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COUNTY AUDITOR

**COLLEGEVILLE TOWNSHIP
LAND USE AND ZONING ORDINANCE
NUMBER 4**

**THE COLLEGEVILLE TOWNSHIP BOARD OF SUPERVISORS
ORDAINS:**

SECTION 1 PURPOSE, AUTHORITY AND JURISDICTION

1.1 Title

This Ordinance shall be known, cited, and referred to as the "Collegeville Township Land Use and Zoning Ordinance". When referred to herein, it shall be known as "this Ordinance".

1.2 Statement of Purpose

This Ordinance is adopted for the purpose of:

- A. Protecting and promoting the public health, safety, welfare and morals.
- B. Promoting and providing for the orderly development of agricultural, residential, commercial, industrial, recreational and public areas and land uses.
- C. Conserving natural and scenic areas of the Township.
- D. Conserving natural resources and open space.
- E. Providing official controls to implement the goals and policies included in the Collegeville Township Comprehensive Plan and/or the Stearns County Comprehensive Plan.

1.3 Statutory Authorization

This Ordinance is adopted pursuant to the authorization and policies contained in *Minnesota Statutes, chapter 366; or successor statutes and Minnesota Statutes, chapter 462; or successor statutes*. In the event the provisions of Chapter 462 and Chapter 366 are in conflict or are inconsistent as applied to the terms of this Ordinance, the provisions of Chapter 462 shall prevail.

1.4 Jurisdiction

This Ordinance shall apply to all areas in Collegeville Township, Stearns County Minnesota:

- A. Except areas within the incorporated limits of any city, however organized, except as provided by law; and
- B. Except as otherwise provided by law.

SECTION 2 GENERAL PROVISIONS

2.1 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

✓ Collegeville Township
Joe Pahl 27724 Co. Rd 50
Old Spring, MN 56320

2.2 Severability

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

2.3 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Township and shall not be deemed a limitation or repeal of any other powers granted by State Statute.

2.4 Compliance

No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used, for any purpose or in any manner, which is not in conformity with this Ordinance.

SECTION 3 DEFINITIONS

3.1 Adoption by Reference

That *Section 3 of Stearns County Ordinance Number 439; or successor ordinance*, is hereby adopted by reference except for the following: "Board or Township Board" shall mean the Township Board of Supervisors, "Planning Commission" shall mean the Township Planning Commission and "Board of Adjustment" shall mean the Township Board of Adjustment.

Fence

A structure consisting of wire strands or wire mesh, welded or woven, strung on posts rising no more than six feet above grade and spaced no less than eight feet apart. Fence does not include a portable dog kennel occupying no more than 100 square feet.

Outdoor Wall

An opaque structure of any material that does not support a roof.

SECTION 4 ADMINISTRATION

4.1 Purpose

The following sections outline the major zoning procedures for implementation of the Zoning Ordinance.

4.2 Zoning Administrator

The office of the Zoning Administrator is hereby established, for which the Township Board may appoint such staff as it may deem proper. The term of office of the Zoning Administrator shall be indefinite and shall terminate at the pleasure of the Township Board.

4.2.1 Duties The Zoning Administrator shall:

- A. Enforce and administer the provisions of this Ordinance.
- B. Issue permits and maintain records thereof.
- C. Receive, and forward to the Township Planning Commission, applications for conditional use permits, subdivision plats, and petitions for ordinance amendments, including rezoning.
- D. Receive and forward applications and petitions for matters to come before the Board of Adjustment.
- E. Maintain the township zoning map.
- F. Conduct inspections to determine compliance with the provisions of this Ordinance.
- G. Serve as an ex-officio member of the Planning Commission, or as a voting member of the commission if needed to achieve a quorum of three voting members.
- H. Such other matters and responsibilities as the Township Board may assign from time to time.
- I. Collect all fees required by this Ordinance; and
- J. File for record with the Stearns County Recorder or Registrar of Titles all documents required to be filed by law.
- K. The Zoning Administrator may also be a formally appointed member of the Planning Commission.

4.3 Site Permit Required

4.3.1 Scope. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, placement or enlargement of any building or structure without first obtaining a site permit.

4.3.2 Application. Requests for a site permit shall be filed with the Zoning Administrator on an official application form. Each application for a permit shall be accompanied by a site and floor plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of all principal and accessory buildings and parking areas and such additional information deemed necessary for the proper review and enforcement of this Ordinance and any other applicable building codes.

