

**HOUSING AND ZONING ORDINANCE
SCIOTA TOWNSHIP, MINNESOTA**

Any previous version of the Sciota Township Housing and Zoning Ordinance is repealed and replaced with this version, as of [Date], 2025

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Article I
ESTABLISHMENT OF ZONING DISTRICTS

Section 101: ESTABLISHMENT OF ZONING DISTRICTS

The following zoning districts are provided to promote and encourage the efficient economic development of land, buildings, and all usable structures. The urban Township of Sciota is hereby divided into the following districts, which shall be known by the following respective symbols and names:

CH	Cluster Housing
RR	Rural Residential
A	Agriculture District
FP	Floodplain Overlay District
SL	Shoreland Overlay District

Section 102: ZONING MAP

The areas comprising these zoning districts and the boundaries of said districts as shown upon the map attached hereto are made a part of this Ordinance, being designated as the Zoning Map of the Township of Sciota, with all proper notations, references and other information shown thereon.

Section 103: INTERPRETATION OF THE ZONING MAP

Where, due to the scale, lack of detail or legibility of the zoning map attached hereto, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Township Planning Commission shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Sciota Township Board. The Sciota Township Board, in interpreting the zoning map or deciding any appeal, shall apply to the following standards:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the centerlines of roads, rights-of-way or lines fixed by dimensions shown on the zoning map, or to follow floodplain elevation contour lines.
2. Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be constructed to be such boundary lines.
3. Contour lines of elevation.
4. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line the boundary line shall be

determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Sciota Township as well as all other relevant facts.

Article II

ZONING DISTRICTS

Section 201: DISTRICT CH – CLUSTER HOUSING

Section 201.01: Cluster Housing Purpose

The purpose of the Cluster Housing District or Development is to allow single-family detached dwellings to be clustered together in a manner that will preserve land for continued agricultural use as districts of the township, experiencing pressure for residential growth.

Section 201.02: Cluster Housing General Regulation

1. The overall density of the Cluster Housing Development shall not exceed a density of four dwelling units per quarter section (160 acres).
2. All lots within the Cluster Housing Development shall be contiguous to each other or shall be separated only by a road right-of-way.
3. The proposed Cluster Housing Development shall comply with all applicable requirements of this zoning ordinance.
4. The need for a private roadway within the Cluster Housing Development shall be minimized but in no case shall a new road necessary for a Cluster Housing Development exceed one half mile.
5. The minimum lot size for Cluster Housing shall be two acres.
6. All dwellings within the Cluster Housing shall have a minimum separation of 400 feet from an existing feedlot.
7. The boundaries of the two designated areas Agricultural and Clustering shall be permanent unless all the land (160 acres) is rezoned to a different zoning district.

Section 201.03: Cluster Housing District/Development Livestock Regulation

Regulation of livestock in Cluster Housing Development is the same as for Rural Residential districts, as described below.

Section 202: DISTRICT RR – RURAL RESIDENTIAL

Section 202.01: Rural Residential Purpose

The purpose of Rural Residential District Development is to allow single-family detached dwellings of medium density development and on-lot utilities in areas where agricultural/residential mix land use patterns exist.

Section 202.02: Rural Residential General Regulation

1. The overall density of the Rural Residential District Development shall not exceed a density of five residential lots (1 single-family primary dwelling) per one quarter, quarter section (1/4-1/4 section, approximately 40 acres.)
2. In a Rural Residential District, the Township Board may allow an overall density of as many as eight residential lots (1 single-family lot) within one quarter, quarter section (1/4-1/4 section, approximately 40 acres.) by variance, as described in the "Variances" article of this Ordinance.
3. The proposed Rural Residential District Development shall comply with all applicable requirements of this zoning ordinance and shall be subdivided in accordance with Sciota Township's Subdivision Ordinance.
4. All lots within the Rural Residential District Development shall be contiguous to each other or shall be separated by a road right-of-way.
5. The existing roads to a Rural Residential District Development shall not need to be upgraded by the township in order to manage additional traffic generated by the Rural Residential District Development.
6. A dwelling within the Rural Residential District Development may not be constructed less than 400 feet from an existing feed lot.
7. All covenants, restructure covenants or other restrictions to be placed against real property within the Rural Residential District Development at the time of platting or subdivision, or within two years thereof, shall be submitted for approval to the Sciota Township Board, and upon approval.

Section 202.03: Rural Residential Livestock Regulation

1. The animal density of livestock, not including poultry, shall not be greater than one animal unit per acre of pastureland. In no case shall any structure used for animal housing be located any closer than fifty feet from any property line.
2. A pasture in a Rural Residential district must be at least 2 acres and may not include a dwelling. A pasture must be located at least 50 feet from the drinking water well(s) on the parcel and may not be located over the septic tank, septic drainfield, or secondary septic drainfield.

Section 203: DISTRICT A – AGRICULTURE

Section 203.01: Agriculture Purpose

Agricultural Districts are established in rural areas for the purpose of protecting viable agricultural lands from non-farm influence; retaining valuable areas for conservation purposes; preventing scattered non-farm growth; preserving the agricultural base of the township economy; and preserving other natural resources of the community.

Section 203.02: Agriculture Permitted Uses

1. Agricultural Uses, Including Livestock
2. Single-Family Dwellings
3. Forestry and Nurseries
4. Historic Sites
5. Public Recreation

Section 203.03: Agriculture Accessory Uses

1. Essential Services
2. Fences
3. Landscaping Features
4. Garages
5. Machinery, structures, or buildings incidental to, but necessary for, the conduct of agricultural operations or other permitted uses.

Section 203.04: Agriculture Conditional Uses

1. Private Roads
2. Home Occupations
3. Agricultural Service Establishments
4. Utility Buildings and Structures
5. Resorts
6. Institutional Uses
7. Greenhouses
8. Commercial Recreation
9. Mining Operations
10. Equipment Storage and Maintenance
11. Retail, Wholesale, Commercial

Section 203.05: Agriculture Prohibited uses and Structures

1. All other uses and structures which are not specifically allowed as permitted or conditional uses, or cannot be considered as an accessory use, shall be prohibited in the Agriculture District (A).

