

**HAMPTON TOWNSHIP
DAKOTA COUNTY, MINNESOTA
ORDINANCE NO. 2020-01**

**AN ORDINANCE MAKING VARIOUS AMENDMENTS
TO THE HAMPTON TOWNSHIP ZONING ORDINANCE**

The Board of Supervisors of the Town of Hampton ordains:

Article I. Definitions. Article I, Section 102 of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material, deleting the ~~stricken~~ material, and renumbering the section as needed:

- . Accessory Use: A use, structure, or portion of a structure subordinate to and serving the principal use structure on the same lot and customarily incidental thereto that is customarily incidental, subordinate, and related to the allowed principal use occurring on the same parcel.

- . Accessory Building: A subordinate structure that is detached from, but located on the same parcel as, the principal structure, the use of which is incidental to and commonly associated with the principal structure. This term includes, but is not limited to, garages, sheds, and pole buildings. An accessory building may also constitute an agricultural building, if it satisfies the statutory criteria of an agricultural building.

- . Agricultural Building: Shall have the meaning given it in Minnesota Statutes, section 326B.103, subdivision 3, as it may be amended. Without modifying the statutory definition, no building shall be considered an agricultural building unless it satisfies all three of the following statutory criteria:
 - a. It is located on **agricultural land** as determined by the local assessor;
 - b. It is designed, constructed, **and** used to house farm implements, livestock, or agricultural products; and
 - c. It is used by the owner, lessee, and sublessee of the building and their family and employees **engaged in the pickup or delivery of agricultural products.**

- 6. ~~Agricultural Structure: All non-residential structures specifically designed and utilized for agricultural purposes. Such structures shall include but not be limited to pole barns, grain storage structures, storage structures for agricultural equipment, and animal shelters, but excluding irrigation systems.~~

- . Agricultural Products: Those products grown or produced on a property as part of an agricultural use/operation, nursery, or greenhouse such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, flowers, plant nursery stock, fur, or wool. The term includes ancillary products such as crafts,

knickknacks, and other similar products that may be sold in retail along with the other agricultural products. The term does not include agricultural equipment or machinery.

___ Agricultural Retail Sales: The direct, on-site, retail sale of agricultural products to customers as an accessory use to an agricultural use/operation, nursery, or greenhouse

___ Commercial Ground-Mounted Solar Energy System: A solar energy system that is mounted on the ground and established for the primary purpose of generating electricity and selling it to a third party such as, but not limited to, an electric utility company.

___ Frontage: Has the following meaning, depending on the context in which the term is used. Only a public right-of-way that is regularly maintained by the public road authority and that provides direct access to the property via an approach approved by the public road authority may be used to determine frontage.

a. Frontage Line: For determining the minimum lot width and depth, the frontage line is the length of the property line along an adjacent public right-of-way that provides direct access to the property and that is regularly maintained by the public road authority.

b. Right-of-way: For determining minimum frontage on a public right-of-way for a substandard lot, the frontage is measured along an adjacent public right-of-way that is regularly maintained by the public road authority.

___ Equipment Storage and Maintenance: An establishment engaged in the repair, servicing, or storage of agricultural or related equipment for a fee. This term does not include the sales of such equipment or automotive repair, servicing, or sales.

___ Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for sale. The term does not include nurseries.

___ Nursery: An area where trees, shrubs, or other plant materials are grown, propagated, or stored for sale.

___ Parcel: A lawfully established lot or piece of real estate recorded in the office of the county recorder or registrar of titles that has a single county property identification number.

___ Residential Ground-Mounted Solar Energy System: A solar energy system mounted on the ground and established for the primary purpose of meeting all or a part of the electric energy needs of a single family dwelling and accessory buildings on the same property.

Utility Buildings and Structures: A building or structure associated with a private or public utility used to house or store utility equipment or facilities. This term does not include utility structures or facilities lawfully located within a public right-of-way.

Article II. Applications. Article I, Section 103 of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 103: Applications

A. Form. All applications must be on forms provided by the Township. Any requests not submitted on an approved Township form shall not be considered an application for the purposes of this Ordinance, or Minnesota Statutes, section 15.99, and shall be rejected.

B. Rejected; Denial. An application shall be immediately rejected if it is not accompanied by the required application fee and escrow, if required. An application shall also be rejected if it is for property on which there is one or more identified, but unresolved, zoning violations. If the Township identifies the zoning violation after an application has been received, but before final action on the application has been taken, the existence of the violation shall constitute a sufficient basis for the Township to deny the application unless the purpose of the application is to correct the violation. A lawfully established nonconforming use does not constitute a zoning violation for the purposes of this section.

C. Incomplete. If an application is incomplete, the Township will notify the applicant in writing within 15 business days of receipt identifying the additional information needed in order to make the application complete. The Township will not process the application until the required additional information is submitted and the 60-day review period shall not begin to run until all such additional information is submitted.