4.3.3 Issuance of Permit. The Zoning Administrator shall issue the site permit only when the plans comply with this Ordinance and other applicable laws, regulations and ordinances. The Zoning Administrator may deny a permit for the construction of any building upon grounds which, according to the information furnished, is too low for proper drainage, or otherwise deemed unsuitable for building through provisions of this Ordinance.

A. Inspection. The builder shall contact the Zoning Administrator for site inspections at the time the stakes have been set, at the completion of framing and at the time the building is enclosed. The builder should schedule these inspections at least one week in advance.

4.3.4 Normal Maintenance. No land use permit shall be required for normal maintenance.

4.3.5 Completion of Work. The work for which a land use permit has been issued by the Township shall commence within one (1) year after the date thereof unless an application for an extension has been submitted and approved. The work shall be completed within two (2) years unless an application for an extension has been submitted and approved by the Zoning Administrator.

4.4 Fees

4.4.1 Base Fee To defray administrative costs of processing requests for site permits, conditional uses, interim uses, amendments, variances, appeals and other costs associated with the Land Use and Zoning Ordinance, a base fee per application for any building in Collegeville Township shall be paid by all applicants in accordance with a fee schedule adopted by resolution of the Township Board.

4.4.2 Other Fees In order to defray any additional cost of processing applications (site permit, amendment, conditional use, interim use, variance, appeal) for developments, all applicants shall pay the total cost and/or consulting time spent exclusively in producing materials for the applicant's request, and all materials for said request. Fees that are established pursuant to *Section 4.4.2 of this Ordinance* shall be adopted by resolution of the Township Board.

- A. "Materials" shall include but are not limited to maps, graphs, charts, drawings, developer's agreement, etc., and all printing or reproduction of same.
- B. "Staff and/or consulting time" shall include any time spent in either researching for or actual production of materials, either by Township staff, Township legal, engineering, or planning consultants or the Township Attorney.
- C. The hourly rate for "staff and/or consulting time" shall be established and made available to the applicant by the Zoning Administrator prior to the production of any materials and the applicant shall be given a reasonable estimate of project time and/or material costs.

4.5 Planning Commission.

4.5.1 Establishment of Planning Commission. The Collegeville Township Planning Commission, as currently established, is hereby re-established by the Township Board's adoption of this Ordinance. Appointment to the Planning Commission shall be by resolution of the Township Board.

4.5.2 Conflict of Interest. Any Planning Commission member who has a conflict of interest on any issue before the commission shall not be allowed to participate as a commission member on that issue. Any question of whether the particular issue involves a conflict of interest sufficient to disqualify a commission member from acting thereon, shall be decided by majority vote of all commission members present except the member who is being challenged.

4.6 Board of Adjustment and Appeals

4.6.1 Establishment of the Board of Adjustment and Appeals. The Township Board shall act as the Board of Adjustment and Appeals ("Board of Adjustment").

4.6.2 Powers and Duties.

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement decision or determination made by an administrative officer in the enforcement of this Ordinance.
 - (1) Actions of the Planning Commission and the Township Board shall not be appealable to the Board of Adjustment.
 - (2) An appeal from any order requirement, decision or determination of any administrative official relating to this Ordinance shall be taken within 14 days after receipt of notice of the order, requirement, decision or determination by filing a notice of appeal.
 - (3) The notice of appeal shall be in writing and shall specify the grounds thereof.
 - (4) The filing fee established by the Township Board shall be paid to the Zoning Administrator at the time of filing the notice of appeal.
- B. To hear requests for variances from the literal provisions of this Ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration.

4.6.3 Application. Application for variance shall be made to the Board of Adjustment on forms provided by the Zoning Administrator by filing such application and paying the filing fee to the Zoning Administrator. The Zoning Administrator shall fix a reasonable time for the hearing on the application and give notice thereof as required by law.

4.6.4 Other Powers. The Board of Adjustment shall have such other powers and duties as are assigned to it by law.

4.6.5 Findings of Fact. Separate written findings of fact shall be made by the Board of Adjustment for each variance granted or denied and for each appellate decision made.

