method and plan for disposal of dead animals.
4. The manure management plan, including a map showing the location of all manure application sites. Land spreading agreements shall be provided if the applicant does not own the minimum area that will be used to apply animal waste.
5. A plan for controlling odor and mitigating the effect of odor impact on neighbors.
6. Such other information as the Town Board deems necessary to adequately review the application.

D. Special Conditions. In addition to the standards and requirements set forth in Article IX, the Town Board may impose additional conditions it considers necessary to protect the public health, safety and welfare, and maintain the feedlot's compatibility with the surrounding area. These conditions may include, but are not limited to, the planting of trees or shrubs to act as a windbreak and the requirement that liquid manure be injected into the soil.

- E. Other Provisions. The provisions of Article IXB shall also apply to Conditional Use Permit - Feedlot applications, unless stated otherwise in those provisions.

ARTICLE V STORAGE AND DISPOSAL OF WASTE MATERIALS

- A. Lagoons. To control odor, protect property values, and promote public safety, open lagoons for the storage of animal waste from feedlots are prohibited.
- B. Manure Spreading. No manure may be spread by surface or irrigation within 1/2 mile of a public park, place of worship, or school.
- C. Waste. Any use that results in the storage or disposal of materials or animal waste that discharge across neighboring property or into the subsoil in such concentration as to endanger the health, safety, or comfort of the public, or to cause injury or damage to any persons or property is prohibited.

ARTICLE VI MINING

- A. Purpose. The policy of Concord Township is to provide for the ongoing management during excavation of land disturbed by new mines opened or established after the adoption of this Ordinance.
- B. Conditional Use Permit-Mining. No person shall engage in opening and developing a new mine for processing of sand, gravel, limestone or other minerals on any land within the Township without first obtaining a Conditional Use Permit-Mining from the Township.
- C. Application for Permit. Any person desiring to commence the mining and/or processing of sand, gravel, limestone or other minerals shall make written application for a conditional use permit to the Township as provided in Article IX. Application by the landowner for such permit shall be made upon a form furnished by the Township and shall include a plan for reclamation of the land.
- D. Setbacks. Mining operations shall not be conducted closer than 300 feet from 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 producing processing or loading shall not be conducted closer than 300 feet from any residence existing prior to the beginning of the mining operation. Excavating or stockpiling shall not be conducted closer than 200 feet from the centerline of any public street, road or highway.
- E. Other Provisions. In addition to Sections A through D above, the provisions of Article IX shall also apply to applications for a Conditional Use Permit – Mining unless stated otherwise in those provisions.
- F. Exemptions. The requirements of this Article VI shall not apply to the following:

1. The excavation, quarrying or removal of 100 cubic yards or less of sand, gravel, limestone or other minerals in any one calendar year.
2. Excavations or drilling for purposes of exploration.
3. Excavations for the sole purpose of preparing a site for residential, commercial or industrial development on property from which the material was extracted
4. Land alterations for agricultural purposes.

ARTICLE VII

NONCONFORMING USES AND STRUCTURES

- A. Purpose. The purpose of this Article is to regulate the continued existence of legal nonconforming uses and structures by bringing about their gradual elimination, by regulating their enlargement, intensification, expansion or reconstruction, and by prohibiting their reestablishment after abandonment or destruction.
- B. General Prohibition; Authority to Continue.
1. Uses and Structures. No structure or use, or part thereof, shall hereafter be erected, constructed, expanded, enlarged, relocated or used except in conformity with the provisions of this Ordinance. Legal nonconforming uses and structures shall be allowed to continue so long as they remain otherwise lawful subject to the provisions of this Article. Nonconforming uses and structures which were not lawfully in existence on the effective date of this Ordinance are prohibited.
 2. Interpretation. This Article imposes a general prohibition on the enlargement or expansion of structures containing nonconforming uses; on the expansion of nonconforming uses of land; and on the change of use of any lawful nonconforming use to a use other than a use allowed under this Ordinance and in accordance with its provisions.
 3. Change of Tenant or Ownership. A change of tenancy, ownership or management of any nonconforming use or structure is allowed, provided there is no change in the nature or character of such nonconforming use or structure except pursuant to this Article.
- C. Loss of Nonconforming Rights.
1. Discontinuance. If the nonconforming use is discontinued for a continuous period of one (1) year, it shall be deemed to be abandoned and may not thereafter be reestablished or resumed. Any subsequent use of the land or structure must conform to the requirements of this Ordinance. The owner may rebut the presumption of abandonment only by presenting clear and convincing evidence that discontinuance of the nonconforming use for the specified one-year period

was due to circumstance beyond the owner's control. The owner shall bear the burden of proof.

