

**WARSAW TOWNSHIP
GOODHUE COUNTY, MINNESOTA**

**ZONING ORDINANCE
ORDINANCE NO. 6**

The Board of Supervisors of the Town of Warsaw (the “Town Board”) ordains:

**CHAPTER I
TITLE AND AUTHORITY**

The Town Board of Warsaw Township (the “Township”) hereby adopts this ordinance, which shall be known as the “Warsaw Township Zoning Ordinance” (this “Ordinance”), pursuant to its authority under Minnesota Statutes, sections 462.351 to 462.364 and such other law as may apply. This Ordinance does not rely on the authority provided in Minnesota Statutes, sections 366.10 to 366.181 and the procedures and requirements of those sections do not apply to this Ordinance.

**CHAPTER II
INTENT AND PURPOSE**

Part 2.1. Intent. It is the intent of this Ordinance to identify and classify all lands within the boundaries of the Township according to their most logical and appropriate long-term use and to establish regulations on structures, their use and the use of land in order to protect the public health, safety, and welfare. It is also the intent of this Ordinance to acknowledge lands within the Township are also subject to the zoning and subdivision regulations imposed by Goodhue County (the “County”) and the limitations imposed on the Township’s regulations under Minnesota Statutes, section 394.33, Subd. 1. The goal of this Ordinance is to strike an appropriate balance between the regulations of the County and Township in light of the Township and to focus on the Township’s regulations on those uses the Town Board determines are most appropriate to regulate locally given the comparatively limited resources of the Township.

Part 2.2. Purpose. It is the purpose of this Ordinance to:

- A. Protect the public health, safety and general welfare;
- B. Protect and preserve lands identified for long-term agricultural use;
- C. Promote well managed and staged development of residential, commercial, industrial, and public areas consistent with the regulations and standards set out in this Ordinance;
- D. Conserve and manage the use of natural resources; and

- E. Provide for the compatibility of different land uses and the most appropriate use of land throughout the Township.

**CHAPTER III
GENERAL PROVISIONS**

Part 3.1. Jurisdiction. This Ordinance shall apply to all areas within Warsaw Township, Goodhue County, Minnesota.

Part. 3.2. Minimum Standards. The provisions of this Ordinance shall constitute the minimum requirements and standards for the promotion of the public health, safety, and welfare. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements must be followed in addition to the requirements imposed by this Ordinance. The issuance of a permit by the Township pursuant to this Ordinance does not relieve a person from having to obtain such other permits or permissions required by federal, state, or local laws, rules, regulations, codes, or ordinances. Similarly, the issuance of a permit by another governmental entity does not relieve a person from having to obtain a permit from the Township if a permit is required pursuant to this Ordinance. The Township has determined it is not necessary, or in the public's best interests, to adopt all of the regulations imposed by the County. However, to the extent this Ordinance does not regulate a matter, or does not require a permit in situations where the County may interpret its regulations as requiring a permit, shall not be interpreted as the Township being less strict than the County or as the Township exempting a use from having to obtain a County permit or such other permits or permissions as may be required by federal, state, or local laws, rules, regulations, codes, or ordinances. Individuals are responsible for contacting the County concerning all zoning related matters and no building, structure, or use of land is allowed in the Township unless it complies with both this Ordinance and the County's regulations.

Part 3.3. Incorporation by Reference. This Ordinance incorporates by reference various sections of the Goodhue County Zoning Ordinance ("County Ordinance") in effect as of June 16, 2015 as a means of promoting consistency between the two sets of regulations and avoiding redundancy. A copy of the County Ordinance in effect as of June 16, 2015 shall be kept on file with the Township Clerk. To the extent of any inconsistency between the terms of this Ordinance and the County Ordinance, the terms of this Ordinance shall control. It is the intent to this Ordinance to only incorporate those sections specifically referenced herein and those portions of the County Ordinance directly related to the referenced sections which are necessary to make them operative as determined by the Town Board. It is the intent of the Town Board to ~~automatically~~ only adopt and incorporate into this Ordinance any amendments the County may adopt to those sections of the County Ordinance incorporated herein by reference, if and when the Town Board amends this Ordinance to reflect changes to the County Ordinance made subsequent to June 16, 2015. The County is responsible for administering and enforcing

its regulations and nothing herein shall be construed as the Township adopting or otherwise being responsible for the administration or enforcement of the County's regulations. The County shall be responsible for administering and enforcing its regulations and the Township shall be responsible for administering and enforcing this Ordinance.

Part 3.4. Compliance. Except as specifically provided in this Ordinance, no structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with this Ordinance.

Part 3.5. Responsibility. The issuance of a permit or compliance with permit conditions or with the provisions of this Ordinance shall not relieve any person from any responsibility otherwise imposed by law including, but not limited to, damages caused or resulting to persons or property. The issuance of any permit hereunder shall not constitute a guarantee that the land, building, or structure is suitable for any particular purpose and shall not serve to impose any liability on the Township or its officers, employees, or agents for injury or damage to persons or property arising in any way from the occupation or use of a structure or land regardless of whether the Township has issued a permit.

Part 3.6. Rules of Construction. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future the present.
- C. The words "shall" and "must" are mandatory, and the word "may" is permissive.
- D. The masculine gender includes the feminine and neuter genders.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be constructed as set forth in such definition. Any capitalized words not otherwise defined in this Ordinance shall have the definition provided by the County Ordinance. If no set definition is given in this Ordinance, the word or term shall be construed according to the rules of grammar and according to their common and approved usage. Any question as to the meaning of a word or term used in this Ordinance shall be determined by the Town Board.
- F. Permits issued by the Township for structures are herein referred to as building permits. This term is descriptive of the subject matter of the permit and is not intended to suggest the Township has adopted or is administering the Minnesota Building Code.
- G. All measured distances expressed in feet shall be to the nearest 1/10 of a foot.

- H. If a use is not listed as being allowed within a particular zoning district, the use is not allowed within that district.
- I. General words are construed to be restricted in their meaning by preceding particular words.

**CHAPTER IV
NONCONFORMING USES, STRUCTURES AND SUBSTANDARD LOTS**

Part 4.1. Nonconforming Uses and Structures. Any structure or use lawfully existing upon the effective date of the adoption of this Ordinance, and which does not conform to the provisions of the Ordinance, may be continued subject to the following conditions and restrictions:

- A. No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance.
- B. If a nonconforming use is discontinued for a period of one year, further use of the structures or property shall conform to this Ordinance.
- C. If a nonconforming use is replaced by another use, the new use shall conform to this Ordinance.
- D. If a nonconforming structure is destroyed by any cause, to an extent exceeding 50 percent of its fair market value as indicated by the record of the County Assessor, a future structure on the site shall conform to this Ordinance.
- E. Alterations may be made to a lawful nonconforming dwelling when they will improve the livability of the dwelling provided, however, that they do not increase the number of dwelling units in the building or increase the non-conformity.
- F. Normal maintenance of a building or other structure containing or relating to a lawful nonconforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Township or the County Zoning Administrator.

Part 4.2. Substandard Lots. For the purposes of this Ordinance, a substandard lot is a lot lawfully established and recorded with the County Recorder or Registrar of Titles as a separate tract or parcel prior to the effective date of this Ordinance. Except as otherwise provided in this part, a substandard lot shall be deemed a buildable lot provided that:

- A. It complies with regulations contained in the County Ordinance and Minnesota Rules, Chapter 7080 for proper placement of any individual sewage treatment system;
- B. The lot is at least one acre in area; and
- C. Any building or structure placed on the lot must comply with the requirements of this Ordinance, including setback requirements, unless a variance is applied for and issued by the Township. A variance for lot size or other dimensional requirements shall not be required for such lots.

CHAPTER V ADMINISTRATION

Part 5.1. Zoning Administrator. The Town Board may appoint a zoning administrator who is responsible for the administration and enforcement of this Ordinance. If no such person is appointed, the Town Clerk shall serve as the zoning administrator. The zoning administrator is responsible for performing the following duties:

- A. Receive applications, related fees, and determine their sufficiency, and forward them for consideration as is appropriate, provided, however, that all applications shall initially be provided by any applicant in person to the Town Board at a meeting of the Town Board.
- B. Conduct inspections of buildings and use of land to determine compliance with the terms of this Ordinance.
- C. Provide, or assist in providing, notices required under this Ordinance.
- D. Process building permits, provided that such permits shall be issued only if approved by the zoning administrator and signed by one member of the Town Board.
- E. Assist the Planning Commission, Board of Appeals, and the Town Board as needed regarding the processing of applications and conducting public hearings.
- F. Maintain permanent and current records of this Ordinance including, but not limited to, all maps, amendments, and the conditional uses, variances, and appeals issued or granted pursuant to this Ordinance.

Part 5.2. Planning Commission. The Town Board has established the Warsaw Township Planning Commission (the “Planning Commission”), which is hereby reaffirmed by the adoption of this Ordinance.

