

HENRIETTA TOWNSHIP ZONING ORDINANCE

**HENRIETTA TOWNSHIP
HUBBARD COUNTY, MINNESOTA**

Ordinance No. 2012-01

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ARTICLE I – GENERAL PROVISIONS

DIVISION 10: GENERAL ZONING ORDINANCE PROVISIONS

Section 10-010 Title and Application

This Ordinance shall be known, cited, and referred to as the Henrietta Township Zoning Ordinance (this “Ordinance”). This Ordinance regulates the use of land in the Township of Henrietta, by districts, including, but not limited to, the regulation of the location, size, use and height of buildings, the placement of buildings on lots, and the density of population for the purpose of promoting the public health, safety, order, convenience and general welfare of Henrietta Township. This Ordinance does not regulate the use of land within the shoreland zone as Hubbard County will continue to administer these areas, as well as subdivision and on-site septic regulations within Henrietta Township. The Henrietta Township Zoning Ordinance does include the regulation of land surrounding Lakes Ivan and Sill in the Lake Protection Overlay District, as included in this Ordinance.

Section 10-020 Authority, Intent and Purpose

This Ordinance is adopted pursuant to the Town Board’s authority under Minnesota Statutes, section 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. This Ordinance is intended to serve the following purposes:

1. Protecting the public health, safety, comfort, convenience and general welfare of the Township;
2. To guide the future growth and development of the Township in accordance with the Land Use Plan adopted by the Town Board;
3. Protecting and preserving the natural environment of the Township;
4. To protect and conserve the value of land throughout the Township and the value of buildings appropriate to the various districts established by this Ordinance;
5. To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population;
6. To bring about the gradual conformity of the uses of land and buildings throughout the Township through the zoning plan set forth in this Ordinance, and to minimize the conflicts among the uses of land and buildings;
7. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Township;

8. To provide a guide for public policy and action in the efficient provision of public facilities and services and for private enterprises in building development, investment and other economic activity relating to uses of land and buildings throughout the Township; and
9. For the purpose of preserving and enhancing the quality, and the economic and natural environmental values of Lakes Ivan and Sill, and providing for the wise utilization of these waters and related land resources.

Section 10-030 Rules of Interpretation

The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular;
2. The present tense includes the past and future tenses, and the future the present;
3. The word “shall” is mandatory, and the word “may” is permissive;
4. The masculine gender includes the feminine and neuter genders;
5. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition;
6. All measured distances expressed in feet shall be to the nearest tenth of a foot; and
7. In the event of conflicting provisions, the more restrictive provisions shall apply.

Section 10-040 Definitions

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Accessory Structure or Use - A structure or use of secondary or subordinate use to the principal structure or a use located on the same lot.

Administrator - The administrator of the Henrietta Township Zoning Ordinance or its authorized agent or representative, also referred to as Zoning Administrator.

Agricultural Products Processing and Storage – processing and storage of agricultural products brought to the site, including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products which are intended for direct human or animal consumption or use.

Agricultural Use - The use of land for general cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming and wild crops harvesting.

Apartment – A room or suite of rooms which is designed for a residence by a single family, or a group of individuals living together as a single family unit, or an individual, and is equipped with cooking facilities. Includes dwelling unit and efficiency unit. This includes any unit in buildings with more than two (2) dwelling units.

Basement - Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Bed and Breakfast - A single family dwelling in which six or fewer transient guest rooms are rented on a nightly basis and where at least one meal is offered in connection with the provision of sleeping accommodations only.

Bluff - A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- 1) Part or all of the feature is located within a shoreland area;
- 2) The slope rises at least 25 feet above the ordinary high water level of the water body;
- 3) The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater; or
- 4) The slope drains toward the water body.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

Bluff Impact Zone - A bluff and land located within 20' from the top of the bluff.

Board of Appeals and Adjustments - The Henrietta Township Board of Appeals and Adjustments as appointed by the Henrietta Township Board. Also referred to as the Board of Adjustment.

Boarding (Lodging) House - A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided to three (3) or more persons, but not to exceed ten (10) persons.

Building - Any structure having a roof or other covering, built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.

Building Height - The vertical distance measured from the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof.

Building Line - A line parallel to a lot line or the ordinary high water level at the required setback, at any story level of a building and representing the minimum distance beyond which all or any part of the building may not extend.

Carport - An automobile shelter having one or more sides open.

Church - A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building and accessory uses, is maintained and controlled by a religious body organized to sustain public worship.

Clear Cutting - The removal of an entire stand of trees.

Clinic - A place where medical, dental, optometrist, chiropractic, psychiatric, or nursing care is furnished to persons on an out-patient basis by one or more licensed professionals.

Club or Lodge - A non-profit association of persons who are bona fide members paying annual dues, with the use of the premises being restricted to members and their guests.

Commercial Feedlot – Shall have the same meaning given the term “animal feedlot” in Minnesota Rules, part 7020.0300, subpart 3.

Commercial Nursery - A use, wholly or partially contained within one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold either wholesale or retail. Additional provisions that apply to commercial nursery uses: Sales of non-plant or animal products may comprise no more than 10% of total sales.

Commercial Use - The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner - The Commissioner of the Department of Natural Resources.

Conditional Use - A land use or development as defined by ordinance that may be allowed but only after an in-depth review procedure and with appropriate restrictions or conditions as provided by the Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to the comprehensive land use plan and be compatible with the existing neighborhood.

Condominium - A multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the applicable provisions of the Minnesota Condominium Law, Minnesota Statutes, Chapters 515 and 515A.

Contour Map - A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.

Day Care Facility - A facility licensed by the State Department of Human Services, public or private, which for gain or otherwise regularly provides one or more persons, as defined by the State Human Services Licensing Act, with care, training, supervision, habilitation, rehabilitation or developmental guidance on a regular basis, for periods of less than 24 - hours per day, in a place other than the person’s own home. Day care facilities include, but are not limited to: family day care homes, group family day care homes, day care centers, day nurseries, nursery

schools, developmental achievement centers for children, day training and rehabilitation services for adults, day treatment programs, adult day care centers, and day services.

Deck - A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than three feet above ground.

Duplex, Triplex and Quad - Dwelling structures on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling - Any structure, or portion of a structure, used exclusively for residential purposes, including one-family, two-family and multiple family dwellings, but not including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

Dwelling Site (temporary) - A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit - A room or group of rooms located within a dwelling to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement - A grant by a property owner for a specified use of land by a corporation, the public, or specified persons.

Environmental Assessment Worksheet (EAW) - A brief document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

Equestrian Center - An establishment where horses are boarded or people, for a fee, are trained or instructed in riding, driving or showing horses.

Extractive Use - The use of land for surface or subsurface removal of 400 cubic yards or more of sand, topsoil, gravel, rock, industrial minerals, other nonmetallic minerals, and peat from the site.

Family - An individual, or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or a group of not more than four (4) persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit as defined by Minnesota Statutes, section 462.357.

Final Plat - The final map, drawing or chart on which the sub-divider's plan of subdivision is presented for approval and which, if approved, will be submitted to the county register of deeds. The plat must conform to the requirements of law.

Floor Area - Total gross area of all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breeze ways, attics without floors, and open porches, balconies, decks and terraces.

Floor Area Percentage - The total floor area divided by the total lot areas.

Forestry Use – Cultivating and maintaining forests and managing forest land, including the harvesting of timber and selling of firewood produced on the parcel.

Free Standing – Not attached to a building or structure.

Garage - A fully enclosed building designed or used for the storage of motor vehicles not including buildings in which fuel is sold or in which repair or other services are performed.

Ground Coverage Percentage - The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including porches, decks, patios, breezeways, balconies, and bay windows. All impervious surfaces are included in computing ground coverage percentages.

Group Family Daycare. (See Daycare Facility)

Guest Cottage/House - A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Home Occupation - A use conducted entirely within an enclosed dwelling, which is clearly secondary and incidental to residential occupancy, and which does not change the character thereof. Specifically excluded are any activities that result in the alteration of a building, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from outside of the lot on which such use is located.

Hotel/Motel - Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than three (3) sleeping rooms, with no cooking facilities in an individual room or apartment.

Impervious Surface – A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Improved Lot - A lot that contains a single-family dwelling ready for immediate use, which is served by a sewage disposal system and water supply.

Individual Sewage Treatment System - A sewage treatment system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word “system”, as it appears in this Ordinance, means an individual sewage treatment system.

Industrial Use - The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities or other wholesale items.

Infiltration Basin - An earthen basin used for the controlled percolation of water to the sub surface.

Intensive Vegetative Clearing - The substantial removal of trees or shrubs in a contiguous patch, strip, row or block.

Interim Use Permit – A permit allowing a temporary use of property until a particular date, until the occurrence of a particular event, or zoning regulations no longer permit it.

Kennel - Any lot or premises on which five or more dogs aged six months or older are kept, either owned or boarded, either permanently or temporarily.

Lake Protection Overlay District - The district surrounding Lakes Sill and Ivan, as regulated by the Henrietta Township zoning ordinance and not included in the Department of Natural Resources public waters shoreland regulations. The ordinance regulating this overlay district is administered by Henrietta Township.

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

Lot Area - The area of land within the boundaries of a lot, excluding that portion of a lot which is below the ordinary high water level, or in the public right of way.

Lot Coverage – Surface area of a lot that is impervious and/or covered by a structure(s).

Lot Improvement - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Lot Line - A line marking a boundary of a lot except that where any portion of a lot extends in to the public right-of-way, the lot line shall be deemed to be the boundary of said public right-of-way.

Lot Line Front - For a riparian lot, the front lot line is that line indicating the ordinary high water level. For a non-riparian lot, a front lot line is a line dividing a lot from any public right of way, except a limited or controlled access highway to which the lot has no access.

Lot Line Rear - The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. For any lot which abuts an alley, the rear setback may be measured from the center line of such alley right-of-way.

Lot Line Side - Any lot line which meets the end of a front lot line and any other lot line within thirty degrees of being parallel to such a line, except a front lot line.

Lot of Record - Any lot which is one (1) unit of a recorded plat designated by auditor's plat, subdivision plat, or other accepted means and separated from other parcels or portions of said description for the purpose of sale, lease or separation thereof that has been recorded in the Office of the County Recorder prior to December 10, 1998.

Lot Width - The shortest distance between side lot lines measured at the midpoint of the building line.

Manufactured Home - A manufactured home is a structure transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling for one family, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily filed a certification required by the Secretary of the United States Department of Housing and Urban Development. No manufactured home shall be moved into Henrietta Township that does not meet the Manufactured Home Building Code as defined in Minnesota Statutes, section 327.31, subdivision 3.

Manufactured Home Park - Any park, court, lot, parcel or tract of land, designed, improved, maintained or intended for the purpose of supplying a location for manufactured home units or upon which any manufactured homes are parked. It shall include all buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the manufactured home park or not.

Marginal Access Road - A service road parallel to and adjacent to a thoroughfare or principal arterial which provides access from the principal arterial or thoroughfare to abutting properties.

Metes and Bounds Description - A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

Multi-family Dwelling - A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units, including what is commonly known as an apartment building.

Nonconformity - Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Official Monument - A marker established by the original Federal Land Survey for use as a reference point in surveying and subdividing land.

Ordinary High Water Level - The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

Pedestrian Way - The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, cross-walk or however otherwise designated.

Performance Bond - A bond which may be required by the Town Board or Board of Adjustment to ensure the completion of any activity falling under the jurisdiction of this Ordinance.

Permanent Foundation - A foundation consisting of footings, crawl space or a basement. For manufactured homes, an approved system of piers or a hard stand with appropriate tie downs may be used as a permanent foundation with skirting required.

Planned Unit Development - A type of development characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperative housing; full fee ownership, commercial enterprises; or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

Planned Unit Development (Commercial) - Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, bed and breakfast accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

Planned Unit Development (Residential) - A use where the nature of residency is non-transient and the major or primary focus of the development is not service-oriented. For example: single family residences; duplexes; triplexes; residential apartments; mobile home parks; condominiums; time share condominiums; townhouses; cooperatives; and conversions of structures and land uses to these uses. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Plat - A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.

Platform - A horizontal unenclosed platform without railings, seats, trellises, or other features attached or functionally related to a principal use or site at ground level or at any point extending above ground level but less than three (3) feet above the ground. Platforms with railings, seats, trellises or other features shall be regulated as decks regardless of height above ground level.

Practical Difficulties – When used in connection with considering a variance application, means the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the owner is due to circumstances unique to the property that were not created by the owner, and the variance, if granted, will alter the essential character of the locality. Economic considerations alone shall not constitute practical difficulties.

Preliminary Plat - The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Hubbard County Planning Commission for their consideration.

Protective Covenants - Contracts entered into between private parties constituting a restriction on the use of all private property within a subdivision for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the Township may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Uses - Uses owned or operated by municipal, school districts, county, state or other governmental units.

Public Roadways - For purposes of this Ordinance, public roadways shall include township, county, state, or federal government roads. Platted road whether or not accepted and maintained by the Town shall be included in the definition of Public Road as defined herein. The terms “Principal and Minor Arterials, “Major Collectors”, and “Minor Collectors and Local Roads,” as used in this Ordinance, shall mean those functional systems for rural areas, as designated by the American Association of State Highway and Transportation Officials and identified as such by state or country classification)”).

Public Waters - Any waters as defined in Minnesota Statutes, section 103G.005 subdivision 15. However, no lake, pond, or flowage of less than 25 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner (See Lake Protection District).

Recreational Vehicle - Any vehicle or vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreation or other vacation use.

Recreational Vehicle Campground - Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents or recreational

vehicles, either free of charge or for compensation. Recreational Vehicle Campgrounds are considered commercial planned unit developments.

Resort - A private commercial recreational development which includes multiple units intended for habitation on a temporary basis for relaxation or recreational purposes. Resorts are considered commercial planned unit developments.

Riparian Lot - Any lot which is bounded on one or more sides by public waters frontage.

Right of Way – Land used as an easement, road, street, alley or crosswalk.

School - A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Semi-public Uses - Uses owned by private or private non-profit organizations which are open to some, but not all, of the public such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, churches, etc.

Sensitive Resource Management - The preservation and management of area unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Septic Tank - Any water tight, covered receptacle designed and constructed to receive the discharge of sewage from a building's sewer, to separate solids from liquids, digest organic matters, and store liquids for a period of detention, and allow the liquids to discharge to a soil treatment system.

Service Station - Any premises where the primary use is the sale of gasoline and other petroleum products, batteries, tires, and motor vehicle accessories at retail and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback - The minimum horizontal distance between a structure, parking area, sewage treatment system, or other facilities and an ordinary high water level, sewage treatment system, top of a bluff, road, highway, property line or other facility.

Sewage Treatment System - A system which uses subsurface soil treatment and disposal whereby septic tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil and includes those systems commonly known as: seepage beds; disposal field; and mounds. All private sewage treatment systems must meet or exceed the Hubbard County Environmental Service Department standards for individual sewage treatment contained in the document titled, "Hubbard County Zoning Ordinance".

Sewer System - Pipelines, conduits, pumping stations, force main and all other construction, devices appliances, or appurtenances used for conducting sewage or industrial or other wastes to a point of ultimate disposal.

Shore Impact Zone - Land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback.

Shoreland - Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond or flowage; and 300 feet from a river or stream, or the landward extent of a flood plain designated by ordinance on a river or stream, whichever is greater. The limits of shoreland may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner.

Significant Historical Site - Any archeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State archeologist of the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single-Family Dwelling - A structure designated or used for residential occupancy by one family, also consistent with Minnesota Statutes 462.357, Subd. 7.

Steep Slopes - Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the soil characteristics of the site, as mapped and described in available County soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this Ordinance. Where specific information is not available, steep slopes are lands having slopes over twelve percent, as measured over horizontal distances of fifty feet or more, that are not bluffs.

