

## **Article IV:** Rural Residential District ( R/R )

### Section 20-31. **Purpose.**

The Rural Residential District ( R/R)

is intended to provide a district that will:

- (a) Allow suitable areas of the Township to be retained in agricultural use;
- (b) Secure economy in governmental and private expenditures for public services, utilities, schools and residents of the Township;
- (c) Protect and preserve open space; and
- (d) Enhance, encourage and protect agricultural uses in the Town.

Anyone building in the rural residential district must accept the rural environment as it is found, including generally accepted farming practices.

### Section 20-32. **Permitted Uses.**

The following uses shall be permitted in the Rural Residential District ( R/R )

- (a) Agriculture, including farm buildings and one farm dwelling, and accessory buildings provided the resident or residents of the farm dwelling either owns, operates, or is employed on said farm. Sale of said farm dwelling for non-farm dwelling purposes will require conformance to the single family dwelling requirements set forth in Subpart (t) below.
- (b) Farm production, including:
  - 1. Livestock animals kept for use on farms or raised for sale or profit, including but not limited to, dairy and beef cattle, swine, sheep, goats, horses, and livestock products.
  - 2. Animals other than farm livestock raised for their pelts, food, or pleasure, including, but not limited to, rabbits, mink, ponies, buffalo and deer.
  - 3. Domestically raised fowl for food and pleasure, including but not limited to, chickens, turkeys, ducks, geese and game birds.
  - 4. Bees for honey and pollination purposes.

5. Field and specialty crops, including but not limited to, corn, milo, sorghum, sunflowers, soybeans, wheat, oats, rye, barley, hay and grass used for livestock and other animal feed; dried beans, potatoes, sweet corn, peas, green beans and other seed crops for canneries, and sod.
6. Fruit growing, including but not limited to, apples, plums, apricots, peaches, grapes, cherries, and berries.
7. Nursery stock and tree farms, including deciduous and conifer trees, fruit trees and bushes, and ornamental shrubs, trees and flowers; and all-season greenhouses.
8. Garden vegetables.
9. Farm-related regulations:
  - a. All inoperable farm machinery must be set back from the road right-of-way 150 feet or be placed behind farm buildings or screened in some acceptable manner so as to be out of view from the public road.
  - b. Feedlots or confinement buildings with less than 300 dairy animals (420 animal units), 400 beef animals (400 animal units), 600 pigs (30 animal units of nursery pigs, 240 animal units of feeder pigs, or a combination thereof), 1200 sheep (120 animal units), or 4,000 fowl (40 animal units) per feedlot and manure storage, consistent with MPCA regulations. Sump type livestock and. or poultry manure storage systems, or other systems of manure management that are of a like or similar nature, are also permitted. Feedlots are also subject to the following:
    1. The feedlot area, confinement building, or manure storage area shall be set back a minimum of five hundred (500) feet from any existing non-farm related dwelling.
    2. The feedlot area, confinement building, or manure storage area shall have side and rear yard setbacks of 250 feet.
    3. New non-farm related dwellings shall be set back a minimum of one thousand (1000) feet from an existing feedlot.
  - c. Farm drainage systems, flood control and watershed structures and erosion control structures or devices, meeting all Township, County, State, and Natural Resources Conservation Service (NRCS) regulations are permitted.
- (c) Forestry and nurseries.

- (d) Railroad rights-of-way, but not including freight classification yards and buildings.
- (e) Essential public service structures including electric, gas, telephone and water utility substations, water reservoirs, highway maintenance shops, public park facilities, and similar public uses.
- (f) Utility substations, for electric, gas, telephone and water.
- (g) Historic sites and areas.
- (h) Religious facilities, including the use of space for pre-school activities, subject to the following:
  - 1. The facility shall be served by a minor collector or higher functional classification of roadway.
  - 2. The parcel shall have a lot area no less than four times the size of the building footprint.
  - 3. Parking shall meet the requirements of this Chapter.
  - 4. To the extent possible, new construction or additions to existing buildings shall be complementary and compatible with the scale and character of the surroundings, and exterior materials shall be compatible with those used in the immediate neighborhood.
  - 5. All accessory residential, school or day care uses shall be subject to the provisions of this Chapter.
  - 6. No building shall be located within fifty feet (50') of any side or rear lot line.
- (i) Temporary or seasonal roadside stands for purposes of retailing farm produce with adequate off-street parking, not to exceed one stand per farm.
- (j) Seasonal greenhouses for the sale of garden plants to customers arriving on-site and meeting the following conditions:
  - 1. Off-street parking must be provided as follows: one (1) space for every five hundred (500) square feet of sales display area.
  - 2. The greenhouse structure shall not be used for any other use.