4.7 Variances

4.7.1 Criteria for Granting Variances. The following criteria shall be used when considering a variance application:

- A. The variance shall not allow a use that is prohibited in the zoning district in which the subject property is located.
- B. The variance must be in harmony with the general purpose and intent of this Ordinance.
- C. The terms of the variance must be consistent with the comprehensive plan.
- D. The landowner must show that the variance is necessary to alleviate practical difficulties resulting from strict application of the ordinance. "Practical difficulty" as used in connection with the granting of a variance means:
 - 1. The property in question cannot be put to a reasonable use if used under the conditions allowed by this Ordinance;
 - 2. The plight of the landowner is due to circumstances unique to the property, not created by the landowner or a previous landowner;

3. The variance, if granted, will not alter the essential character of the locality.

If the variance request meets all of the conditions cited above, the variance may be granted. Economic considerations alone shall not constitute a practical difficulty if a reasonable use for the property exists under the terms of this Ordinance. Access to direct sunlight in the case of solar energy systems shall constitute grounds for granting a variance.

4.7.2 Procedure.

- A. The person applying for a variance shall fill out and submit to the Zoning Administrator a variance application which shall include a statement of the practical difficulties claimed, along with the filing fee.
- B. The Zoning Administrator shall refer the application along with all related information to the Planning Commission which shall act in an advisory role to the Board of Adjustment.
- C. The Planning Commission shall hold a public hearing on the request for variance. Notice of the time, place and purpose of the public hearing shall be according to *Minnesota Statutes, section 462.354 Subd. 2; or successor statute.*
- D. The applicant(s) or their representative shall appear before the Planning Commission at the public hearing in order to present evidence concerning the proposed variance.
- E. The Planning Commission may recommend the imposing of conditions on the granting of variances to insure compliance and to protect adjacent properties and the public interest. The Board of Adjustment may place additional conditions upon the issuance of a variance.
- F. The Planning Commission shall make a finding of facts and recommend to the Township Board (acting as the Board of Adjustment) such actions or conditions relating to the request. Such findings shall be entered in and made a part of the written record of the Board of Adjustment.
- G. Upon receiving the report and recommendation of the Planning Commission, the Township Board, acting as the Board of Adjustment, shall place the request on the agenda for the next regular meeting.
- H. Upon receiving the report and recommendation of the Planning Commission, the Township Board acting as the Board of Adjustment shall either:
 1. Approve or deny the request as recommended by the Planning Commission; and
 2. Concur or not concur with the Planning Commission with regard to modifications, alterations or conditions that differ from those recommended by the Planning Commission. Such modifications, alterations or conditions that differ from the Planning Commission shall be in writing and made part of the Township Board's records; or
 3. Refer the recommendation back to the Planning Commission for further consideration. This procedure shall be followed only one time for each variance request. If the request is referred back to the

Planning Commission, the applicant shall be notified of the extension of time line for action on the request.

- I. Approval of any variance or appeal shall require passage by a two-thirds (2/3) vote of the full Township Board. The Zoning Administrator or Township Clerk shall give the applicant written notice of the Township Board's action. The written notice shall include the findings of fact.
- J. Decisions of the Planning Commission shall be advisory to the Township Board. The decisions of the Township Board acting as the Board of Adjustment shall be subject to judicial review.
- K. No resubmission of a variance application shall be allowed for six (6) months without new evidence related to the variance.
- L. For variances granted by the Township, such variances become void if the applicant does not proceed substantially on the work within one (1) year. To proceed substantially means to make visible improvement to the property. One extension of not more than one (1) year may be granted by the Board of Adjustment for good cause.
- M. An application for variance will not be accepted from anyone who is not an owner of land for which the application is made or, if a third party, does not have written authorization from the owner of the land to seek the variance.
- N. A certified copy of all variances that are granted by the Township Board shall be filed at the office of the Stearns County Recorder.

4.8 Conditional Use Permits

4.8.1 Criteria for Granting Conditional Use Permits. In granting a conditional use permit, the Planning Commission and Township Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Township Board shall make the following findings where applicable:

- A. The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.
- B. The use will be sufficiently compatible or separated by distance or screening from adjacent agriculturally or residentially zoned or used land so that existing property will not be depreciated in value and there will be no deterrence to development of vacant land.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent properties.
- D. The use in the opinion of the Planning Commission and Township Board is reasonably related to the existing land use.
- E. The use is consistent with the purpose of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.