Storm Water Retention Plan – A plan designed to retain surface runoff water upon a parcel of property it originated from, that complies with government requirements.

Structure - That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner, except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances, and including hunting stands.

Surface Water-oriented Commercial Use - The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Temporary Structure - Any structure which has been erected or moved on to a lot in order to be utilized for any purpose for a period not to exceed six (6) months. Any structure which is not a temporary structure is considered a permanent structure and must comply with all provisions of this Ordinance.

Toe of the Bluff - The lower end of a 50 foot segment, measured on the ground, with an average slope exceeding 18 percent.

Top of the Bluff - The higher point of a 50 foot segment with an average slope exceeding 18 percent.

Township Board - The Town Board (governing body) of Henrietta Township.

Variance - Relief from certain provisions of this Ordinance, when due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in practical difficulties for the property owner in complying with the requirements of this Ordinance. Variances shall only be permitted when they are in harmony with the general purpose and intent of this Ordinance and when they are consistent with the comprehensive plan. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this Ordinance.

Water-oriented Accessory Structure or Facility - A small, above ground building or other improvement, except stairways, fences, docks and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include bathhouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland – Has the meaning given that term in Minnesota Statutes, section 103G.005, subdivision 19, and as is more specifically defined in Minnesota Rules, part 8420.0111, subpart 72.

Zoning Map of Township – See map at Town Hall

Section 10-050 Relation to Community Plan

It is the policy of Henrietta Township that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendations contained in the Henrietta Township Community Plan as developed and amended from time to time by the Planning Commission and Town Board. The Town Board recognizes the Community Plan as the policy for regulating land use and development in accordance with the policies and purposes herein set forth.

Section 10-060 Standard Requirements

The following standards shall apply to all zoning districts and property, unless otherwise noted in this Ordinance.

1. More Restrictive Provisions to Govern: Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
2. Interpretation: In their interpretation and application, the provision of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Interpretation shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment.
3. Conformity with this Ordinance: No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be occupied or used for any purpose nor in any manner which is not in conformity with the provision of this Ordinance and without a land use permit being issued when required by this Ordinance for Henrietta Township. Permits issued based on approved plans and applications authorize only the use and construction set forth in such approved plans and applications, and no other use or construction. Any use or construction not in conformance with the Township's authorization shall be deemed a violation of this Ordinance unless a new or amended permit is first obtained from the Township.
4. Land Reduction: No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. Abrogation and Greater Restrictions: These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.
6. Applications: All applications must be on forms approved by the Town Board. Any requests not submitted on an approved Township form shall not be considered an application for the purposes of this Ordinance or Minnesota Statutes, section 15.99, and shall be rejected. An application shall be immediately rejected if it is not accompanied by the required application fee. If an escrow is required, the applicant shall submit the required amount for escrow with the Town with 15 days of the submission of the application or the application shall be deemed incomplete and will not be processed.
7. No Unpaid Property Taxes or Fees: Any application for a zoning request related to property in which there are delinquent property taxes, special assessments, penalties, interest, or past due public utility fees shall not be considered complete

and shall not be processed until the owner certifies to the Township, with adequate supporting documentation, that all such delinquent or past due amounts, interest, and penalties have been paid in full. Furthermore, any person that submits an application for a zoning request that owes the Township for past zoning related fees or costs, or if the application relates to property on which there are zoning related fees or costs owed to the Township, the application shall be deemed incomplete and shall not be accepted or processed until all such delinquent or past due amounts have been paid in full to the Township. The Township will not issue a permit or variance to any of the above described properties until all past due amounts, penalties, and interest have been paid in full. The Township may collect any zoning related fees, charges, or costs owed to it by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity owing the amount owns in the Township. The Township will provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

Section 10-070 Uses Not Provided For within Zoning Districts

Whenever a use is neither specifically permitted nor denied, the use shall be considered prohibited. In such cases, the Town Board or the Planning Commission, on their own initiative or upon request, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination to conditions and standards relating to development of the use. The Town Board, Planning Commission or property owner, upon receipt of the staff 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.

Section 10-080 Separability

It is hereby declared to be the intention of the Township that the several provisions of this Ordinance are separable in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

ARTICLE II - GENERAL ZONING DISTRICTS AND REGULATIONS

DIVISION 20: ZONING DISTRICTS

The Township is hereby divided into the following zoning districts as shown below. These zoning districts are created in order to promote the orderly development of land within Henrietta Township.

<u>Symbol</u>	<u>District Name</u>
LP	Lake Protection Overlay District
A/F	Agricultural/Forestry District
RR	Rural Residential District
R-1	Residential District
C-1	General Commercial District
C-2	Downtown Commercial District
I-1	Industrial District

Section 20-010 Zoning Map

The Henrietta Township Zoning Map is on file with the Township Clerk, is hereby adopted by reference, and is made part of this Ordinance. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the official Zoning Map shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the Township.

Section 20-020 Interpretation of Zoning Map

A. District Boundaries:

The location and boundaries of the districts established by this Ordinance are set forth on the official Zoning Map. District boundary lines as indicated on the Zoning Map follow lot lines, property lines, right-of-way or center lines of streets or alleys, right-of-way or center lines of streets or alleys projected, the township limit lines, shorelines, all as they exist upon the effective date of this Ordinance. If said boundary lines do not follow any of the above, the district boundary lines are established as drawn on the Zoning Map.

B. Vacated Ways:

Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

C. Appeals:

Appeals from the determination of the Zoning Administrator regarding the exact location of a zoning district boundary line shall be heard by the Board of Adjustment.

DIVISION 25: LAKE PROTECTION (LP) OVERLAY DISTRICT REGULATIONS

The land affected by the Lake Protection Overlay District (area within 500 feet of the ordinary high water mark of the lakes identified in this Division) shall be included in the Lake Protection Overlay District as shown on the zoning map and shall be subject to the rules of the noted underlying zoning district, as well as the rules of the Lake Protection Overlay District, whichever are more stringent, and/or unless as noted herein.

Section 25-010 Purpose and Intent

The Lake Protection Overlay District is intended to protect those lakes, as identified by Henrietta Township that are not regulated by the Hubbard County Shoreland Ordinance. Henrietta Township desires to enforce regulations for the purpose of preserving and enhancing the quality of surface waters, preserving the economic and natural environmental values of shorelands, and providing for the wise utilization of waters and related land resources.

Section 25-020 Scope and Classification

The Lake Protection Overlay District shall overlay the zoning districts established by the Henrietta Township Zoning ordinance so that any parcel of land within the lake protection overlay district shall also lie in an established zoning district. All uses shall meet the requirements of the regulations for the zoning district in which such use is located, and, in addition, such uses shall be required to meet the requirements of this overlay district. No permits may be issued, and no approvals may be made until such necessary requirements have been met.

Henrietta Township will administer the regulations herein on the lakes as specified in this section. The following lakes have been identified and development will be regulated by the Lake Protection Overlay District regulations as specified in this Ordinance.

<u>Lake Name</u>	<u>Acres</u>	<u>Lake Identification #</u>
Sill Lake	23 acres	29-167
Ivan Lake	24 acres	29-166

Hubbard County will continue to administer the Shoreland Ordinance on classified lakes greater than 25 acres in Henrietta Township.

Section 25-030 Permitted Uses, Conditional Uses, and Interim Uses

Those uses allowed in a particular zoning district are classified within that zoning district as a permitted use, conditional use, or interim use. Permitted uses must meet the required criteria of both the zoning district and the Lake Protection Overlay District and obtain a Land Use Permit from the Zoning Administrator prior to development. In cases where two standards exist, the stricter standard shall apply.

Section 25-040 Setbacks

The minimum requirements of the zoning district for each underlying district shall apply to all property and structures in the Lake Protection Overlay District. Additional setbacks shall be as follows.

A. Setbacks:

When more than one setback applies to a site, structures must be located to meet all setbacks. All distances, unless otherwise specified, shall be measured horizontally.

1. Structure and On Site Sewage System Setbacks (in feet) from the Ordinary High Water Level:

	<u>Setback</u>
Structures:	150 Feet
Sewage Treatment System:	150 Feet

2. Additional Structure Setbacks. The following additional structure setbacks apply:

	<u>Setback</u>
Top of Bluff	30 Feet
Unplatted Cemetery	50 Feet
Federal, state or county highway	50 Feet
Township road or other public road	20 Feet

3. Accessory Structures:

Accessory structures greater than 200 square feet shall meet all structure setbacks. Structures less than 200 square feet and not designed for human habitation may be located within the structure setback but no closer than 10 feet from the ordinary high water level.

Section 25-050 Design Criteria for Structures and Septic Systems in the Lake Protection Overlay District

A. Structures:

In the Lake Protection Overlay District, all structures must be placed, and all lots developed, in accordance with the following design criteria:

B. High Water Elevations:

The elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined by placing the lowest floor at a level at least three (3) feet above the highest known water level, or six (6) feet above the Ordinary High Water Level, whichever is higher.

C. Septic Systems:

In the Lake Protection Overlay District, septic systems must meet the Hubbard County Sewage Treatment System requirements and the Minnesota Pollution Control Agency's standards for individual sewage treatment systems, Minnesota Rules, Chapters 7080 to 7083. The bottom of trenches and beds of sewage treatment systems must be at least four feet above the water table or bedrock.

DIVISION 30: AGRICULTURE/FORESTRY DISTRICT (A/F) REGULATIONS

Section 30-010 Purpose and Intent

The Agriculture and Forestry District is intended to protect areas of the community which are well suited for production of food, fiber, and wood fiber. It is also the intention of this ordinance to minimize conflicts between incompatible uses by directing non-farm/forestry residential uses to other Districts with the Township.

Section 30-020 Permitted Uses

The following uses are permitted with the issuance of a Land Use Permit from the Zoning Administrator in the Agricultural/Forestry District.

1. Up to two (2) single family dwellings.
2. All forms of agriculture, horticulture, and animal husbandry (see Residential districts regarding Agricultural Protection).
3. All forms of forestry uses, including processing.
4. Commercial nurseries.
5. Licensed daycare facilities serving 12 or fewer persons.

6. Group family day care facilities licensed under Minnesota Rules to serve 14 or fewer children.
7. State licensed residential facility serving six (6) or fewer persons.
8. Wildlife refuges and fish hatcheries.
9. Conservation areas.
10. Utilities within public rights of way (refer to Henrietta Township Road Policy).
11. Churches and Cemeteries.
12. Day Care in single-family home.
13. Commercial telecommunication towers under 199 feet in height. (see Division 105).
14. Wind generator towers under 199 feet in height.
15. Solar power generation systems.
16. Equestrian Center.
17. Topographical Alterations. (see Division 110)

The following uses accessory to a principal use allowed within this district are permitted with a Land Use Permit:

1. Roadside stands, not more than 300 square feet in size, for the sale of agricultural products, at least half of which are grown on the premises.
2. Garages and utility buildings.
3. Manure storage facility.
4. Lighted outdoor equestrian arenas shall be set back 300 feet from existing schools, churches and dwellings on other lots.

Section 30-030 Conditional Uses

The following uses may be permitted with the approval of a Conditional Use Permit by the Town Board following the procedures outlined in Article IV of this Ordinance.

1. Bed and Breakfast Inns.
2. State licensed residential facilities serving 7-16 persons.

3. Licensed day care facilities serving 13-16 persons.
4. Campgrounds (see Division 90).
5. Kennels.
6. Parks and Playfields.
7. Private airstrips or helicopter landing pads.
8. Permanent commercial sawmills.
9. Golf Course.
10. Extractive Uses (see Division 100).
11. Commercial feedlot (see MPCA standards for additional requirements).
12. Telecommunication towers greater than 199 feet in height.
13. Recycling Collection Centers and composting facility; and accessory uses and structures to the above principal uses.
14. Wind generators equal to or greater than 199 feet in height.
15. Infiltration Basin.
16. Public Uses for Utilities.
17. Veterinary Clinics.
18. Manufactured Home Parks.

Section 30-035 Interim Uses – See Section 120-055

1. Home occupations (see Section 70-100).

Section 30-040 Minimum Lot Requirements and Setbacks

The following minimum requirements shall apply to all property and structures in the Agricultural/Forestry District. Requirements in Article III, on Performance Standards and other standards as noted, shall also apply.

- | | |
|---------------|----------|
| 1. Lot Area: | 10 acres |
| 2. Lot Width: | 300 feet |
| 3. Lot Depth: | None |

- 4. Lot Coverage: 25%
- 5. Setbacks:
 - Front yard: 35 Feet
 - Side yard: 25 Feet
 - Rear yard: 25 Feet
- 6. Maximum Building Height: 35 feet, except for agricultural uses such as silos.

DIVISION 35: RURAL RESIDENTIAL (RR) DISTRICT REGULATIONS

Section 35-010 Purpose and Intent

Residential areas developed at a density and character compatible with agricultural uses to maintain the rural character of the district. Planned Unit Developments or cluster developments are allowed as a Conditional Use on lands that are suitable with the intent to maximize and preserve green space and historical features of the area.

Section 35-020 Permitted Uses

The following uses are permitted, with the issuance of a Land Use Permit from the Zoning Administrator, in the Rural Residential District.

- 1. Single family dwellings.
- 2. Guest House of no more than 1,000 square feet of house footprint. (Must meet single-family home standards and no guest house will be allowed to be built on a substandard lot.)
- 3. Licensed daycare facilities serving 12 or fewer persons.
- 4. Group family day care facilities licensed under MN Rules to serve 14 or fewer children.
- 5. State licensed residential facility serving six (6) or fewer persons.
- 6. Agricultural or Forestry Uses.
- 7. Churches.
- 8. Schools.
- 9. Cemetery.
- 10. Commercial Telecommunication towers under 199 feet in height. (see Division 105).

11. Utilities within public rights of way (refer to Henrietta Township Road Policy).
12. Wind generator towers under 199 feet in height.
13. Solar power generation systems.
14. Accessory uses and structures to the above principal uses.
15. Topographical Alterations. (see Division 110)

Section 35-030 Conditional Uses

The following uses may be permitted with the approval of a Conditional Use Permit by the Town Board following the procedures outlined in Article IV, of this Ordinance.

1. Parks and public or semi-public recreational uses.
2. Veterinary Clinic.
3. Kennel to be located no closer than 300 feet from a dwelling unit other than the dwelling unit on the kennel property.
4. Public Uses for utilities.
5. State licensed residential facilities serving seven (7) through sixteen (16) persons.
6. Licensed day care facilities serving from 13 through 16 persons.
7. Accessory uses and structures to the above principal uses.
8. Bed and Breakfast Inns.
9. Manufactured home parks.
10. Wind generators equal to or greater than 199 feet in height.
11. Commercial telecommunication towers equal to or greater than 199 feet in height (see Division 105).

Section 35-035 Interim Uses – See Section 120-055

1. Home Occupations (see Section 70-100).

Section 35-040 Minimum Lot Requirements and Setbacks

The following minimum requirements shall apply to all property and structures in the Rural Residential District. Requirements in Article III on Performance Standards and other standards as noted, shall also apply.

1. Lot Area: 5 Acres
2. Lot Width: 200 Feet
3. Lot Depth: None
4. Lot Coverage: 40%
5. Setbacks:
 - Front yard: 35 Feet
 - Side yard: 25 Feet
 - Rear yard: 25 Feet
 - a. Accessory structure 10 Feet
6. Maximum Building Height: 35 Feet

Section 35-050 Landscaping Requirements

At a minimum, land shall be landscaped from the front lot line to the principal and accessory structures. Landscaping shall consist of grass, shrubs, trees or other ornamental landscape material. Landscaping shall be maintained and kept free of noxious weeds and refuse.