3. A maximum of three thousand (3,000 square feet) of seasonal greenhouse space is allowed per parcel that also contains a residential dwelling.
- (j) Local government administration and service buildings, including, but not limited to, police, fire stations and community center buildings and must be used only for government-related uses.
- (k) Wildlife areas, parks and recreation areas, game refuges and forest preserves managed by governmental agencies of non-profit groups.
- (l) Riding stables containing less than ten (10) animal units, meeting the following conditions:
  - a. The facility must be at least ten (10) acres in size.
- (m) Cemeteries and memorial gardens.
- (n) Platted road for purposes of accessing other districts in which platting is permissible.
- (o) State licensed residential facility serving six (6) or fewer persons.
- (p) State licensed nursery schools or day care facilities serving twelve (12) or fewer persons operated at a single family residence. A conditional use permit is required for the operation of such schools or facilities on non-residential premises within this zone.
- (q) Group family day care facility established under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children
- (r) Controlled burning of diseased trees with an MPCA permit.
- (s) Public, parochial or private schools, meeting the following:
  1. The site shall have access to an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate.
  2. The site shall be in an area planned for municipal or centralized utilities, including water supply and sewage treatment. The design of the facility shall enable connection to future municipal or centralized utilities with minimal cost to the municipality.
  3. No building shall be located within fifty feet (50') of any side or rear lot line.

- (t) Single family dwellings, subject to the following regulations:
  - 1. Density. Residential properties may be developed under the following:
    - (a) Two dwelling units per quarter of a quarter section, subject to the following standards:
      - (i.) Existing single family homes will be included in calculating the number of dwelling units permitted on a particular property.
      - (ii.) Where more than two (2) parcels exist in the quarter-quarter section and are considered an improved lot of record as recorded in the Isanti County Recorder's office on or before October 7, 1996, development of the lot(s) is allowed regardless of the number of parcels that are recorded.
    - (b) Up to four dwelling units per quarter of a quarter section, subject to the following standards:
      - (i) Existing single family homes will be included in calculating the number of dwelling units permitted on a particular property.
      - (ii) Development that creates a subdivision of three or more lots requires paved roads within the development.
      - (iii) Any development under this standard that includes the transfer of development rights must meet the standards of sub-part (u) of this section.
      - (iv) Where possible, dwellings shall be located in wooded areas to preserve open space and agricultural land.
  - 2. Each single family home shall be located on a minimum of five (5) acres with a minimum of one (1) acre of buildable land, all of which shall be of such an elevation as to be not less than two (2) feet above mottled soil.
  - 3. No dwelling shall be located upon soil which is poorly drained, structurally inadequate, or construction upon which would create erosion control problems.
  - 4. The parcel shall have frontage of one hundred fifty (150)\* feet on an existing publicly maintained road. No access to public roads shall be placed in any hazardous locations relative to curves, hills, or vegetation that offer potential safety hazards. The Town Board may grant a waiver from this requirement if a hardship is established.

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\* Adopted by Ordinance 2017-05 on November 6, 2017

5. All individual sewage treatment systems (ISTS) must meet Minnesota Pollution Control Agency Rules, Chapter 7080, 7081, 7082, and 7083 as amended, and as regulated by this Chapter. All lots shall contain a minimum of two sites that will be suitable as drainfield sites, one site a primary site and the other a secondary site. Suitability shall be demonstrated by the submission of a minimum of two (2) appropriate soil borings. Additional tests or borings may be required by the Zoning Administrator to verify the soil suitability for treatment systems. The submission shall include a plan clearly showing both the primary and secondary sites. The secondary site shall be preserved. No construction shall be permitted on the secondary site nor shall the site be used for an activity which would make it unsuitable for future use as a drainfield.
6. Each dwelling unit shall contain a minimum of 840 square feet of livable space. Carports, overhangs, garages and such structures shall not qualify in meeting these requirements. All dwellings must be a minimum of twenty-two (22) feet in width and must be placed on a permanent, full perimeter foundation.
7. All dwellings shall meet the minimum standards of the Minnesota Building Code, as adopted. Manufactured homes shall meet the statutory standards for manufactured housing. Manufactured housing must be modular style that has no steel frame or axels attached.
8. A dwelling shall not be located on land with an existing slope greater than twelve percent (12%), except where engineering or architectural documentation is provided that satisfies the Township building official that the site can be adapted to allow construction of the dwelling unit.
9. If the building site is located in a pine plantation, the following fire prevention measures, as approved by the Minnesota Department of Natural Resources, must be employed:
  - a. The solid portion of a conifer stand shall be removed for a distance of seventy-five (75) feet around the perimeter of any building. Single, well-spaced trees may be left in this buffer area.
  - b. An alternate, passable driveway shall be installed. Two driveways will allow an escape route to inhabitants of the building should one become blocked by fire and will allow for the entrance and movement of emergency equipment; and
  - c. Building construction materials should conform to reflect the relative fire danger of the area. Roofs and exteriors of buildings should be of a fire resistant nature.

(u) Transfer of Development Rights.

The property from which transfers are taken and the property on which the transfers are used may directly transfer based on a 4 in 40 transfer, of development rights. The rights may be flown in from any property within Athens Township.