- F. The use is not in conflict with the Land Use Plan of the Township and County, including the Natural Resources Overlay Plan.
- G. The use will not cause traffic hazards or congestion.

4.8.2 Conditions of Approval. In permitting a new conditional use or the amendment of an existing conditional use, the Planning Commission and Township Board may impose, in addition to these standards and requirements specified by this Ordinance, additional conditions which the Planning Commission and Township Board consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring diking, fencing, screening landscaping or other facilities to protect adjacent or nearby property; and
- H. Designation of open space.
- I. Annual review if deemed appropriate by the Township Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued, shall require an amended conditional use permit and all procedures shall apply as if a new conditional use permit was being considered. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location, and conditions imposed by the Planning Commission and Township Board, time limits, review dates, and such other information as may be appropriate.

4.8.3 Procedure.

- A. An application for a conditional use permit will not be accepted from anyone who is not an owner of land for which the application is made, or from a third party, who does not have written authorization from the owner of the land to seek a conditional use permit.
- B. The person applying for a conditional use permit shall fill out and submit to the Zoning Administrator a conditional use permit application form and filing fee.
- C. The Zoning Administrator shall refer the application to the Planning Commission for review.
- D. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by *Minnesota Statute, section 462.3595; or successor statute*. The Planning Commission shall forward its recommendation to either deny or approve the Conditional

- E. The applicant(s) or their representative shall appear before the Planning Commission in order to present evidence concerning the proposed conditional use.
- F. If the Planning Commission recommends granting the conditional use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
- G. A conditional use permit application to amend an existing conditional use permit shall be administered in the same manner to that required for a new conditional use permit.
- H. No application for a conditional use permit shall be resubmitted for a period of six (6) months from the date of any order of denial.
- I. Granted conditional use permits shall become void if applicant does not proceed substantially on the work within one (1) year. To proceed substantially means to make visible improvements to the property. One extension of not more than one (1) year may be granted by the Township Board for good cause.
- J. A violation of any condition set forth in a conditional use permit shall be a violation of both the permit and this Ordinance. Failure to correct a violation within thirty(30) days of written notice from the Zoning Administrator shall be grounds to revoke a conditional use permit through the following procedure:
 - (1) The Zoning Administrator shall give written notice to the permit holder, advising that the conditional use permit may be revoked upon the conclusion of a public hearing. The written notice shall also contain the nature of the violation and the facts that support the conclusions that a violation exists.
 - (2) The Township Board shall hold a public hearing in the same manner to that required for a new conditional use permit.
 - (3) Within 30 days of the closing of the public hearing the Township Board shall revoke the conditional use permit, make a finding that a violation does not exist, or modify the conditions of the conditional use permit so that a violation no longer exists.
 - (4) The Zoning Administrator shall give written notice of the Township Board's decision to the permit holder.
- K. All Conditional Use Permits that are granted by the Township Board shall be recorded at the office of the Stearns County Recorder.

4.9 Interim Use Permits.

4.9.1 Criteria for Granting Interim Use Permits.

In granting an interim use permit, the Planning Commission and Township Board shall consider the effect of the proposed use upon the health, safety, morals, and general welfare of occupants of surrounding lands and water bodies. Among other things, the Planning Commission and Township Board shall make the following findings where applicable:

- A. The proposed use meets the applicable standards set forth for conditional use permits;
- B. The proposed use will terminate upon a date or event that can be identified with certainty;
- C. The proposed use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- D. The proposed use will be subjected to, by agreement with the owner, any conditions that the Township Board deems appropriate for permission of the proposed use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit; and
- E. The interim use will be a subject to review by the Township upon change of ownership.

4.9.2 Termination. An interim use permit shall terminate upon the occurrence of any of the following events, whichever comes first:

- A. The date or event stated in the permit; or
- B. A violation of the conditions under which the permit was issued; or
- C. The use has been discontinued for a minimum of one (1) year.

If it is believed that an interim use has terminated, the Planning Commission and Township Board shall take action to revoke the permit, including notification to the property owner of the Township's intent to revoke the permit.

4.9.3 Conditions of Approval. In permitting a new interim use or the amendment of an existing use, the Planning Commission or Township Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission or Township Board consider necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. Increasing the required lot size or yard dimension;
- B. Limiting the height, size or location of buildings;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the street width;
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location or lighting of signs;

- G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and
- H. Designation of open space, and
- I. Annual review if deemed appropriate by the Township Board.

Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the interim use permit issued, shall require an amended interim use permit and all procedures shall apply as if a new interim use permit was being issued. The Zoning Administrator shall maintain a record of all interim use permits issued including information on the use, location, and conditions imposed by the Planning Commission or Township Board, time limits, review dates, and such other information as may be appropriate.

4.9.4 Procedure.

- A. Applications for interim use permits will not be accepted from anyone who is not an owner of land for which the application is made, or if a third party, does not have written authorization from the owner of the land to seek the interim use permit.
- B. The person applying for an interim use permit shall fill out and submit to the Zoning Administrator an interim use application form and filing fee.
- C. The Zoning Administrator shall refer the application to the Planning Commission for review.
- D. The Planning Commission shall hold a public hearing on the proposal. Notice of the public hearing shall be as provided by *Minnesota Statute, section 462.3595; or successor statute*. The Planning Commission shall forward its recommendation to either deny or approve the Interim Use Permit to the Township Board. The Township Board shall take final action on the request.
- E. The applicant(s) or their representative shall appear before the Planning Commission in order to present evidence concerning the proposed interim use.
- F. If the Planning Commission recommends granting the interim use permit, it may recommend conditions it considers necessary to protect the public health, safety and welfare.
- G. An amended interim use permit application shall be administered in the same manner to that required for a new interim use permit. The fee shall be as set by separate action of the Township Board. Amended interim use permits shall include requests for changes in conditions and as otherwise described in this Ordinance.
- H. No application for an interim use permit shall be resubmitted for a period of six (6) months from the date of said order of denial.
- I. Granted interim use permits shall become void if applicant does not proceed substantially on the work within one (1) year. To proceed substantially means to make visible improvement to the property. One

extension of not more than one (1) year may be granted by the Township Board for good cause.

- J. If the land use does not conform to the conditions of the permit, the interim use permit may be revoked in the same manner as provided for in *Section 4.8.3 j of this Ordinance*.

4.10 Zoning Ordinance Amendments

4.10.1 Public Hearings

- A. Public hearings regarding any amendment to the zoning map shall be held by the Stearns County Planning Commission. Upon completion of the public hearing, the Stearns County Planning Commission shall forward the application for final action together with their findings and recommendation of either approval or non-approval to the Stearns County Board of Commissioners.
- B. Public hearings regarding any amendment to the text of this Ordinance shall be held by the Board. Amendments shall be consistent with *Stearns County Ordinance Number 439; or successor ordinance*, and the Stearns County Comprehensive Plan.
- C. The supervisors may review the proposal and may attach their recommendation to the proposal prepared for the Stearns County Planning Commission.

4.10.2 Application for Change of Text

An application to change the wording of this Ordinance shall be consistent with, as restrictive or more restrictive than the language contained in *Stearns County Ordinance Number 439; or successor ordinance*, and shall include:

- A. Reason for the requested change;
- B. Statement regarding compatibility with the County Comprehensive Plan; and County Zoning Ordinance;
- C. Text portion of the existing language to be amended; and
- D. Proposed amended text.
- E. Notice to the Stearns County Environmental Services Department of all proposed text amendments.

4.10.3 Application for Change in District Boundary (Rezoning)

- A. Changes to District Boundaries may only be enacted by the Stearns County Board of Commissioners and only upon review and recommendation by the Township Board. Any changes to the District Boundaries enacted by the Stearns County Board of Commissioners shall be considered to be enacted by reference as an official change to the Township Zoning Map.
- B. The petitioner for a change in zoning designation shall provide materials supporting the basis for a change in zoning designation. Supporting materials may include, but are not limited to, maps and a written statement of plans for the property proposed for rezoning. The review standards

may include, but are not limited to, determining whether granting the request would require new or expanded public services such as roads and utilities; whether the same desired end could be achieved via a more restrictive zoning classification; review of the potential effects of the proposed change on values and uses of surrounding properties; whether the request is consistent with Collegetown Township practices, planning and identification of areas of special concern in the Township (such as second tier parcels around the developed lakes).