Section 203.06: Agriculture General Regulations

Additional requirements for parking, signs, sewage systems, and area and height regulations, including the 4 dwellings per quarter section maximum density requirement, are set forth in Articles III through VI.

Section 204: DISTRICT FP – FLOODPLAIN OVERLAY DISTRICT

Section 204.01: Floodplain Overlay Purpose

The Floodplain Overlay District is intended to be applied to properties in the Agricultural District (A) which lie within a primary floodplain, which for the purposes of this Ordinance shall be construed to be a stream channel and the portions of the adjacent floodplain of the Cannon River and Chub Creek as are required to efficiently carry the flood flow of the stream. On such properties, special regulations are necessary for the minimum protection of public health and safety and for the protection of property and improvements from hazards and damage resulting from floodwaters.

Section 204.02: Floodplain Overlay Township Regulations

Land use regulations of the Agricultural District (A) shall apply for all lands in the Floodplain Overlay District (FP). The height, yard, area, and lot width and residential density regulations of the Agricultural District (A) shall apply for all uses permitted in this District.

Section 204.03: Floodplain Overlay County Regulations

The Dakota County Shoreland and Floodplain Management Ordinance prescribes additional land use regulations for the Floodplain Overlay District. If any specific regulation in the County Ordinance differs from any specific regulation contained herein, the most restrictive specific regulation shall apply.

Section 204.04: Floodplain Overlay General Regulations

Requirements for sewage treatment, and area and height regulations are set forth in Articles III through VI.

Section 204.05: Floodplain Overlay Disclaimer of Liability

The FP District herein established is intended to provide a reasonable approach to flood control based on present information. As additional information becomes available, the extent of the various boundaries shall be so altered to maintain this reasonableness. This Ordinance does not imply that areas beyond the district limits will be free from flooding; nor shall this Ordinance, or districts established therein, create a liability on the part of, or cause action against Sciota Township or any office, official, or employee thereof, for any flood damage that may result from reliance upon this ordinance or flood district so established.

Section 205: DISTRICT SL – SHORELAND OVERLAY DISTRICT

Section 205.01: Shoreland Overlay District Purpose

This SL District is intended to apply to properties in the Agricultural District (A) which lie within 1000 feet of the shoreline of public waters, which for the purposes of this Ordinance shall be construed to be the Cannon River, Chub Creek, and the North Branch of Chub Creek. Such properties require special

regulations for the minimum protection of the quality of the shoreland area, and the health and safety of shoreland residents.

Section 205.02: Shoreland Overlay District Township Regulations

Land uses regulations of the Agricultural District (A) shall apply for all lands in the Shoreland Overlay District (SL). The height, yard, area, and lot width and depth regulations of the Agriculture District shall apply for all uses permitted in this district.

Section 205.03: Shoreland Overlay District County Regulations

The County Shoreland and Floodplain Management Ordinance prescribes additional land use and placement regulations for the Shoreland Overlay District. County regulations include provisions for a minimum building setback of 200 feet from the rivers, with a minimum lot size of two (2) acres required for dwellings. If any specific regulation in the County Ordinance that has been adopted by Sciota Township differs from any specific regulation contained herein, the most restrictive specific regulation shall apply. Building permits must be acquired from both Sciota Township and Dakota County prior to beginning any construction projects that require a building permit.

Section 205.04: Shoreland Overlay District General Regulations

Requirements for sewage treatment, and area and height regulations are set forth in Articles III through VI.

**Housing
Article III**

HEIGHT, PLACEMENT, DENSITY, SETBACKS, AND SOLAR ACCESS

Section 301: HEIGHT AND PLACEMENT REGULATIONS

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below, and no structure shall be erected or maintained which exceeds the height limit specified below.

Where a lot fronts on two streets within 30 degrees of being parallel but not at their intersection, no rear setback is required. The side setback requirement applies to a side lot line, and also to any lot line, which is neither a front, rear, nor side lot line. The required side yard on both street sides of a corner lot shall be the same as the required front yard on such street.

Placement and Heights of Structures

Use	Setback Minimums*		Height Maximums	
	Side Setback	Rear Setback	Farm Uses	Non-Farm Uses
Cluster Housing	10 ft.	10 ft.	Not Applicable	30 ft.
Rural Residential	10 ft.	10 ft.	Not Applicable	30 ft.
Agriculture	10 ft.	10 ft.	200 ft.	30 ft.
Floodplain Overlay	10 ft.	10 ft.	200 ft.	30 ft.
Shoreland Overlay	10 ft.	10 ft.	200 ft.	30 ft.

The Township Board may grant conditional use permits or variances for a non-farm structure over 30 feet after review by the Planning Commission and the Township Board. Building height variances may include restrictions, such as greater than usual setbacks from property lines, to mitigate impacts on neighboring properties.

Any applicant who proposes any construction or alteration that would exceed a height of 200 feet above ground level at the site shall notify the Commissioner of the Minnesota Department of Transportation at least 30 days In advance as required by Aeronautics Rule 14 HCAR 1.3015, Subdivision C; and shall present a certified copy of such notification to the Township at least 10 days before any building permit is issued.

*See Section 302 for front setbacks

Section 302: LAND USE DENSITY AND INTENSITY REGULATIONS

Except as otherwise specifically provided in this Ordinance, no development, use or structure shall exceed the density and intensity limit specified below. Minimum lot width shall be measured at the front line.

Maximum Density Single-Family Residential

Residential District	Minimum Lot Area	Minimum Lot Width at Front Setback Line	Minimum Lot Depth	Maximum Density Single-Family Per Quarter Section
Agriculture	2 acre	150 ft.	200 ft	4 per Quarter Section
Rural Residential	2 acre	150 f	200 ft	5 per Quarter Quarter Section
Floodplain Overlay	2 acre	150 ft.	200 ft.	
Shoreland Overlay	2 acre	150 ft.	200 ft	

Section 303: STRUCTURE SETBACKS FROM ROAD CENTERLINE

Minimum Front Setback for Structures

The minimum distance of a driveway entrance from the intersection of two or more roads shall be at least 100 feet.