1. One density right must remain on the quarter section from which transfers are made.
2. The property from which the transfer of development rights is taken must have buildable sites that would be normally allowed as part of the density restrictions of this Section. The transfer from which the transfer is made cannot contain solely non-buildable area or already have the maximum allowable densities for single family parcels.
  - (i) To prove that a building right from one acre (a) contiguous area from the sending area is available for transfer, it must be shown that there is:
    - a. There is land available for one future primary and one secondary septic site.
    - b. Access to the site is available by crossing land or by crossing only type 1, 2 and 6 wetlands.
    - c. Calculations may be needed to show that no more than 10,000 square feet of wetland is being impacted to construct a road with a minimum of twelve feet (12') in width to access the sending area for the transfer of building rights.
3. Up to a maximum of eight (8) buildable parcels may be created within a quarter-quarter section, provided that the land is platted and this plat includes sufficient land from contiguous quarter-quarter sections to meet the overall four (4) per quarter-quarter density requirement.

- (i) Parcels of land used for the purpose of meeting the density requirement creating more than 3 new lots, shall be platted and will not be eligible for further subdivision to create additional buildable parcels.
  - (ii) Any new density increases shall also consider the transfers that have occurred in calculating the remaining allowable dwellings. Parcels of land in the rural /residential district that previously had building rights utilized or transferred may be eligible for additional building rights
- 4. Cemeteries, town halls, essential services, churches and county or town parks shall not reduce the development rights within a quarter-quarter section.
  - 5. Prior to the preparation of a preliminary plat for which a transfer of rights is being used, the subdividers/developers/owners shall meet with Township staff and other appropriate officials to be made fully aware of all applicable ordinances, regulations, and plans for the area to be subdivided.

Section 20-33. **Permitted Accessory Uses.**

The following uses shall be permitted accessory uses within the Rural Residential District ( R/R )

- (a) Private garages, parking spaces, or carports for passenger cars.
- (b) Landscape features.
- (c) Keeping of not more than two (2) boarders or roomers by a resident family.
- (d) Private swimming pools and tennis courts.

- (e) Solar collectors, satellite dishes, and other accessory uses customarily incidental to the uses permitted in Section 20-32.
- (f) Home occupations in a dwelling, subject to the following:
  - 1. Not more than 25 percent of the square footage of the dwelling, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. Not more than 25 percent of the attached garage (or detached garage if no attached garage exists), as measured by using the horizontal perimeter of the garage, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
  - 2. The exterior residential character of the property shall not be altered by use of the property for a home occupation.
  - 3. Only persons who are members of the household residing on the premises may be employed in the home occupation.
    - a. Objectionable noise, vibration, smoke, dust, electrical disturbances, odors, heat, glare or other nuisance factors shall not be discernible at the property line.
    - b. The home occupation shall not create excessive automobile traffic within the neighborhood.
    - c. Shall not have any receipt or delivery of merchandise, goods or supplies except through the United States mail, similar parcel delivery service, or personal vehicles not exceeding 1 ton.
  - 4. Signage shall not exceed eight (8) square feet for properties of less than five (5) acres and sixteen (16) square feet for properties of five acres or more. Any exterior lighting used to illuminate signage shall be arranged as to deflect light away from any adjoining residential property, or from the public streets. Direct or sky-reflected glare (e.g.: up lighting and flood lighting) shall not be directed into any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property. Bare light bulbs shall not be permitted in view of adjacent property, or public right-of-way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed one (1) foot candle (meter reading) as measured from said property line. The following signs are prohibited:
    - (i) Abandoned signs.
    - (ii) Roof signs.
    - (iii) Off-premises signs.
    - (iv) Portable signs.
    - (v) Dynamic display signs.

- (vi) Signs posted within the public right-of-ways and on public property.
  - (vii) Signs painted directly on the outside wall of a building, fence, rock or similar structure.
  - (viii) Signs attached to trees.
5. Adequate off -street parking shall be provided and not more than three parked vehicles may be present at one time. \_All parking shall be contained on the site.
  6. No outside storage or open display of merchandise or materials related to the conduct of the home occupation is allowed.
  7. No retail sales shall be allowed except those incidental to the conduct of the home occupation.
  8. Any home occupation in existence prior to February 21, 1996 will be allowed to continue as a legal non-conforming use.
  9. Except by interim use permit, only one (1) home occupation is allowed on a property at any time. Contiguous parcels that are under the same ownership are considered the same property for the purposes of this clause.
- (g) Portable Toilets. Provided they meet the requirements of Section 20-9 (k) of the zoning ordinance.
- (h) Temporary Structures subject to Section 20-9 (t) of the Township Code.