Section 35-060 Agricultural Protection

Right to Farm laws are designed to discourage persons from suing farmers on the basis that a farm operation, even when conducted in accordance with generally accepted agricultural standards, is a nuisance. These laws are designed to assist established farmers who use good management practices to prevail in private nuisance lawsuits. Protections for agricultural operations from nuisance related suits are contained in Minn. Stat. § 561.19. Those choosing to live in agricultural areas need to understand farming operations create noise, smells, dust, and other impacts that may be viewed as contrary to residential uses, but which are a part of living in an agricultural area and are protected by state law.

DIVISION 40: RESIDENTIAL (R-1) DISTRICT REGULATIONS

Section 40-010 Purpose and Intent

The Residential (R-1) District is intended to allow medium density residential uses. It is also intended to prevent establishment of various commercial, industrial and other uses in these areas that may cause conflicts for residential uses. Some non-residential uses are allowed if properly managed under conditional or interim use permit requirements.

Section 40-020 Permitted Uses

The following uses are permitted, with the issuance of a Land Use Permit from the Zoning Administrator, in the Residential District.

1. Single and two-family dwellings.
2. Licensed daycare facilities serving 12 or fewer persons.
3. Group family day care facilities licensed under Minnesota Rules to serve 14 or fewer children.
4. State licensed residential facility serving six (6) or fewer persons.
5. Utilities within public rights of way (refer to Henrietta Township Road Policy).
6. Solar power generation systems.
7. Accessory uses and structures to the above principal uses.
8. Topographical Alterations. (see Division 110)

Section 40-030 Conditional Uses

The following uses may be permitted with the approval of a Conditional Use Permit by the Town Board following the procedures outlined in Article IV of this Ordinance.

1. Multi-family dwellings.
2. Boarding houses.
3. Bed and Breakfasts.
4. Churches.
5. Schools.
6. Manufactured Home Parks subject to the requirements of Division 85.
7. Parks and public or semi-public recreational facilities.
8. Cemeteries.
9. Public Uses for utilities.

10. State licensed residential facilities serving seven (7) through sixteen (16) persons.
11. Licensed day care facilities serving from 13 through 16 persons.
12. Wind generators less than 199 feet in height.
13. Commercial telecommunication towers less than 199 feet in height (see Division 105).
14. Accessory uses and structures to the above, principal uses.

Section 40-035 Interim Uses – See Section 120-055

1. Home Occupations (see Section 70-100).

Section 40-040 Minimum Lot Requirements and Setbacks

The following minimum requirements shall apply to all property and structures in the Residential District. Requirements in Article III, on Performance Standards and other standards as noted, shall also apply.

1. Lot Area:
 - One and two family: 2 ½ Acres.
 - Multi-family: 2 ½ Acres plus 20,000 square feet for each additional unit
2. Lot Width: 150 Feet
3. Lot Depth: None
4. Lot Coverage: 30%
5. Setbacks:
 - Front yard: 35 Feet
 - Side yard: 10 Feet
 - Rear yard: 20 Feet
 - a. Accessory structures 10 Feet
6. Maximum Building Height: 35 Feet

Section 40-050 Accessory Structures

The following requirements shall be adhered to for accessory structures in the Residential (R-1) district:

1. Maximum of 30% lot coverage allowed for all accessory structures. Maximum number of accessory structures shall not exceed a total of (5) five. All areas under a roof, including extended roofs, are to be included in calculating the total allowable square footage.

2. Maximum allowable height is 24 feet or the height of the principal structure, whichever is greater, except as hereinafter provided.

Section 40-060 Landscaping Requirements

At a minimum, land shall be landscaped from the front setback to the principal and accessory structures. Landscaping shall consist of grass, shrubs, trees or other ornamental landscape material. Landscaping shall be maintained and kept free of noxious weeds and refuse.

DISTRICT 45: GENERAL COMMERCIAL (C-1) DISTRICT REGULATIONS

Section 45-010 Purpose and Intent

The General Commercial district allows for retail, wholesale, office, and service activities. It also allows for adequate space for other commercial uses that require larger off-street parking areas and convenient access to highways. No residential use is allowed.

Section 45-020 Permitted Uses

The following uses are permitted, with the issuance of a Land Use Permit from the Zoning Administrator, in the Commercial District.

1. Commercial retail such as grocery, hardware, drug, clothing, furniture stores, restaurants, etc.
2. Personal service establishments such as laundry, barber, shoe repair, photography studios, etc.
3. Repair services such as radio and television repair shops, etc.
4. Office buildings.
5. Professional services such as medical/dental clinics, attorneys, architects, engineers, surveyors and accountants offices.
6. Public and semi-public buildings such as fire stations, town halls, etc.
7. Auto and Farm machinery repair facilities.
8. Service stations.
9. Wholesale and warehouse operations and rental storage.
10. Stone and monument sales.

11. On sale or off-sale liquor establishments.
12. Utilities within the public rights of way (refer to Henrietta Township Road Policy).
13. Accessory uses and structures to the above principal uses.
14. Topographical Alterations. (see Division 110)

Section 45-030 Conditional Uses

The following uses may be permitted with the approval of a Conditional Use Permit by the Town Board following the procedures outlined in Article IV of this Ordinance:

1. Outside storage of materials or goods sold or used in the principal structure.
2. Shopping centers.
3. Hotels and motels.
4. Drive-in theatre.
5. Private clubs and lodges.
6. Motor vehicle, recreational vehicle and boat sales.
7. Farm machinery sales.
8. Lumber yards and construction material sales.
9. Landscape and gardening equipment sales.
10. Telecommunication towers (see Division 105), wind generators and free standing (not affixed to structure) solar energy systems.
11. Veterinary clinics and kennels. Kennels must be located a minimum of 300 feet from a residence if abutting a residential district.
12. Over 35% lot coverage (requires a storm water retention plan).
13. Accessory uses and structures to the above principal uses.

Section 45-035 Interim Uses – See Section 120-055

Section 45-040 Minimum Lot Requirements and Setbacks

The following minimum requirements shall apply to all property and structures in the Commercial District. Requirements in Article III, Performance Standards and other standards as noted, shall also apply.

1. Lot Area: 1.0 Acre
2. Lot Width: 150 Feet
3. Lot Depth: No minimum
4. Lot Coverage: 35 %
5. Setbacks:
 - Front yard: 50 Feet
 - Side yard: 20 Feet
 - Rear yard: 20 Feet
 - Accessory structures 10 Feet
6. Maximum Building Height: 35 Feet

Section 45-045 Adult Use Standards

Henrietta Township hereby adopts by reference, and incorporates herein as if set out in full, Hubbard County Ordinance #32 For the Regulation of Adult Uses and Sexually Oriented Business (as amended). All references to the County in Ordinance #32 shall be deemed a reference to the Town, unless the context clearly indicates otherwise and except that it shall it is not required to obtain a license from the Town for such uses. Adult uses and sexually oriented businesses are allowed only in the Commercial (C-1) District and are prohibited in all other districts in the Town. No person, firm, or corporation shall own or operate an adult use or sexually oriented business except in compliance with all of the requirements of Ordinance #32, this Ordinance, and without first obtaining a license from the County.

Section 45-050 Landscape Standards

For new construction or additions/alterations, at least 10% of the land area shall be landscaped with grass, shrubs, trees or other approved ground cover and ornamental landscaping. All landscaped areas shall be maintained and kept free of noxious weeds and debris. All areas not designated for buildings shall be graded to provide drainage and shall not drain unto abutting property. All areas not designated for structures, parking or driveways shall be landscaped and maintained. Landscaping shall be completed within 12 months of the end of development construction.

DISTRICT 50: COMMERCIAL (C-2) DISTRICT REGULATIONS.

Section 50-010 Purpose and Intent

The C-2 Commercial district allows for commercial uses in unincorporated villages that provide services to the area and tourism. This district does not allow for uses that create any offensive

noise, odor, dust, air emissions, or sewer effluent that can not be handled with a permitted septic system.

Section 50-020 Permitted Uses

The following uses are permitted, with the issuance of a Land Use Permit from the Zoning Administrator, in the C-2 Commercial District:

1. Commercial retail such as grocery, hardware, drug, clothing, restaurants, etc.
2. Personal service establishments such as laundry, barber, shoe repair, photography studios, etc.
3. Office buildings.
4. Recreational vehicle and/or equipment rental.
5. Boat and recreational vehicle repair facilities.
6. On sale or off-sale liquor establishments.
7. Accessory uses and structures to the above, principal uses.

Section 50-030 Conditional Uses

The following uses may be permitted with the approval of a Conditional Use Permit by the Town Board following the procedures outlined in Article IV of this Ordinance:

1. Outside storage of materials or goods sold or used in the principal structure.
2. Bed and Breakfasts.
3. Telecommunication towers, wind generators and free standing solar energy systems.
4. Accessory uses and structures to the above, principal uses.

Section 50-035 Interim Uses – See Section 120-055

Section 50-040 Minimum Lot Requirements and Setbacks

The following minimum requirements shall apply to all property and structures in the Dorset Commercial District. Requirements in Article III, on Performance Standards and other standards as noted, shall also apply.

- | | |
|------------------|------------|
| 1. Lot Area: | No Minimum |
| 2. Lot Width: | No Minimum |
| 3. Lot Depth: | No Minimum |
| 4. Lot Coverage: | 100% |
| 5. Setbacks: | No Minimum |

6. Maximum Building Height: 35 Feet

Section 50-050 Landscape Standards

All landscaped areas shall be maintained and kept free of noxious weeds and debris. All areas not used for buildings shall be graded to provide drainage. All areas not designated for structures, parking or driveways shall be landscaped and maintained. Landscaping shall be completed within 12 months of the end of development construction.

DISTRICT 55: INDUSTRIAL (I-1) DISTRICT REGULATIONS

Section 55-010 Purpose and Intent

The Industrial district allows for commercial uses and some, light industrial uses. This district does not allow for manufacturing uses that create any offensive noise, odor, dust, air emissions, or sewer effluent that can not be handled with a permitted septic system.

Section 55-020 Permitted Uses

The following uses are permitted, with the issuance of a Land Use Permit from the Zoning Administrator, in the Industrial District.

1. Wholesaling, warehousing and terminal operations with outdoor storage of material such as lumber, machinery and equipment.
2. Light manufacturing which is limited to product research and design, and assembly of products produced off-site.
3. Telecommunication towers under 199 feet in height (see Division 105), wind generators and free standing solar energy panels.
4. Accessory uses and structures to the above, principal uses.
5. Topographical Alterations. (see Division 110)

Section 55-030 Conditional Uses

The following uses may be permitted with the approval of a Conditional Use Permit by the Town Board following the procedures outlined in Article IV of this Ordinance.

1. Reduction/recycling facility.
2. Accessory use with over 20% Lot Coverage.
3. Telecommunication towers greater than 199 feet in height, (see Division 105), wind generators and free standing s solar energy panels.
4. Accessory Uses and structures to the above, principal uses.

Section 55-040 Minimum Lot Requirements and Setbacks

The following minimum requirements shall apply to all property and structures in the Industrial District. Requirements in Article III on Performance Standards and other standards as noted, shall also apply:

1. Lot Area: 3 acres
2. Lot Width: 300 feet
3. Lot Depth: No minimum
4. Lot Coverage: 20%
5. Setbacks:
 - Front yard: 50 feet
 - Side yard: 25 feet
 - Rear yard: 50 feet
6. Maximum Building Height: 70 feet

Section 55-050 Landscape Standards

Within 12 months of the end of construction or additions/alterations, at least 10% of the land area shall be landscaped with grass, shrubs or trees. All areas shall be maintained and kept free of noxious weeds and debris.

ARTICLE III – PERFORMANCE STANDARDS

DIVISION 70: REGULATIONS APPLYING TO ALL DISTRICTS

Section 70-010 Purpose

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. These standards are also designed to prevent and eliminate conditions that cause blight. Before any permit is approved, the Zoning Administrator shall determine whether the proposed use will conform to the performance standards. An applicant shall supply data necessary to demonstrate such conformance.

The performance standards shall apply to future development and to existing development within compliance periods as noted in individual sections. Compliance may be waived by the Township if a building condition created under prior ordinances physically precludes the reasonable application of the standards.

Section 70-020 Exterior Storage

In residential districts, all materials and equipment shall be stored within a building or be fully screened so as not to be visible from adjoining properties, except for the following:

1. Laundry and Recreational Equipment;
2. Construction and landscaping materials currently being used on the premises;
3. Agricultural equipment and materials if these are used or are intended for use on the premises;
4. Firewood;
5. Fish Houses in good repair;
6. Off-street parking of passenger automobiles and pick-up trucks; and
7. Boats and trailers, less than 40 feet in length, are permissible if stored more than 10 feet distance from property line.

Existing uses shall comply within twelve (12) months following enactment of this Ordinance. In other districts, no materials or equipment may be stored outside except those directly related to the principal use or those being used for construction on the premises.

Section 70-030 Refuse, Weeds, and Junk Cars

In all zoning districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of all land shall be responsible for keeping such land free of refuse and weeds. All exterior storage not included as a permitted use, or included as part of a conditional or interim use permit, or otherwise permitted by provisions of this Ordinance shall be considered as refuse.

In the Residential (R-1) district, lawns must be maintained and mowed. If grass is allowed to grow to a height of 8 inches or more on developed property (property where a house and/or accessory building exist), the Township may contract to have it mowed and the owner will be charged for the costs incurred.

Passenger vehicles and trucks in an inoperative state due to age, damage, or malfunction shall not be parked outside in residential districts for a period exceeding thirty (30) days. "Inoperative" shall mean incapable of movement under its own power and in need of repair or junking, and shall include vehicles incapable of legal movement on public roads.

Section 70-040 Screening

Screening shall be provided where:

1. Any off-street parking area contains more than six (6) parking spaces and is adjoining a residential zone shall be screened with a fence, wall or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision.
2. Where any commercial or industrial use (i.e. structure, parking, or storage) is adjacent to and within 100 feet of property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of business or industry that is considered to be the front. The screening required shall consist of a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height that blocks direct vision but shall not extend to within fifteen (15) feet of any street right-of-way. Landscaping shall be required between the screening and pavement. All required screening shall be installed by the owner of property which creates the need for said screening. All screening required by this Ordinance shall apply to new uses.
3. All exterior storage shall be screened in all districts where it is allowed or permitted with a Conditional Use Permit. The exceptions to this are: merchandise being displayed for sale and materials and equipment presently being used for construction on the premises.

Section 70-050 Maintenance

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

Section 70-060 Fences

A fence is defined as any partition, structure, wall, or gate erected within the required yard. This section shall apply to all fences constructed after adoption of this Ordinance.

1. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties.
2. Fences shall not exceed eight (8) feet in height in residential districts. Fences higher than these shall require a conditional use permit.
3. Any posts or similar structural member used in the construction of a solid board fence shall be constructed to face inward towards the property being fenced, so as not to be visible from adjacent properties. Fence designs which partially conceal posts and structural members such as alternating board and basket weave fences are exempt from this requirement.

Section 70-070 Standards for Single and Two Family Dwellings and Property

The following standards shall apply to all single and two family dwelling units, unless specifically exempted:

1. All single and two family dwellings shall be attached to a permanent foundation.
2. Not more than one principal residential structure shall be located on a lot, unless permitted by the district regulations, nor shall a principal residential building be located on the same zoning lot with any other principal building.

Section 70-080 Accessory Structures

1. No accessory building or structure shall be constructed on any lot prior to the construction of the principal building to which it is accessory, on lots zoned Residential (R-1). An exception to this limitation is when both the accessory and principal structure are built with the same land use permit, the accessory structure may be built first, within the one year permitted time period.

2. No accessory building or structure, unless an integral part of the principal building, shall be constructed, altered, or moved within 10 feet of the principal building.
3. See Division 40 for more requirements in the Residential (R-1) district.