Road Classification	Examples	Minimum front setback from road centerline
Minor Arterial	<ul style="list-style-type: none"> • State Highway 19 • County Road 86 (280th Street) 	140 ft.
Collector	<ul style="list-style-type: none"> • County Road 47 (Northfield Blvd.) • County Road 53 (Arkansas Ave.) • County Road 59 (Alta Avenue) • County Road 88 (290th Street east of CR 47/292nd Street) • County Road 93 (Cannon River Blvd.) 	120 ft.
Local	All Township Roads: <ul style="list-style-type: none"> • 290th St. west of CR 47 • 302nd Street • 310th Street • 320th Street • Boyd Avenue • Sciota Trail 	100 ft.
Private	<ul style="list-style-type: none"> • Alexander Court • Arcadia Court • Ashby Court 	100 ft.
Cul-de-sac (turning area)		60 ft. (from road edge)
Dead End (turning area)		100 ft. (from road edge)

Section 304: SOLAR OR WIND ENERGY ACCESS PROVISION

Easements to obtain access to solar or wind energy may be obtained as described in state statute.

Article IV
NON-CONFORMING USE AND SUBSTANDARD LOT
PROVISIONS

Section 401: PURPOSE

It is the purpose of this Ordinance to permit legal, non-conforming uses and structures, existing on the effective date of this Ordinance or amendment thereto, to continue until they are removed; but not to encourage their survival.

Section 402: NON-CONFORMING USE, BUILDINGS

The lawful use of a building or structure existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to the district provisions herein.

Section 403: NON-CONFORMING USE, EXTENSION

A non-conforming use may be extended throughout the building or structure, provided no structural alterations or changes are made therein; except those required by law or Ordinance, such as may be required for safety, or such as may be necessary to secure or ensure the continued use of the building during its natural life.

Section 404: NON-CONFORMING USE, DAMAGES

Any non-conforming building or structure damaged by fire, collapses, explosion, or acts of God or public enemy, may be restored or reconstructed and used as before such happening; provided that it is done within twelve (12) months of such happening, it be built of like or similar materials, and the architectural design and building materials are approved by the Planning Commission.

Section 405: NON-CONFORMING USE, LAND WITH NO BUILDINGS

A non-conforming use of land which has no non-conforming building or buildings existing at the time that this Ordinance becomes effective, may be continued, provided:

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

Section 406: NON-CONFORMING USE CHANGE

A non-conforming use may be changed to a different non-conforming use in the same zoning classification; only upon approval of a conditional or interim use permit for said change by the Township Board. Wherever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use of a less restricted district.

Section 407: NON-CONFORMING USE, DISCONTINUANCE

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

Section 408: NON-CONFORMING USE, ZONE CHANGE

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

Section 409: SUBSTANDARD LOT PROVISIONS

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

- 1) Is at least 35,000 sq.ft. in size;
- 2) Was under separate ownership from abutting lands upon or prior to the effective date of the 1982 Sciota Township Ordinance;
- 3) Has frontage on a public or private road; and
- 4) Its development for single-family residential purposes will not violate the general intents and purposes of this Ordinance, including but not limited to the prevention of pollution of applicable waters and surrounding lands, and the preservation of the health, safety, and welfare of the public.

Section 410: NON-CONFORMING HOME OCCUPATIONS

All non-conforming home occupations legally existing prior to the adoption of this ordinance shall be allowed to continue. However, they shall not be allowed to expand, be rebuilt, replaced, or altered without being brought into compliance with all requirements to this subdivision.

Article V

Performance Standards

Section 501: PURPOSE

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. All future development in all districts shall be required to meet these standards. The standards shall also apply to existing development where so stated. The Township Board shall be responsible for enforcing the standards.

Section 502: BUILDING PERMITS

For the purposes of enforcing this ordinance, a building permit shall be required of all persons intending to erect, remodel, move, or structurally change any building. In addition, repairs and maintenance that require a permit include window or door replacement; roofing or siding replacement; heating, air conditioning, and mechanicals; plumbing; and electrical work.

The Township Board will establish the building permit fees and review them annually.

All new construction must comply and conform to Minnesota State Building Code, the Minnesota Uniform Fire Code, and the Sciota Township Ordinances, and all required fees must be collected prior to the approval and issuance of a building permit.

1. Persons requesting a building permit shall fill out a building permit form available from the Planning Commission or clerk. In the event construction is started before a building permit is obtained, fees will be doubled.
2. Any construction started before a building permit is obtained will require compliance to all ordinance requirements. Any construction not in compliance with ordinance requirements must be corrected, moved, or removed at the expense of the owner.
3. Completed building permit forms on building valuation shall be returned to the Planning Commission. The Planning Commission will review the permit forms to ensure that the request complies with the standards and regulations of the Zoning Ordinances and all other applicable township Ordinances and make a recommendation to the Township Board to issue the permit, issue the permit with conditions, or deny the permit. The Township Board will review and act upon the Planning Commission's recommendations.
4. Any construction occurring within a shoreland or floodplain Overlay District also requires a permit from Dakota County. All appropriate permits must be acquired from all applicable governmental agencies prior to beginning any construction.

Section 503: DETERMINATION OF CONFORMITY

Before any building permit is approved, the Township Clerk and the Planning Commission will determine whether the proposed use will conform to the performance standards. The developer or landowners shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, etc. It may occasionally be necessary for a developer or business to employ specialized consultants, at their own expense, to demonstrate that a given use will not exceed the performance standards.

Section 504: RESIDENTIAL STRUCTURES

Section 504.01: Primary Dwelling Units

Housing performance standards are established for the purpose of promoting energy conservation; preserving and protecting desired architectural and aesthetic characteristics of housing in the community; and protecting the health, safety, and welfare of residents of the community.

1. All residential dwellings shall be firmly anchored to a wood or concrete block or other suitable materials providing continuous foundation below frost line. The structure must be attached with anchor bolts in accordance with the State of Minnesota Building Code in effect at the time the building permit is granted, as required by the manufacturer's installation instructions.
2. All residential structures, except earth-sheltered dwellings, shall have pitched roofs with a minimum pitch of 3:12, except in cases of unique architectural design reviewed by the Planning Commission and Township Board. All roof designs must be designed and constructed to meet the requirements of the State Building Code for snow load capacity.
3. Residential dwellings of unique architectural design may be considered by the Planning Commission and Sciota Township Board to meet Zoning Ordinance requirements.