Section 20-34. **Conditional Uses.**

The following uses may be allowed in the Rural Residential District ( R/R ), subject to the provisions for issuing a conditional use permit in Section 20-213 and the following:

- (a) Golf courses, clubhouse, country club, and public swimming pools, subject to the following:
  1. Storage of pesticides and fertilizers shall follow the standards of the Minnesota Department of Agriculture. A plan shall be submitted for storage and use of pesticides and fertilizers at the facility.
  2. Accessory uses shall be limited to a driving range, putting greens, pro shop, club house and locker facilities, maintenance buildings, course shelters, and cart storage facilities.
  3. Golf courses shall be designed with environmental resources in mind. Performance standards to this effect include water recycling and conservation through on-site storage and use facilities; landscaped buffers and other Best Management Practices (BMP's) to minimize fertilizer runoff and other chemicals from entering surface water bodies; and use of

landscaping and careful layout of the golf course to preserve and enhance wildlife habitat through preservation of existing vegetation and habitat as well as the creation of new habitat opportunities.

4. A planted buffer may be required to screen adjacent residential and other uses with potential conflicts with golf course activities.
  5. Parking shall meet the requirements of this Chapter.
  6. No principal structure shall be located within fifty feet (50') of any lot line of an abutting residential lot.
- (b) Organized group camps.
- (c) Railroad freight classification yards and accessory buildings.
- (d) The mining of minerals, sand, gravel, peat, and black dirt (soil). A reclamation plan may be required to grant approval of a conditional use permit for mining.
- (e) Feedlots with any of the following animal quantities or more are present: 300 dairy animals, 400 beef animals, 600 pigs, 1200 sheep, or 4,000 fowl and manure storage, consistent with MPCA regulations. Feedlots are also subject to the following:
1. The feedlot area, confinement building, or manure storage area shall be set back a minimum of one thousand (1000) feet from any existing non-farm related building.
  2. The feedlot area, confinement building, or manure storage area shall have side and rear yard setbacks of 250 feet.
  3. Setback requirements may be increased for this use based upon the proposed location, the surrounding uses, or the size of the facility.
- (f) Commercial grain storage and drying facilities.
- (g) Wireless telecommunications facilities, subject to the provisions of this Chapter.
- (h) State licensed residential facilities serving more than six (6) persons.
- (i) Residential Cluster Developments, or Planned Unit Developments subject to the following:
1. The overall density of the cluster or PUD shall not exceed a density of

eight (8) dwellings per quarter quarter section. The farm dwelling and land within the right-of-way of public lands shall be included in the density calculations.

2. PUD's may be allowed greater flexibility in the development of neighborhoods or areas by incorporating a mixture of densities/intensities or use types when applied to a PUD district. The PUD process, by allowing variation from the strict provisions of this chapter related to setbacks, height, lot area, width and depth, yards, etc., is intended to encourage:
  1. Innovations in development to the end that the growing demands for all styles of economic expansion may be met by greater variety in type, design, and siting of structures and by the conservation and more efficient use of land in such developments.
  2. More convenience in location and design of development and service facilities.
  3. The preservation and enhancement of desirable site characteristics such as natural topography and geologic features and the prevention of soil erosion.
  4. An efficient use of land resulting in smaller networks of utilities and streets thereby lower development costs and public investments.
3. All lots within the cluster or PUD shall be contiguous to each other or separated only by road right-of-way.
4. The proposed cluster or PUD shall comply with all other requirements of this Chapter and the Chapter relating to subdivisions.
5. All dwellings in a cluster or PUD development shall have a minimum separation from an existing feedlot as established by this Chapter.
6. The existing roads to the cluster shall not need to be upgraded by the Township or County in order to handle the additional traffic generated by the cluster.
7. Within the cluster, or PUD, an area shall be designated residential, with the remaining area designated agricultural, open space or any combination thereof.
8. The following uses shall be permitted on land within the cluster or PUD that has been designated as agricultural or open space:
  - a. Agricultural uses and buildings.
  - b. Drainage systems, flood control and watershed structures, erosion control devices meeting all County, State and NCRS standards.

- c. Forest and game management areas.
- d. Temporary or seasonal family operated produce stand.
- 9. The following uses shall be permitted on the land within the cluster that has been designated as residential within a cluster:
  - a. Single family dwellings.
  - b. Essential services for public utilities.
  - c. Home occupations that meet the standards for permitted home occupations in the Rural /Residential District.
- 10. Approval of a residential cluster development shall require a deed restriction filed against the deed for the remaining undeveloped (open space) property that prohibits any development on the undeveloped property until such time as the standards of this Chapter change to allow further development.
- (j) Utility power transmission lines and pipelines.
- (k) Retreat centers, subject to the following:
  - 1. The duration of any temporary housing shall be determined by the Town Board.
  - 2. A minimum site of 25 acres is required.
  - 3. A maximum of 25 people are permitted to stay overnight.
  - 4. The owner/operator must reside on the property.
- (l) Public libraries, museums, art galleries, and post offices.
- (r) Water supply buildings, reservoirs, commercial wells, elevated tanks, gas regulator structures, electric sub-stations, and similar essential service structures except that no structure shall be located 50' of any abutting lot line.
- (s) Educational and training facilities, including, but not limited to, Vo Tech Schools which train students in the use of heavy machinery, including bulldozers, assorted earthmovers, and other like equipment used in heavy construction. This includes the actual use of such equipment on the premises by the instructors and/or students. The equipment area shall be located 1,000 feet from any residential building.