Section 70-090 Sanitation Standards

Any premises used for human occupancy must be provided with an adequate method of sewage treatment and water supply in accordance with the following:

1. For new construction, or if a building permit is issued for an addition to an existing structure for a bedroom, bathroom or kitchen, the private sewage treatment system must meet or exceed the Hubbard County Environmental Service Department standards for individual sewage treatment contained in the document titled, "Hubbard County Zoning Ordinance".
2. All public or private supplies of water for domestic purposes must meet or exceed the standards for water quality of the Minnesota Department of Health. Private wells must be located, constructed, maintained and sealed in accordance with the Water Well Construction Code of the Minnesota Department of Health.
3. Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with the Hubbard County Zoning Ordinance standards.
4. Permits for private sewage treatment systems must be obtained from the Hubbard County Environmental Service Department, prior to construction.

Section 70-100 Home Occupations

The purpose of this section is to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted without jeopardizing the health, safety and general welfare of the surrounding neighborhood. Home Occupations existing as of the date of enactment of this ordinance are allowed to continue, but should notify the Township Zoning Administrator of their existence. If existing home occupations change or expand their activity, they must first obtain a Conditional Use Permit.

In some zoning districts, customary home occupations may require a Conditional Use Permit. Such permit may be issued if they meet the following conditions:

1. Such occupation is carried on in the principal building and may not be conducted in an accessory building other than a private garage or storage building.
2. Not more than twenty-five percent (25%) of the gross floor area of the residence or 600 square feet of the gross floor area of a garage or accessory building is used for this purpose.

3. Only articles made or originating on the premises shall be sold on the premises, unless such articles are incidental to a permitted commercial service.
4. No articles for sale shall be displayed so as to be visible from the street.
5. Not more than two people other than those who reside on the premises shall be employed.
6. No mechanical or electrical equipment shall be used if the operation of such equipment interferes unreasonably with the desired quiet residential environment of the neighborhood or if the health and safety of the residents is endangered. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
7. Such occupation does not generate more than two (2) vehicles at one time.
8. Such occupation must provide off-street parking, but no more than two (2) spaces.
9. There shall be no exterior storage of equipment or materials used in the home occupation, except personal automobiles used in the home occupation may be parked on the site and other exterior storage as allowed in Division 70 and as otherwise allowed by Ordinance.
10. One sign no larger than twelve (12) square feet shall be permitted on site.
11. No home occupation shall be conducted between the hours of 10:00 PM and 7:00 AM unless said occupation is contained entirely within the principal building and will not require any on-street parking facilities.
12. No home occupation shall require exterior or significant interior renovation or alteration not customarily found in dwellings except where required to comply with local and state fire and police recommendations.
13. A person having a home occupation shall provide proof of meeting the above requirements if documented complaints are received by the Town Board.

The following occupations are not required to receive a Conditional Use Permit for home occupations:

1. Artists, illustrators, writers, photographers, editors, drafters, publishers.
2. Consultants, private investigators, field representatives and other similar activities where the work of the business consists of activities such as research, word processing, and record-keeping.
3. Music and educational instructors that instruct one student at a time.

4. Bookkeeping and other similar computer activities.

The following must also be met to be exempt from the Conditional Use Permit process:

1. Does not generate customer traffic (over one car at a time).
2. Only family members are hired by the business.
3. No outward appearance of a business exists.
4. One identification sign, under four (4) sq. ft. is allowed.

DIVISION 75 PARKING AND LOADING STANDARDS

Section 75-010 Regulations

In all zoning districts all structures built and uses established hereafter shall provide off-street parking in accordance with the regulations of this ordinance. When an existing use or structure is expanded, off-street parking shall be provided in accordance with the regulations of this ordinance for the total area or capacity of such expansion.

Section 75-020 Purpose

The regulation of off-street parking spaces in this Ordinance is to alleviate or prevent congestion of the public right-of-way and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking of motor vehicles.

Section 75-030 Design and Maintenance

- A. Area: A parking space shall not be less than three hundred (300) square feet of standing and maneuvering area.
- B. Surfacing and Drainage: Off-street parking and loading areas shall be improved with Class V gravel or equally durable and dustless surface with the exception of required off-street single-family residential parking. Such areas shall be graded and drained so as to dispose of all surface water accumulation within the parcel of origination; subject to the approval of the Township.
- C. Open Parking Areas: No off-street parking, driving or maneuvering areas open to the sky shall cover more than sixty (60) percent of the total area of any front yard nor shall any motor vehicle be parked in any front yard except upon a driveway or parking area. The area devoted to driveway purposes shall not be considered in determining whether off-street parking requirements have been met.

- D. Screening: All open off-street parking areas containing more than six (6) parking spaces shall be effectively screened on each side that adjoins any residentially zoned property by a wall, fence or densely planted compact evergreen hedge not less than five (5) feet or more than eight (8) feet in height.
- E. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not interfere with residential use. Lighting will be designed to eliminate glare from adjacent roadways to ensure safe vehicular traffic.

Section 75-040 Minimum Off-Street Parking Spaces Required

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|---|--|
| 1. One and Two-Family Dwellings: | Two (2) spaces per dwelling unit |
| 2. Multiple Dwellings: | One and one-half (1 1/2) spaces per dwelling unit |
| 3. Senior and/or Physically Handicapped Housing: | One (1) space per dwelling unit |
| 4. Business and Professional Offices : | One (1) space for each 300 sq. ft. of gross floor area |
| 5. Medical and Dental Clinics: | Two (2) spaces per examining room plus one space for each employee* |
| 6. Hotels/Motels/Resorts: | One (1) space per rental unit plus one (1) space per employee |
| 7. Schools: | One (1) space per seven (7) students and one (1) space for each two (2) employees |
| 8. Hospital/Nursing Homes: | One (1) space for every three (3) beds plus one (1) space for each two (2) employees |
| 9. Retail Stores: | One (1) space for each 100 sq. ft. of gross floor area |
| 10. Furniture and Appliance Stores, Household Equipment, Carpet Sales, Furniture Repair Shop or Antique Shop: | One (1) space for each 400 sq. ft. of gross floor area |
| 11. Restaurants, Cafes, Bars: | One (1) space for each three (3) seats based on maximum capacity |

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| 12. Churches, Theaters and Other Places of Assembly: | One (1) space for each three (3) seats upon maximum capacity |
| 13. Funeral Homes: | One (1) space for each four (4) seats upon maximum capacity |
| 14. Industrial, Warehouse, Storage, or Handling of Bulk Goods: | One (1) space for each employee on maximum shift or One (1) space for each 2,000 sq. ft. of gross floor area, whichever is larger |
| 15. Other Uses Not Noted: | As determined by the Town Board upon recommendation by the Planning and Zoning Commission |

* Parking for employees shall be based on the maximum number of employees present during the largest work shift.

Section 75-050 Loading and Unloading Requirements

The following standards shall apply to off street loading and unloading areas.

1. Space for off-street loading and unloading shall be provided for all commercial and industrial buildings. One loading space shall be provided for every ten thousand (10,000) square feet of floor area, or fraction thereof;
2. For industrial buildings, loading spaces shall be at least fifteen (15) feet in width by eighty (80) feet in length;
3. For commercial buildings in Commercial districts, loading spaces shall be at least ten (10) feet in width by thirty-five (35) feet in length;
4. All required loading spaces shall be off-street and shall not be located less than 100 feet from the intersection of a two street right of way in a residential district;
5. Loading spaces shall not be located in the required front yard area;
6. All loading spaces and access drives to the loading area shall be improved with a durable material to control dust and drainage and kept free of storage materials or inoperative vehicles;
7. Loading spaces and access drives shall not be included as part of off-street parking requirements; and
8. The loading space provided for shall be such that it will not hinder normal traffic flow on or off the premises concerned.

Section 75-060 Restricted Access

A driveway between a road and a parking area is considered a restricted access and must meet the following requirements:

1. The driveway driving surface must be a minimum of twenty-five (25) feet in length and not over forty (40) feet wide, but may be up to sixty-six (66) feet wide if four lanes of traffic are provided for;
2. Parking areas used to serve a building and with six (6) or more parking spaces, must use a restricted access between the parking area and road immediately serving such premises; and
3. Parking areas on premises used for a public, commercial or industrial purpose and fronting on a Principal Arterial, must use a marginal access road or the equivalent, between the parking areas on such premises and such Principal Arterial.

DIVISION 80 SIGN ORDINANCE

Section 80-010 Purpose and Intent

The purpose of this Ordinance shall be to regulate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; to provide for the safety of the traveling public by limiting distractions, hazards and obstructions; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. This purpose shall be accomplished by regulation of the display, erection, use and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Because of Henrietta Township's unique environmental setting and awareness, and its reliance on tourism, it is further the intent of this Ordinance to encourage quality and aesthetics in the size, design and the materials used for sign construction; to enhance the overall appearance and image of the area; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage. It is not, however, the purpose or intent of this Ordinance to regulate the message displayed on any sign.

Section 80-020 Scope

This ordinance shall not regulate official traffic or government signs; the copy or message of signs; signs not intended to be viewed from a public right-of-way; interior window displays; product dispensers and point of purchase displays; non-dynamic display scoreboards on athletic fields; flags of any nation; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs intended to be viewed from any vehicular or pedestrian public right-of-way.

The owner of any sign which is otherwise allowed by this Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

Section 80-030 Definitions

The following words and terms, whenever they occur in this Ordinance, are defined as follows:

Area Identification Sign – A freestanding sign identifying the name of a commercial or industrial development consisting of three or more businesses or industries or a shopping center or industrial development of more than 20 acres.

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Banner - A sign made of fabric or any non-rigid material with no enclosing framework.

Billboard – An off-premises sign on which lettered, figured or pictorial matter is displayed that has a display surface area of 100 square feet or more.

Building Face - The exposed face of a building, including windows and doors, from ground level to the roofline. Where a building has a facade, mansard, or awning, the Zoning Administrator shall work with the applicant to determine what constitutes the aggregate building face for purposes of signage.

Canopy - A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources with the exception of including a dynamic display.

Canopy Sign - A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

Clearance (of a Sign) - The shortest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clearview Zone - The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Such an area is established by marking a point at which the two right-of-way lines intersect, measuring back 20

feet on each street front, and drawing a line across the two back points to form a triangulated area. No sign in excess of three feet above curb grade nor support sign pole larger than 12 inches in diameter may be installed in this zone. Freestanding signs must have at least 10 feet clearance to grade.

Copy - The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Directory Sign - An exterior information wall sign identifying the names of establishments served by a common public entrance in a shopping center or office building.

Double-Faced Sign - A sign with two faces, essentially back-to-back or in a V- shaped configuration.

Dynamic Display – Any sign, portion of a sign or characteristic of a sign that appears to have movement or that appears to change and which is caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, waving, flashing, blinking or animated display or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, “digital ink,” incandescent bulbs, or any other method or technology that allows a sign face, or any other device, to present a series of images or displays.

Façade - The entire building front including the parapet.

Face of Sign - The area of a sign on which the copy is placed.

Freestanding Sign - A single-pole sign supported permanently upon the ground by a pole or brace and not attached to any building; or a double-pole sign with multiple signs between the two supports.

Frontage - The length of the property line of any one premise along a public right-of-way on which it borders.

Government Sign - Any temporary or permanent sign erected and maintained by the Township, County, State, or federal government.

Height (of a Sign) - The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the average adjacent natural terrain or the surface grade beneath the sign, whichever is less in height.

Identification Sign - A sign attached to or adjacent to a building entrance and which is limited to the name and address of the premises being identified.

Incidental Sign - A small sign, emblem, or decal placed on the exterior of a building or attached to a freestanding structure informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business. Maximum sign area is four square feet.

Mansard - A roof having two slopes on all sides with the lower slope steeper than the upper one.

Marquee - A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Marquee Sign - Any sign attached to or supported by a marquee structure.

Multiple-Faced Sign - A sign containing three or more faces, not necessarily in back-to-back configuration. Each face shall be counted separately toward the maximum allowable sign area.

Off-Premise Sign - A commercial speech sign which directs the attention of the public to a business that is not on the same premises where such a sign is located.

Point of Purchase Display - A temporary exterior sign made of any material attached or adjacent to an item accompanying its exterior display.

Portable Sign - Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Premise - A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign - A sign other than a flat wall sign, which is attached to or projects from a building wall or other structure not specially designed to support the sign.

Public Entrance - The passage or opening which affords entry and access to the general public.

Public Entrance, Common - A public entrance providing access for the use and benefit of two or more tenants or building occupants.

Roof Sign - Any sign erected over or on the roof of a building.

Sign - Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes. A sign does not include wall or building art.

Sign Area - The space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of border, trim and structural supports. For the purpose of

calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Snipe Sign - A temporary sign or poster consisting of materials such as paper, plastic, coated paper or cardboard that is affixed to a tree, pole, fence, or permitted sign structure or that is attached to a temporary structure or device that allows it to be placed temporarily on the ground.

Subdivision Identification Sign - A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign - A sign not constructed or intended for long-term use, such as a special event or for signage for a business that has not yet obtained permanent signage.

Under-Canopy Sign - A sign suspended beneath a canopy, ceiling, roof, or marquee.

Wall Sign - A sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window Sign - A sign attached to, placed upon or painted on the interior or exterior of a window that is visible from the exterior of the building, including signs that are placed on the backs of shelving units or similar structures, or interior walls where the sign is located less than seven feet from the window's surface.

Section 80-040 Permits Required

Unless otherwise provided by this Ordinance, all signs shall require a sign permit issued by the Zoning Administrator. No sign permit is required for the maintenance of a sign or for a change of copy on painted or printed signs face panels. If the work authorized by the sign permit is not completed within six months from date of issuance of the permit, the permit shall be considered null and void. Failure to obtain a sign permit prior to erection of a sign will result in a double permit fee and removal of the sign if it does not conform to the requirements set forth in this Ordinance.

- A. General information.
 - 1. All signs requiring a permit will be required to pay an application fee as specified by the Township's fee schedule.
 - 2. Except as otherwise stated herein, a permit will be valid for the life of the sign.
- B. Application. Application for a sign permit must be made on the forms provided by the Township, filed with the Zoning Administrator and must include the following information:

1. The name, address and telephone number of the applicant.
 2. The name, address and telephone number of the person or entity erecting the sign, if not the applicant, or the name of the person on whose property the sign is to be located, if not the applicant's.
 3. A letter from the owner of the property where the sign is to be located giving the owner's written permission to have the sign erected on the owner's property.
 4. A site plan drawn to scale showing the location of lot lines, all existing and proposed structures, parking areas, existing and proposed signs and any other physical features.
 5. A detailed dimensional drawing of the proposed sign including height, description of the sign structure, materials to be used, including colors and method of attachment to the building, if applicable.
 6. Payment in full of the required application fee, as set by the Town's fee schedule.
 7. Copies of stress sheets and calculations indicating that the sign is properly designed for dead load and wind pressure in any direction.
 8. A statement as to whether the sign will be illuminated or if the sign will contain any type of dynamic display.
 9. A statement as to whether the sign will be single-faced, double-faced or multi-faced.
 10. Such other information as the Town may require to show compliance with this Ordinance and all other applicable laws, ordinances and regulations.
- C. Inspections. A sign requiring a permit shall be subject to an initial inspection by the Zoning Administrator to determine whether the sign conforms to the provisions of this Ordinance, the permit application and other applicable laws, ordinances and regulations, including, but not limited to, the sign's location, size, footings, structural design and materials used.
- D. Permit Issuance. Upon the filing of a complete permit application, the Zoning Administrator shall review the application materials submitted. If the proposed sign complies with this section and other applicable laws, ordinances and regulations, the Zoning Administrator shall issue a permit for the sign.

Section 80-050 General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in Henrietta Township except in accordance with the provisions of this Ordinance.

1. No sign shall be placed closer than 15 feet or the height of the sign, whichever is greater, from any side lot line.
2. Signs, other than governmental signs, are prohibited within public rights-of-way and easements and on public property. In areas designated by the Comprehensive Plan as having future frontage roads, signs must be set back a minimum of 50 feet from existing road right-of-way.
3. No sign shall be placed within a delineated Type 3, 4 or 5 wetland.
4. Illuminated signs or signs containing dynamic displays must not be located closer than 100 feet from any single family residence.