Section 504.02: Residential Accessory Building/Outbuildings

On parcels of less than seven acres, the combined foundation square footage of non-agricultural buildings and structures (dwellings, including garages, plus accessory buildings) may be a maximum of 7.5% of the area of the parcel, as described by the Dakota County Tax Assessor.

Outside wall dimensions will be used to determine maximum building area, except where a roof extends more than two feet horizontally from the sidewall, the area covered by the roof (dripline) will be used to determine maximum building area.

The maximum sidewall of non-agricultural accessory buildings will be 14 feet.

Owners of tracts of land of seven contiguous acres or more may construct non-agricultural structures occupying more than 7.5% of the parcel area, subject to the approval of the Township Board prior to issuance of a building permit.

Aesthetic coordination between the house and accessory building(s) is encouraged (i.e., color, style, siding, roof pitch, location of accessory building(s) in relationship to the house, landscaping).

Sciota Township assumes no responsibility for the presence or location of covenants, easements, rights-of-way, utilities, or other land use restrictions that may limit the size or location of any structures, residential or accessory, which may be constructed on a parcel of land.

Section 504.03: Earth Sheltered Dwellings

Earth-Sheltered dwellings for use as a primary single-family residential structure shall be allowed, if such structures possess the following characteristics:

1. At least (50%) fifty percent of the structure is covered with the earth or earthen materials.
2. The structure is waterproofed to sufficiently provide a low-humidity interior environment.
3. The structure is not designed to provide for an upper floor in the future.
4. The structure meets or exceeds all building code standards for fire safety, window area, and other requirements.

Section 504.04: Agricultural Structures

Agricultural structures require a building permit, but no permit fee will be charged.

Section 505: TRAFFIC CONTROL

Section 505.01: Private Roads

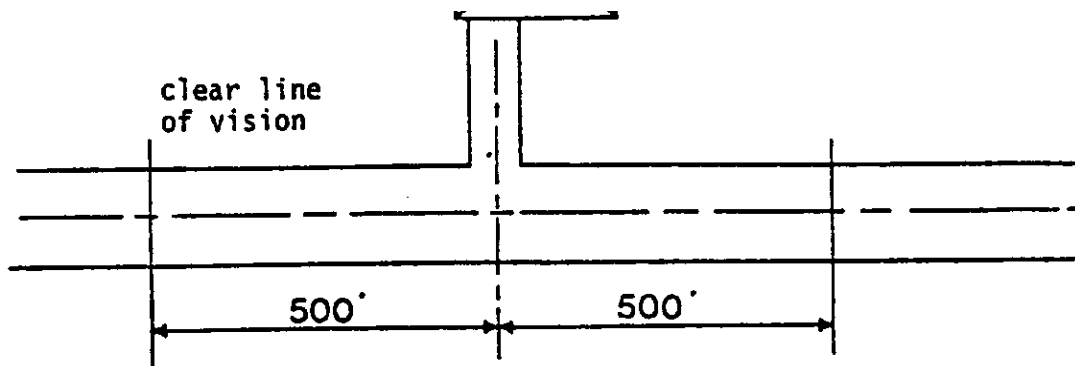
1. A private road may be constructed in order to provide access to a parcel or parcels that do not abut a public road.
2. The Township Board shall review all plans for a private road for conformity with the standards that govern Township roads.
3. Under no circumstances shall the Township be obligated to provide maintenance for a private road.
4. Any private road which intersects with a County highway shall require a permit from the County Highway Department.

Section 505.02: Driveways and Cul-de-Sacs

Driveways and cul-de-sacs shall join at right angles to a public road and provide a clear and unimpeded view at the intersection of the driveway with any public road.

1. A cul-de-sac may intersect a private drive in a situation where a different location is not practical.
2. Minimum cul-de-sac diameter shall be 120 ft.
3. The gradient of any driveway or cul-de-sacs extending from a public road or right-of-way shall not be less than 3% nor exceed 15%. The approach to the public road should be lower in elevation than the elevation of the public road. If the approach to the public road is higher in elevation than the public road, the approach shall be designed such that storm water from the roadway does not run onto the public road. Any maintenance that is required to correct a drainage problem associated with improper installation of a roadway shall be the responsibility of the owner.
4. Prevention of erosion is required and the responsibility of owner in the installation of a driveway or cul-de-sac. Control measures are necessary to ensure the safety of public roadways and rights-of way.
5. A driveway or cul-de-sac shall have an elevation of six (6) inches below the road elevation, at a point of 15 ft. from the edge of the road.
6. Where a roadway requires a culvert, the culvert shall be at least 15 inches diameter and 20 foot length and at approved load strength. Larger and /or longer culverts to manage the water flow may be required by the township if deemed necessary.

For residential driveways, clear and unimpeded vision shall be provided at the intersection of the driveway with any public road. Vision must be unimpeded between a height of two and one-half and ten feet above the centerline grade of the public street, such that a clear line of vision from the entrance of the driveway is possible in either direction for 500 feet along the public road centerline.



Driveways for residential use shall be located to conform with the side yard requirements of Section 301. All dwellings shall be so located as to permit an eight-foot-wide driveway to be placed from either a public street or a public alleyway to the rear house line.

Section 505.03: Private Parking

1. It is unlawful for anyone to park, or allow to be parked, any non-licensed or any un-licensable semi-trailer on private, non-farming property within the

Rural residential district.

2. It is unlawful for any person to park, store or leave any abandoned motor vehicle on any public or private property within the township, or for any property owner or occupant to permit parking, storing or leaving of any abandoned motor vehicle upon such private property, unless such vehicle is within an enclosed building or structure or out of public view.

Section 506: HOME OCCUPATIONS

Home occupations are allowed in Sciota Township, subject to the following conditions.