- (t) Saddle club facilities to allow for outdoor and indoor shows and other horse related activities such as horse clinics and tack swaps. Overnight parking for participants only in compliance with the following:
  - a. Minimum lot size of 40 acres.
  - b. All parking shall be accommodated on the property and not on adjacent public streets.
  - c. Adequate restroom facilities shall be provided for members and guests with permanent and adequate sanitary facilities to meet building code, MPCA and State Health Department regulations.
  - d. Overnight camping for the purpose of caring for horses may be allowed for members and guests attending overnight events on the property. Overnight camping shall be limited to the time frame for which the overnight event is occurring including one night prior to and one night after the event.
  - e. The use and operation of the saddle club facilities must comply with applicable County and State regulations.
  - f. Solid Waste Management plan shall be in place and approved.
  - g. Notification to the Township when an event is planned.
  - h. Minimum setback of 500' with adequate screening to any existing residence for outdoor camping and activities.
  
- (u) Assisted living facility
  
- (v) Rural Tourism Businesses subject to Section 20-9 Rural Tourism Businesses.
  
- (w) Solar Energy Farms as a principal use, provided that:
  - 1. All solar energy systems are subject to any and all applicable federal, state and local laws and regulations. A conditional use permit is required for ground-mounted solar energy systems.
  - 2. Setbacks. A ground-mounted solar energy system must be setback a minimum of seventy-five (75) feet from all property lines and rights-of-way when mounted at minimum tilt. The Town Board may require a different setback if necessary.
  - 3. A solar energy system shall maintain a distance of at least two-hundred (200) feet from the nearest panel to the nearest existing residential dwelling.
  - 4. A ground-mounted solar energy system must not exceed fifteen (15) feet in height when mounted at maximum tilt.
  - 5. A solar energy farm shall be located on a site of not less than twenty (20) acres.
  - 6. The total square footage of a ground-mounted solar energy system when oriented at minimum tilt will be included in the property's impervious surface calculation.

- 7. A ground-mounted solar energy system must be screened from view to the extent possible from public rights-of-way and immediately adjacent properties. Screening may include, but is not limited to, walls, fences, or landscaping. The screening must be maintained per the approved screening plan for the life of the solar farm.
- 8. Feeder lines. The electrical collection system for a solar energy system must be placed underground within the boundaries of the property. A collection system may be placed overhead if it is near a substation or a point of interconnection to the electric grid.
- 9. The project site design shall include the installation and establishment of ground cover meeting the beneficial habitat standards consistent with Minnesota Statutes, section 216B.1642. Beneficial habitat standards shall be maintained on the site for the duration of operation, until the site is decommissioned.
- 10. A site plan shall be required that shows the following:
  - a. Location, size, quantity, and type of landscaping materials prepared by a licensed landscape architect.
  - b. Two rows staggered of shade tolerant conifer trees which must be a minimum of eight (8) feet in height at the time of installation with a maturity height equal to the height of the array will be required to adequately screen from public rights-of-way and immediately adjacent properties. The Planning Commission may consider the substitution of other screening plans
  - c. Areas of bare ground at each facility shall be vegetated with a low growing pollinator friendly seed mix.
  - d. Security Fencing: Security fencing will be required to be at least eight feet (8') in height surrounding the facility.
- 11. Conditional use permit applications for solar energy farms shall be accompanied by horizontal and vertical elevation drawings, drawn to scale. The drawings shall show the location of the system components on the property, as well as other elements, including but not limited to the following:
  - a. Existing features
  - b. Proposed features
  - c. Property boundaries
  - d. Property zoning designation(s) including district property line and roadway setbacks

- e. Solar arrays, connecting lines, and all affiliated installations and structures
  - f. Topography & surface water drainage patterns and treatment systems
  - g. Existing and proposed/preserved/protected wildlife corridors (wetland/woodland/topography connectivity)
  - h. Floodplains
  - i. Soils
  - j. Historical features
  - k. Archeological features
  - l. Wildlife and ecological habitat
  - m. Environmental mitigation measures
  - n. Description of Project Staging (if applicable)
  - o. Access points, drive aisles, security features, and fencing
  - p. Screening Plan
12. Additional Standards:
- a. Compliance with Building Code. All solar energy farms shall require a building permit, shall be subject to the approval of the Township Building Official, and shall be consistent with the State of Minnesota Building Code.
  - b. Compliance with State Electric Code. All solar energy farms gardens shall comply with the Minnesota State Electric Code.
  - c. Security and Equipment Buildings. Security and equipment buildings on the site of solar energy farms shall be permitted uses provided that they are accessory to the solar energy farm.
  - d. Controlled Access. The owner or operator shall contain all unenclosed electrical conductors located above ground within an enclosure that controls access.
13. The solar energy farm is not located within six-hundred (600) feet of areas designated or formally protected from development by Federal, State, or County Agencies as wildlife habitat, wildlife management areas or designated as National Wild and Scenic land or corridor.