Section 80-060 Design, Construction and Maintenance

All signs must be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective or broken parts must be replaced. The Zoning Administrator shall order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

1. In zoning districts where specifically allowed by this Ordinance, signs may be internally or externally illuminated so long as they are shielded to prevent glare to area roadways and residences.
2. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way must provide a minimum clearance above the said pedestrian way of at least eight feet.
3. Except for banners, flags, temporary signs, portable signs, and window signs conforming in all respects with the requirements of this Ordinance, all signs must be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame or structure.

Section 80-070 Prohibited Signs

The following signs are prohibited in all zoning districts:

1. Non-conforming signs;
2. Signs on vacant or abandoned buildings, or signs located at businesses which have cased to operate as commercial enterprises. Such signs shall be removed by the

property owner within 60 days to remove after notification by Zoning Administrator;

3. Signs imitating or resembling official traffic or public safety signs or signals in shape, size or color;
4. Snipe signs or signs attached to trees, telephone or utility poles, public benches, streetlights, or placed on any public property or public right-of-way, with the exception of government signs;
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);
6. Signs that obscure or interfere with the operation of official traffic control devices;
7. Search lights;
8. Signs containing a dynamic display, except time and temperature displays which shall require a conditional use permit;
9. Signs that emit sound;
10. Signs anchored by guy wires, chains, cables or similar devices that project down to the ground or in any way, create an unsafe condition for pedestrians or motorists;
11. Signs that are not maintained. Such signs shall be removed or repaired within 60 days after notification by the Zoning Administrator; and
12. Billboards.

Section 80-080 Signs Not Requiring Permits

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this Ordinance:

1. One non-illuminated sign with a commercial message that does not exceed 48 square feet in sign area for properties located within the residential or agricultural zoning districts and that does not exceed 64 square feet in sign area for properties located in all other zoning districts. Signs may be placed upon a construction site. The sign may be erected no earlier than 30 days prior to the beginning of construction. The sign must be removed within 30 days after completion of construction or upon expiration of the building permit, whichever comes first;
2. Holiday or special event decorations;

3. Identification signs of four square feet in sign area or less;
4. Signs authorized by Minnesota Statutes Section 211B.045;
5. Government signs;
6. One sign with a commercial message per street frontage that does not exceed 16 square feet in sign area may be placed on a property that is for sale or lease. The sign must be removed within seven days after the closing date of the sale or lease of the property;
7. Window signs in the commercial district;
8. Incidental signs in the commercial district;
9. Wall or building art;
10. Flags containing non-commercial speech only. Flags may be illuminated, provided the illumination source is directed toward the flag and is not able to be seen from any adjacent public roadway or residential use;
11. Traffic control signs on private property, including handicapped parking signs, the face of which meet Minnesota Department of Transportation standards and which contain only non-commercial speech;
12. Signs of any size on vehicles traveling or lawfully parked on operating and insured vehicles, construction trailers or equipment which are temporarily parked on a permitted construction site or primary business location;
13. Temporary or permanent signs installed or placed by public utilities to warn the public;
14. Banners on principal buildings for point of purchase displays or special events, in the commercial district, not to exceed two banners per building for 30 consecutive days;
15. One sign smaller than five square feet in sign area may be posted on any parcel of land, except that such sign may not be an off-premises sign and may not be illuminated or contain any dynamic display; and
16. One directional or informational sign per lot, not to exceed six square feet in sign area.

Section 80-90 Signs Permitted in the Residential (R-1 & RR) Districts

The following signs are permitted with the issuance of a sign permit in accordance with the following standards.

1. All signs not requiring permits as set forth in Section 80-080 of this Ordinance;
2. One subdivision identification sign per street frontage, not to exceed 32 square feet in sign area for each location. Said sign may be illuminated but shall not include a dynamic display;
3. One on-premise sign per entrance to each building in an apartment or condominium complex, not to exceed 32 square feet in sign area for each location. Said sign may be illuminated, but shall not include a dynamic display;
4. Permitted, non-residential uses, including churches, schools, clinics, etc. are allowed one freestanding sign per street frontage not to exceed 24 square feet in sign area. One wall sign of 24 square feet is also allowed per street frontage. Said signs may be illuminated, but shall not include a dynamic display; and
5. Home occupations are allowed no more than one freestanding sign not to exceed 12 square feet in sign area. The sign must be located in the front yard. Home occupation signs may not be illuminated and may not include a dynamic display.

Section 80-100 Signs Permitted in the Agricultural/Forestry District

The following signs are permitted with the issuance of a sign permit in accordance with the following standards.

1. All signs not requiring permits as set forth in Section 80-080 of this Ordinance;
2. One on-premise freestanding sign not to exceed 32 square feet in sign area. Said sign shall not be higher than 12 feet. Said sign may be illuminated but shall not include a dynamic display; and
3. One wall sign not to exceed 50 square feet in sign area. Said sign may be illuminated but shall not include a dynamic display.

Section 80-110 Signs Permitted in the Commercial and Industrial Districts

The following signs are permitted with the issuance of a sign permit (except as otherwise exempted by this Section) in accordance with the following standards:

1. All signs not requiring permits as set forth in Section 80-080 of this Ordinance.

2. Single or double occupancy businesses. The total sign area for the subject property may not exceed 20 percent of the total front building façade except that both the front and side façades may be counted on a corner lot or 100 total square feet, whichever is larger. All signs must be on-premise signs. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - a. No more than two freestanding signs shall be permitted. Total sign area may not exceed 100 total square feet with a maximum height of 20 feet above grade. Freestanding signs must not be located in or over right-of-way and shall maintain a setback of 10 feet from side property lines. On corner lots, the clearview zone must be established and adhered to;
 - b. No more than one wall, canopy or marquee sign per building. However, on corner lots, two of these types of signs are permitted, one per street frontage. Each sign may not exceed 64 square feet in sign area;
 - c. Projecting signs are permitted, but may not project more than eight feet from the wall of the building and must be a minimum of eight feet above grade. In no case may a sign project over a public street;
 - d. Under canopy signs are permitted, but each sign may not to exceed eight square feet in sign area. The sign must have a minimum clearance of eight feet to grade;
 - e. Roof signs are permitted. Roof signs shall not exceed 30 percent of the building's height and shall in no case exceed 10 feet in height. Roof signs must be anchored by guy wires in a structurally sound manner;
 - f. Window signs are permitted. No sign permit is required for these types of signs in this zoning district;
 - g. Banners are permitted and are not counted towards the total allowable signage for the property. No sign permit is required for these types of signs in this zoning district so long as there are no more than two banners. Banners must be attached to the principal building. Banners must be removed within 30 days; and
 - h. If there are two permanent freestanding signs on the property, one portable sign is allowed with a permit, for special events only. If only one freestanding permanent sign is present on the lot, one portable sign may be used in place of one permanent sign, with a permit. Each portable sign shall not exceed 32 square feet in sign area.
2. Multiple occupancy business and industrial buildings. When a single principal building is devoted to three or more businesses or industrial uses, a comprehensive sign plan for the entire structure must be submitted to the Township for review.

The sign plan shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. The plan shall be subject to the approval of the Town Board. No sign permit shall be issued for an individual sign except upon a determination that the sign is consistent with the approved comprehensive sign plan. In all cases, the maximum individual sign area for multiple occupancy structures and individual uses which display signs must not exceed the maximum sign area requirements for single or double occupancy structures in the same zoning district.

- a. Multiple occupancy structures may display one area identification sign. The total sign area may not exceed 100 square feet. Freestanding signs must not exceed 20 feet in height.
 - b. Except as provided below, individual tenants of multiple occupancy structures must not display separate business signs unless the particular tenant's business has an exclusive exterior entrance. In that event, the number of signs shall be limited to one sign per entrance, and the sign must meet the size requirements set forth in paragraph 2 above. The signs shall be located only on exterior building walls which are directly related to the use being identified.
 - c. In any multiple occupancy structure qualifying as a shopping center, directory signs are permitted for each common public entrance. Each sign area must not exceed a total of 50 square feet. The sign must be located within 50 feet of the common public entrance being served. No sign shall exceed 12 feet in height. The size of individual business identification signs within the directory sign shall be shown in the comprehensive sign plan. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.
3. Shopping centers and industrial parks containing more than 20 acres are permitted two area identification signs in addition to the above allowed signs. Said signs shall not exceed 100 square feet in total sign area per sign. No sign shall exceed 20 feet in height.
 4. One (back-to-back or v-shaped single-decker) off-premise sign is permitted. Said sign shall be set back a distance of 300 feet from any other off-premise sign on the same side of the road or highway. Said signs must not exceed 100 square feet in sign area. No more than two sign faces are permitted per lot. No sign shall exceed 20 feet in height from the adjacent ground level. The sign must be set back at least 10 feet from the property line or the distance equal to the height of the sign, whichever is greater.

Section 80-120 Nonconforming Signs

Existing signs which were legally erected, placed or maintained which do not conform to the specific provisions of this Ordinance may continue in use provided that:

1. Any sign legally existing at the time of the passage of this Ordinance that does not conform to the provisions of this Ordinance shall be considered a legal nonconforming sign and may be continued through repair, replacement, restoration, maintenance, or improvement but not including expansion. "Expansion" shall be defined as any structural alteration, change or addition that is made outside of the original sign structure or sign area, including the addition of a dynamic display.
2. When any legal nonconforming sign is discontinued for a period of more than one year or is changed to a conforming sign, any future sign shall be in conformity with the provisions of this Ordinance. Any legal nonconforming sign shall be removed and shall not be repaired, replaced or rebuilt if it is damaged by fire or similar peril to the extent of 50 percent or less of its estimated market value at the time of damage and no sign permit has been applied for within 180 days of the date of destruction. The Township Zoning Administrator shall be responsible for making the determination of whether a nonconforming sign has been destroyed 50 percent or less of its estimated market value at the time of destruction.
3. In the event a sign permit is applied for within 180 days of the date of destruction, the Town Board may impose reasonable conditions upon the sign permit in order to mitigate any newly created impact on adjacent properties.
4. A lawful nonconforming sign shall not be changed to a similar nonconforming sign or to a more restrictive nonconforming sign.

Section 80-130 Enforcement

Any person who violates any provision of this Ordinance shall receive a notice of the violation by hand delivery or U.S. Mail indicating that he or she must correct the violation within 30 days of the date of the notice.

Any person convicted of violating this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment as specified by state statute. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this Ordinance shall also be grounds for revocation of the sign permit by the Town Board.

Section 80-140 Appeal

An applicant whose sign permit has been denied or a permittee whose sign permit has been revoked may appeal the decision to the Town Board provided that he or she files written notice of the appeal with the Zoning Administrator within 15 days of the date of the decision. Such

appeal shall be considered by the Town Board at its next regular scheduled meeting. The Town Board shall conduct an appeal hearing and allow the applicant and any of his or her witnesses to address the Town Board and to submit additional information. The Town Board shall make its final determination on the appeal no more than 30 business days after the appeal hearing. The Town Board shall notify the applicant of its decision and provide reasons for the decision.

Section 80-150 Severability and Conflict

This Ordinance and its parts are declared to be severable. If any section, subsection, clause, sentence, word, provision or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, this decision shall not affect the validity of this Ordinance as a whole. All parts of this Ordinance not declared invalid or unconstitutional shall remain in full force and effect as if such portion so declared or adjudged unconstitutional or invalid was not originally a part of this Ordinance, even if the surviving parts of the Ordinance result in greater restrictions after the unconstitutional or invalid provisions are stricken. If any part of this section is found to be in conflict with any other provision of this section or any other provision of the Zoning Ordinance or other applicable law or regulation, the most restrictive or highest standard shall prevail. If any part of this Ordinance is explicitly prohibited by federal or state law, that part shall not be enforced.

DIVISION 85 MANUFACTURED HOME PARK STANDARDS

Section 85-010 Manufactured Home Park Standards

For purposes of this Ordinance, manufactured home parks shall require a Conditional Use Permit and shall not be a separate zoning district. In order that a manufactured home park may be harmonious within itself and with the surrounding area, the following performance standards are required:

A. **Open Space and Area Requirements.**

Area: The minimum total mobile home park shall be ten (10) acres.

Open Space: A minimum of 500 square feet per mobile home shall be provided in a definable play area and/or open space. Lot setbacks shall not be included in this space nor shall any areas of less than twenty feet in length or width. All areas not used for access, parking circulation, buildings and service shall be completely landscaped and the entire area maintained in good condition, consistent with the provisions of this Ordinance.

Setbacks:

1. Setback from property boundary lines: 30 Feet
2. Setback from public road/highway right of way: 35 Feet
3. Setback from front/park street right-of-way: 20 Feet
4. Side setback: 10 Feet

5. Rear setback: 15 Feet

Lot Size:

1. Minimum lot area: 7,200 Sq. Ft.
2. Minimum lot width: 60 Feet
3. Maximum ground coverage: 30%

B. Streets

Streets must follow Hubbard County Subdivision requirements concerning grading and must be a minimum of 24 feet in width and be paved or have Class V gravel. When the manufactured home park reaches 75% occupancy, streets will be required to be paved with a bituminous or cement surface. The right-of-way width will be a minimum of 40 feet. On-street parking will not be allowed.

C. Parking

A minimum and maximum of two off-street parking spaces will be provided on each lot. These spaces will be clearly defined with a border and gravel or cement surface. A parking compound must be provided by the developer to accommodate one additional parking space for every two manufactured homes. All boats, campers and trailers must be parked in this designated parking compound.

D. Screening

All manufactured home parks located adjacent to residential, recreational, commercial or industrial land uses shall provide screening such as fences, shrubs or trees along the property boundary line separating the park and other uses and shall be maintained in a neat and orderly manner. Screening shall be a minimum of 5' in height. Landscaping shall be provided between the screen and property boundary. A landscape plan is required as part of the platting process for a manufactured home park.

E. Accessory Buildings

One storage building of not more than 10' x 12' is allowed per lot. A carport may also be allowed on manufactured home lots. All accessory buildings must meet setbacks. Storage and accessory buildings must be maintained and designed to enhance the general appearance of the lot.

F. Manufactured Home Requirements

All manufactured homes shall be skirted and shall be in accordance with the decor of the manufactured home and in good repair. Each home shall be parked upon a jack or block approved by the Township. Each manufactured home shall be anchored to resist damaging movement by wind or storm. Each manufactured home base shall have a

suitable hardstand of durable material capable of supporting the vehicle wheels, stands or jacks.

G. Miscellaneous Requirements

1. Responsibilities of the Park Management:
 - a) Park management shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.
 - b) The Park Operator shall maintain a record of all mobile home owners and occupants located within the park. The register shall contain the following information: The name and address of each manufactured home occupant, the name and address of the owner of each manufactured home (including copy of manufactured home title) and motor vehicle by which it is towed; the make, model, year and license number of each manufactured home and motor vehicle, the state, territory or country issuing such license; and the date of arrival and departure of each manufactured home. The operator shall make this available to law enforcement officers, public health officers, and other officials whose duty necessitates acquisition of the information in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years of the registrant moving from the park.
2. Use Requirements: No part of any park shall be used for non-residential purposes, except such uses that are required for the direct serving and well being of park residents and for the management and maintenance of the park.
3. All manufactured home parks shall comply with the State of Minnesota Board of Health requirements for manufactured home park licensing. The platting requirements of manufactured home parks shall meet the subdivision standards as required by Hubbard County.

H. Landscape Requirements

All areas not designated for buildings and parking areas shall be landscaped. Landscaping shall consist of grass, shrubs, trees or other ornamental landscape material. Landscaping must be maintained and kept free of weeds and refuse.