2. Change to a Conforming Use. When a nonconforming use has been changed to a conforming use, it may not thereafter be reestablished nor changed to another nonconforming use. Whenever the degree of nonconformity is reduced, the degree of nonconformity may not thereafter be increased.
3. Loss Or Damage.
 - a. Legal Nonconforming Structure Containing a Conforming Use. When a legal nonconforming structure is damaged or destroyed by any cause to the extent that the cost of restoration exceeds fifty percent (50%) of the replacement cost of the structure, reconstruction of the nonconforming structure is prohibited. A new structure may be built on the parcel, but only in full conformity with the regulations of this Ordinance.
 - b. Legal Nonconforming Use Contained in Either a Conforming or Legal Nonconforming Structure. When any structure containing a legal nonconforming use is damaged or destroyed by any cause, to the extent that the cost of restoring or reestablishing the nonconforming use, including both structural repairs and equipment and fixture replacement, exceeds fifty percent (50%) of the replacement cost of the structure, then the nonconforming use shall not be reestablished or resumed. A new structure may be built on the parcel and new uses established, but only in full conformity with the regulations of this Ordinance.
 - c. Determination of Amount of Loss. Estimates of the cost of restoration and reestablishment shall be made by the Zoning Administrator. The Zoning Administrator may request photocopies of insurance claims and payments, appraisals or other relevant data in the possession of the property owner. Failure to provide such data upon request shall be prima facie evidence that the cost of restoration or reestablishment exceeds the applicable threshold for restoration of the structure or reestablishment of the use. Decisions of the Zoning Administrator regarding the cost to restore a structure or reestablish a use are subject to appeal to the Board of Appeals and Adjustments. In any case where restoration of a nonconforming structure is prohibited, and the structure was a necessary or integral component of a nonconforming outdoor use on the parcel, then the continuance of any nonconforming outdoor use on the parcel is prohibited as well.

D. Expansion or Alteration of Nonconforming Uses and Structures.

1. Legal Nonconforming Structure Containing a Conforming Use. Where a legal nonconforming structure contains a conforming use, such structure may be

enlarged or altered so long as such enlargement or alteration does not increase the nonconformity.

2. Structure (Conforming or Nonconforming) Containing a Legal Nonconforming Use. Structures containing one or more legal nonconforming uses shall not be expanded or enlarged unless the Board of Appeals and Adjustments makes the following findings, and the expansion or enlargement meets all other applicable regulations of this Ordinance:
 - a. The enlargement or expansion will be compatible with the adjacent property and the surrounding area.
 - b. The enlargement or expansion or relocation will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust and odors.
3. Expansion of Legal Nonconforming Use within an Existing Structure. Any legal nonconforming use may be extended throughout any part of a single, contiguous building, provided that the extension will not result in significant increases of traffic, noise, dust, odors or off-site parking problems. It is not the intent of this Ordinance to prohibit all increases in the activity or methods of operation of all nonconforming uses. Extension throughout a single, contiguous structure is allowed subject to the limitations in this Subsection and in Subsection D.5 below, of this Article. Expansion and enlargement of animal feedlots are also subject to Article IV of this Ordinance. Nothing in this provision shall authorize or allow the extension of a use to occupy any land or area outside the building.
4. Outdoor Expansion of Nonconforming Uses. No nonconforming outdoor use of land shall be expanded to occupy an area of land that is fifty percent (50%) more than the area that was occupied on the date such use first became a legal nonconforming use, nor shall such outdoor use be moved, in whole or in part, to any other portion of the parcel than was occupied by such use on the date the use first became a legal nonconforming use unless the expansion meets all other applicable regulations of this Ordinance and the Board of Appeals and Adjustments makes the findings set forth in Paragraph D.2 above.
5. Uses Allowed by Conditional Use Permit. Any use existing in the Township as of the effective date of this Ordinance which, under this Ordinance, is a use that is only allowed in the Township by conditional use permit, shall be deemed to have such a permit. Any expansion or enlargement of the structure in which the use takes place, or an increase of more than fifty percent (50%) in the amount of land used by an outdoor use, any change in the location of the use on the land, or any material change in the type of use (for example, the change of a retail use to an office use) shall require that a conditional use permit be applied for and obtained, as provided in Article IX. Expansion of animal feedlots shall also be subject to the provisions of Article IV of this Ordinance. For the purpose of this Subsection, the category of different types of uses are those defined in Article II and the following: educational facilities, (schools, libraries, museums and the like); office;