Subp. 5.2.1. Duties. The Planning Commission shall have the powers and duties provided it by Minnesota Statutes, Chapter 462 and as follows:

- a. Conduct the public hearings required or provided for under this Ordinance.
- b. Develop findings of facts and make recommendations to the Town Board on matters coming before it for consideration.
- c. Periodically review and make recommendations regarding proposed amendments to this Ordinance.
- d. Perform such other duties as may be provided in law, this Ordinance, or as directed by the Town Board.

Subp. 5.2.2. Composition. The Planning Commission shall consist of five voting members, which may include one or more Township officers. A majority of members constitutes a quorum to conduct the Planning Commission's business. Each Planning Commission member, including the Chair and Vice-Chair, shall have one vote on all matters acted upon by the Planning Commission. A member must be present at a meeting to vote.

Subp. 5.2.3. Appointment and Vacancies. The Town Board shall appoint the Planning Commission members. Vacancies occurring on the Planning Commission shall be filled by Town Board appointment for the remainder of the term of the position.

Subp. 5.2.4. Term. Planning Commission members are appointed for a term of three years and until a successor is appointed and qualifies. Terms expire on June 30th. Planning Commission members serve at the pleasure of the Town Board and may be removed by the Town Board at any time for any reason. The terms of Commission members are staggered to minimize the number of Commission positions expiring in the same year.

Subp. 5.2.5. Officers and Duties. The Planning Commission shall appoint from among its members a Chair, Vice-Chair, and a Secretary. The Chair shall be the presiding officer for Planning Commission meetings and shall sign documents on behalf of the Planning Commission as needed. The Vice-Chair shall conduct the duties of the Chair in the Chair's absence. The Secretary shall provide notices, keep records of the Planning Commission's proceedings, and countersign the Chair's signature on Planning Commission documents.

Subp. 5.2.6. Compensation. The Town Board shall determine if members will be compensated for their service on the Planning Commission, determine the amount of compensation if provided, and the policy for reimbursing necessary expenses incurred in carrying out the Planning Commission's duties.

Subp. 5.2.7. Rules and Procedures. The Planning Commission may adopt rules and procedures related to how it conducts its meetings and hearings.

Subp. 5.2.8. Meetings. The Planning Commission shall hold regular meetings as needed. The Chair or Vice-Chair, along with the consent of at least one other Planning

Commission member, may call special meetings as needed to conduct the Planning Commission's business. The Planning Commission shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

Part 5.3. Board of Appeals and Adjustments. The Town Board has established the Warsaw Township Board of Appeals and Adjustments (the "Board of Appeals"), which is hereby reaffirmed by the adoption of this Ordinance. The Town Board shall serve as the Board of Appeals.

Subp. 5.3.1. Powers and Duties. The Board of Appeals shall have the following powers and duties with respect to this Ordinance:

- a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this Ordinance.
 - i. Actions or decisions of the Planning Commission and the Town Board shall not be appealable to the Board of Appeals.
 - ii. An appeal from any order requirement, decision or determination of any administrative official relating to this Ordinance shall be taken within 14 days after receipt of notice of the order, requirement, decision or determination by filing a notice of appeal.
 - iii. The notice of appeal shall be in writing, on the Township's form, specify the grounds of the appeal, indicate the relief being sought, and be submitted to the Town Clerk together with the applicable fee.
 - iv. The Board of Appeals will make its order deciding the matter within a reasonable time after the hearing and provide a copy of the order to the applicant by mail.
 - v. Decisions of the Board of Appeals are final.
- b. To hear and order the issuance or denial of variance requests.
- c. The Board of Appeals shall have such other powers and duties as are assigned to it by law or the Town Board.

Subp. 5.3.2. Officers. The Chairperson of the Town Board shall serve as the Chairperson of the Board of Appeals and the Clerk shall serve as the Secretary of the Board of Appeals.

Subp. 5.3.3. Compensation. The Town Board shall determine if members will be compensated for their service on the Board of Appeals, determine the amount of compensation if provided, and the policy for reimbursing necessary expenses related to attending meetings and in the conduct of the business of the Board of Appeals.

Subp. 5.3.4. Rules and Procedures. The Board of Appeals may adopt rules and procedures related to how it conducts its meetings and hearings. The Board of Appeals shall provide a public record of its proceedings which shall include the minutes of its meetings, its findings and the action taken on each matter heard by it, including the final order.

Subp. 5.3.5. Meetings. The Board of Appeals shall hold regular meetings as needed. The Chair or Vice-Chair, along with the consent of at least one other Board of Appeals member, may call special meetings as needed to conduct the Board of Appeal's business.

Part 5.4. Compliance with State Statutes. The zoning administrator, Planning Commission and Board of Appeals shall take action within the deadlines imposed by Minnesota Statutes Section 15.99, as amended, so as to avoid the automatic approval of any written requests subject thereto.

CHAPTER VI REQUESTS AND PROCEDURES

Part 6.1. Zoning Amendments. Requests to amend the text of this Ordinance or to rezone property by amending the zoning map shall be made in accordance with requirements and procedures established in this Part.

Subp. 6.1.1. Initiation. An amendment to the text of the Ordinance or the zoning map may be initiated by the Town Board, Planning Commission, or by application of a property owner.

- a. An amendment proposed by a property owner shall be submitted on the Township's application form and be submitted to the Town Clerk together with the applicable fee. The Town Clerk shall forward complete applications to the Planning Commission to conduct a hearing.
- b. An amendment proposed by the Planning Commission shall be forwarded to the Town Board for its review. If the Town Board determines the proposed amendment may proceed, it shall return it to the Planning Commission for it to conduct a hearing on the proposed amendment.
- c. An amendment proposed by the Town Board shall be forwarded to the Planning Commission for review and a hearing.

Subp. 6.1.2. Procedure. Proposed amendments shall be heard and decided upon as follows.

- a. The Township shall provide at least 20 days' published notice of a hearing to be held by the Planning Commission concerning the proposed amendment. When an amendment involves a change in district boundaries, all property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas impacted by the proposed amendment shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed zoning amendment shall be given proper notice. When an amendment involves changes in district boundaries, affecting an area of five acres or less, property owners within 350 feet of the subject property shall be notified by mail, although failure of any property owner to receive such notification will not invalidate the proceeding.
- b. The Planning Commission shall conduct the public hearing. The applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested permit. At the conclusion of the hearing, the Planning Commission shall make and forward to the Town Board its recommendation regarding the proposed amendment together with its findings in support of its recommendation.
- c. The Town Board, at a board meeting, shall decide whether to adopt the requested amendment. The Town Board may modify a proposed amendment before acting to approve it. The applicant shall be responsible for the costs the Town incurs to record the permit with the County Recorder's office.
- d. No application of a property owner for an amendment to the text of the Ordinance or the zoning map shall be considered by the Planning Commission within a one-year period following a denial of a similar request, except the Planning Commission may allow a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrants a reconsideration of the proposed amendment.

Part 6.2. Interim Use Permits. Interim use permits shall be considered only for an activity or use of limited duration, and any application and permit for an interim use shall specify the pertinent time limits. Applications for an interim use permit must be submitted, and shall be processed, in accordance with this Part.

Subp. 6.2.1. Application. An application for a interim use permit shall be submitted on the Township's application form and shall be submitted in person to the Town Board, at a meeting of the Town Board together with the applicable fees. The application shall, at a minimum, explain in detail how the proposed use satisfies the criteria stated in Subparagraph 6.2.3. below. The zoning administrator shall forward complete applications to the Planning Commission.

Subp. 6.2.2. Procedure. A complete application for an interim use permit shall be processed and considered as follows.

- a. The Township shall provide at least 20 days' published notice of a hearing to be held concerning the requested permit. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the interim use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed interim use shall be given proper notice. The Planning Commission shall hold the public hearing. The applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested permit.
- b. At the conclusion of the hearing, the Planning Commission shall make a recommendation to the Town Board regarding the requested permit together with findings to support its recommendation. If the recommendation is to approve the permit, the Planning Commission shall include any conditions it recommends be placed on the permit. The Planning Commission's recommendation shall be forwarded to the Town Board.
- c. The Town Board shall make the final decision on whether to grant the requested permit. If it grants the interim use permit, the Town Board may impose conditions it considers necessary to protect the public health, safety and welfare. The applicant shall be responsible for the costs the Town incurs to record the permit with the County Recorder's office.

Subp. 6.2.3. Criteria for Granting Interim Use Permits. In determining whether to grant an interim use permit, the Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding areas. No interim use shall be approved unless the Town Board makes the following findings with respect to the proposed use:

- a. That the interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the immediate vicinity, taking into account factors such as: frequency of activities, whether alcohol is consumed, proximity to residences with young children, mode of transportation, and the number, time of day and season of activities.
- b. That the establishment of the interim use will not impede the normal and orderly development and improvement of surrounding property for uses predominant to the area.
- c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided, taking into account the road type (tar/gravel), condition and existing levels of traffic use.
- d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- e. That adequate measures have been or will be taken to prevent or control offensive odor, light, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The Township may deny an application if it determines a Township road that provides access to the property is not structurally sufficient to safely accommodate the amount of traffic or the weight of the vehicles the proposed use is anticipated to generate. An application may also be denied if the Township determines the proposed use would create other health, safety, or welfare concerns that cannot reasonably be mitigated through the imposition of conditions on the permit.