1. Said use shall not create excessive odor, dust, noise, electrical glare, or vibrations noticeable outside of dwelling that cause or create a public nuisance.
2. No such home occupation shall require substantial interior or exterior alterations of the dwelling.
3. There shall be no outside storage of material or equipment or display of merchandise.
4. Advertising sign regulations will be addressed in the general sign ordinances.
5. Said use will generate no extra traffic of an estimated four vehicle trips or more per day.
6. No home occupation shall cause an increase in the use of utilities (water, sewer, electricity, garbage) so that the combined total use for the dwelling and home occupation purposes exceed the average for the dwellings in the neighborhood.
7. Said use shall produce no special or hazardous wastes that require special treatment.

Section 507: ACCESSORY DWELLING UNITS

The previously numbered Section 507: "Mobile Homes" of this ordinance is revoked as of the adoption date of this revised ordinance.

Section 507.01: Purpose

Sciota Township allows Accessory Dwelling Units as a permitted interim use to facilitate multi-generational housing, provide property owners with an option for housing with greater privacy and more convenient access than a single-family dwelling alone, and to protect the health, safety, and welfare of residents of the community.

Section 507.02: General Regulations

1. One **internal** accessory dwelling unit, as described in the "Definitions" article of this ordinance, may be constructed within or attached to the primary

dwelling unit on a parcel without additional permitting required beyond the building permit and septic system permit processes.

2. More than one internal accessory dwelling unit may not be constructed within or attached to the primary dwelling unit.
3. An internal accessory dwelling unit may be no larger than 800 square feet.
4. One **external** accessory dwelling unit, as described in the “Definitions” article of this ordinance, may be constructed on a parcel that is four or more acres in area, as a permitted Interim Use.
5. An external accessory dwelling unit may be no larger than 800 square feet.
6. An external accessory dwelling unit must meet the same setback requirements as a primary dwelling and must be set back at least 20 feet from the primary dwelling and from any other existing building on the parcel.
7. An external accessory dwelling unit may not be constructed or installed unless the primary dwelling already exists on the parcel or is under construction.
8. The owner of the parcel must reside in the primary dwelling on the parcel or in the external accessory dwelling unit. The Township Board may periodically require proof of residency.

Section 507.03: Permitting and Fees

1. Persons requesting an external accessory dwelling unit must fill out and submit an Interim Use Permit request to the Planning Commission at the same time they request a building permit for the structure. The Planning Commission will determine if the request complies with the standards and regulations of the Zoning Ordinances and all other applicable township Ordinances, then make a recommendation to the Township Board to issue the permit, issue the permit with conditions, or deny the permit. The Township Board will review and act upon the Planning Commission’s recommendations.
2. The Township Board shall establish the fee for the external accessory dwelling unit Interim Use Permit and the property owner must pay the fee annually. The Township Board will review the interim use permit for a property on an annual basis.
3. The annual fee for an external accessory dwelling unit Interim Use Permit shall be waived if the resident of the unit can show they are 65 years of age or older, or require assistance to perform some or all the activities and tasks of daily living due to weakness or illness. The fee will also be waived if the resident of the accessory dwelling unit will provide care for a primary dwelling resident who is 65 years of age or older, or requires assistance to perform some or all of the activities and tasks of daily living due to weakness or illness.

4. The Township Board may waive the annual fee for an external accessory dwelling unit if the property owner demonstrates a hardship condition other than those described in Section 507.03 (3) above.
5. At the time an external accessory dwelling unit is constructed, a compliance inspection of the primary dwelling unit's septic system must be performed, and the septic system must be of sufficient size to accommodate the bedroom or bedrooms of the external accessory dwelling unit. Alternatively, a new septic system to serve the external accessory dwelling unit may be constructed.
6. At the time of the Interim Use Permit annual review, the property owner must provide proof (such as a copy of a receipt) to show that the septic system (or systems) for the primary and accessory dwelling units has been pumped out or inspected by a licensed septic system maintainer or inspector within the previous three years.
7. The Planning Commission and the Township Board may impose additional conditions.
8. The property owner of an external Accessory Dwelling Unit that is occupied or under construction as of the date when this revised ordinance is adopted will have eighteen months from that date to apply for an annual operating permit.

Section 507.04: Manufactured Homes as Accessory Dwelling Units

1. Consistent with the prior Section 507 of this ordinance, "Mobile Homes," a manufactured home, as described in the "Definitions" article of this ordinance, may be located on a parcel as an external accessory dwelling unit.
2. A mobile home, as described in the "Definitions" article of this ordinance and manufactured earlier than 1976, may not be installed in Sciota Township after the adoption date of this revised ordinance.

Section 507.05: Accessory Dwelling Unit while Building a Primary Dwelling

An accessory dwelling unit may be allowed as an interim use for a period of twelve (12) months in a zoning district where residential buildings are allowed under the following conditions:

1. The Township Board has issued a building permit for a permanent dwelling on the parcel.
2. Property owner of the building site parcel during construction shall occupy the accessory dwelling unit.
3. The accessory dwelling unit shall be located on the same parcel as approved for the building permit.
4. The accessory dwelling unit shall be connected to an Individual Sewage Treatment System or have other provisions for sanitation, as approved in the building permit application.

5. A motor home, park trailer, recreational vehicle, or travel trailer (as defined in Minnesota Statute 168.002) may be used as a temporary accessory dwelling unit on a parcel where a primary dwelling is being constructed.
6. The Planning Commission and the Township Board may impose additional conditions.

Section 507.06: Interim Use Permit Revocation

The Interim Use Permit for an external accessory dwelling unit may be revoked by the Township Board if the Board determines that occupation of the accessory dwelling unit is creating a public nuisance, as described in the “Definitions” article of this ordinance.