retail sales; medical offices, clinics, hospitals, nursing homes; motels, hotels and other transient housing; daycare centers, nursery schools and day nurseries, professional and service occupations; banks; restaurants and other places for the sale and manufacture of food for customer consumption (on-site sales by the farmer who produced and processed the food is a permitted agricultural use); service establishments such as barber shops, tailors, laundry; manufacturing; warehousing, salvage. When a conditional use permit is issued, the use set forth on the permit shall be deemed the category of use for that permit and a change from the use so stated on the permit regardless of the categories set forth in this Subsection of this Ordinance shall require an amendment to the permit.

6. Process. Any person having a legal or equitable interest in land may file an application for an expansion or enlargement of the nonconforming use (using a form provided by the Zoning Administrator). Application procedures be the procedures in Article IXB. The Planning Commission shall hold a public hearing on each complete application for an expansion or enlargement of a nonconforming use as provided in Article IXB.
7. Conditions. The Board of Appeals and Adjustments may impose such conditions on any proposed enlargement or expansion as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and the policies of the Comprehensive Plan.

E. Change of Use.

1. Standards. A nonconforming use may be changed to any use permitted in the district in which the use is located, to a use allowed with a conditional use permit (which shall be properly applied for and obtained), or to a nonconforming use that is less intense than the existing use and is no more incompatible with adjacent property and the surrounding area than the existing, nonconforming use. In determining whether a use is "less intense", the Township shall consider, but is not limited to only considering, the following factors:
 - (a) Hours of operation.
 - (b) Traffic generation and safety.
 - (c) Off-street parking and loading.
 - (d) Nature of business operations.
 - (e) Number of employees.
 - (f) Building bulk.
 - (g) Aesthetic impacts on surrounding property.
 - (h) Property values.
 - (i) Noise, odor, heat, glare and vibration.

2. Process. Any person having a legal or equitable interest in land may file an application for a change of nonconforming use. The application shall use a form provided by the Zoning Administrator. Application procedures be the procedures in Article IXB. The Planning Commission shall hold a public hearing on each complete application for a change of nonconforming use as provided in Article IXB.
 3. Conditions. The Board of Appeals and Adjustments may impose such conditions on any proposed change from one nonconforming use to another as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Plan.
- F. Maintenance and Repair. Normal maintenance and repair, including exterior changes, may be performed on any nonconforming structure or on any conforming structure housing a nonconforming use, provided however, that no such work shall result in an expansion or enlargement of the use or of the structure or increase the extent of the nonconformity, except as otherwise allowed by this Article.

ARTICLE VIII MISCELLANEOUS PROVISIONS

- A. Excavation and Construction on Town Road Rights-of-Way. No person shall engage in any ditching, drainage project, excavation, fill or construction on any town road right-of-way without first securing a permit authorizing the project from the Town Board. A \$10 fee will be charged for this permit application.
1. In the event that an existing waterway through, across or under a town road must be expanded to accommodate increased run-off; the person(s) responsible for the increased run-off shall be responsible for the cost of the improvements to increase the capacity of the waterway across the town road.
 2. The permittee shall promptly restore the road right of way, including surface, to its original condition.
 3. Any permit issued under this section shall be in accordance with the laws of State of Minnesota and shall state thereon that the permittee, and the permittee's assigns and successors, shall assume total responsibility and liability for the construction authorized by the permit and for the operation and maintenance of the project or installation for which the permit was given. The permittee, its successors and assigns, shall indemnify, hold harmless and defend the Township, its officers, agents and employees, against any and all actions, claims or demands whatsoever which may arise from, or on account of, the excavation or construction, or the maintenance or operation of any facility pursuant to the permit.
- B. Windbreaks. To minimize snow-drifting problems along town roads, field windbreaks shall be setback a distance of at least 200 feet from the centerline of the road. Building-site windbreaks shall be set back at least 100 feet from the centerline of the road. These