Subp. 6.2.4. Conditions for Granting Interim Use Permits. In permitting a new interim use or the alteration of an existing interim use, the Township may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which it considers necessary to satisfy the criteria in Subp. 6.2.3. and to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard dimension;
- b. Limiting the height, size or location of buildings;
- c. Controlling the location and number of vehicle access points;
- d. Increasing the width or carrying capacity of roads providing direct access;

- e. Increasing the number of required off-street parking spaces;
- f. Limiting the number, size, location or lighting of signs;
- g. Requiring diking, fencing, screening, landscaping or other facilities, or dust control of adjoining gravel roads, to protect adjacent or nearby property;
- h. Designating sites for open space;
- i. Limiting the number of people that may be on the site;
- j. Limiting the number of vehicles on a site;
- k. Limiting days and/or hours of operation;
- l. Limiting noise, odor and light creating activities and operations;
- m. Limiting the duration of the use and providing an expiration date for the permit;
- n. Requiring sanitary and other facilities necessary for the safe and healthy operation of the proposed use; and
- o. Such other limitations and restrictions as the Township determines is necessary to avoid or reduce the negative impacts of the use on the surrounding properties or the public.

Subp. 6.2.5. Amendments. Any change to the permitted use including, but not limited to, alteration or enlargement of structures or the change, intensification or expansion of the use beyond what is allowed by the interim use permit issued for the property shall require an amended interim use permit. The same procedures and requirements for applying for a new interim use permit shall apply to those seeking an amended interim use permit. Furthermore, the Township may add to or amend the conditions imposed on the use if it issues the amended interim use permit.

Subp. 6.2.6. Reapplication and Revocation.

- a. If the Township denies an application, the same or similar application shall not be resubmitted for the property for at least six months from the date of the denial.
- b. A violation of any of the conditions placed on an interim use permit may result in the revocation of the permit. The Township shall provide the

owner written notice of the violation and conduct a public hearing before revoking an interim use permit.

Part 6.3. Conditional Use Permits. Applications for a conditional use permit must be submitted, and shall be processed, in accordance with this Part.

Subp. 6.3.1. Application. An application for a conditional use permit shall be submitted on the Township's application form and shall be submitted in person to the Town Board, at a meeting of the Town Board, together with the applicable fees. The application shall, at a minimum, explain in detail how the proposed use satisfies the criteria stated in Subparagraph 6.3.3. The Town Clerk shall forward complete applications to the Planning Commission.

Subp. 6.3.2. Procedure. A complete application for a conditional use permit shall be processed and considered as follows.

- a. The Township shall provide at least 20 days' published notice of a hearing to be held concerning the requested permit. Property owners contiguous to the subject property shall be mailed notice of the hearing, although failure of any property owner to receive notification shall not invalidate the proceedings. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed conditional use shall be given proper notice. The Planning Commission shall hold the public hearing. The applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested permit.
- b. At the conclusion of the hearing, the Planning Commission shall make a recommendation to the Town Board regarding the requested permit together with findings to support its recommendation. The Planning Commission may recommend to the Town Board that the use requested be considered as an interim use. If the recommendation is to approve the permit, the Planning Commission shall include any conditions it recommends be placed on the permit. The Planning Commission's recommendation shall be forwarded to the Town Board.
- c. The Town Board shall make the final decision on whether to grant the requested permit. If it grants the conditional use permit, the Town Board may impose conditions it considers necessary to protect the public health, safety and welfare. The applicant shall be responsible for the costs the Town incurs to record the permit with the County Recorder's office.

Subp. 6.3.3. Criteria for Granting Conditional Use Permits. In determining whether to grant a conditional use permit, the Town Board shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety and general welfare of occupants of surrounding lands, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect on values of property and scenic views in the surrounding areas. No conditional use shall be approved unless the Town Board makes the following findings with respect to the proposed use:

- a. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity, taking into account factors such as: frequency of activities, whether alcohol is consumed, proximity to residences with young children, mode of transportation, and the number, time of day and season of activities.
- b. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses predominant to the area.
- c. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided, taking into account the road type (tar/gravel), condition and existing levels of traffic use.
- d. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
- e. That adequate measures have been or will be taken to prevent or control offensive odor, light, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

An application may also be denied if the Township determines the proposed use would create other health, safety, or welfare concerns that cannot reasonably be mitigated through the imposition of conditions on the permit. If the Town Board determines that the requested use should be treated as an interim use, the Town Board may limit the duration of the use and provide an expiration date for the permit.

Subp. 6.3.4. Conditions for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the Township may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which it considers necessary to satisfy the criteria in

Subp. 6.3.3., and to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- a. Increasing the required lot size or yard dimension-;
- b. Limiting the height, size or location of buildings-;
- c. Controlling the location and number of vehicle access points- ;
- d. Increasing the width or carrying capacity of roads providing direct access-;
- e. Increasing the number of required off-street parking spaces-;
- f. Limiting the number, size, location or lighting of signs-;
- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property-;
- h. Designating sites for open space;
- i. Limiting the number of people that may be on the site;
- j. Limiting the number of vehicles on a site;
- k. Limiting days and/or hours of operation;
- l. Limiting noise, odor or light creating activities and operations;
- m. Such other limitations and restrictions as the Township determines is necessary to avoid or reduce the negative impacts of the use on the surrounding properties or the public; and
- n. Requiring sanitary and other facilities necessary for the safe and healthy operation of the proposed use.
- o. Requiring the property ownder to reside on the property at issue.

The Township may deny an application if it determines a Township road that provides access to the property is not structurally sufficient to safely accommodate the amount of traffic or the weight of the vehicles the proposed use is anticipated to generate. An application may also be denied if the Township determines the proposed use would create other health, safety, or welfare concerns that cannot reasonably be mitigated through the imposition of conditions on the permit. If the Town Board determines that the requested use should be treated as an interim use, the Town Board may limit the duration of the use and provide an expiration date for the permit.

Subp. 6.3.5. Amendments. Any change to the permitted use including, but not limited to, alteration or enlargement of structures or the change, intensification or expansion of the use beyond what is allowed by the conditional use permit issued for the property shall require an amended conditional use permit. The same procedures and requirements for applying for a new conditional use permit shall apply to those seeking an amended conditional use permit. Furthermore, the Township may add to or amend the conditions imposed on the use if it issues the amended conditional use permit.

Subp. 6.3.6. Reapplication and Revocation.

- a. If the Township denies an application, the same or similar application shall not be resubmitted for the property for at least six months from the date of the denial.
- b. A violation of any of the conditions placed on a conditional use permit may result in the revocation of the permit. The Township shall provide the owner written notice of the violation and conduct a public hearing before revoking a conditional use permit.

Part 6.4. Variances. Requests for a variance from the strict application of the requirements of this Ordinance shall comply with this Part.

Subp. 6.4.1. Application. An application for a variance shall be made on the Township application form and shall be submitted in person to the Town Board, at a meeting of the Town Board, together with the applicable fees. The Town Clerk shall forward complete applications to the Planning Commission.

Subp. 6.4.2. Procedure. A complete application for a variance shall be processed and considered as follows.

- a. The Township shall provide at least 20 days' published notice of a hearing to be held concerning the requested variance. All property owners of record within five hundred (500) feet of the incorporated areas and/or one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners of unincorporated areas where the conditional/interim use is proposed shall be notified by depositing a written notice in the U.S. Mail, postage prepaid, as to the time and place of the public hearing. All municipalities within two (2) miles of the proposed variance shall be given proper notice. The Planning Commission shall hold the public hearing. The applicant, or a representative, shall attend the hearing in order to answer questions the Planning Commission may have concerning the requested variance.
- b. At the conclusion of the hearing, the Planning Commission shall make a recommendation to the Board of Appeals regarding the requested variance

together with findings to support its recommendation. If the recommendation is to approve the variance, the Planning Commission shall include any conditions it recommends be placed on the variance. The Planning Commission shall include a statement of any findings it made concerning the proposed variance with the recommendation it forwards to the Board of Appeals.

- c. The Board of Appeals shall make the final decision on whether to grant the requested variance. If it grants the variance, the Board of Appeals may impose such conditions on the variance as it considers necessary to protect the public health, safety and welfare, provided the conditions are directly related to and bear a rough proportionality to the impact created by the variance.

Subp. 6.4.3. Criteria for Granting Variances. A variance may only be granted from the literal provisions of the Ordinance if the Board of Appeals finds the applicant sufficiently demonstrated that the following circumstances exist with respect to the particular request:

- a. There are practical difficulties in complying with the Ordinance that are not based solely on economic considerations;
- b. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of “Prime Agricultural Soils” as identified in the Goodhue County Soil Survey (United States Department of Agriculture Web Soil Survey);
- c. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this Ordinance have had no control;
- d. The issuance of the variance is in harmony with the general purpose and intent of the Ordinance;
- e. The applicant proposes to use the property in a reasonable manner permitted by the Ordinance;
- f. The variance, if granted, will not alter the essential character of the locality;
- g. The plight of the applicant is due to circumstances unique to the property not created by the owner; and

- h. The variance will not allow any use that is not permitted under the Ordinance for a property in the zone where the affected applicants land is located.