D. Processing Timelines. The Township will process complete applications for a zoning request within the time period established in Minnesota Statutes, section 15.99 and, with respect to subdivision requests, the time periods established in Minnesota Statutes, section 462.358, subdivision 3b. An applicant may request an extension of the applicable review period by submitting a written request for an extension to the Township. The Town shall determine whether to grant an extension request and may limit the period of an approved extension. The approval of an applicant extension has the effect of stopping the clock on the review period for the entire time of the extension. Once the extension period ends, the clock resumes and the Township has the full remaining review period and any allowed extensions to make a final decision on the request. The Township may extend the initial 60 day review period by up to an additional 60 days by providing the applicant a written notice of extension before the end of the initial 60 day period. The notice must state the reasons for the extension and its anticipated length.

Article III. Agricultural Preservation District. Article III, Section 301, Paragraphs B, C and D of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

B. Permitted Uses

1. Agricultural Uses, including:
 - a. Crop Agriculture
 - b. Animal Agriculture, subject to the standards and requirements of Section 613 of this Ordinance.
2. Single Family ~~Residential~~ Dwellings at a maximum density of one home per quarter/quarter section.
3. Forestry and Nurseries
4. Historic Sites
5. Home Occupations
6. Building integrated solar energy systems, ~~and~~ roof-mounted solar energy systems, and residential ground-mounted solar energy systems
7. Greenhouses

C. Accessory Uses

1. Essential Services
2. Fences
3. Landscaping Features
4. Machinery, structures, or buildings incidental to but necessary for the conduct of agricultural operations or other permitted uses
5. Accessory Buildings
6. Agricultural Retail Sales
7. Accessory Uses

D. Conditional Uses

1. Agricultural Service Establishments
2. Equipment Storage and Maintenance
3. Utility Buildings and Structures ~~in compliance with Section 629 of this Ordinance~~
4. Greenhouses
- ~~54.~~ Public Parks and Recreation
- ~~65.~~ Commercial Ground mounted solar energy systems.

Article IV. Substandard Parcels. Article IV, Section 403 of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 403: Substandard Lot or Parcel Provisions

A substandard lot or parcel properly recorded in the office of the Dakota County Register of Deeds on or prior to April 21, 1982 shall be deemed a buildable lot for a single family home provided that it meets all of the following requirements:

- A. It is at least 1.5 acres in size;
- B. It has at least 66 feet of frontage on a public right-of-way;
- C. It meets the requirements of the *Dakota County Shoreland and Floodplain Management Ordinance*;
- D. Any proposed use is a use that is authorized by this Ordinance;
- E. It meets the ISTS requirements in Section 620 of this Ordinance; and
- F. Its development for single family residential purposes will not violate the general intent and purpose of this Ordinance, including but not limited to, the prevention of pollution of surrounding bodies of water and lands and the preservation of the health, safety, and welfare of the general public.

The creation of a new substandard lot or parcel is prohibited. A lot or parcel shall not be subdivided, and properly lines shall not be adjusted, in any way that results in the creation of a new substandard lot or parcel, or that increases the nonconformity of an existing substandard lot or parcel.

Article V. Housing Performance Standards. Article VI, Section 606 of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 606: Housing Performance Standards

- A. All ~~residential structures~~ single family dwellings in the community shall be firmly anchored to a concrete foundation.
- B. All ~~residential structures~~ single family dwellings shall possess a minimum of 950 square feet of floor space.
- C. All ~~residential structures~~ single family dwellings, except earth-sheltered homes, shall possess pitched roofs, with at least a 25% slope.
- D. All ~~residential structures~~ single family dwellings shall be composed of materials that minimize the risk of fire hazards to the occupants of the structure.
- E. No more than one single family dwelling may be constructed or placed on a parcel.

Article VI. Agricultural Retail Sales. Article VI, Section 611 of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material as follows:

Section 611: Agricultural Retail Sales

Agricultural retails sales of agricultural products may occur as an accessory use to an agricultural use/operation, nursery, or greenhouse, but such sales shall not exceed 30% of the annual sales of the principal business located on the property.

Article VII. Accessory Building Permits. Article VI, Section 629, Paragraphs A and C of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 629: Accessory Building Permits

- A. Persons desiring to construct ~~sheds, pole buildings, storage buildings, barns or any other kind of accessory building~~ (All collectively hereinafter referred to as "~~Accessory Buildings~~") an accessory building in Hampton Township must comply with the terms of this Section.