14. The solar energy farm is not in a delineated wetland as recognized by the Minnesota Department of Natural Resources and the Minnesota Wetland Conservation Act
15. The solar energy farm is not in a floodplain as recognized by the Minnesota Department of Natural Resources or the Federal Emergency Management Agency.
16. The applicant submits a Decommissioning / Abandonment Plan: the owner/operator shall submit a decommissioning plan for ground-mounted CSES's to ensure that the owner or operator properly removes the equipment and facilities upon the end of the project life or after their useful life. The owner or operator shall decommission the solar panels in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, the removal of all electrical transmission components, the restoration of soil and vegetation and a soundly-based plan ensuring financial resources will be available to fully decommission the site. The disposal of structures and/or foundations shall meet the requirements of the Isanti County Solid Waste Ordinance. The owner/operator shall be required to provide a current-day decommissioning / abandonment cost estimate, and shall post a bond, letter of credit, or establish an escrow account, including an inflationary escalator, in an amount determined by the Township Board, to ensure proper decommissioning / abandonment. The Town Board may choose to waive this requirement.
17. Glare Study. Solar farms utilizing a reflector system shall conduct a glare study (US Department of Energy's Solar Glare Hazard Analysis Tool) to identify the impacts of the system on occupied buildings and transportation rights-of-way within half (1/2) mile of the project boundary.
18. Granted Solar Energy Farm conditional use permits shall become void if the applicant does not proceed substantially on the work within twelve (12) months, if applicable. To proceed substantially means to make visible improvements on the property. One or more extension for not more than six (6) months each may be granted by the Township Board for good cause.
19. The Town reserves the right to request an inspection of the solar farm for compliance on any issue that may arise. The solar farm operator must grant access to the site as requested for inspection.
20. The project shall be reviewed by the Fire Department for compliance with all fire code measures.
21. The installation of a solar farm system shall not constitute a right to sunlight from any adjoining property, nor does the Township assure access to sunlight.

**Section 20-35. Interim Uses.**

The following uses may be allowed in the Rural Residential District ( R/R ) subject to the provisions for issuing an Interim use permit and meeting the following standards:

- (a) One additional temporary farm dwelling for the purpose of providing living accommodations for farm workers, and elderly or disabled family members, subject to the following:
  - 1. The applicant shall provide a signed statement identifying the farm activity that requires additional farm workers or the health limitations of a family member.
  - 2. The dwelling must be removed when no longer used by the farm worker or family member.
  - 3. The temporary dwelling shall be accessory and not the primary residence on the farm.
  - 4. The temporary dwelling shall meet all minimum building size and setback standards.
  
- (b) Home occupations in an accessory building, subject to the following conditions:
  - 1. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
  - 2. Only persons who are members of the household residing on the premises may be employed in the home occupation. There can be up to 3 employees
  - 3. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.
  - 4. A separate accessory building may be devoted solely to the home occupation activities.
  - 5. If the accessory structure contains more than one (1) home occupation, a separate interim use permit shall be required for each use.
  - 6. All materials and vehicles, incidental to the use, shall be stored within the dwelling or the accessory building.
  - 7. Adequate off-street parking shall be provided, but not more than three parked vehicles may be present at one time.

8. Additional accessory buildings associated with the extended home occupation may be allowed subject to Section 20-9 a.
  9. Signs are allowed subject to Section 20-33 (g) 4.
- (c) Outdoor storage or the placement of two or more campers or travel trailers.
- (d) Commercial Kennel, subject to the following:
1. The parcel shall be a minimum of forty (40) acres.
  2. The facility shall be located (1000) feet from any residential dwelling, except that of the owner, and a minimum of 1/2 (one-half) mile from ten (10) or more homes, or platted lots, existing prior to the application for a permit under this provision. Structures used for animal confinement require a minimum 100 foot setback from any property line, other than the applicant's, that is existing at the time of application.
  3. Confinement and shelter shall be provided through the use of fences and structures in compliance with the Minnesota Animal Welfare Statutes.
  4. Indoor facilities must have adequate heating, ventilation and lighting.
  5. Outdoor facilities must provide shelter from sun, rain, wind, snow and extreme cold temperatures.
  6. Each adult animal shall be provided with a (minimum) enclosure equal to thirty-six (36) square feet per animal.
  7. Proper drainage shall be provided for both indoor and outdoor facilities.
  8. A plan for the disposal of waste must be approved by the Township.
  9. The facility must obtain all required State and Federal licenses or operational permits.
  10. Facilities shall be subject to an initial inspection and shall be inspected once a year thereafter, at a maximum of a twelve (12) month interval, at the owner's expense by a doctor of veterinary medicine who shall provide a report to the Township describing the condition of the animals and the facility, medical treatment required for the animals, and remedial actions necessary to improve the condition of the kennel.
  11. Parking shall be required as determined through the interim permit hearing process.
  12. Subject to receipt of a kennel license.