1. If the Board receives a complaint or complaints about the occupancy of the external accessory dwelling unit as a public nuisance, the Board will investigate the complaint(s).
2. The Board will inform the owner of the property, in writing, of the content of the complaint or complaint(s) but not the identity of the complainant(s).
3. Written notice of the complaint will be served by a process server or Dakota County Sheriff’s Deputy on the owner personally or by leaving a copy at the individual’s house or usual place of residence with some person of suitable age and discretion who presently lives at that location. Document service shall be at the Township’s expense. The person serving the document will provide an Affidavit of Service to the Township Clerk.
4. The owner of the property will be notified they have 90 days from the date of the Township Board’s written notice to address the complaint(s).
5. If, after 90 days, the nuisance conditions have not been remediated, the Board will conduct a second investigation. If the Board determines the continued complaints are valid, they will conduct a public hearing to review the facts and provide the property owner with the opportunity to respond.
6. Following the public hearing, the Board will report their findings, in writing, to the property owner. If the Board determines the occupation of the external accessory dwelling unit has created a public nuisance, they may revoke the Interim Use Permit.
7. If the Board revokes an Interim Use Permit for an external accessory dwelling unit, they will notify the property owner in writing. Written notice of the permit revocation will be served by a process server or Dakota County Sheriff’s Deputy on the owner personally or by leaving a copy at the individual’s house or usual place of residence with some person of suitable age and discretion who presently lives at that location. Document service shall be at the Township’s expense. The person serving the document will provide an Affidavit of Service to the Township Clerk.
8. If the written notification of the permit revocation is not served in person within 45 days of the Board’s permit revocation, notice shall be served by

publication in the Township's newspaper of record on a weekly basis for three consecutive weeks. Service by publication shall be at the Township's expense. The newspaper shall provide an Affidavit of Publication to the Township Clerk.

9. Notwithstanding the date of service of notification, the property owner will have 180 days from the date of the Board's permit revocation to have the accessory dwelling unit vacated.
10. The Township Board may also require that the accessory dwelling unit be removed, at the property owner's expense.

Section 507.07 Transferability

An Accessory Dwelling Unit Interim Use Permit is transferable with a transfer of the property ownership, subject to the same annual review and conditions as the original permit.

Section 508: PROHIBITED DWELLING UNITS

Section 508.01: Dwelling Units Prohibited

1. It shall not be lawful for any persons to erect or occupy a temporary dwelling on any lot or parcel of land in Sciota Township, except that travel or motor home coaches or trailers may be used for such purposes for a period not to exceed sixteen (16) weeks or 112 days per year.
2. Residing in basement or foundation structures before the completion of the total structure shall be permitted, providing that one wall is exposed to the outside.
3. No garage, tent, or accessory building shall at any time be used as a separate dwelling, except as described as an Accessory Dwelling Unit above.
4. The basement portion of a finished dwelling may be used for normal eating and sleeping purposes provided it is properly damp-proofed, has suitable fire protection and exits, and is otherwise approved by the Building Inspector.
5. A temporary dwelling must include provisions for sanitation and waste disposal.

Section 509: RELOCATING STRUCTURES

A building permit shall be required for all permanent relocation of residential structures. All new or used permanent structures moved into or within the Township shall meet the following minimum requirements.

1. Every existing structure to be relocated into Sciota Township will be inspected and approved by the Building Inspector prior to said structure being moved in.

2. Every structure being moved into this jurisdiction must meet the requirements of the Minnesota State Building Code.
3. A building permit will be required for all permanent relocation of residential structures.
4. Every dwelling moved into this jurisdiction must have a basement or foundation meeting the requirements as defined in Residential Structure Section 504.01.1, which complies with the requirements of the Minnesota State Building Code.

Section 510: SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS) AND WATER SUPPLY

Section 510.01: Subsurface Sewage Treatment Systems (SSTS)

- A. All buildings intended for human habitation shall be served by a subsurface sewage treatment system designed, installed, and maintained to meet the requirements of this section.
- B. No person shall install, repair, or alter an on-site sewer system without first obtaining a permit from the Township.
 1. Applications, on a form provided by the Township, must be completed in writing by the applicant prior to the issuance of a permit.
 2. A fee, as established by the Township Board of Supervisors, shall accompany the application.
 3. A permit is not required for emergency repairs or maintenance.
- C. Subsurface sewage treatment systems shall be designed, installed, and maintained in accordance with Dakota County Ordinance No. 113, "Subsurface Sewage Treatment Systems" and Minnesota Rule Chapters 7080-7083, "Subsurface Sewage Treatment Systems," published by the Minnesota Pollution Control Agency, which are incorporated into this ordinance by reference. The stricter provisions of Dakota County Ordinance No. 113 shall apply. Subsequent, applicable State of Minnesota or Dakota County laws, rules, or ordinances shall apply.
- D. Licensing for the installation, repair, inspection, pumping and hauling of private on-site sewer systems shall be in accordance with the requirements of the Minnesota Pollution Control Agency.
- E. Enforcement of this ordinance, in accordance with Dakota County Ordinance No. 113 and Minnesota Rule Chapters 7080-7083, shall be the responsibility of the Township Board of Supervisors and their duly appointed Septic System Inspector.

Section 511: WATER WELLS

Section 511.01: Water Well General Provisions

A well shall be located consistent with the general layout and surrounding area, giving consideration of the size of the lot, contour of the land, slope of the water table, rock formation, porosity and absorbency of the soil, local ground water conditions. Such well shall be:

1. Located on a site which has good surface drainage at a higher elevation than, and at a sufficient distance from cesspools, buried sewers, septic tanks, privies, barnyards, and feedlots or other possible sources of contamination, so that the supply cannot be affected thereby, either underground or from the surface of the ground.
2. Located so that the well and its surrounding area can be kept in a sanitary condition.
3. Adequate size, design, and development for the intended use.
4. Constructed to maintain existing natural protection against pollution of water bearing formations, and to exclude all known sources of pollution from entering the well.

Section 511.02: Water Wells Specific Standards

The installation of water wells shall be in accordance with the regulations contained within the Dakota County Ordinance No 114 – “Well and Water Supply Management”, which is hereby adopted by Sciota Township by reference declared to be a part of this Ordinance, and any subsequent amendments thereto.

Section 512: DRAINAGE

No land shall be developed, and no use shall be permitted, which results in additional water run-off that causes flooding or erosion on adjacent properties. Run-off shall be properly channeled into a storm drain, watercourse, pond area, or other public facility.

Section 513: SOIL EROSION AND SEDIMENTATION CONTROL

Section 513.01: Soil Erosion and Sedimentation Control General Standards

1. All development shall conform to the natural limitations presented by the topography and soil, as to create the least potential for soil erosion.
2. Slopes over eighteen percent in grade shall not be developed.
3. Development on slopes with a grade between twelve and eighteen percent shall be carefully reviewed to ensure adequate measures have been taken to prevent erosion, sedimentation, and structural damage.
4. The construction site shall be permanently vegetated within twelve (12) months after the construction begins.