No building permits shall be granted for nor construction of Accessory Buildings allowed on parcels ~~of property~~ that are not in compliance and conformity with all provisions of Hampton Township zoning and other ordinances at the time of application. Accessory Buildings may be placed only on ~~properties~~ parcels meeting one or more of the following criteria:

1. The ~~land~~ parcel is bare and buildable and contains at least one ~~residential~~ single family dwelling buildable site under the provisions of this and other applicable ordinances.
 2. The ~~property~~ parcel in question contains a ~~residential structure~~ single family dwelling that is occupied and conforms to all current zoning regulations.
 3. The applicant acquires a variance from this provision, having gone through the appropriate procedures contained within this ordinance.
- C. The following formula is based on the baseline minimum lot size of 1.5 acre, and could be incrementally increased as the amount of property owned increases, this is to be applied to all existing codes. In no way changing prior requirements:

~~A plot of land 1.5 acres equals 65,340 square feet. Deducting a home site, driveways, setbacks, etc., a reasonable shed size would be 40 feet X 50 feet, or 2,916 square feet. This equates to a formula of 4.5 % of the total lot size. As it is suggested that, in the interest of a harmonious relationship with adjacent property owners, a setback would be established equivalent to the longest dimension of the said shed. However, if the adjacent property were undeveloped, then conventional setbacks would apply.~~

The combined total square footage of accessory buildings on a parcel shall not exceed 4.5% of the total area of the parcel.

If the adjacent parcel that is closest to the portion of the parcel on which the accessory building is to be placed or constructed is developed with a single family dwelling, the distance the accessory building must be setback from that property line at least the applicable setback distance, but in no case less than the length of the longest dimension of the accessory building.

Article VIII. Ground Mounted Solar Systems. Article VI, Section 630, Paragraphs A and B of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 630: Solar Energy

A. ~~Conditional Use-Permit~~ Requirements

1. Generally. All solar energy systems and building integrated solar energy systems are subject to any and all applicable federal, state and local laws and regulations, and all required permits and permissions must be obtained.

2. Commercial Ground-Mounted Systems. A conditional use permit is required for commercial ground-mounted solar energy systems. The Town reserves the right to add additional reasonable conditions to the conditional use permit with respect to aesthetics, height, setbacks, and location.

3. Residential Ground-Mounted Systems. Residential ground-mounted solar energy systems are a permitted use in all districts, but must obtain all building and electrical permits that may be required.

B. Performance Standards

All solar energy systems shall be subject to the following performance standards, regardless of whether ~~or not~~ a conditional use permit is required.

1. Location. Solar energy systems shall be limited to the side and rear yards and roofs. On double frontage lots, solar energy systems must be located in the larger of the two front yards.
2. Height.
 - a. Roof-mounted solar energy system. A roof-mounted solar energy system must not exceed the height requirement in the applicable zoning district for the structure on which it is mounted.
 - b. Ground-mounted solar energy system. A ground-mounted solar energy system must not exceed the height requirement in the applicable zoning district for an accessory structure when oriented at maximum tilt.
3. Setbacks. A ground-mounted solar energy system must meet the setbacks required for an accessory structure in the applicable zoning district when oriented at minimum tilt. A roof-mounted solar energy system must comply with all structure setback requirements in the applicable zoning district and must not extend beyond the exterior perimeter of the structure on which the system is mounted.
4. Coverage. 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.~~
 - a. The impervious surface calculation for the parcel; and
 - b. The formula in Section 629(C) used to determine the total square footage of accessory buildings allowed on a parcel.

5. Screening. A ground-mounted solar energy system must be screened from view to the extent possible without reducing its efficiency. Screening may include, but is not limited to, walls, fences, or landscaping.
6. Aesthetics. A roof-mounted solar energy system should match the structure to which it is mounted to the maximum extent possible. A ground-mounted solar energy system should match the principal structure to the maximum extent possible.
7. 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.

Article IX. Building Permits. Article VII, Section 713 of the Hampton Township Zoning Ordinance is hereby amended by adding the double underlined material and deleting the ~~stricken~~ material as follows:

Section 713: Building Permits

For the purposes of enforcing this Ordinance, a building permit shall be required of all persons intending to erect, alter, or move any building, consistent with the provisions of the adopted State Building Code. Except as provided in Minnesota Statutes, section 326B.121, subdivision 1, a building permit is not required for an agricultural building.

Article X. Lot References. The Town Attorney is authorized to change references to “lot” to “parcel”, and vice versa, throughout the Zoning Ordinance as is needed to make the references uniform and consistent with their definitions.

Article XI. Corrections and Incorporation. The Town Attorney is authorized and directed to incorporate all of the amendments adopted by this ordinance into the Zoning Ordinance and present it for signature by the Chairperson and Clerk to serve as the official Hampton Township Zoning Ordinance.

Article XII. Effective Date. This ordinance shall be effective upon the first day of publication after adoption.

Adopted this _____ day of _____ 2020.

BY THE TOWN BOARD

Chairperson

Attest: _____
Clerk