- (h) The private ownership of dogs over the age of four (4) months shall be limited to four (4) at one time per residential household. Property owners may apply for an Interim Use Permit to allow for more than the maximum allowable number of dogs. The Township shall consider any of the standards for kennels as potential conditions of approval of such Interim Use Permits.
- (i) Other proposed uses that are determined to be similar in nature to the interim uses listed in this section.
- (j) Bed and Breakfast facility located within a single family dwelling on a parcel currently in agricultural operations, subject to the following:
  - 1. The application shall identify the family members residing therein and provide at least one (1) bedroom for every two (2) members. Bedrooms in excess of those needed by the resident family may be rented to boarders.
  - 2. No more than two (2) boarders allowed per bedroom.
  - 3. All dwellings used for a bed and breakfast shall comply with Town Code standards for sewage and wastewater treatment.
  - 4. Guest stay shall be limited to seven (7) days.
  - 5. Primary entrance to all guestrooms shall be from within the dwelling.
  - 6. The exterior appearance of the structure shall not be altered from its single family character.
  - 7. The bed and breakfast shall be owner-occupied.
  - 8. No food preparation or cooking shall be conducted within any of the guestrooms.
  - 9. Parking shall be accommodated on the property and parking requirements for guests are in addition to those required for the principal residential use.
- (k) Land application of septage that was pumped from septic systems within
  - (a) Athens Township, subject to the following standards:
    - 1. A site evaluation shall be submitted to the township for approval prior to any land application;
    - 2. Haul slips shall be submitted to the township on an annual basis.
    - 3. Haul slips shall be subject to periodic inspections by the township.
    - 4. Soil testing results shall be submitted to the township on a monthly basis.

Section 20-36. **Prohibited Uses.** The following uses are prohibited in the Agricultural (A) District:

- (a) Final disposal facility for mixed municipal solid waste, hazardous waste, industrial waste, incinerator ash, or infectious waste.
- (b) Incineration or treatment, disposal or processing of mixed municipal solid waste, hazardous waste, industrial waste, and infectious waste.
- (c) Solid waste, hazardous waste, or land application of mixed municipal waste transfer station.
- (d) Storage or land application of water treatment lime and sewer sludge.
- (e) Sanitary landfill.
- (f) Junk yards and the storage of junk or inoperable equipment, except where inoperable farm equipment, that has been used on the farm, is screened from public view and located in a single area not exceeding one (1) acre.
- (g) Processing of waste tires to produce tire derived products.
- (h) Disposal of waste tires.
- (i) Open dumps.
- (j) The use of semi-trailers and manufactured homes for storage purpose, This also includes not using shipping containers for storage purposes. All storage buildings over 200 square feet must meet the building code.
- (l) Fertilizer plants, bulk liquid storage, and alcohol fuel plants.
- (m) Application of contaminated soils.
- (n) Demolition waste transfer stations.
- (o) Temporary equipment placement and/or operations, such as a bituminous plant, ready mix plant, or contractor's yard for the purpose of stockpiling materials, for highway/road construction.
- (p) Automobile, truck, marine and engine repair type businesses including anyone collecting the same types of things to recycle the metals and parts at a later date.
- (q) Notwithstanding anything to the contrary contained in this Chapter, if any of the Prohibited Uses listed above are lawfully existing in the Agricultural District upon the effective date of this Chapter, then such uses may continue in the size and manner of operation lawfully existing, but such uses shall not expand, enlarge or add different types of waste. Such uses may also be subject to reasonable compliance with performance standards set forth in this Chapter.

All uses not listed as permitted, conditionally permitted, or permitted with an

interim use permit shall be considered prohibited.

Section 20-37. **Height, Yard, Lot Width and Lot Depth Regulations.**

- (a) **Height Regulations.** No building hereafter erected or altered shall exceed two and one half (2 ½) stories or thirty-five (35) feet in height, unless otherwise provided for in the General Regulations Section of this Chapter.
- (b) **Front Yard Regulations.** There shall be a front yard setback of not less than:
  - 1. 130 feet from highways, expressways, four-lane highway rights-of-way, including U.S. and State Highways.
  - 2. 130 feet from the centerline of all County roads.
  - 3. 120 feet from the centerline of all Township roads, including private road easements.
  - 4. Where a lot is located at the intersection of two or more roads or highways (corner lot), there shall be a front yard setback for each yard abutting a road or highway.
  - 5. In cases where an accessory building is attached to the main building, it shall be considered as structurally a part thereof, and shall comply in all respects with the requirements of this Chapter applicable to the principal building. An accessory building, unless attached to and made a part of the principal building as provided above, shall not be closer than ten (10) feet to the principal building.
  - 6. Structures that were previously permitted at 100' or more from the centerline of any road would be allowed for lateral expansions and not have to go through a variance.
- (c) **Side Yard Regulations.** There shall be a minimum side yard setback of not less than thirty (30) feet for all buildings or structures.
- (d) **Rear Yard Regulations.**
  - 1. There shall be a minimum rear yard setback of not less than forty (40) feet for all buildings or structures.
  - 2. All lots adjoining lakes, ponds, or flowages which are less than twenty-five (25) acres and are not included in the Shoreland Districts, shall also provide a setback from the ordinary high water mark of seventy-five (75) feet for principal buildings and fifty (50) feet for all septic systems.
- (e) **Lot Width and Depth Regulations.**
  - 1. All lots shall have no less than one hundred fifty (150) feet in width at the building setback line as well as the rear lot line and the lot shall also have a depth of no less than two hundred fifty (250) feet, as measured from all