requirements shall not apply to windbreaks existing as of the effective date of this Ordinance. A snow fence is not a field windbreak.

- C. Farming on Town Road Rights-of-Way. Except for hayland farming, it shall be unlawful to engage in any farming practice, including cultivated row cropping, small grain cropping, pasturing, and installation of drainage ditches or rock piles, within thirty-three (33) feet of the centerline of a town road. Fences are also prohibited within 33 feet of the centerline of a town road. If the actual right-of-way width of a town road is a matter of record in the Dodge County Recorder's office, the record right-of-way width shall govern. Existing nonconforming uses in violation of this requirement shall be eliminated within a period of one year from the effective date of this Ordinance.
- D. Deposits. The depositing of manure within thirty-three (33) feet of the centerline of a town road or any other public road shall be prohibited.

**ARTICLE IX
ADMINISTRATION, APPEALS & ADJUSTMENTS,
PERMITS, AMENDMENTS, ENFORCEMENT**

A. Administration.

1. Town Board of Supervisors. The Town Board shall be responsible for the administration of this Ordinance, shall have jurisdiction as the governing body in all matters under this Ordinance, and shall have the specific and general powers provided in this Ordinance. In addition to such powers and any other powers of the Town Board hereunder, the Town Board shall:
 - a. Appoint a Zoning Administrator and the members of the 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 text amendments or repeal of this Ordinance and any rezoning of land in the Township.
 - e. Act as the Board of Appeals and Adjustments.
2. Zoning Administrator. The Town Board shall appoint a Zoning Administrator to perform the administrative functions necessary to carry out the purposes of this Ordinance. The Town Board shall determine the duties of the Zoning Administrator, except as otherwise provided in this Ordinance. The duties of the Zoning Administrator shall include, but not limited to, the following:

- a. Receive, file and distribute to the designated official bodies copies of all applications and related documents for appeals, amendments and applications for variances, and 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.
 - b. Conduct inspections of building sites and/or uses of land to determine compliance with this Ordinance or any permit granted pursuant to this Ordinance.
 - c. Make periodic reports to the Town Board of zoning issues and activity and, at the annual March Town Meeting, make a report of all planning and zoning activity.
 - d. Administer notice procedures required for public hearings by this Ordinance.
3. Planning Commission. On or about April 1 of each year, the Town Board shall make appointments to the Township Planning Commission. The Planning Commission shall consist of one Township Supervisor and two other residents. The Town Board shall determine the functions, duties and responsibilities of the Planning Commission, except as otherwise provided in this Ordinance. The duties of the Planning Commission shall include, but are not limited to the following:
- a. Conduct a public hearing on each application for a conditional use permit and make a recommendation to the Town Board.
 - b. Conduct a public hearing on each application for a variance and make a recommendation to the Board of Appeals and Adjustments.
 - c. Conduct a public hearing on each amendment proposed to the Comprehensive Plan or this Ordinance and make a recommendation to the Town Board.
 - d. Conduct a public hearing on each application for a change to a nonconforming use, or as otherwise required under Article VII of this Ordinance, and make a recommendation to the Board of Adjustments and Appeals. From time to time at the direction of the Town Board, research planning and land use issues and make recommendations to the Town Board.
4. Board of Appeals and Adjustments/Variances. The Town Board shall act as the Board of Appeals and Adjustments. 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 application of the regulations and provisions of this Ordinance in accordance with the following and shall proceed as follows:

- a. Appeals. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer in the enforcement of this Ordinance.
- b. Variances. Hear and decide requests for variances from the literal provisions of this Ordinance in instances where the strict enforcement of such provisions would cause undue hardship because of circumstances unique to the individual property under consideration, and may grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance and the Comprehensive Plan. A variance may be granted only if the Board of Appeals and Adjustments finds that the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and a variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this ordinance. The Board of Appeals and Adjustments may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.
- c. Nonconforming Uses. Consider changes to nonconforming uses or other matters related to nonconforming uses as provided in Article VIIF.
- d. Fees. The procedure, fees and reimbursement for professional assistance and services for an application for a variance or a change of a non-conforming use shall be the same as those for conditional use permits (except that the Town Board shall act in its capacity as the Board of Appeals and Adjustments, as provided for in this Ordinance). Fees for variances concerning animal feedlots shall be the same as those for Conditional Use Permit – Feedlot, which shall be determined by animal units as provided in Article IV.
- e. Judicial Review. All appeals from the decision of the Board of Appeals and Adjustments shall be directed to the district court. Any such appeal must be filed within sixty (60) days of the Board's decision.

B. Conditional Use Permits (including Feedlot and Mining).

1. Application. Applications for conditional use permits and for amendments to an existing conditional use permit shall be made on a form supplied by the Zoning Administrator and shall include such additional information as deemed necessary by the Town Board. (The procedure for amendments shall be the same as for new permits except that the Zoning Administrator and Town Board may waive requirements for resubmission of information provided with a prior application.)
 - a. A drawing or aerial photo of the subject property showing the location and dimensions all existing and proposed residences, buildings and other structures, driveways, access roads, parking spaces, and loading areas.
 - b. A drawing or aerial photo indicating the dimensions and location of the project, and all lakes, ponds, water courses, wetlands, drainage ditches, roads, wells (including abandoned wells), contours and surface water drainage within 1,000 feet of the project.
 - c. A sketch of all proposed landscaping and screening.
 - d. A sanitary sewer and water plan with estimated use per day, if applicable.
 - e. Soil type.
 - f. A copy of any applications for permits made to any federal, state or local government agency or body.
 - g. Certification from the Dodge 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.
2. Fees. The application fee for a conditional use permit shall be in the sum of One Hundred Dollars (\$100.00) plus a sum of money equal to the amount the Township may expend for professional assistance and services to aid the Town Board of Supervisors in determining whether to grant or deny the permit. The fees for a Conditional Use Permit – Feedlot shall be determined by animal units as provided in Article IV.
3. Notice and Hearing Procedure. The procedure for considering applications for conditional use permits shall be as follows and shall also apply to requests for variances and changes to or modifications of nonconforming uses as provided for by this Ordinance:
 - a. Upon receipt of an application that contains all required information, the Zoning Administrator shall refer the matter to the Planning Commission and establish a time for a public hearing on the application. From the date

the Zoning Administrator receives the application containing all required information, the Town Board has sixty (60) days to take action on the request or the request shall be deemed approved, provided, however, that the Zoning Administrator may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute Section 15.99 Subd. 3. The Planning Commission shall make a recommendation to the Town Board not less than ten (10) days before the deadline for the Town Board to take action. The failure of the Planning Commission to make a timely recommendation shall be deemed a favorable recommendation. (The time provisions shall also apply to proceedings of the Board of Appeals and Adjustments.)

- b. A public hearing shall be held on all conditional use permit applications, and as otherwise required by this ordinance. Notice of the public hearing shall be given at least ten days prior to said hearing by posting and by publication in the official paper for the publication of Concord Township Official Notices. Record owners of property located within 5,000 feet of the subject property shall be notified in writing of the public hearing. Notice of the time, place, and purpose of the hearing shall be mailed to such property owners at least ten (10) days prior to the hearing.
4. Re-permitting. When the facilities involved in a use which has previously received a conditional use permit are destroyed by fire or other cause to the extent of 50% of its market value as determined by the Zoning Administrator a new conditional use permit shall be required.
5. Filing. The Zoning Administrator shall file a certified copy of any conditional use permit with the Dodge County Recorder. It shall include the legal description of the subject property.
6. Findings. In reviewing an application for a conditional use permit, the 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. A conditional use permit may be granted only if the Town Board makes the following findings regarding the proposed use ("project"):
 - a. The project is in compliance with the setback and other provisions of this Ordinance.
 - b. The project is consistent with the Township Comprehensive Plan.