Section 513.02: Soil Erosion and Sedimentation Control Exposed Slopes

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

Section 514: PRESERVATION OF NATUAL DRAINAGEWAYS

Section 514.01: Soil Erosion and Sedimentation Control Waterways

1. The use of storm sewers for runoff control is not an acceptable alternative to the use of a natural aboveground drainage system. Storm sewers may only be used where it can be demonstrated that the use of the aboveground natural drainage system will inadequately dispose of runoff. Aboveground runoff disposal waterways may be constructed to augment the natural drainage system.
2. The widths of a constructed waterway shall be sufficiently large to adequately channel runoff from a ten- (10) year storm. Adequacy shall be determined by the expected runoff when full development of the drainage area is reached.

3. No fences or structures shall be constructed across the waterway that will reduce or restrict the flow of water.
4. The banks of the waterway shall be protected with permanent turf vegetation.
5. The banks of the waterways should not exceed five (5) feet horizontal to one (1) foot vertical in gradient.
6. The gradient of the waterway bed should not exceed a grade that will result in a velocity that will cause erosion of the banks of the waterway.
7. The bed of the waterway should be protected with turf, sod, or concrete. If turf sod will not function properly, riprap may be used. Riprap shall consist of quarried limestone, fieldstone (if random riprap is used), or construction materials provided said construction materials are limited to asphalt, cement, and concrete. The riprap shall be no smaller than two (2) feet square. Construction materials shall be used only in those areas where the waterway is not used as part of a recreation trail system.

If the flow velocity in the waterway is such that erosion of the turf sidewall will occur and said velocity cannot be decreased via velocity control structures, then other materials may replace turf on the sidewall. Either gravel or riprap would be allowed to prevent erosion at these points.

Section 514.02: Soil Erosion and Sedimentation Control Waterway Velocity

1. The flow velocity of runoff in waterways shall be controlled to a velocity that will not cause erosion of the waterway.
2. Flow velocity should be controlled through the installation of diversions, berms, slope drains and other similarly effective velocity control structures.

Section 514.03: Soil Erosion and Sedimentation Control Sediment Control

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

Section 514.04: Soil Erosion and Sedimentation Control Maintenance of Erosion Control System

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

Section 515: TREE AND WOODLAND REGULATIONS

The following regulation shall apply to all residential development occurring in wooded areas. Structures shall be located in such a manner that the maximum number of trees shall be preserved. Prior to the granting of a building permit, it shall be the duty of the person seeking the permit to demonstrate that there are no feasible or prudent alternatives to the cutting of trees on the site, and that if trees are cut, proper reforestation will occur upon or before completion of the development.

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

Grading and contouring shall take place in such a manner that the root zone aeration and stability of existing trees shall not be affected and shall provide existing trees with a watering area equal to one-half of the crown area. Development in woodlands shall not reduce the existing crown cover greater than fifty percent and shall be conducted in such a manner that the forest understory is preserved.

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

Section 515.01: Tree and Woodland Regulations Landscaping

Except as otherwise specifically provided in this Ordinance, no trees shall be planted between any lot line which abuts an agricultural field and the setback distance listed below.

<u>District</u>	<u>Setback Limit</u>
Agriculture	50 ft.
Floodplain Overlay	50 ft.
Shoreland Overlay	50 ft.

Cluster Housing
Rural Residential

50 ft.
50 ft.

The Township Board may grant variances after the recommendation of the Planning Commission. Variances will only be considered after written agreement has been granted and agreed by all effected landowners of adjoining lands.

Section 516: UTILITY CONSTRUCTION AND MAINTENANCE

The following standards shall apply to the construction and maintenance of utility lines and public service structures, and shall be considered as requirements for issuance of permits for construction:

1. The Town Board shall be notified, at least one (1) year in advance of all non-local power lines and pipelines that are proposed to be installed in the Township. Each road crossing shall be submitted to the appropriate road authority for review and approval.
2. Primary consideration shall be given to underground utility placement when feasible to minimize visual impact.
3. Placement of overhead transmission lines should take into consideration the impact on views and the appearance of the structures as much as practicable.
4. Cleared portions of right-of-way for proposed transmission lines shall be minimized. Where vegetation has been removed, new native vegetation, which does not restrict use or pose a hazard, shall be allowed to grow in the right-of-way.
5. River crossing for utilities shall be minimized and concentrated at existing crossings where possible.
6. In case of repair or improvements of a road, the line owner shall pay for necessary movement and replacement of the line.
7. In the event of necessary repairs or improvements of drainage ditches, the line owner shall pay for necessary movement and repair of the utility line.
8. Drain tile lines shall be repaired or replaced where cut or damaged by construction, for at least 5 feet from the damaged sections.
9. Utility lines and associated structures (except service lines from a main to a customer) shall be at least 250 feet from residential dwelling units.
10. Whenever feasible, utility lines shall be located within or along existing railroad or highway rights of way, section lines, or other established boundaries and/or easements, or other such routes as approved by the Township Board.
11. The owner and/or builder of the utility line shall be responsible for paying for such inspection procedures incident to the line's construction and

maintenance as the Township Board determines necessary to protect the public interest.

Section 516.01: Utility Construction and Maintenance for Underground Utility Lines

For underground utility lines:

1. All underground lines shall be bored and cased through public and private roads unless the road authority cases and backfills the crossing.
2. All underground lines shall be at least five feet below the bottom of drainage ditches, and not impede the flow of water.
3. All underground lines shall be at least one foot below existing and proposed drain tile lines. The utility line owner shall be responsible for:
 - The cost of surveys for future drain tile line plans that are incurred because of the existence of the utility line.
 - Additional expenses for installation of future drain tile caused by the existence of the line.
 - Cost of repair of drain tile and crop loss due to settling after utility line construction
4. Where feasible, underground utility lines shall be at least 20 feet from parallel drain tiles.
5. Except as otherwise stated, underground utility lines shall be at least 4 feet below the ground surface.