Part 6.5. Building Permits. No construction, alteration, expansion, or placement of a building or structure involving a cost exceeding \$1,000 shall occur in the Township except upon issuance of a building permit by the Township, and a Building Permit issued by the Goodhue County Building Official.

Subp. 6.5.1. Application and Procedure. Persons requesting a building permit shall submit a completed application to the Town Clerk together with the applicable fee. A site plan must be submitted with the application that shows the location of existing and proposed structures, wells, septic tank, and drainfield on the property as well as the distance to the nearest dwelling. For any building or structure involving a cost exceeding \$25,000 or an improved square footage of at least 2,000 square feet, such site plan shall be prepared by a Minnesota licensed surveyor, show all required setback distances, and the corners of the proposed building or structure staked or, in lieu of a survey, such alternative method of measurement and documentation as may be approved by the Town Board, in lieu of a survey. The Town Clerk shall forward complete applications to the Town Board. The Town Board shall review the application and, if it determines the proposed project complies with the requirements and restrictions of this Ordinance, shall issue the building permit. The permit is valid only for the particular building or structure and for the particular location on the property. Any alteration of the location or other aspect of the permitted project shall not occur except upon issuance of a new or amended building permit.

CHAPTER VII DISTRICT PROVISIONS

Part 7.1. Districts Established. For the purposes of this Ordinance, Warsaw Township is hereby divided into the following zoning districts and the buildings, structures and uses of land shall be subject to the requirements and regulations prescribed by this Ordinance for the particular district in which they are located.

- Primary Districts
- A1 – Agricultural Protection
- A2 – Agricultural
- R1 – Suburban Residential

Part 7.2. Zoning Map. The location and boundaries of the districts established by this Ordinance are hereby set forth on the zoning map of Warsaw Township, a copy of which is attached hereto as Exhibit A, and said map is hereby made part of this Ordinance.

Part 7.3. Overlay Districts. Certain lands within the Township are also subject to overlay districts identified by the County and include floodplain (FP), shoreland (S), and wetland (W). The areas within the Township identified as being in one or more of these

overlay districts are subject to the regulations and requirements imposed by the Township and the County in the underlying primary district in which they are located as well as the regulations and requirements imposed by the County in the applicable overlay districts.

Part 7.4. Permitted Uses. No structures, building or tract of land shall be devoted to any use other than a permitted use in the zoning district in which such structure, or tract of land shall be located, with the following exceptions:

Subp. 7.4.1. Conditional and interim uses allowed in accordance with the provisions of this Ordinance.

Subp. 7.4.2. Any structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance and continues to completion within one year after the effective date of this Ordinance, shall be a non-conforming structure.

Subp. 7.4.3. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming use.

Part 7.5. Agricultural Protection (A1).

Subp. 7.5.1. Purpose. This district is to maintain, conserve and enhance agricultural lands which are historically valuable for crop production, pasture land, and natural habitat for plant and animal life. This district is intended to encourage long-term agricultural uses and preserve prime agricultural farmland by restricting the location and density of non-farm dwellings and other non-farm land uses.

Subp. 7.5.2. Permitted Uses.

- a. Single family dwellings.
- b. Any agricultural use including tree farms and vineyards, but excluding agricultural related use and application of manure generated from outside of Township.
- c. Confined feedlots as regulated in Article 13 of the County Ordinance.
- d. Direct marketing of produce in a Farm Market/On-Farm Market/Roadside Stand in a retail structure not to exceed 2400 square feet in area.
- e. Plant nurseries and sales, in a retail structure not to exceed 2,400 square feet.
- f. Home occupations as regulated in Article 11 of the County Ordinance.

- g. Special Event Uses, but only if (i) no fee is charged, (ii) the event occurs no more often than 4 times annually, and (iii) there are fewer than 300 people in attendance during the event.
- h. Auctions, when conducted at a single family farm or farm dwelling, to sell property already in place and not brought in for sale, conducted no more than three times a year at any one location.

Subp. 7.5.3. Conditional Uses and Interim Uses. In the A-1, Agricultural Protection District, the following uses may be allowed subject to obtaining a conditional or interim use permit in accordance with the provisions of Article 4 of this Ordinance.

- a. A mobile home as a temporary second dwelling when there is a need to provide health care services to residents of one of the dwellings, as an interim use only.
- b. Any aircraft landing field and associated facilities.
- c. Any mining, quarrying, excavating, or filling of land subject to the standards in Part 8.2 of this Ordinance.
- d. Any community building, church, cemetery or memorial garden.
- e. Any commercial radio and television towers and transmitters, provided that any such tower or transmitter shall be set back at least 1,000 feet from any existing dwelling on adjacent property.
- f. Any public, private or nursery school.
- g. Any public stable.
- h. Any raising of fur bearing animals or commercial kennel.
- i. Wind energy conversion systems, and solar energy production systems with an area of 2,000 square feet or more, provided that there shall be a setback of at least 2,500 feet from any existing dwelling on an adjacent property.
- j. Farm Wineries in buildings up to 2,400 square feet.
- k. Commercial and industrial uses primarily intended to serve the agricultural business community.
- l. Any boarding and rooming houses or bed & breakfast inn as an accessory use.

- m. Any veterinary clinic.
- n. Any park or recreational area operated by a governmental agency.
- o. Hunting club or shooting preserve.
- p. Temporary or seasonal off-site roadside produce stands. No more than two (2) signs totaling fifty (50) square feet of sign area advertising the stand, shall be permitted. In addition, the structure shall be limited in size to two thousand four hundred (2,400) square feet.
- q. Educational Farm Retreat.
- r. Agri-tourism. "Agri-tourism" means the practice of visiting an agribusiness, horticultural, or agricultural operation, including, but not limited to, a farm orchard, vineyard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of education, or active involvement in the operation, other than as a contractor or employee of the operation.
- s. Direct marketing of produce in a Farm Market/On-Farm Market/Roadside Stand in a structure that exceeds 2,400 square feet in area.
- t. Residential accessory building(s) exceeding seven thousand two hundred (7,200) square feet.
- u. Special Event Uses, which occur no more than 4 times annually, and either (i) no fee is charged or (ii) a fee is charged but there are fewer than 300 people in attendance during the event.
- v. A second farm dwelling.
- w. Commercial stockpiling of animal manure generated outside of the Township.

Subp. 7.5.4. Accessory Structures. Accessory structures customarily incidental to any of the above permitted uses shall be permitted when located on the same property.

Subp. 7.5.5 General District Regulations. Any lot in the A-1, Agricultural Protection District on which any permitted or conditionally permitted use is erected shall meet the following minimum standards:

- a. Lot Size.

- i. Dwelling shall be located on parcels containing a buildable area of not less than two (2) acres.
- ii. The lot is large enough and so situated as to meet the standards contained in Minnesota Rules Part 7080 (MPCA Individual Sewage Systems Standard).
- b. Density.
 - i. Four (4) single family dwellings per section unless additional dwellings are permitted by Subp. 7.5.3(v).
- c. Yard Requirements. Every permitted, conditionally permitted dwelling, or accessory structure shall meet the following yard requirements:
 - i. Each lot shall have a minimum width of one hundred (100) feet at the building line.
 - ii. Front Yard of all Structures.
 - 1. There shall be a minimum setback of sixty (60) feet from any right-of-way lines.
 - 2. In the event any building is located on a lot at the intersection of two (2) or more roads or highways, such lot shall have a front yard abutting each such road or highway.
 - iii. Side and Rear Yard.
 - 1. Rear and side yard setbacks shall be a minimum of thirty (30) feet. However, buildings housing three or more animals shall be subject to a side and rear yard setback of two hundred (200) feet from the property line and five hundred (500) feet from any existing dwelling on any adjacent property.
- d. Public Road Frontage or Road Access Easement Standards:
 - i. Each lot shall include a minimum 100 feet of frontage on a public road right-of-way extending to the building line. As an alternative a single lot that does not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a driveway access easement that is a minimum of 33 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.

- ii. Two lots that do not front on a public road may be permitted upon recording (with the Goodhue County Recorder) of a shared driveway access easement that is a minimum of 66 feet in width and has been determined to be acceptable by the Goodhue County Land Use Management Department.
- iii. Access for three (3) or more lots shall meet the requirements for public roads in the Goodhue County Subdivision Ordinance.
- e. **Bluff Impact Zone.** For any use or structure in the A-1 District, the setback from the bluff impact zone shall be no less than thirty (30) feet.
- f. **Height Requirements.** Every permitted, conditionally permitted or accessory building shall meet the following height requirements:
 - i. Agricultural buildings shall be exempt from the height requirements.
 - ii. Buildings other than agricultural buildings shall not exceed thirty-five (35) feet in height.