4.10.4 Notice of Hearing

Notice of hearing for all amendments to the text of this Ordinance shall be given in accordance with *Minnesota Statutes, chapter 462; or successor statutes.*

4.11 Subsurface Sewage Treatment System Permit

In areas without public sewer facilities, no construction site permit, conditional use permit, interim use permit or provisional use permit for any use requiring on site sewage treatment shall be issued until a subsurface sewage treatment system permit has first been issued.

4.12 County Driveway Access Permit

Accesses onto County roads shall require an access permit from the County Public Works Department. This permit shall be issued prior to the issuance of any construction site permit, conditional use permit, interim use permit or provisional use permit when the proposed use involves the installation of a new or additional access onto a County Road. The Public Works Director shall determine the appropriate location, size and design of such accesses and may limit the number of accesses in the interest of public safety and efficient traffic flow.

4.13 Township Driveway Access

Accesses on any township road shall require a permit from the Township Board of Supervisors. All new, modified and/or changes uses access(es) onto Township roads shall be subject to the following policy guidelines.

4.13.1 They shall require a driveway access permit from the Board. Issuance of this permit shall be precedent to the issuance of any construction site or use permit. The Board, or their designated inspector, shall determine the appropriate location, size and design of such access(es) and may limit the number of access(es) in the interest of public safety and efficient traffic flow.

4.13.2 Fees. A fee for application for driveway access on a Township road shall be paid by all applications in accordance with a fee schedule adopted by resolution of the Board.

4.13.3 General Guidelines for Single and Multiple Accesses to Township Roads.

- A. All accesses onto Township right of way shall be aligned to be straight and perpendicular to the centerline of the adjacent Township roadway within the limits of the Township right of way.
- B. When the opportunity exists, access locations will be directed onto roadways with a lower functional classification.

- C. All facilities such as signs, medians (divided entrances), culvert headwalls, fencing etc. shall be placed/constructed outside of the permanent Township right of way.
- D. Access(es) will need to be alighted with street accesses and/or entrance on the opposing side of the roadway if possible.
- E. Culverts constructed/placed within the Township right of way as part of an access should be specified as a minimum of 15 inches in diameter. Culvert size, type and length will be determined by the Board based on hydrological and access geometrical concerns. A 4:1 slope is required for culverts.
- F. Access(es) shall be constructed so that water draining from the access drive does not drain onto the Township road it adjoins.
- G. Access(es) will be shared between adjacent properties/parcels whenever possible and practical.
- H. Access(es) shall be so constructed to be flat coming off the Township road for two car lengths on commercial or public lots and one car length on all other lots.
- I. Bulkheads are prohibited.
- J. Only one (1) access per property/parcel will be allowed. This provision may be modified for large parcels due to physical land features such as woods, stream, etc that divide the property.
- K. The Board may consider other issues such as separation distance between access, appropriate drive surface considerations, appropriate width considerations for the intended use, traffic levels on the roads affected, design characteristics of Planned Unit Developments and other issues they deem appropriate in considering the application for new or changed road access(es) to Township roads.
- L. Plans for new road access(es) will need to be submitted to the Board for review and approval prior to issuance of a permit.

4.14 Feedlot Permit

No person shall operate a new animal feedlot, or modify or expand an existing animal feedlot without first securing either a Feedlot Construction Site Permit or Conditional Use Permit for such Animal Feedlot from the Stearns County Environmental Services Department. A manure storage facility shall be considered a part of any animal feedlot.

4.15 Sign, Off-Premise (Billboard) Permits

A permit shall be required whenever an off-premise sign (billboard) is erected, altered or relocated. Specific requirements, application procedures and exceptions are set forth in *Section 7.24 of this Ordinance*.

4.16 Essential Service, Transmission Service, and Utility Substation Permits

Specific requirements, application procedures and exceptions are set forth in *Section 7.11 of this Ordinance*.

4.17 Compliance

4.17.1 Construction

No structure shall be erected, moved or altered unless in conformity with the standards set forth in this Ordinance.

4.17.2 Use

No structure or land shall be used or occupied for any purpose or in any manner that is not in conformity with the standards set forth in this Ordinance.

4.17.3 Compliance with Approved Plans

Construction and use shall be in accordance with the application, plans, permit, and any applicable variance. Permits, conditional use permits, interim use permits, provisional use permits and certificates of compliance issued on the basis of 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 that authorized shall be deemed a violation of this Ordinance.