DIVISION 90: CAMPGROUND STANDARDS

Section 90-010 Campground Standards

In addition to the Standards contained in this Section, campgrounds located in Shoreland areas must meet all conditions contained in the Planned Unit Development Standards of Hubbard

County's Zoning Ordinance, with the most restrictive standards to apply in all cases. Campgrounds located in non-shoreland areas must submit information as required in Section 90-020.

Section 90-020 Campgrounds in Non-Shoreland Areas

Campgrounds in non-shoreland areas require a Conditional Use Permit and the following information shall be submitted in the determination of the Conditional Use Permit:

Site Plan – a site plan for all proposed campgrounds in non-shoreland areas shall be submitted to the Zoning Administrator for review. Said site plan shall include the following information:

1. Name of Campground;
2. Legal description of property involved;
3. Name and address of owner, applicant, registered land surveyor, if applicable, and/or designer of plan if other than owner;
4. Recommended graphic scale, 1 inch = 30 feet;
5. North arrow;
6. Date of plan preparation;
7. All property boundaries, including dimensions;
8. Total acreage of property involved;
9. Existing soil conditions and topographic contours at ten (10) foot intervals;
10. All roads, existing and proposed, showing right of way widths;
11. Location and design of all on-site sanitary waste treatment facilities, existing and proposed, and domestic water supply;
12. All structures, campsites, recreational and/or accessory facilities, both existing and proposed, including but not limited to: cabins, campsites, housing facilities, lodges, offices, sheds, swimming pools, tennis courts, laundries, stores, boat storage, and fish cleaning houses; and
13. All ponds, wetlands and waterbodies.

Section 90-030 Additional Requirements

As each new campsite is provided hereafter, it shall comply with the following requirements:

1. Setbacks from the right-of-way line of all public roads shall be the same as structure setbacks in the zoning district.
2. Setbacks from the water's edge of Shore Protection Overlay District waters shall be at least 50 feet.
3. Setbacks from all property lines shall be at least 25 feet.
4. Campgrounds shall require a simple method of signing, simple fencing, vegetative screening or a combination of same in order to show clearly where the boundaries of the campground are located to minimize inadvertent trespass.
5. Screening - Each campsite shall be screened from view from beyond the campground property lines by solid fence, trees or plantings which are at least five (5) feet or higher.
6. Compliance with Other Regulations - All requirements of any law, regulation or Ordinance otherwise pertaining to a campground must be complied with. Specifically, State Department of Health campground regulations shall apply except as this Standard and the Zoning Ordinance may require stricter regulations.
7. Prerequisite to Change - No existing campground shall be made larger or campsites added, changed or modified which is, in any way, regulated by the Zoning Ordinance unless it shall be made to fully comply with all provisions of such Ordinance and its Standards.
8. Application Process - All applications for a campground shall be submitted with complete site layout plans and such information as will be necessary for the Planning Commission to evaluate.
9. Campground Policy Review - It shall be the policy of this Standard to permit campground facilities within the Township under controls as shall be necessary to allow such campground facilities to be compatible with adjoining or nearby land use. New campgrounds within (1/8) mile of any residential district or rural residential district shall be permitted only after investigation thereof shows that such campground will not have any unreasonable adverse effect on adjacent property. This policy should be reviewed annually by the Planning Commission of the Township.

DIVISION 95 USE OF PRE-EXISTING LOTS, SUBSTANDARD LOTS AND NON-CONFORMING USES

Section 95-010 Pre-Existing Lots

A pre-existing lot for which a deed, recorded contract for deed, or other legal conveyance or plat has been recorded prior to the effective date of the Ordinance, shall be considered for a zoning

permit without requiring a variance, provided that all the setbacks can be maintained and all other zoning district requirements and sanitary provisions for well and sewage disposal can be maintained.

Section 95-020 Lots Formed to Meet Minimum Requirements

Legal and/or equitable interests in lots joined together to meet the minimum requirements for zoning permit applications shall not, as to title, use by easement, license, or contract interest, be divided, sold, mortgaged or conveyed separately thereafter, but the said lots shall thereafter remain bound together by covenants filed with the County Recorder. This provision does not apply to easements or licenses which convey an interest in lots joined together for zoning permit application if the purpose or use of the easement or license is utility placement, utility access, drainage, access easement, road maintenance, local improvements and/or pedestrian ingress/egress.

Section 95-030 Non-conforming Uses

Any structure, use or Planned Unit Development approved and recorded by the owner before the effective date of this Ordinance, and which does not conform to the provisions of the Ordinance, may be continued subject to the following:

1. Expansion/enlargement of non-conforming uses. No such use shall be expanded or enlarged unless the entire use is in conformity with the provisions of this Ordinance, with considerations for variances and for previously approved Planned Unit Developments.
2. Replaced Use or Structure. When any non-conforming use of any structure or land is replaced by another use or structure, the new use or structure must conform to the provisions of this Ordinance and it shall not thereafter be changed to any non-conforming use or structure.
3. Damage to a non-conforming structure. If a non-conforming structure is damaged by any cause to an extent exceeding fifty (50) percent of the structure's market value as indicated in the assessor's records at the time of damage, then the structure or its replacement shall thereafter conform to this Ordinance unless a land use permit to rebuild the structure is applied for within one hundred and eighty (180) days of when the structure was damaged. If an application is made within that time, the structure may be rebuilt and the Township may impose reasonable conditions upon the permit in order to mitigate any newly created impacts on adjacent properties. If a non-conforming structure is damaged by any cause to an extend of fifty (50) percent or less of the structure's market value as indicated in the assessor's records at the time of damage, it may be reconstructed.
4. Use discontinued. If the nonconforming use is discontinued for twelve (12) consecutive months, it shall not be resumed again and the new use shall conform to the provisions of this Ordinance.

5. Normal maintenance of non-conforming structures. Normal maintenance of a building or other structure containing or relating 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.
6. Non-conformities in Floodplains. No repair, replacement, maintenance, improvement, or expansion of a nonconforming use or structure in a floodplain area shall be allowed if such activity would jeopardize the property's continued eligibility in the National Flood Insurance Program, would increase flood damage potential, or would increase the degree of obstruction to flood flows in the floodway.
7. Nonconformities in Lake Protection Overlay District. Shoreland lots of record are subject to the provisions of Minnesota Statutes, section 462.357, subdivision 1e, paragraphs (d) to (j) and of this Ordinance, to the extent the provisions of this Ordinance do not conflict with the statutory provisions. When a nonconforming structure in a shoreland area with less than fifty (50) percent of the required setback from the water is destroyed by any cause to greater than fifty (50) percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, the structure setback may be increased if practicable and reasonable conditions are placed upon the land use permit to mitigate created impacts on the adjacent property or water body.
8. Existing sewage treatment systems. Existing sewage treatment systems shall meet the requirements of the Hubbard County Zoning Ordinance if a building permit is issued for a bathroom, bedroom or kitchen addition.
9. Non-conforming signs. Non-conforming signs in existence on the effective date of his Ordinance shall be allowed to continue if it was in conformance prior to the date of enactment of this ordinance.
10. Public nuisances. The owner or occupant of non-conforming uses or structures shall not allow it to become a public nuisance. The Township may impose reasonable regulations on non-confirming uses or structures to prevent and abate nuisances and to protect the public health, welfare, or safety.

DIVISION 100: EXTRACTIVE USES

Section 100-010 All Extractive Use Operations

New extractive uses are not permitted within the shore protection district. Extractive use is defined as the use of land for surface or subsurface removal of 400 cubic yards or more of sand, topsoil, gravel, rock, industrial minerals, other nonmetallic minerals or peat, from the property where the extractive use is being conducted, including borrow pits. An extractive use shall include the pit area, stockpiles, haul roads, entrance roads, scales, crusher, and all related

facilities. New extractive uses shall require a Conditional Use Permit issued by the Township. New extractive uses are allowed in the Agriculture/Forestry Districts, while temporary extractive uses are allowed in all districts with the proper permits.

Section 100-020 Existing Extractive Use Operations

Existing extractive uses that exist as of the date of enactment of this Ordinance are allowed to continue in all districts. They shall not be allowed to expand or intensify beyond the parcel or lot on which the present extractive use is located without a Conditional Use Permit and shall follow the standards as listed in Division 100. Existing uses shall file a report with the Township within one year of the adoption of this ordinance with information as required in Section 100-030. An existing extractive use shall be defined as one that has been in operation within the past twelve months or has an active lease existing on the property.

Section 100-030 Permits Required

New extractive uses must apply for and receive a Conditional Use Permit from the Township with the following requirements:

- A. Required Permits: Evidence of possession of and future adherence to valid Local, State and Federal permits as required, must be presented to the Zoning Administrator.
 - 1. Performance Bond: Contractor or Permit Holder shall provide a Performance Bond that will be adequate to reclaim all excavated areas. The Town Board will determine the amount of the Performance Bond.
 - 2. The contractor shall present operational permits as required by the Minnesota Pollution Control Agency when applying for a permit.
 - 3. The contractor or operator shall conform to the noise, water and air pollution standards and requirements of the MPCA for operation in the gravel pit.
 - 4. All permits, if required, from the following agencies will be secured prior to start of mining operations:
 - a. Henrietta Township Temporary or Conditional Use Permit
 - b. Minnesota Environmental Quality Board
 - c. Minnesota Department of Natural Resources
 - d. Minnesota Pollution Control Agency
 - e. Board of Waters and Soil Resources
 - f. U.S. Army Corps of Engineers
 - g. Minnesota Department of Transportation
 - h. Minnesota Historical Society
 - i. Hubbard County Soil and Water Conservation District or Natural Resource Conservation Service

5. In addition to the criteria set forth in this section, the following criteria may be used by the Township in issuing an extractive use permit:
 - a. The ability of roads to handle pit-related traffic, in consultation with the affected road authority;
 - b. Air quality, dust and noise control measures and ability to limit impact upon any adjacent residential properties;
 - c. Groundwater protection;
 - d. Public safety;
 - e. Control of erosion and sedimentation and necessity for an MPCA storm water permit;
 - f. Impact upon watershed;
 - g. The ability of the owner/operator to implement the requirements of this ordinance; and
 - h. Daily hours of operation and days of operation.

6. In addition to the information normally required for a land use permit, all extractive use applications shall provide the following information:
 - a. USGS map showing all features within one (1) mile of the pit;
 - b. A written description of the pit and operation including: volume of material to be excavated; time span pit is to be in operation; amount of truck activity at highest and average levels; dust control measures; buffer area vegetation; depth to groundwater; property line establishment; reclamation plans; screening from residential properties; drainage from the site; location and adequacy of topsoil set aside for reclamation; site plan of the operation including total acreage, active excavation and future plans for the pit; and
 - c. Boundaries of permitted area must be surveyed.

- B. **Owner/Operator:** The owner must notify, in writing, the Henrietta Township Zoning Administrator as to who the operators are not less than seven (7) days prior to start of operations allowed under a conditional use permit, and of any changes, additions or alterations thereafter. Said notice shall include the name, address and contact person of each operator. Owners and operators, whether operators are lessees, independent contractors or otherwise, shall conform to the terms of the Conditional Use Permit and the Ordinance. Violation by either shall be grounds for revocation of an issued Conditional Use Permit.

- C. **Setbacks:**
 1. Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet from any property line, unless a greater distance is specified by the Conditional Use Permit where such is deemed necessary for the protection of adjacent property.

2. Equipment: All equipment and machinery shall be operated and maintained in such a manner as to minimize dust, noise and vibration. Power drives of power producing machinery, not including vehicles, shall not be housed or operated less than 250 feet from a residence or 50 feet from the property line if distance to the nearest residence would be over 250 feet.
 3. Processing Equipment: Crushing, washing and refining or other similar processing may be authorized by the Conditional Use Permit as an accessory use; provided, however, that such accessory processing shall not be in conflict with the use regulations of the district in which the operation is located. Processing shall not be permitted in the residential districts. All processing equipment shall be located at least 250 feet from any residence or 50 feet from the property line if distance to the nearest residence would be over 250 feet.
- D. Shoreland: No new gravel pit source shall be established within shorelands as defined by Minnesota Rules, Part 6120.2500.
- E. Screening: Where natural vegetation exists, a buffer strip (minimum of 50 ft. in width) shall remain along the border of the property lines and road right of ways. Where vegetation is lacking, planting of evergreen seedlings and acceptable grasses or legumes shall be done to establish a screen.
- F. Slopes: The non-working face of the pit shall be maintained at a slope not exceeding 2:1 except at cessation of operation, slopes shall not exceed 3:1. The working face shall be permitted a greater slope than 2:1 provided that by December 1 of each year, banks that are higher than 15 ft. shall be rounded for safety purposes, or shall be fenced. Pits may be exempted from this standard providing the operator demonstrates to the Planning and Zoning Administrator that these safety measures are not needed and that other measures are more appropriate.
- G. Erosion, sediment control and soil restoration: Before mining operation ceases each year, areas which have been exhausted and topsoil removed shall be replaced with black dirt or native topsoil sufficient to support vegetation. Restored banks of excavation not backfilled shall not be steeper than three (3) feet horizontal and one (1) foot vertical. All banks and restored areas are to be seeded and erosion control established and maintained.
- H. Excavation below the water table: Excavation below the water table is permitted with the appropriate State permits provided there is no adverse impact upon the quality and quantity of nearby surface water or nearby wells.
- I. Debris removal: All trees, brush and stumps and other debris removed for the sole purpose of operation of the pit shall be disposed of in a manner acceptable to the fire warden and Hubbard County solid waste authority. In no case shall vegetative debris from over a ten (10) acre area be kept on the property unless it is burned or buried. No

dumping or stockpiling of any materials foreign to the permitted mining operation and accessory uses are allowed.

- J. Reclamation of property: Evidence of a reclamation plan is required, based on the report entitled “A Handbook for Reclaiming Sand and Gravel Pits” published by the Minnesota Department of Natural Resources, in conjunction with the Hubbard SWCD or NRCS. Upon sale of the property, reclamation of exhausted mining areas must be completed prior to sale.
- K. Accessory Uses: Storage of asphalt and concrete products shall be allowed provided it is a part of an on-going recycling effort. Portable crushing, concrete mixing, or asphalt production facilities are permitted for specific projects. Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs. An extractive use shall be solely used for operations directly related to such use. Any other use shall require a separate conditional use approval by the Township. It shall be the responsibility of the pit operator or owner to control activity within the pit area and to clean up any debris or other material left on the site.
- L. Haul Roads: The owner/operator while hauling material, may be required to maintain, on a continuous basis, the haul roads and upon completion of each project, to refurbish the haul roads to as good as, or better, condition than prior to start up of operation. Material for repair and/or maintenance of haul roads may be required to be furnished by owner/operator, without charge or cost of any kind to the Township.
- M. Permit Review: A Conditional Use Permit shall be reviewed for compliance by the Zoning Administrator and Planning Commission every two years. The review will be initiated by the Town Board each June.
- N. Safety Precautions: An entry gate shall be installed by the Owner at entrances of excavation site and no trespassing signs shall be placed every 250 feet, with each succeeding sign visible from one to another along the border. “Truck Hauling” signs shall be placed along all township roads a distance of not less than 500 feet from the entrance to the excavation site. Signs must be removed or covered when pit is not in operation. The operator must strictly adhere to all blasting and dynamiting regulations.
- O. Reclamation upon Revocation of Permit: Reclamation of all extractive areas shall occur within six (6) months of revocation of Conditional Use Permit or Temporary Operations Permit.
- P. Control of Noxious Weeds: Within the extractive area, control of noxious weeds shall be conducted in accordance to the Hubbard County Ag Inspector.