Subp. 7.5.6. General Regulations.

- a. Each permanent dwelling shall be sited on a separately surveyed or described parcel.
- b. Any building in which the keeping of three or more livestock, fur bearing animals, or dogs (when such keeping results in the accumulation of animal wastes) is carried on shall maintain a setback of two hundred (200) feet from the property line and five hundred (500) feet from any dwelling on adjacent property.
- c. All building, grading and development activities shall be reviewed with the goal of minimizing loss or disruption of “Prime Agricultural Soils” as identified in the Goodhue County Soil Survey (United States Department of Agriculture Web Soil Survey).

Part 7.6. Agricultural (A2). Part 7.5 of the Ordinance is hereby adopted by reference and incorporated herein, except as follows: Subp. 7.5.5.b. shall be amended, for purposes of incorporation into this Part 7.6, to read as follows:

- i. Twelve (12) single family dwellings per section unless additional dwellings are permitted by Subp. 7.5.2.b. Any dwellings shall be limited to one per $\frac{1}{4}$, $\frac{1}{4}$ section, except as allowed by Subp. 7.5.2.b.

Part 7.7. Suburban Residential (R1). Article 24 of the County Ordinance is hereby adopted by reference and incorporated herein, except as provided in this subpart and in Part 7.8 of this Ordinance.

Part 7.8. Uses Not Regulated. The following uses are not regulated by this Ordinance, but may occur in the Township to the extent they are allowed by the County Ordinance and upon the issuance, to the extent required, of a permit by the County:

Subp. 7.8.1. Confined feedlots. Confined feedlots are regulated by Article 13 of the County Ordinance.

Subp. 7.8.2. Regulated Animals. Regulated animals are regulated by the Goodhue County Regulated Animals Ordinance.

Subp. 7.8.3. Bluff Land Protection. Bluff lands are regulated in Article 12 of the County Ordinance.

Subp. 7.8.4. Wild and Scenic River Regulations. Wild and scenic rivers are regulated in Article 29 of the County Ordinance.

Subp. 7.8.5. Shoreland Regulations. Shoreland regulations are regulated in Article 31 of the County Ordinance.

Subp. 7.8.6. Floodplain Regulations. Floodplains are regulated in Article 32 of the County Ordinance.

Subp. 7.8.7. Wetland Regulations. Wetlands are regulated in Article 33 of the County Ordinance.

Subp. 7.8.8. State Building Code. The County has adopted and administers the state building code.

Subp. 7.8.9. Subsurface Sewage Treatment Systems. Subsurface sewage treatments systems are regulated by the Goodhue County subsurface sewage treatment Ordinance.

Subp. 7.8.10. Environmental Reviews. The Township shall not be the governmental unit for the purposes of conducting environmental reviews. Environmental reviews are regulated in Article 11, Section 23 of the County Ordinance.

Subp. 7.8.11. Subdivision Regulations. Subdivisions are regulated by the Goodhue County Subdivision Controls Ordinance.

Part. 7.9 Uses Not Permitted. Whenever, in any zoning district, a use is neither specifically permitted or denied, the use shall be considered prohibited. In such case, the Board of the Planning Commission, on their own initiative or upon request of a property owner, may conduct a study to determine if the use is acceptable and, if so, what zoning district would be most appropriate and the determination as to conditions and standards relating to development of the use. The Board or Planning Commission, upon receipt of the study, shall, if appropriate, initiate an amendment to this Ordinance to provide for the particular use under consideration or shall find that the use is not compatible for development within the Township.

CHAPTER VIII PERFORMANCE STANDARDS

Part 8.1 Performance Standards Established. Article 11 of the County Ordinance is hereby adopted by reference and incorporated herein, except as provided in this Part.

Subp. 8.1.1. Building Regulations and Restrictions. The following restrictions shall apply in all districts in the Township.

- a. No building or structure shall be erected, placed, converted, enlarged, reconstructed or structurally altered without complying with the provisions of this Ordinance.
- b. A Goodhue County Building Permit and a building permit from the Township shall be obtained before anyone may undertake a construction, alteration, or expansion project on a building or structure if the cost of the project is reasonably anticipated to exceed \$1,000. A building permit issued by the Township is limited to the description of the project contained in the application and to the site identified by the owner.
- c. All dwellings shall have at least 600 square feet of floor space on the first or ground floor.
- d. A new dwelling shall be set back at least 1,000 feet from any existing dwelling. The building permit application for a new dwelling must be accompanied with a survey certified by a licensed surveyor showing the distance of the proposed building site to the nearest existing dwelling. The proposed building site shall be staked by the surveyor when seeking a permit and the building location may not be changed after the application is submitted without the consent of the Town Board or without submitting a new application. An alternative method of measuring and documenting the required location and setbacks may be substituted with the prior consent of the Town Board.
- e. No new approaches shall be constructed onto a Township road except upon issuance of a permit by the Township. For the purpose of safety and

road upkeep, all new driveways or road approaches must be sloped away from existing or new roads for a minimum distance of 14 feet. The approach must otherwise be constructed in accordance with any requirements imposed by the permit and such other rules and regulations the Town Board may adopt regarding approaches.

- f. All site plans required in this Ordinance shall be prepared and certified by a licensed surveyor.

Part 8.2 Mineral Extraction.

Subp. 8.2.1. Purpose. The purpose of this section is to protect the public health, safety and welfare through the following:

- a. Establish permitting requirements, environmental review procedures and performance standards to regulate mineral extraction.
- b. Establish standards that prevent or minimize environmental and aesthetic impacts on extracted properties, adjacent properties and the Township as a whole.
- c. Ensure mineral extraction operations are only located adjacent to highways and roads that have a sufficient width and carrying capacity to safely accommodate hauling activities from the site.
- d. Establish standards and financial guarantees that restore extracted land to a condition compatible with adjacent properties and suitable for future uses that are compatible with the Warsaw Township Comprehensive Plan, if any.

Subp. 8.2.2. Definitions.

- a. Dust: Airborne mineral particulate matter.
- b. Excavation: The removal of soil and minerals from the ground.
- c. Mineral: Sand, gravel, rock, clay, and similar higher density non- metallic natural minerals
- d. Mineral Extraction: The removal of sand, gravel, rock, clay and other minerals from the ground and off the site.
- e. Mineral Extraction Facility: Any area that is being used for removal, stockpiling and storage of minerals.

- f. Mineral Extraction Permit: The permit required for mineral extraction facilities.
- g. Operator: Any person or persons, partnerships, or corporations or assignees, including public or governmental agencies, engaging in mineral extraction.
- h. Principal Use: The principal use of mineral extraction facility is the extraction, processing, storage and sale of minerals from the facility.
- i. Processing: Any activity, which may include the crushing, screening, washing and/or stockpiling, of sand, gravels, rocks, or similar mineral products into consumable products such as construction grade sand, gravel, or agricultural lime.
- j. Rehabilitation/ Restoration: To renew land to self-sustaining long-term use which is compatible with contiguous land uses, present and future, in accordance with the standards set forth in this ordinance.
- k. Soil: A natural three-dimensional body of the earth's surface.
- l. Subject Property: The land on which mineral extraction is permitted.
- m. Topsoil: The upper portion of soils present that is the most favorable material for plant growth.

Subp. 8.2.3. Exceptions From Permit Requirements. A mineral extraction permit shall not be required for the following:

- a. Excavation for a structure if a building permit has been issued.
- b. Excavation in a right-of-way, temporary easement, or utility corridor by state, county, city or township authorities in connection with construction or maintenance of public improvements or facilities.
- c. Excavations not exceeding four hundred (400) cubic yards annually.
- d. Excavation for agricultural purposes if the excavated material is not moved off-site.
- e. Excavation for public utility purposes.
- f. Temporary excavations involving mining operations associated with road construction, commonly known as temporary borrow pits, used exclusively for public infrastructure construction projects if the project is under the administration of a public entity and the contract requires

erosion control, sediment containment and site restoration provisions at least as strict as those in the Minnesota Pollution Control Agency's (MPCA's) NPDES General Storm Water Permit. These temporary borrow pits must be closed and restored within 24 months of the first date of work on the project.

Subp. 8.2.4. Mineral Extraction Permit Required. Owners and operators of any mineral extraction facility commencing on or after the adoption of this Ordinance shall obtain an interim use permit which shall be processed in accordance with Warsaw Township Zoning Ordinance procedures and requirements, and the additional procedures and requirements of this Section.