- c. The project will not be injurious to the use and enjoyment of other property nor substantially diminish or impair property values in the area.
 - d. The project will not create an excessive burden on parks, schools, streets, public drainage systems and other public facilities and utilities which serve, or are proposed to serve, the area.
 - e. The appearance of the project will be compatible with adjacent properties.
 - f. The roads that serve the project are adequate to handle increased traffic during construction and operation, and that the project will not cause traffic hazards or congestion.
 - g. The project and the establishment of the use will not impede the normal and orderly development and improvement of surrounding property for uses predominant to the area.
 - h. Adequate utilities, drainage, and other necessary facilities have been or are being provided.
 - i. Adequate access roads and other measures have been or will be taken to provide sufficient off-street parking and that adequate on-site loading space will be provided.
 - j. Adequate measures have been or will be taken to prevent or control rodents, insects, offensive odors, fumes, dust, noise and vibration 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.
 - k. The county has certified that all property taxes for the property have been paid for the property in question.
 - l. Such other information as is deemed necessary and reasonable by the Town Board to adequately review the request has been provided to the Township.
7. Inspections. The Town Board, its agents and employees and the Zoning Administrator are authorized to enter upon all property that is the subject of and governed by a conditional use permit for the purpose of determining compliance with the conditions of the permit. If an application for a conditional use permit is pending, then upon reasonable notice, the Planning Commission, Town Board, Zoning Administrator, and their agents may make inspections to insure that the property qualifies for a conditional use permit or the terms and conditions of the conditional use permit that have been granted are being fully complied with.

8. Appeals. All appeals from the decision of the Town Board relating to the granting or modifying of a conditional use permit shall be filed with the district court within sixty (60) days of the Board's decision.
 9. 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, attainment of performance standards set forth in 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.
- C. Amendments. An amendment to this Ordinance may be initiated by the Town 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 November 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 Town Board until it has received the recommendation of the Planning Commission or until 60 days have elapsed from the date the amendment was referred to the Planning Commission, and the Planning Commission has not made a recommendation. All amendments shall comply with the following:
1. Notice. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least ten days prior to the day of the hearing.
 2. 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 Town Board, who shall make the final decision regarding adoption of the proposed amendment.
 3. Filing. Amendments adopted by the Town Board shall be filed for record in the County Recorder's Office by the Zoning Administrator.
- D. Enforcement, Violation and Penalty.
1. Any person who violates any provision of this Ordinance or fails to comply with any provision of this Ordinance or makes 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.
 2. In the event of a violation or a threatened violation of this Ordinance, the Town Board or any member thereof, in addition to the other remedies, may institute

appropriate actions or proceedings to prevent, restrain, correct or abate such violation(s) or threatened violation(s).

3. 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 in addition to the prosecution of the misdemeanor.
4. All appeals from any decision by the Town Board shall be directed to the district court. Any such appeal must be filed within sixty (60) days of the Board's final action.

E. Validity, Severability and Effective Date.

1. Validity. The Concord Township Comprehensive Plan and this Ordinance are adopted pursuant to Minnesota Statutes Chapter 462 and their validity shall be determined in accordance with the laws of the State of Minnesota. The Comprehensive Plan shall be considered as adopted before this Ordinance.
2. Severability. Should any section, clause or provision of this Ordinance or the Comprehensive Planning be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance or the Comprehensive Planning as a whole or any part thereof except that part so declared to be invalid.
3. Effective Date. The Concord Township Zoning Ordinance and Concord Township Comprehensive Plan shall be effective upon adoption.

Adopted by the Concord Township Board of Supervisors on this 29 day of Sept., 1998.

CONCORD TOWNSHIP BOARD OF SUPERVISORS

By Eldon Ellinger
Supervisor

By Dorel Faulk
Supervisor

By William T. Lambert
Supervisor

ATTEST:
John W. Seehach
Clerk of Concord Township

Steve Lawler