The owners of utility lines shall be held strictly liable for any and all damages that may arise out of the operation or malfunction of any utility line or facilities incidental to the operation of the utility line.

The Township Board may impose such other conditions, terms, bonds, and indemnities as may be necessary to protect the public interest.

Section 517: SIGN REGULATIONS

The regulations established in this chapter are designed to protect property values, enhance and protect the physical appearance of the community, prevent and reduce potential traffic hazards caused by distracting and obstructing signs, and to remove safety hazards to pedestrians that may be caused by signs projecting over public right-of-way.

Section 517.01: Sign Regulation - Public Right-of-Way

Only official identification, directional, or traffic control signs shall be allowed within the public right-of-way.

Section 517.02: Sign Regulation – On-Site Advertising Signs

All signs larger than fifty square feet shall require an Interim Use Permit.

Section 517.03: Sign Regulation – Off-Site Advertising Signs

Off-site advertising signs may be permitted in all districts as interim uses.

Section 517.04: Sign Regulation – Change in Advertising Message

The change in advertising message maintenance and repair, or the use of extensions, cutouts or embellishments upon an existing advertising structure shall not be considered an enlargement, extension structure, or structure alteration provided that thereby the advertising structure is not caused to exceed any size limitation by this ordinance.

Section 517.05: Sign Regulation – Poorly Maintained Signs

The Township Board may require that unpainted signs, broken signs, or signs on vacated buildings be removed from premises.

Section 517.06: Sign Regulation – Symbolic Signs

Symbolic signs such as a barber pole, which are traditional in nature and size, shall be permitted. Small identifying signs under canopies or on retractable awnings shall also be permitted.

Section 517.07: Sign Regulation – Announcement Signs

Signs for the following purposes not exceeding ten square feet in area and placed back twenty feet from front lot lines shall be permitted in all districts:

1. A sign advertising only the sale, rental, or lease of the building or premises on which it is maintained.
2. Announcement sign or bulletin board for the use of a public, charitable, or religious institution occupying the premises.
3. An advertising sign in connection with a lawfully maintained non-conforming use.
4. Political signs, which must comply with State and Federal election laws.

Section 517.08: Sign Regulation – Lighting

Signs may be illuminated by flashing, intermittent rotating or moving light or lights as a conditional use.

In all districts, any lighting used to illuminate a lot or structure (including signs) thereon shall be arranged to deflect light away from adjacent streets. The source of light shall be hooded or shielded to prevent beams or rays of light from being directed at any portion of adjoining properties or streets.

Section 517.09: Sign Regulation Non-Conforming Signs

Signs prior to the date of enactment of this ordinance, which do not conform with the signs regulations contained herein, shall not be expanded, modified, or changed in any way except to conformity with these sign regulations. Non-

conforming signs must be removed or modified to conform to the ordinance within five years of adoption of this Ordinance.

Section 518: REFUSE/ DISPOSAL/ RECYCLING OPERATIONS

Section 518.01: Refuse/Disposal/Recycling Operation – Containment

All waste material, debris, refuse or garbage, except animal manure, shall be kept in an enclosed building or properly contained in an enclosed container designed for such purpose.

Section 518.02: Refuse/Disposal/Recycling Operation – Vacant Land

The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds.

Section 518.03: Refuse/Disposal/Recycling Operation - Enactment

Existing uses shall comply with this provision within six months following the enactment of this ordinance.

Section 518.04: Refuse/Disposal/Recycling Operation - Establishment

No person, firm, partnership, corporation, or other entity shall establish, locate, relocate, and undertake within the Township of Sciota any:

1. Demolition Landfill
2. Salvage yard
3. Junkyard or scrap yard
4. Sanitary landfill
5. Compost facility, excluding residential or agricultural facilities for waste product on-site.
6. Landfilling, spreading, storing, or creating any depository site of sewage or sewage sludge is prohibited.
7. Commercial or municipal waste treatment facilities, plants, or operations.

Section 518.05: Refuse/Disposal/Recycling Operation – Distance

Stockpiles or deposits of manure, organic compost, silage, wastewater, or other similar substances or material shall be located or maintained not closer than 300 feet from another property owner’s dwelling or structure.

Section 519: VARIANCES

A variance is a modification, variation, or exception to the provisions of this housing and zoning code as applied to a specific piece of property.

Section 519.01: Township Board as Board of Appeals and Adjustments

The Township Board shall be the Board of Appeals and Adjustments for this city, and as provided by Minn. Stat. Sec. 462.354, subd. 2 shall have the powers granted under Minn. Stat. Sec. 462.357, subd. 6, as they may be amended from time to time.

Section 519.02: Township Board may issue variances

Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Township Board, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code.

Section 519.03: When variances may be permitted

1. Variances may only be permitted:
 - i. when they are in harmony with the general purposes and intent of the ordinance and
 - ii. when the variances are consistent with the comprehensive plan.
2. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

Section 519.04: "Practical Difficulties"

"Practical difficulties," as used in connection with the granting of a variance, means that

1. the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
2. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. the variance, if granted, will not alter the essential character of the locality.

Economic considerations alone do not constitute practical difficulties.

Section 519.05: Variance Process

1. Permit applications are reviewed by the Planning Commission, which will recommend to the Township Board that it approve the application, deny it, or approve it with conditions.
2. If the Planning Commission determines that a permit application does not comply with Sciota Township ordinances or the Comprehensive Plan, the Planning Commission will explain to the applicant how the application does not comply. The applicant may bring the application into compliance, withdraw the application, or request a variance from the Township Board.
3. If the applicant requests a variance, they must appear at a Township Board meeting to explain the variance they are requesting and how their application meets the requirements outlined above.
4. If the Township Board gives preliminary approval to the variance, the Township Board will schedule a public hearing to hear comments from the public

about the variance request. Following the public hearing, the Township Board may approve the permit application with the variance, deny the variance, or approve the permit application with the variance but with conditions.

Article VI

Subdivision Regulation

Subdivision Regulation section is contained within Township Ordinance Primary Ordinance documents.

Article VII

Administration and Enforcement

Administration and Enforcement section are contained within Township Ordinance primary ordinance document.