Subp. 8.2.5. Interim Use Permit Application Requirements For New Mineral Extraction Facilities

- a. Application Form: An application for a mineral extraction permit shall be submitted in person, to the Town Board, at a meeting of the Town Board, on a form supplied by the Zoning Administrator. Information shall include but not be limited to the following:
 - i. The following maps of the entire site and to include areas within one thousand (1000) feet of the boundaries of the surveyed parcel subject of the permit application. All maps shall be drawn at a scale of one (1) inch to two hundred (200) feet unless otherwise stated below:

Map A- Existing conditions to include:

- 1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
- 2. A survey, which provides contour lines at five (5) foot intervals.
- 3. Existing vegetation.
- 4. Existing drainage and permanent water areas and/ or wetlands.
- 5. Existing structures.
- 6. Existing wells and private sewer systems.
- 7. Existing pipelines, power lines and other utilities.
- 8. Easements affecting the permitted property.
- 9. Adjacent public road right-of-way.
- 10. Existing access points to public roads.
- 11. Existing bluffs (See Goodhue County Ordinance definitions.)

Map B - Proposed operations to include:

1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
2. Structures to be erected.
3. Location of sites to be mined showing depth of proposed excavation.
4. Location of tailing (strippings or overburden) deposits showing maximum height of deposits.
5. Location of processing areas and machinery to be used in the mining operation.
6. Location of storage of mined materials, showing height of storage deposits.
7. Location of vehicle parking.
8. Erosion and sediment control structures.
9. Gross Vehicle Weight leaving the Mineral Extraction Facility.
10. Drainage Plan (if revising existing drainage patterns).
11. Proposed internal road system including typical cross sections.
12. Proposed new access points to adjacent public roads.
13. Proposed haul routes of vehicles removing material from the pit including current spring weight restrictions on the proposed routes.
14. Name, address, and contact information for operator, if not same as owner.

Map C - Restoration plan to include:

1. Property boundaries to be surveyed by a Minnesota Licensed Land Surveyor.
 2. Final grade of proposed site showing elevations and contour lines at five (5) foot intervals, extended 100 feet onto adjacent properties.
 3. Location and species of vegetation to be replanted, including a maintenance plan.
 4. Location and nature of any structure to be erected in relation to the end use plan.
 5. Proposed improvements such as roads, paths, ponds, etc.
- ii. Name, address, and phone number, of contact person for the operator.
- iii. Name, address, and phone number of landowner.

- iv. Acreage and complete legal description of the subject property, on which the facility will be located, including all contiguous property owned by the landowners.
 - v. A narrative outlining the type of material to be excavated, mode of operation, estimated quantity of material to be extracted, plans for blasting, and other pertinent information to explain the request in detail.
 - vi. Estimated time frame to operate facility, to include hours per day, days per week, months per year, number of years in operation.
 - vii. A description of all vehicles and equipment anticipated to be used by the operator in the operation of the facility.
 - viii. A description of the estimated average daily and peak daily number of vehicles accessing the facility. If more than one access to the pit is proposed to the Mineral Extraction Facility, provide a breakdown of anticipated average daily and peak number of vehicles using each access.
 - ix. Any other requested information or documentation required for issuance of an interim use permit under this Ordinance.
- b. Supporting Documentation. Every application for a mineral extraction permit shall include submission of supporting documentation, which shall include, but is not limited to the following:
- i. A description of existing land uses on the subject property.
 - ii. A description of land use designations in the Township Comprehensive Plan, if any and zoning classifications of the subject property.
 - iii. A description of the soil, vegetation, mineral content and topography of the subject property. A minimum of three (3) soil boring logs representative of the site and a description of the subsurface materials on the subject property must be submitted. A minimum of one boring log must be extended to fifteen (15) feet below the maximum depth of the proposed excavation on the site. Borings shall be located within areas proposed to be excavated. See Paragraph 13 below.
 - iv. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half (1/2) mile of the subject property boundaries.

- v. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property.
- vi. Copies of all applicable state and federal application documents and operating permits, including but not limited to, MPCA permits, wetland permits (Minnesota Wetland Conservation Act and/or Corps. of Engineers), Historical and Archeological permits, Storm Water Permits, and the required EAW for subject property over forty (40) acres.
- vii. A description of the site hydrology and drainage characteristics during extraction for each phase of mineral extraction including plans to control erosion, sedimentation and water quality of storm water runoff.
- viii. If there are any proposed changes to the existing drainage patterns, include proposed mitigation plans to control downstream off site damage caused by any increase to the natural flow of water or any diversion of the existing natural flow of water.
- ix. A description of actions to be taken to mitigate potential impacts resulting from mineral extraction and processing, including potential impact related to; wetlands, erosion, noise, air pollution, surface water and groundwater contamination, traffic, dust or vibrations.
- x. A description of site screening, landscaping and security fencing.
- xi. Site rehabilitation plans for each phase of operation and upon completion of mineral extraction on the subject property.
- xii. A description of the method by which complaints about any aspect of the mineral extraction facility operation or off-site transportation are to be received and the method by which complaints are to be resolved.
- xiii. A plan for groundwater quality protection. The plan shall include a minimum of three (3) borings showing depth to groundwater. If groundwater is not encountered at a depth of fifteen (15) feet below the bottom of the proposed pit floor, the applicant need not extend borings any further. The Town Board reserves the right to require additional borings, if necessary.

- xiv. A minimum of three (3) cross-sections showing the extent of overburden, extent of mineral deposits, the water table, and any evidence of the water table in the past.
 - xv. Description of methods to control the weight of the vehicles leaving the pit and the methods used to insure that vehicles exceeding weight limits do not travel on adjacent roads.
 - xvi. Description of methods to prevent mud and debris from being tracked onto public roads.
- c. Protection of Roads and Public Health, Safety and Welfare. The majority of the Township roads are of the type typically found in rural Minnesota. They are gravel and were not built to a sufficient width and carrying capacity to accommodate multiple hauling trips from heavy trucks on an on-going basis. Such hauling activities can seriously damage these roads and create significant safety hazards for the traveling public. Furthermore, the costs associated with repairing the damage caused to these roads by hauling activities places an undue burden on the Township taxpayers and disproportionately draws upon the limited road and bridge funds the Township has available to it to keep Township's other roads properly maintained. In order to protect the public health, safety, and welfare, the Township will closely examine mineral extraction facility applications to determine whether the haul road(s) identified are adequate to safely accommodate the anticipated traffic from the facility. If the Planning Commission determines that an adequate haul road is not reasonably available to the proposed facility and is not otherwise provided for as part of the application, the Planning Commission shall recommend denial of the request.
- d. Permitting Procedure for Interim Use Permits:
- i. Application. A request for a mineral extraction interim use permit, as provided within this Ordinance, shall be filed with the Zoning Administrator on an official application form. The required application fee shall be paid and a deposit of five thousand dollars (\$5,000.00) shall be required to reimburse the Township for its' out of pocket costs in processing the application. Additional expenses incurred by the Township in processing the Interim Use Permit shall be paid for by the Applicant prior to the issuance of any Interim Use Permit by the Township. The application shall also be accompanied by ten (10) copies of detailed written and graphic materials fully explaining the proposed change, development, or use as specified under provisions of Interim Use Permit Application Requirements For New Mineral Extraction Facilities set forth in Paragraph 5 above. The Zoning Administrator shall

refer the application along with all related information, to the Planning Commission for consideration, in accordance with Section 6.2 of the Zoning Ordinance.

- ii. Notice. The Chairman of the Planning Commission or Zoning Administrator shall publish notice a public hearing as specified in the Zoning Ordinance.
- iii. Additional Information. The Planning Commission Chairman and/or Zoning Administrator shall have the authority to request additional information from the applicant and/or to retain expert testimony with the consent of, and at the expense of the applicant, if said information is deemed to be necessary to review of the permit application or to establish performance conditions for said permit in relation to this Ordinance.
- iv. Referrals. The Planning Commission, Zoning Administrator and Town Board may refer the application for review and comment to other agencies, including but not limited to the Soil and Water Conservation District and the Minnesota Pollution Control Agency.
- v. Recommendation. The Planning Commission shall make a finding of fact and shall recommend such actions or conditions relating to the request to the Town Board. The Town Board may impose such additional restrictions or conditions as deemed necessary to protect the public interest. These conditions may include, but are not limited to the following:
 - 1. Matters relating to the appearance of the Mineral Extraction Facility.
 - 2. Hours of operation.
 - 3. Increasing setbacks.
 - 4. Blasting notifications and frequency.
 - 5. Limiting the height, size or location of buildings and stockpiles.
 - 6. Controlling the location and number of vehicle access points.
 - 7. Improving a designated haul route to be used by increasing street width and weight carrying capacity required generally by said haul operations to the nearest adequate County Road and improving access conditions, including turn lanes, bypass lanes, etc.
 - 8. Increasing the number of required off street parking spaces.
 - 9. Limiting the number, size, location, or lighting of signs.

10. Requiring diking, berming, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
 11. Designating sites for open space.
 12. Delineating the area to be mined, total size and open area at any one time.
 13. Requiring phased rehabilitation.
 14. Requiring financial security to guarantee compliance with the conditions of approval.
 15. Water quality monitoring.
 16. On and off site improvements to mitigate impacts caused by revisions to the natural flow of surface waters.
 17. Directional signage.
- vi. Township Board's Action and Findings. The Town Board shall approve, modify, or deny the request and state the findings of its actions. Approval of an Interim Use Permit shall require passage by majority vote of the Town Board. The Zoning Administrator shall notify the applicant of the Township Board's action.
- vii. Reapplication/Lapse of Interim Use Permit. The Zoning Administrator shall not accept reapplication for the same or substantially same Interim Use Permit within six (6) months of denial.
- viii. Amended Interim Use Permit. Any change to the operations or use of the land approved under a current interim use permit shall require an amended interim use permit and all procedures shall apply as if a new permit were being issued.