road right of ways.

2. Cul-de-sacs where lots shall have a minimum of fifty (50) feet of lot width at the road right of way and all lots have a minimum of one hundred fifty (150) feet of width at the front yard setback line. All lots shall be capable of providing on site sewer and water.

Section 20-38. **General Provisions.** Additional requirements for signs, parking, and other regulations in the Agriculture/Residential (A/R) District are set forth in Articles VI and VII of this Chapter.

Section 20-39 A : Residential District (R).

(Lot densities of more than 4 in 40. Typically, less than five acres.) And platted sub-divisions.

Section 20-39 - A. **Purpose.**

The Residential District (R) is intended to provide a district that will:

- (e) Allow suitable areas of the Township to be utilized for Residential use
- (f) Locate new residential areas close to major infrastructure.
- (g) Offer affordable options to large acreage parcels.
- (h) Prevent scattered, Residential development.
- (i) Protect and preserve open space; and
- (j) Enhance, encourage and protect agricultural uses in the Town.

Anyone building in the residential district must accept the rural environment as it is found, including generally accepted farming practices.

Section 20-39 - B. **Permitted Uses.**

1. Single Family Houses subject to Rural Residential rules , and;  
Maximum allowed outside parking.
  - 1- RV, motorhome, trailer or other style.
  - 1- Enclosed trailer
  - 1- Large open trailer
  - 1- Small open trailer
  - 1- Boat motor trailer combo
  - 2- Vehicles per licensed driver in the home  
(All above units must be licensed and registered)  
Non-licensed vehicles, parts, equipment, must be in a storage building or located behind a privacy fence, berm, trees, or sheltered from neighbor's view.

2. Historic sites and areas
3. Group family day care facility established under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children
4. Rural Tourism Businesses subject to Section 20-9 Rural Tourism Business

Section 20-39 - C. **Interim Uses.**

5. Home occupations in an accessory building, subject to the following conditions:

10. The principal operator of the home occupation must reside on the parcel and have homestead status on the parcel.
11. Only persons who are members of the household residing on the premises may be employed in the home occupation. There can be up to 3 employees
12. Only articles made or originating on the premises shall be sold on the premises unless the articles for sale are incidental to a permitted commercial service.
13. A separate accessory building may be devoted solely to the home occupation activities.
14. If the accessory structure contains more than one (1) home occupation, a separate interim use permit shall be required for each use.
15. All materials and vehicles, incidental to the use, shall be stored within the dwelling or the accessory building.
16. Adequate off-street parking shall be provided, but not more than three parked vehicles may be present at one time.
17. Additional accessory buildings associated with the extended home occupation may be allowed subject to Section 20-9 a.

6. Home occupations in a dwelling, subject to the following:

10. Not more than 25 percent of the square footage of the dwelling, as measured by using the horizontal perimeter of the dwelling, shall be used for a home occupation. Not more than 25 percent of the attached garage (or detached garage if no attached garage exists), as measured by using the horizontal perimeter of the garage, shall be used for a home occupation. No part of the home occupation area shall displace the original purpose of the garage.
11. The exterior residential character of the property shall not be altered by use of the property for a home occupation.

12. Only persons who are members of the household residing on the premises may be employed in the home occupation.
16. Objectionable noise, vibration, smoke, dust, electrical disturbances, odors, heat, glare or other nuisance factors shall not be discernible at the property line.
17. The home occupation shall not create excessive automobile traffic within the neighborhood.
18. Shall not have any receipt or delivery of merchandise, goods or supplies except through the United States mail, similar parcel delivery service, or personal vehicles not exceeding single axel size..

### Section 20-39 - D **Non-Permitted Uses.**

The following uses shall not be permitted in the Residential (R) District:

- Conditional use permits
- Noise producing in home businesses.
- Repair shops
- Retail in home businesses
- Large outdoor storage
- No shipping containers or semi-trailers allowed to be used for storage.
- Outdoor lighting that shines on or affects neighboring properties.

10' property line setbacks for rear and side yards on accessory buildings on lots 2 ½ acres or less.

No changes allowed to plats developed after 1995 unless P&Z and Town Board agree on a specific replatting plan. This includes no combinging of parcels unless required by ordinance.