Section 100-040 Temporary Operations Permit

The use of property in all zoning districts for a use customarily incidental to the construction of roads, streets, airports, and similar projects may be allowed upon approval of a temporary and revocable zoning permit, not for more than a ninety (90) day period by the Henrietta Township Planning Commission; its authorized agent, the Zoning Office; or such other body as the Town Board shall designate. The approval of such a temporary operations permit may be conditioned so as to safeguard the public health, safety; and general welfare. Upon issuance of the permit, the use shall be subject to, but not limited to the following conditions, in addition to requirements in Section 100-030:

1. Temporary Operations Permit shall not exceed ninety (90) days.
2. Temporary Operations Permit may be granted for stockpiling, portable crushing of recyclable materials, and asphalt and concrete production for specific projects.
3. A thirty (30) day extension may be granted should the contractor/operator determine the project can not be completed. Contractor/operator must request an extension from the Zoning Administrator at least two weeks prior to the expiration of the ninety (90) days allowed. Upon expiration of the thirty (30) day extension the operations—shall cease. The contractor/operator must show a great need or good reason at the time of the request. At point of termination of permit, all conditions of the permitted use must be met.
4. Performance Bond: Contractor or Permit Holder shall provide a Performance Bond that will be adequate to satisfy the requirements of Section 100-030. The Town Board will determine the amount of the performance Bond.

DIVISION 105: TELECOMMUNICATION TOWERS

Section 105-010 Purpose

The purpose of the Telecommunication Towers section shall be to establish regulations that protect the public health, safety, and general welfare of the township. These regulations are intended to:

1. Facilitate the provision of telecommunications services and facilities including commercial wireless telecommunication services in Henrietta Township.
2. Minimize adverse visual effects of towers through careful design and siting standards.
3. Avoid potential damage to adjacent properties from tower or antenna failure and weather related occurrences through structural standards, careful siting, and setback requirements.

4. Encourage the use of existing towers and buildings to accommodate commercial wireless telecommunication service antennas in order to minimize the number of towers needed to serve the township.

Section 105-020 Definitions

Antenna - any structure or device used for the purpose of collecting or radiating electromagnetic waves including but not limited to directional antennas such as panels, microwave dishes, satellite dishes, and omni-directional antennas such as whip antennas.

Commercial wireless telecommunication services - all commercial wireless telecommunications services including cellular, personal communications services, specialized mobilized radio, enhanced specialized mobilized radio, paging and similar services that are marketed to the general public.

Public Utility - persons, corporations, or governments, supplying gas, electric, transportation, water, sewer, or land line telephone services to the general public. For the purpose of the Ordinance, commercial wireless telecommunications services shall not be considered a public utility use and are defined separately.

Tower – a structure situated on a site that is intended for transmitting or receiving television, radio, telephone, cellular or wireless communications.

1. Communication tower, freestanding, self-supporting – a ground mounted tower consisting of a pole, spire, structure, or combination thereof constructed without guy wires and anchors.
2. Communication tower, guyed – a tower that is supported in whole or part by wires and ground anchors.
3. Communication tower, monopole – a ground mounted tower consisting of a single pole constructed without guy wires and anchors.

Tower height – determined by measuring the vertical distance from the point of contact with the ground to the highest point of the tower including all antenna or other attachments.

Section 105-030 Permits Required

It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect any tower, unless it shall replace a like tower, without first making application to the Township and securing a conditional use permit. A change in construction, dimension, lighting design or design type shall also require a conditional use permit. Routine maintenance of towers and related structures shall not require the issuance of a conditional use permit.

Section 105-040 Permit Requirements

In addition to the information required elsewhere, applications shall include the following information:

1. A report from a licensed professional engineer that describes the commercial wireless telecommunication service tower's capacity, including the number and type of antennas that it can accommodate;
2. A letter of intent from the commercial wireless telecommunication service tower owner committing the tower owner and successors to allow, when possible the shared use of the tower;
3. The location of all public and private airports within a 3 mile radius of the tower site;
4. FCC licensure and approval as required for various communications applications; and
5. For towers over 500 feet, an Environmental Assessment Worksheet (EAW) is required and the applicant shall be responsible to complete the EAW prior to the issuance of a permit from the township.

Section 105-050 Tower and Antenna Design Requirements

Proposed or modified towers and antennas shall meet the following design requirements:

1. Towers and their antennas shall be certified by a qualified and licensed professional engineer to conform to applicable state structural building standards;
2. Towers and their antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code;
3. Metal towers shall be constructed of, or treated with, corrosive resistant material; and
4. The use of any portion of a tower for signs other than warning or equipment information signs, as required by the Federal Aviation Administration or the Federal Communications Commission or state agency, is prohibited.

Section 105-060 Tower Setbacks

Towers and all accessory structures or buildings shall conform to the following minimum setback requirements:

1. Towers shall be setback from all property lines an amount equal to the height of the structure;
2. Guy wires for towers shall be located no closer than 25 feet to any property line and shall meet the setback from the public road right of way;
3. Suitable protective anti-climbing fencing, with a minimum height of 4 feet, shall be provided around any tower and guy wires;
4. Towers less than 199 feet in height shall be located a minimum of ½ mile from the end of an airport clear zone as measured from the center point of the base of a free-standing tower; and
5. Towers that are 199 feet or more in height shall be located a distance of at least three miles from any public or private airport.

Section 105-070 Tower Location

Towers greater than 199 feet are allowed on property zoned Commercial, Industrial, Agricultural and Forestry with a Conditional Use Permit. Towers under 199 feet are allowed in all districts as a permitted use.

Section 105-080 Collocation Requirements

All commercial wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:

- A. Documentation of the area to be served including a search ring for the antenna location. A narrative describing a search ring for the request, with not less than one (1) mile radius clearly explaining why the site was selected, what existing structures were available and why they are not suitable as locations or co-locations.
- B. Documentation that the communications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower within the search ring of the service area due to one or more of the following reasons:
 1. The planned equipment would exceed the structural capacity of the existing or approved tower, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;

2. Existing or approved towers within the search radius that cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
3. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower.

Section 105-090 Accessory Utility Buildings

All buildings and structures accessory to a tower shall:

1. Be architecturally designed to blend in with the surrounding environment and shall meet the height and setback limitations as established for the land use district in which they are located; and
2. Have ground mounted equipment screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

Section 105-100 Tower Lighting

Towers shall not be illuminated by artificial means only as required by the Federal Aviation Administration or the Federal Communications Commission or state agency.

Section 105-110 Abandoned Towers

Unmaintained towers that do not meet current FCC standards shall be removed within 18 months of the cessation of operations at the site unless a time extension is approved by the Zoning Administrator. In the event that a tower is not removed within the 18 months of the cessation of operations at a site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the property.

Section 105-120 Nonconforming Towers

In order to avoid requiring new towers and to minimize the number of towers needed to serve the township the following provisions shall apply to nonconforming towers. Telecommunication towers in existence at the time of this amendment may be permitted to increase tower height after being issued a conditional use permit. The Planning Commission shall consider the following criteria as part of the conditional use permit process:

1. Tower safety concerns including tower collapse, falling ice, and airplane traffic;
2. Disturbance or conflict with agricultural uses on the property; and
3. Other factors which tend to reduce conflicts or are incompatible with the character and need of the area.

Section 105-130 Screening and Landscaping Requirements

A screening and landscaping plan designed to screen the base of the tower, accessory utility buildings, utility structures, and security fencing shall be submitted. The plan shall show the location, size, quantity, and type of landscaping materials. Landscape materials shall be capable of screening all year and must be six (6) feet in height by the end of the second growing season. Gravel or other durable surface or other weed prevention measures shall be applied within the fenced area to prevent the growth of weeds. A maintenance plan for landscaped materials shall also be submitted.

DIVISION 110: TOPOGRAPHICAL ALTERATION

Section 110-010 Purpose

The purpose of the Topographical Alteration section shall be to establish regulations that protect the public health, safety, and general welfare of the township. These regulations are intended to:

1. Facilitate the provision of topographical alterations to include all areas in Henrietta Township;
2. Minimize any adverse effects originating on a property; and
3. Avoid potential damage to adjacent properties.

Section 110-020 Definition

Topographical alteration is defined as the movement of 400 cubic yards or more of sand, topsoil, gravel, rock, industrial minerals, other non metallic minerals or peat. The total volume will include all materials originating on the property, as well as those moved onto the property.

Section 110-030 Permit Required

- A. Topographical alteration uses must be applied for and receive a land use permit issued by the township.
- B. Requirements of all county, state, and federal regulations must be met.
- C. No topographical alterations shall be allowed in “wetlands”.
- D. This definition does not apply to public roadways (definition in general definitions section of Ordinance) or normal agriculture practices.

ARTICLE IV - ADMINISTRATION

DIVISION 120 ADMINISTRATION

Section 120-010 Zoning Administrator

The Town Board shall appoint a Zoning Administrator. The Zoning Administrator shall perform the following duties:

1. Enforce and administer the provisions of this Ordinance.
2. Determine if an application is complete and, if not, to identify what is needed in order to make it complete.
3. Issue permits for permitted uses and/or activities which comply with the provisions of this Ordinance.
4. Maintain permanent and current records of this Ordinance, including but not limited to maps, amendments, variances, interim uses, and conditional uses.
5. Receive, file, and forward, along with recommendations, all applications for appeals.
6. Institute in the name of the Township, any appropriate actions or proceedings against a violator as provided for.

The Zoning Administrator is hereby delegated the authority necessary to carry out the above duties, and such other duties as may be provided in this Ordinance or assigned by the Town Board, on behalf of the Township.

Section 120-020 Planning Commission

There is hereby created the Henrietta Township Planning Commission ("Planning Commission") consisting of five (5) members appointed by the Town Board. The members of the Planning Commission shall serve at the pleasure of the Town Board and the Planning Commission shall conduct its duties in a manner consistent with the bylaws adopted by the Town Board.

- A. The Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary/Treasurer from among its members. It shall adopt rules or bylaws for the transaction of its business and shall keep a permanent public record of its proceedings, findings and determinations. The Planning Commission shall cause all such records of its proceedings, findings and determinations to be filed at the Henrietta Township office.
- B. The Planning Commission shall be advisory in nature and in this advisory role the Planning Commission shall:

1. Assist the Town Board in the formulation of goals, policies, and programs for the future development of Henrietta Township.
2. Assist the Town Board in the preparation of development controls designed to promote development consistent with adopted goals and policies.
3. Review applications for conditional use permits, variances and Ordinance amendments, conduct public hearings in accordance with the provisions of the Ordinance, and make recommendations to the Town Board.
4. Any other such duties as required or requested by the Town Board to further goals and policies in furtherance of the intent of this Ordinance.

Section 120-030 The Board of Appeals and Adjustments

The Henrietta Township Board of Appeals and Adjustments (“Board of Adjustment”) shall consist of the five (5) Town Board members and one (1) member of the Planning Commission appointed by the Town Board. The Board of Adjustment shall act upon appeals, variance requests, and perform such other duties as provided in this Ordinance.

- A. The Board of Adjustment shall elect a Chairperson and Vice-Chairperson from among its members. It may adopt rules or bylaws that are consistent with this Ordinance and law for the transaction of its business, and shall keep a permanent record of its proceedings, findings, and determinations. The Board of Adjustment shall cause all such records of its proceedings, findings, and determinations to be filed at the Henrietta Township Hall.
- B. The meeting of the Board of Adjustment shall be held as specified in the rules or bylaws, and at other such times as its Chairperson shall deem necessary and appropriate.
- C. The Board of Adjustment shall have the exclusive power concerning the following:
 1. To grant variances from the strict enforcement of standards and provisions prescribed by this Ordinance. Variances shall only be granted based upon the criteria prescribed in Section 120-040 of this Ordinance.
 2. To hear and decide any appeal from an order, requirement, decision or determination made by the Zoning Administrator.
 3. To interpret any management district boundary on the Official Zoning Map.
 4. All decisions by the Board of Adjustment in granting variances, or in hearing any appeals from administrative order, requirement, decision or determination shall be final, subject to appeal to the District Court within thirty (30) days after receipt of the notice of the decision made by the Board of Adjustment.

Section 120-040 Variances

- A. The Board of Appeals and Adjustments shall have the exclusive power to order the issuance of variances from the terms of any official controls, including restrictions placed on non-conformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, when they are consistent with the comprehensive plan, and when the applicant establishes that there are practical difficulties in complying with the requirements of this Ordinance. The Board of Adjustments shall consider the criteria set forth below when hearing and making recommendation upon a variance request:
1. Has the applicant established that there are practical difficulties in complying with this Ordinance? (see the definition of practical difficulties.)
 2. Are there exceptional circumstances unique to this property, which were not created by the landowner?
 3. Can the variance be granted without upsetting the general purpose and intent of the Zoning Ordinance and the comprehensive plan?
 4. Can the variance be granted without altering the essential character of the surrounding area?
- B. The Planning Commission must make an affirmative finding on all of the four criteria listed above in order to make a recommendation to the Board of Adjustment to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied. A variance shall not be granted for a use that is not permitted under this Ordinance for the particular district in which the property is located.
- C. The Board of Adjustment may impose conditions on a variance it issues, provided the conditions are directly related to and bear a rough proportionality to the impact created by the variance. If any the conditions placed on a variance are violated the Board of Adjustment may revoke the variance, after notice to the owner and a public hearing, and the Township may take other enforcement action as provided under this Ordinance.
- D. A variance shall expire and become null and void if the use or structure to which it relates is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete.
- E. Procedure for applying for a Variance:
1. An applicant desiring a variance shall fill out and submit to the Zoning Administrator a completed Variance Request form, copies of which are available

from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.

2. The Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
3. The Planning Commission shall hold a public hearing on the application after providing at least 10 days published notice.
4. The Planning Commission will forward their recommendation to the Board of Adjustment within thirty (30) days after receiving the application unless the Town Board approves an extension. If the Planning Commission recommends approval of the variance, the recommendation may include recommended conditions that are directly related to and that bear a rough proportionality to the impact created by the variance if approved.
5. The Board of Adjustment will make the final decision regarding the requested variance and any conditions imposed on it.
6. An application for a variance shall not be resubmitted for a period of twelve months following denial.
7. Variances issued by the Township shall be recorded in the office of the Hubbard County Recorder.

Section 120-045 Appeals

A. Appealable Decisions:

Only alleged errors in an order, requirement, decision, or determination made by the Zoning Administrator in the administration or enforcement of this Ordinance are appealable to the Board of Adjustment. Decisions of the Town Board and of the Board of Adjustment are final and are not appealable to the Board of Adjustment. Recommendations of the Planning Commission are not final decisions and are not appealable to the Board of Adjustment.

B. Procedure for filing an Appeal:

1. An appeal must be brought within 15 days of the order, requirement, decision, or determination being appealed by submitting to the Zoning Administrator a completed Application for Appeal, which is available from the Zoning Administrator, together with the required fee.
2. The Zoning Administrator shall forward complete applications to the Board of Adjustment.

3. The Board of Adjustment shall hold a public hearing on the appeal after providing at least 10 days published notice and mailed notice to the person bringing the appeal.
4. The decision of the Board of Adjustment on an appeal shall be final, subject to judicial review.

Section 120-050 Conditional Use Permits

Any use listed as a conditional use in this Ordinance shall be permitted only upon application to the Zoning Administrator, review and recommendation of the Planning Commission, and approval and issuance of a conditional use permit by the Town Board. The applicant for a conditional use permit shall fill out and submit to the Zoning Administrator an Application for Conditional Use Permit. When such permit is completed and submitted, the appropriate fee shall be paid in order for the application to be considered complete and to receive consideration by the Planning Commission. A thorough site evaluation shall be conducted by the Zoning Administrator and the Planning Commission prior to consideration of the permit.