Subp. 8.2.6. Application Requirements For Registration/Land Use Permits And Interim Use Permits

- a. Security. The Town Board shall require the applicant or owner of the property on which the mineral extraction is occurring, to post a bond or cash escrow in such form and sum as determined by the Town Board, as part of the permit. The security shall be sufficient to reimburse the following costs:
- i. Costs of bringing the operation into compliance with the mineral extraction permit requirements including site monitoring and enforcement costs.
 - ii. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation. The Township reserves the right to advertise for bids and to contract for any required road and infrastructure

improvements made necessary by the granting of an interim use permit. The Applicant/Owner/Operator shall be responsible to pay for all costs of improvements to road infrastructure required under the granting of an interim use permit.

- iii. Site restoration.
 - iv. Costs the Township may incur in enforcing the terms of the interim use permit, and land use permit, including attorney's fees.
 - v. Bonds shall be for a minimum of one (1) year, to be reviewed annually and shall include a provision for notification to the Township at least thirty (30) days prior to cancellation or non-renewal.
- b. Annual Registration. Annual Registration of all mineral extraction facility permits is required. The purpose of the annual registration is to maintain an updated listing of active mineral extraction facilities in the Township, to revoke any permits, to monitor compliance with the conditions of approval and to review the applicability of the conditions and to review bonding or security requirements. Permit holders must complete and return registration forms provided by the Township. Failure to maintain registration shall be cause for revocation of the permit. Interim use permits and land use permits for mineral extraction facilities will not automatically expire because there is no activity as authorized with in a year's time as long as the permittee complies with the annual registration specified herein. Annual registration is done administratively by the Zoning Administrator and will not require a review by the Planning Commission or the Town Board provided all conditions are being met and the activity meets all standards as outlined in this Ordinance. As a condition of registration, the Town Board, their designated agents or designated township employees have the right to access the subject property after providing reasonable notice to the operator.
- c. Exposed Areas Mining operations shall be conducted so active extraction operation of the Mineral Extraction Facility exposes no more than fifteen (15) acres at any time, unless approved by the Town Board.
- d. Use Restrictions. The following uses are prohibited unless specifically authorized in the mineral extraction permit or the interim use permit.
- i. The production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and similar architectural or structural stone, and the storing or stockpiling of such products on the site.

- ii. The manufacture of concrete building blocks or other similar blocks, temporary ready-mixed concrete, or asphalt production plants and any similar production or manufacturing processes.
- iii. The stockpiling or processing of materials not mined on the site.
- iv. Blasting (Use of explosives.)
- e. Waste Disposal. Any waste generated from the mining operation, including waste from vehicle or equipment maintenance, shall be disposed of in accordance with Federal, State, and County requirements.
- f. Mineral Extraction Facilities, Performance Standards. The following performance standards apply to all mineral extraction facilities in the Township:
 - i. Hours of Operation. Mineral extraction facilities shall operate only between the hours of 6:00 a.m. and 10:00 p.m., Monday through Saturday unless specified otherwise in the interim use permit for the facility.
 - 1. Operators are allowed a maximum of five (5) one-day extensions to the hours of operation for evening work in a calendar year. Operators must notify the Township three working days in advance of the proposed extension.
 - 2. The Town Board must approve other exceptions to the hours of operation. Approval may only be granted in conjunction with the furnishing of material for a public improvement, public safety emergencies, or a public good project, that is underway during hours that the mineral extraction facility is not otherwise allowed to operate. Approval will be limited to those instances of public emergencies and public necessity that cannot occur during normal hours of operation.
 - ii. Fencing. Fencing, signs, and barriers are required around ponding areas and steep sloped excavation areas unless, because of their location they are not deemed to create a safety hazard.
 - iii. Access. The permittee must obtain a permit from road authority for all proposed new access points to public roads. The road authority may restrict the weight of vehicles allowed to use any permitted access.

- iv. Roadway Dust Control. Operators shall be responsible for providing dust control on gravel roads that are the primary routes to or from a mineral excavation facility. Unless waived by the Town Board in lieu of other remedies, watering roadways will be required when conditions warrant it and the number of one-way truck trips from a particular mineral excavation facility exceeds three (3) per hour.
- v. Mineral Extraction Facility Dust Control. The Township may require dust control in a facility when it is determined that airborne dust from extraction areas, processing activities, stockpiles or internal roadways creates a public nuisance. Other remedies to control dust may include berming, landscaping annoying to persons living within one thousand (1000) feet of the mining operations lot line. All internal roads and access roads from mining operations to public highways, roads, or streets or to adjoining property shall be paved or surfaced with gravel to minimize dust conditions.
- vi. Noise. Maximum noise levels at the facility will be consistent with the standards established by the Minnesota Pollution Control Agency, or such stricter standards as may be determined by the Town Board, depending on the proximity to neighboring dwellings.
- vii. Vibration. Operators shall use all practical means to eliminate adverse impacts on adjacent properties from vibration of equipment according to all Federal and State laws, rules and statutes.
- viii. Air Quality/Water Quality. All activities on the mineral extraction facility will be conducted in a manner consistent with the MPCA's operating permits/ standards.
- ix. Water Resources. The mineral extraction operation shall not allow surface water to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. The mineral extraction operation shall not adversely affect the quantity and quality of surface or subsurface water. Surface water leaving the site shall be of equal quality as water originating off site before it passes through the site. The operator shall perform any water treatment necessary to comply with this provision.
- x. Screening. To minimize problems of dust and noise and to shield mining operations from public view, a screening barrier may be required between the mining site and adjacent properties. A

screening barrier may be required between the mineral extraction facility and any public road. Screening barriers shall be subject to the approval of the permitting authority.

- xi. Unauthorized Storage. Vehicles, equipment, or materials not associated with the mineral extraction facility or not in operable condition may not be kept or stored at the facility.
- xii. Setbacks. The following minimum setbacks shall be maintained from property boundaries:
 - 1. One hundred (100) feet from adjoining property lines.
 - 2. One thousand (1000) feet from any existing dwelling or permanent roofed structure or platted residential subdivision.
 - 3. One hundred (100) feet from the boundary of any zone where such operations are not permitted.
 - 4. One hundred (100) feet of any road right-of-way line of any existing or platted street, road, or highway, unless by written consent by the adjacent road authority with jurisdiction over right-of-way and a copy submitted to the Zoning Administrator.
 - 5. No mining activities, (including stockpiling) shall take place within one hundred (100) feet of adjoining property lines, except for visual screening, reclamation, and berming of overburden material, or one hundred (100) feet of any road right-of-way of any existing or platted street, road or highway, unless by written consent by the adjacent road authority having jurisdiction over the right-of-way. Only berm construction and vegetative screening maintenance activities may occur in the 100 ft. buffer.
- xiii. Phasing. Phasing plans must be prepared for all mineral extraction facilities. The proposed size of the extraction, processing, staging, and stockpiling operations are to be identified. Size of each operation may be limited by the permit approving authority.
- xiv. Weed Control. The operators shall be required to control noxious weeds and mow or harvest other vegetation to maintain reasonable appearance of the site.

- xv. Petroleum Product Handling. The Township requires safe and prudent petroleum product handling practices to meet or exceed the following standards:
1. Fuel Storage Tank Corrosion Protection.
 - (a) Use a double walled storage tank.
 - (b) Have storage tank located within a dyke sufficient to hold the entire volume of the storage tank.
 - (c) The dyke or berm to be constructed of impervious material and contain a manually operated drain to let out trapped rain water, and/or construct a roof to keep rain water out of bermed area.
 2. Fuel Storage Tank Protection. Storage tanks will be protected from equipment by bumper posts built sufficient to withstand contact with the trucks and equipment used on the site. If the storage tank is mobile, and is parked on site, it is subject to the same standards. The mobile storage tank parking place will be protected by bumper posts or natural features sufficient to prevent accidental contact with equipment on all sides of the storage tank.
 3. Equipment Refueling Procedures
 - (a) Refueling of equipment will be done on an impervious surface such as a concrete slab in order to prevent any spillage permeating the ground surface and possibly impacting the ground water.
 - (b) In the event of spillage during refueling, floor-dry materials or kitty litter must be on hand to absorb any spilled fuel. This material must be disposed of in accordance with standards for disposal of other waste petroleum products.
 - (c) Any spill or petroleum product release to the environment is subject to reporting to the MPCA.
- xvi. Water Quality Monitoring Water Quality monitoring shall be performed when required by the MPCA.
- xvii. General Compliance. The operators must comply with all other federal, state, regional, county, and local laws and regulations applicable to the operation of the mineral extraction facility, including but not limited to floodplain management regulations, shoreland management regulations, and Zoning Ordinance regulations.