4.18 Registration of Provisional Uses

Registration shall be required for any use listed as a provisional use in the primary zoning districts. A copy of the registration shall be forwarded to the Stearns County Environmental Services Department within 30 days of the registration.

4.19 Abatement Orders

4.19.1 Abatement Orders

An abatement order may be issued by the Township Board when the Township Board refuses to issue a permit or when the Board refuses to issue a conditional or interim use permit or when the Board of Adjustment refuses to grant a variance for a project that was started or completed prior to consideration of the application. An abatement order may also be issued by the Township Board to correct or abate any violation of the provisions of this Ordinance. The abatement order shall be delivered personally or by certified mail to the owner of record of the property on which the violation exists and shall specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Township.
- B. The action on the part of the property owner required to eliminate or resolve the violation.
- C. Advise the landowner that the failure to comply with the abatement order is a violation of this Ordinance.
- D. Advise the property owner of their right to appeal the abatement order to the Board of Adjustment within ten (10) business days of receipt of the abatement order.

4.20 Intergovernmental Communication

To facilitate the joint Township/County permitting process, the following, when issued or granted by the Township, shall be submitted to Stearns County Environmental Services:

- A. A copy of all construction site permits.
- B. A copy of all interim use permits.
- C. A copy of all conditional use permits.
- D. A copy of all variances.
- E. A copy of all off premise sign permits.
- F. A copy of all amendments to the text of this Ordinance.
- G. A copy of all public hearing notices regarding variances, conditional use permits and interim uses a minimum of seven (7) days prior to the public hearing.

SECTION 5 NONCONFORMITIES

That *Section 5 of Stearns County Ordinance Number 439, or successor Ordinance*, is hereby adopted by reference except for the following:

5.1.3 Nonconforming Lots

A. Parcel of record

All lots or tracts, the plat or deed to which has been recorded in the Office of the County Recorder on or before the effective date of the original Ordinance, **April 24, 1979** shall be considered a parcel of record. A parcel of record shall be a legally buildable parcel even though such parcel may not conform to the lot area, lot width or residential density requirements of the applicable primary or overlay district, provided all of the following are met:

- (1) The use is permitted in the applicable zoning district; and
- (2) In the Shoreland Overlay District, the lot or tract has been in separate ownership from abutting lands at all times since it became nonconforming; and
- (3) In the Shoreland Overlay District, the impervious surface coverage does not exceed twenty-five (25) percent of the lot; and
- (4) The lot was created compliant with the official controls in effect at the time; and
- (5) The applicable setback requirements of this Ordinance are met; and
- (6) The sewage treatment system standards contained in *Stearns County Ordinance Number 422; or successor ordinances* are met.

SECTION 6 PERFORMANCE STANDARDS

That *Section 6 of Stearns County Ordinance Number 439; or successor Ordinance*, is hereby adopted by reference except for the following:

6.7 Animal Feedlot Standards

That Section 6.7.4.A is hereby amended to read as follows:

Township Permit Requirements. When applicable, township approval shall be required for the construction of New Animal Feedlots, Expansions of Existing Animal Feedlots and the Modification of Animal Feedlots. Township approval shall be defined as securing a Conditional Use Permit from the Township for the construction of New Animal Feedlots, Expansions of Existing Animal Feedlots and Modifications to Animal Feedlots consisting of more than 100 Animal Units.

That Section 6.7.15. is added to read as follows:

Notification Process for Objectionable Conditions Associated with the Spreading of Fertilizers or Other Materials. When it is necessary in the customary pursuit of general farming to use any type of fertilizer or other material in the treatment of land, if such fertilizer or material should create an objectionable condition through air pollution, foul odor, attraction of insects, or other problems, said fertilizer or material shall be plowed under within ten (10) days of written notification issued by the Township Board or its agent, weather permitting.

6.15 Concrete (Ready Mix) or Asphalt Mixing Facility

That Section 6.15.1 O is added to read as follows:

The General Development Standards of *Section 7.17 of this ordinance, or successor ordinance* shall apply to concrete (ready mix) or asphalt mixing facilities.