- A. In considering the granting of any conditional use permit throughout the Township, the Planning Commission and Town Board shall evaluate the effect of the proposed use upon:
 1. The maintenance of the public health, safety and welfare;
 2. The location of the site with respect to existing and proposed access roads;
 3. Its compatibility with adjacent land uses;
 4. Its compatibility with the intent of the zoning district in which such use is proposed; and
 5. Its compatibility with the objectives of this Ordinance and its consistency with the Comprehensive Plan.
- B. In considering the granting of any conditional use permit in the lake protection overlay district, the Planning Commission and Town Board shall evaluate the effect of the proposed use upon:
 1. The prevention and control of water pollution, including sedimentation and nutrient loading;
 2. Existing topography and drainage features and vegetative cover on the site;
 3. The erosion potential of the site based upon the degree and direction of slope, soil type and existing vegetative cover;

4. The need for the proposed use for a shoreland location;
 5. The amount of liquid waste to be generated and the adequacy of the proposed sewage treatment system;
 6. The visibility of structures and other facilities as viewed from the water;
 7. Adequacy of the site for water supply and on-site sewage treatment systems; and
 8. The types, uses and numbers of watercraft that the project will generate in relation to the suitability of waters to safely accommodate the watercraft.
- C. Upon consideration of the factors listed above, the Planning Commission may recommend such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary for the furtherance of the purposes set forth in this Ordinance. Such conditions attached to conditional use permits may include, but shall not be limited to:
1. Increased yards and setbacks;
 2. Periods and/or hours of operation;
 3. Minimum number of off-street parking spaces;
 4. Type of construction;
 5. Deed restrictions;
 6. Landscaping and vegetative screening;
 7. Type and extent of shore cover;
 8. Specified sewage treatment and water supply facilities;
 9. Location of signs, parking, docks and piers; and
 10. Any other reasonable requirements necessary to fulfill the purposes and intent of this Ordinance.
- D. An applicant for a conditional use permit may be required to furnish the Planning Commission, in addition to the information required for the building or other permit, the following:
1. A plan of the proposed project area showing contours, soil types, ordinary high water level, ground water conditions, bedrock, slope, and vegetative cover;

2. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and vegetative cover;
 3. Plans of buildings, sewage treatment facilities, water supply systems, and arrangements of operations;
 4. Specifications for areas of proposed grading, filling, dredging, lagooning, or other topographic alterations; and
 5. Other pertinent information necessary to determine if the proposal meets the requirements and intent of this ordinance.
- E. The Planning Commission and the Town Board, in evaluating each conditional use application, may request the Hubbard County Soil and Water Conservation District or Natural Resources Conservation Service to make available expert assistance to assist in the evaluation and consideration of such application.
- F. Procedure for applying for a Conditional Use Permit:
1. An applicant desiring a conditional use permit shall fill out and submit to the Henrietta Township Zoning Administrator a completed Conditional Use Permit Request form, copies of which are available from the Zoning Administrator. The appropriate fee shall be paid in order for the application to receive consideration by the Planning Commission.
 2. The Zoning Administrator shall make a recommendation, in writing, to the Planning Commission, and forward the request for their review.
 3. The Planning Commission shall hold a public hearing after providing at least 10 days published.
 4. The Planning Commission will forward their recommendation to the Town Board within thirty (30) days after receiving the application unless the Town Board grants an extension. If it recommends the conditional use permit, the Planning Commission may recommend such conditions it considers necessary to protect the public health, safety and welfare.
 5. The Town Board will review the Planning Commission's recommendation and make the final decision on whether to grant the conditional use permit. If it grants the conditional use permit, the Town Board may impose such conditions it considers necessary to protect the public health, safety and welfare and such other conditions it deems appropriate to mitigate the anticipated impacts of the use.
 6. An application for a conditional use permit shall not be resubmitted for a period of twelve months following denial.

7. Conditional use permits issued shall be recorded in the office of the Hubbard County Recorder.
- G. Existing Conditional Use Permits: Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the original conditional use permit issued shall require an amended conditional use permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Town Board and such other information as may be appropriate.
- H. Expiration and Revocation of Conditional Use Permits: A conditional use permit shall expire and become void if the use it allows is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Town Board may revoke a conditional use permit if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit have been violated.

Section 120-055 Interim Uses

An interim use as a temporary use of property until a particular date, until the occurrence of a particular event, or this Ordinance no longer permits it. An Interim Use permit can be granted only if: (1) it conforms to this Ordinance; (2) the termination date or event can be identified with certainty; (3) the use will not impose additional costs on the public if it is necessary for the public to take over the property in the future; and (4) the user agrees to any conditions.

- A. An interim use permit may be issued for any use identified in this Ordinance as in interim use in the particular zoning district, for any use identified in a zoning district as a conditional use when an interim use permit is requested by the owner, or upon application of an owner after the Town Board denied its conditional use permit application because it determined allowing the use to exist indefinitely would not be consistent with development patterns or plans for the area.
- B. Interim use permits shall be applied for and processed in accordance with the procedures in this Ordinance for a conditional use permit except that all interim use permits issued shall contain a terminating provision indicating the date or events on which the permit will end.
- C. An interim use permit may not be issued unless all of the following are satisfied:
 1. The use must meet the Conditional Use Permit standard set forth in this Ordinance;
 2. The use must conform to all applicable Zoning Regulations;
 3. The date or event that will terminate the use must be identified with certainty;

4. The use must not impose additional, unreasonable costs on the public if it is necessary for the public to take the property in the future; and
 5. The applicant must agree to any conditions deemed appropriate by the Town Board (after recommendations by the Planning Commission) for permitted use.
- D. In permitting an Interim Use, the Town Board may, on its own or based upon the recommendations of the Planning Commission, impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions the Town Board considers necessary to protect the interests of the surrounding area. Any undertaking of the use allowed by the interim use permit shall be deemed acceptance of the conditions imposed on the permit.
- E. An interim use permit shall terminate as of the date or the occurrence of a terminating event identified in the permit.
- F. An interim use permit shall expire and become void if the use it allows is not substantially started within 12 months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The Town Board may revoke an interim use permit if it determines, after notice to the owner and conducting a public hearing, that any of conditions imposed on the permit have been violated.

Section 120-060 Amendments

The Town Board may adopt amendments to the zoning ordinance and zoning map in relation to land uses within a particular district or to the location of the district lines (rezoning). Such amendments shall not be issued indiscriminately, but will only be used as a means to reflect changes in the goals and policies of the community or changes in conditions of the Township. The procedure for amendments to this Ordinance shall be as follows:

- A. An amendment may be initiated by a property owner, the Planning Commission or the Town Board. Property owners wishing to initiate an amendment shall fill out an Application for Amendment form, available from the Zoning Administrator. Such application shall be filled out and submitted to the Zoning Administrator together with the appropriate fee.
- B. The applicant shall appear before the Planning Commission to answer any questions that Planning Commission members may have concerning the amendment request.
- C. A public hearing on the amendment request shall be conducted by the Planning Commission and held at least ten (10) days and no more than thirty (30) days following official public notification including publication in the official newspaper of Henrietta Township unless an extension is approved by the Town Board. The Planning Commission shall make its recommendation to the Town Board after the proceedings of

this public hearing. The applicant shall be notified in writing of the recommendation that shall be forwarded to the Town Board.

- D. The Town Board shall consider the recommendation of the Planning Commission and make the final decision regarding whether to adopt the amendment. The applicant shall be notified in writing of the action of the Town Board.
- E. 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 the one-year period following a denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.
- F. Amendments adopted by the Town Board shall be recorded in the office of the Hubbard County Recorder.

Section 120-070 Land Use Permits and Other Permits.

Permits shall be required for the following permitted activities in all districts: New building construction or construction that increases the outside dimension of an existing structure, any new use of a building or property and signs.

- A. Prior to any work on a tract of land, a property or structure use change, work performed on a development, new structure, structural change that alters the exterior dimensions of a structure, the enlargement of an existing structure, installation or alteration to sanitary facilities, the owner or occupant of the property shall make application to the Township for the necessary permit or permits. A Land Use Permit or Fee is not required for inside or outside residential repair provided the exterior dimensions of the structure remain the same. A Land Use Permit or Fee is also not required for one shed or storage structure of 150 sq. ft. or less with no permanent foundation. In the Agricultural district, agricultural accessory structures of 150 sq. ft. or less are exempt from permits, but must meet structure setbacks.
- B. An authorized agent of the owner or occupant may make application for the necessary permit or permits. A Land Use Permit shall be issued by the Zoning Administrator only when the applicant has met all requirements of this ordinance. In the event any of the following permits are required, such as a Conditional Use, Interim Use, Variance or Planned Unit Development Permit, such applications will be processed by the Zoning Administrator in accordance with procedures within this Ordinance. The accuracy and completeness of the application and accompanying documents are solely the responsibility of the applicant. No permit application will be approved from landowners, or their agents for property on which there are unresolved violations, also including delinquent taxes. This includes receiving a permit for septic upgrades prior to the issuance of another permit such as a Variance, Conditional Use or Land Use permit, etc.

- C. Federal, State and County Permits – In conjunction to the Township granting a Land Use Permit or processing an application for a Conditional Use Permit, Interim Use Permit, or Variance, the applicant shall provide proof that all necessary State and Federal Permits have been received within one year of Township permit issuance. Approval by the Township does not constitute or imply approval by other agencies, and approval by other agencies does not constitute or imply approval by the Township.

- D. Environmental Assessment Worksheet (EAW) and Environmental Impact Statements (EIS). The proposer of any project exceeding the limits defined in the Environmental Quality Board’s Rules and Regulations for Environmental review program, or as required by the Town Board, shall submit a draft Environmental Assessment Worksheet (EAW) for the Township to review with other pertinent data.
 - 1. The applicant for a permit for any action for which environmental documents are required either by State law or rules, or by the Town Board, shall supply, in the manner prescribed by this Section, all unprivileged data or information reasonably requested by the Township that the applicant has in his possession or to which he has reasonable access.
 - 2. The applicant for a permit for any action for which an environmental assessment worksheet (EAW) is required either by State law or rules, or by the Town Board, shall pay all costs of preparation and review of the EAW and, upon request of and in a manner prescribed by the Township, shall prepare a draft EAW and supply all information necessary to complete that document.
 - 3. Both the Township and the applicant shall comply with the provisions related to Environmental Impact Statements (EIS).
 - 4. No permits for an action for which an EAW or EIS is required shall be issued until all costs of the preparation and review are paid by the applicant and the environmental review process has been completed.
 - 5. The administration of an EAW or EIS shall be in accordance with the rules and regulations of the Minnesota Environmental Quality Board. The Zoning Administrator shall be responsible to the Town Board and have the authority to administer the environmental document. The Planning Commission shall review each document and make recommendations to the Town Board, whose decisions shall be final.

Section 120-080 Public Notice and Hearing Requirements

- A. In addition to the procedures described in preceding sections of this Ordinance, all conditional use permit requests, interim use permit requests, variance requests, requests for amendments, and preliminary plat approval shall be reviewed at a public hearing conducted at least ten (10) days and no more than thirty (30) days following official public notification including publication in the official newspaper of Henrietta Township

and notification of all property owners within the following distances from affected property when such notice is applicable: In the case of Variances, Conditional Use Permits, and Interim Use Permits, all property owners within one-quarter (1/4) mile of the property or at least ten (10) surrounding property owners, whichever includes the most property owners, must be notified. In the case of amendments to official controls which involve changes in district boundaries, all owners of property within one-quarter (1/4) mile must be notified. The name and addresses used by the County Auditor to mail property tax statements shall be used to mail notices. The failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings provided a bona fide attempt to provide the notice was made. The Township will keep a list of the owners and address that were mailed notices.

- B. The Environmental Services Office of Hubbard County shall be sent a notice of all public hearings.

Section 120-090 Enforcement and Penalties

- A. The Town Board, Zoning Administrator, or an authorized Township representative, shall conduct Zoning Ordinance compliance inspections prior to the issuance of permits and during the course of construction of permitted activities. No person shall hinder or otherwise interfere with the Town Board, Zoning Administrator or authorized Township representative in the performance of their duties and responsibilities. Refusal to allow reasonable access shall be deemed a separate and distinct offense, whether or not any other specific violations are cited.
- B. In the event of violation or threatened violation of this Ordinance, the Town Board, in addition to other remedies including criminal prosecution, may institute such actions or proceedings as the Town Board determines are appropriate to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Henrietta Township Attorney to institute such action after approval for such action has been granted by the Town Board.
- C. This Ordinance is enforced with the imposition of civil and/or criminal penalties provided for under Minnesota law. Utilization of a civil remedy shall not prevent a criminal prosecution for the same violation. A criminal prosecution for a violation shall not be a bar to a civil remedy.
- D. Any person, firm or corporation who shall violate any of the provisions herein, or who shall fail to comply with any of the provisions herein, or who shall make any false statement in any document required to be submitted under such provision, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by such penalties and fines as provided in Minnesota Statute, section 609.03. Each day that the violation continues shall constitute a separate offense.
- E. A violation of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity. In the event any land is used or is proposed to be used in such a

manner as to be in violation of this Ordinance or in the event any building, structure, alteration thereof or part thereof, is, or is proposed to be used or erected in violation of this Ordinance, the Town Board or Zoning Administrator may issue cease and desist orders to halt the progress of any on-going violation. Once a cease and desist order has been issued, the activity shall not be resumed until the violation is corrected and the cease and desist order is lifted. In addition, the Town Board or Zoning Administrator, may institute an injunction, mandamus, abatement, or other appropriate action to prevent, enjoin, correct, abate or remove such unlawful use, construction reconstruction, alteration or maintenance.

Section 120-100 Fees and Costs

- A. In order to defray the administrative costs associated with the processing of applications for building and related permits, conditional use permits, interim use permits, variance requests, amendments, appeals, and subdivision plat approval, a schedule of permit fees has been adopted by the Henrietta Town Board. The schedule of fees shall be posted at the Henrietta Town Hall, and may be altered or amended from time to time by the Town Board.
- B. In order to defray the additional costs the Township may incur to process a request made under this Ordinance, applicants may also be required to reimburse the Township for all consulting costs it incurs related to the particular request. Consulting costs include, without limitation, all attorney, planner, and engineering fees incurred related to the request. An applicant may be required to escrow cash (check) with the Town in the amount determined by the Town Board or Zoning Administrator from which the Township will reimburse itself for the consulting costs it incurs. The applicant remains responsible for all such costs and shall promptly escrow additional funds if the Town Board or Zoning Administrator determines the existing escrowed amount will not be sufficient to fully reimburse the Town for its costs. Failure to promptly provide additional funds or to otherwise fully reimburse the Town for its consulting cost shall be a sufficient basis on which to deny a request.
- C. In the event of a violation of this Ordinance, any costs of enforcement, including administrative expense and legal expense incurred in the enforcement proceedings, may be charged against the party found to have violated the ordinance. The cost of prosecution may be added to any fines or other penalties imposed as provided in Minnesota Statutes, section 366.01, subdivision 10. The Town may also collect such other reasonable costs it incurs to enforce this Ordinance by certifying the amount to the County Auditor as a service charge pursuant to Minnesota Statutes, section 366.012 for collection together with the property taxes levied against any real property the person or entity subject to the enforcement action owns in the Town. The Town will provide the property owner written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.

- D. Any person making application for a permit after the commencement of work requiring a permit shall be charged a double permit fee. The Planning Commission, Board of Adjustment or the Zoning Administrator may require correction and/or restoration of the concerned property to its original state in the event the application for a permit is denied or the action permitted does not include all or part of the work commenced prior to approval of said permit.

Section 120-110 Prior Zoning Ordinances

This Ordinance supersedes and replaces all previous land use and zoning ordinances adopted by the Town Board and all such previous land use and zoning ordinances are hereby repealed. The repeal of the Township's previous land use and zoning ordinances does not itself affect the status of any use, structure, or lot that was not in conformance with the earlier ordinances.

Section 120-120 Adoption and Effective Date

This Ordinance shall go into effect on the first day of publication after adoption.

Adopted this 12th day of April, 2012.

BY THE TOWN BOARD

Township Chairperson
Dave DeLaHunt

ATTEST:

Township Clerk
Deborah Anderson

Public Hearing Date: 27th day of March, 2012

Effective Date: 12th day of April, 2012