- xviii. Additional Regulations. The Township may impose additional regulations and requirements for the mineral extraction facility to protect the public health, safety, and welfare.
- xix. Land Rehabilitation. Land rehabilitation plans for mineral extraction permits must include the grading plans, topsoil replacement, seeding, mulching, erosion control, and sedimentation control specifications for each phase and the final restoration. Rehabilitation must commence so that no more than fifteen (15) acres is exposed at any given time. The following minimum standards and conditions apply:
1. For gravel pits, final grades may not exceed one (1) vertical to three (3) horizontal slope except for rehabilitated areas in existence at the time of adoption of this Ordinance. In completing final grading in each phase, the top of the slope may begin fifty (50) feet from property lines. For rock quarries, the permittee shall submit a plan to explain how the quarries are to be rehabilitated.
 2. A minimum of three (3) inches of topsoil shall be placed on all graded surfaces.
 3. Seeding and mulching shall be consistent with Minnesota Department of Transportation specifications for rights-of-way. Areas returned to agricultural production are exempt from the seeding and mulching requirements.
 4. Soil rehabilitation, seeding, and mulching must occur within each phase as soon as final grades, or interim grades identified in the phasing plans, have been reached.
 5. Soil erosion and sedimentation control measures shall be consistent with MPCA's Protecting Water Quality in Urban Areas and MPCA's General Storm Water Permit.
 6. Unless otherwise amended or approved by Township, all final grades and site rehabilitation efforts shall be consistent with the Rehabilitation Plan.
 7. Within twelve (12) months after completion of mineral extraction or after termination of the permit, all equipment, vehicles, machinery, materials, and debris shall be removed from the subject property.

8. Within twelve (12) months after completion of mineral extraction or after termination of the permit, site rehabilitation must be completed. Failure to annually register the mineral extraction facility will be considered termination of the mineral extraction facility and the twelve (12) month period shall begin.
9. All water areas resulting from excavation shall be addressed upon rehabilitation of the site. In unique instances where the Town Board has reviewed proposals for water bodies at the time of approval of the overall plan and has determined that such would be appropriate as an open space or recreational amenity in subsequent reuse of the site, water bodies may be permitted.

xx. Violations and Penalties.

1. Any firm, person or corporation who violates any of the provisions of these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
2. In the event of a violation or threatened violation of any of the terms of this Ordinance, the Township may take appropriate action to enforce this Ordinance including the exercising and accessing the security and/or performance bonds; application for injunctive relief; action to compel performance; or other appropriate action to court if necessary to prevent, restrain, correct or abate such violations or threatened violations. Upon a motion, the court may award costs, disbursements and reasonable attorney's fees and witness fees, which costs and fees can be assessed against the property.

**CHAPTER IX
NUISANCES**

Part 9.1. The following shall constitute a public nuisance and are prohibited by this Ordinance.

- A. Waste. Failure to properly store and dispose of waste in a manner which does not unreasonably threaten public health or safety.

- B. Stockpiles. The stockpiling or depositing of animal manure, pea vines, silage or other similar substances or materials in a way which does not adequately prevent drainage or seepage therefrom into any streams, waterway, public right-of-way or easement, or over adjoining land.
- C. Drainage of Unwholesome Materials. To cause or to permit the drainage of seepage of any unwholesome or unsavory liquid material into any stream, waterway, or highway or onto adjoining lands, is hereby prohibited.
- D. Damage to Township Roads. To intentionally, by an affirmative act or failure to take reasonable care, damage any portion of a Township right-of-way, or to use Township roads for any use which is prohibited, or any conditional or interim use for which a permit has not been issued by the Town Board.
- E. Township Road Ditches. To alter, excavate, fill in, or otherwise obstruct or damage any Township road ditch except upon issuance of a permit by the Town Board.

CHAPTER X FEES, PENALTIES, AND ENFORCEMENT

Part 10.1. Fees.

Subp. 10.1.1. Application and Administrative Fees. Any person submitting an application under this Ordinance shall pay the applicable application fee as established by the Town Board. The person shall also pay an administrative fee deposit in the amount determined by the Town Board and may be required to sign an agreement on a form provided by the Township agreeing to reimburse the Township for its costs, including all engineering, planning, legal, administrative and inspection expenses, incurred by the Township in processing the application. Payment of the application fee, payment of the administrative fee deposit, and execution of the reimbursement agreement, if required, must be received by the Township prior to an application being considered filed, complete, and subject to processing.

Subp. 10.1.2. Deduct Expenses. As the Township processes the application, the Town Clerk shall deduct the expenses incurred by the Township from the administrative fee deposit. If the Town Clerk determines, after consulting with the Zoning Administrator, the deposit will not be sufficient to fully reimburse the Township for its expenses, the Zoning Administrator shall require the applicant to make a supplemental deposit in an amount deemed necessary to reimburse the Township for all of its expenses. If the applicant fails to submit the supplemental deposit within a reasonable time, the Township may suspend processing the application until the deficiency is corrected or deny the application.

Subp. 10.1.3. Full Reimbursement of Expenses Required. Upon the termination of the application, by approval, denial, withdrawal, or any other means, all expenses

incurred by the Township shall be immediately payable by the applicant. Any deposit in excess of the Township's expenses shall be refunded to the applicant without interest. No permits shall be issued, no construction or development shall commence, and no use of the property shall be made until all fees are paid in full. In the event that payment of expenses is not made within a reasonable time after demand, the Town Board or Zoning Administrator may file a lien upon the subject property or other property of the applicant pursuant to Minnesota Statutes, section 514.67, certify costs against the property as an unpaid service charge pursuant to Minnesota Statutes, section 366.012, or take such other action as may be deemed appropriate to obtain full reimbursement the Township's expenses, including the costs of collection.

Part 10.2 Penalty. Any person, firm or corporation who violates any of the provisions of this Ordinance, or who fails, neglects or refuses to comply with the provisions of this Ordinance (including violations of conditions and safeguards established in connection with the granting of variances and conditional and interim use permits or failures to comply with abatement orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days or both. Each day that a violation continues shall constitute a separate offense.

Part 10.3 Enforcement. In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate civil actions or proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations.

CHAPTER XI DEFINITIONS

Part 11.1. Definitions. Article 10, Section 2 of the County Ordinance is hereby adopted by reference and is incorporated herein with the following additions and/or exceptions:

Subp. 11.1.1 Practical Difficulties. As used in connection with granting a variance, practical difficulties means that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of the property since enactment of this Ordinance have had no control; the property owner proposes to use the property in a reasonable manner that is permitted by the Ordinance but does not comply with some of the requirements of the Ordinance; the plight of the property owner is due to circumstances unique to the property and not created by the property owner; and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Subp. 11.1.2. Special Event Uses. Special Event Uses are activities using land, structures, or buildings held open to the general public, or select members of the public, to conduct or participate in educational programs or celebrations including, but not limited to, weddings, receptions, graduations, and community, business, religious, or historic events regardless of whether a fee is charged for use of the land, structure, or building. This term also includes Educational Farm Retreats and Agricultural Tourism.

Subp. 11.1.3. Definitions in this Ordinance. Any definitions stated in this Ordinance shall control to the extent inconsistent with the County Ordinance.

CHAPTER XII MISCELLANEOUS PROVISIONS

Part 12.1. Applications. All applications submitted to the Township must be on forms developed by the Township and approved by the Town Board. Any application that is not on an approved form, is not accompanied by the required fees, or is not complete, shall not be accepted or processed by the Township.

Part 12.2. Authorization. The Zoning Administrator, Town Clerk, or such other person appointed by the Town Board to receive and process applications under this Ordinance, is authorized and delegated the authority to make all determinations with respect to the completeness of applications governed by Minnesota Statutes, section 15.99, to determine whether additional time is needed for the Township to review applications governed by Minnesota Statutes, section 15.99, and to provide applicants written notices required under Minnesota Statutes, section 15.99 related to application completeness or extensions of review periods.

Part 12.3. Severability. It is hereby declared to be the intention of the Town Board that the several provisions of this Ordinance are separable. If any part of this Ordinance is held by a court of competent jurisdiction to be unconstitutional, unenforceable, or otherwise invalid, the remainder of this Ordinance shall be deemed and held to be valid and remain in effect as if such portion had not been included herein. If this Ordinance or any provision herein is held to be inapplicable to a particular person, property, use, structure, building or work, such holding shall not affect the applicability of this Ordinance to any other person, property, use, structure, building or work.

Part 12.4. Repealer. This Ordinance supersedes and replaces in its entirety Warsaw Township Ordinance No. 5, as presently enacted, and all other Warsaw Township Zoning and Building Ordinances.

Part 12.5. Effective Date. This Ordinance shall take effect and be in full force on the first day of publication after its passage.

Adopted this ____ day of _____, 2016.

**TOWN BOARD
OF WARSAW TOWNSHIP**

By

Its Chairperson

Attest:

Clerk

EXHIBIT A

**Warsaw Township Zoning Map
_____, 2016**