6.60 Wind Energy Conversion Systems (WECS)

That the following is hereby enacted as Section 6.60.2 N:

N. Approval of all residents within 1000feet of the proposed tower is required.

That the following is hereby enacted as Section 6.60.4:

6.60.4 District Regulations

A. WECS and MT may be allowed as an interim or conditional use, or not permitted based on the generating capacity and/or zoning district as established in the table below:

District	Micro-WECS	1.1 kw-5.99kw	6kw-40kw	40.01kw-4.99mw	5mw and larger	Meteorological Towers
A-160	CUP	CUP	CUP	CUP	CUP	IUP
A-80	CUP	CUP	CUP	CUP	CUP	IUP
A-40	CUP	CUP	CUP	CUP	CUP	IUP
T-20	CUP	CUP	CUP	CUP	Not Permitted	IUP
R-20	CUP	CUP	CUP	Not Permitted	Not Permitted	Not Permitted
R-10	CUP	CUP	CUP	Not Permitted	Not Permitted	Not Permitted
R-5	CUP	CUP	CUP	Not Permitted	Not Permitted	Not Permitted
R-1	CUP	CUP	CUP	Not Permitted	Not Permitted	Not Permitted

Rural Townsite	CUP	CUP	CUP	Not Permitted	Not Permitted	Not Permitted
Commercial	CUP	CUP	CUP	CUP	Not Permitted	CUP/IUP
Industrial	CUP	CUP	CUP	CUP	CUP	CUP/IUP
Educational/ Ecclesiastical	CUP	CUP	CUP	CUP	CUP	CUP/IUP
Scenic River	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Residential Manufactured Home	CUP	CUP	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Urban Expansion	CUP	CUP	CUP	Not Permitted	Not Permitted	CUP/IUP
Shoreland Overlay	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted

That the following is hereby enacted as Section 6.60.4:

6.29.1 Setbacks

- A. All WECS and MT shall adhere to the setbacks established in the table below. Setbacks for WECS 40kw and smaller are measured from the base of the tower. Setbacks for WECS 40.01kw and larger are measured from the tip of the blade when the blade is extended perpendicular to the tower.

	Micro-WECS	1.1kw-5.99kw	6kw-40kw	40.01kw-4.99mw	5mw and larger	Meteorological Towers ₅
Property Lines₁	1.5 times the total height	1.5 times the total height	1.5 times the total height	1.5 times the total height	1.1 times the total height	1.1 times the total height
Right of Way	1.1 times the total height	1.1 times the total height	1.1 times the total height	250 feet	250 feet	1.1 times the total height
Occupied Structure – participating property owner₂	1.1 times the total height	1.1 times the total height	200 feet or 1.1 times the total height whichever is greater	500 feet and sufficient distance to meet the state noise standard	500 feet and sufficient distance to meet the state noise standard	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Occupied Structure – non-participating property owner₂	1.1 times the total height	1.1 times the total height	200 feet or 1.1 times the total height whichever is greater	1000 feet and sufficient distance to meet the state noise standard	1000 feet and sufficient distance to meet the state noise standard	The fall zone, as certified by a professional engineer + 10 feet or 1.1 times the total height.
Project Boundary₃				5 times the rotor diameter ₄	5 times the rotor diameter ₄	

Internal Turbine Spacing⁶				5 rotor diameters downwind spacing, 3 rotor diameters apart for crosswind spacing	5 rotor diameters downwind spacing, 3 rotor diameters apart for crosswind spacing	
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- a. A recorded fall zone easement acceptable to the Department may be allowed in lieu of the required setback, provided all other setbacks are met.
- b. For the purposes of this Section, an occupied structure shall include, but is not limited to, structures such as residential dwelling units, schools, churches and places of business. In instances where a fall zone easement has been recorded, the occupied structure setback is not required. For WECS 40kw or less, the setback for an occupied structure does not apply to structures on the same parcel as the WECS.
- c. Project boundary shall include all parcels of land which have a wind easement for one wind project.
- d. It has been documented that the most important directions to access wind for energy production is north, northwest, southwest, and south therefore the Board may authorize a setback of less than 5 times the rotor diameter if the applicant demonstrates that due to the wind direction, the wake interference is less than 5 rotor diameters.
- e. Meteorological towers in conjunction with a wind energy project between 5mw and 25mw shall be placed no closer than 250 feet from the edge of the road right-of-way and from the boundaries of the developer's site control.
- f. If required during final micro siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the permittee shall minimize the need to site the turbine towers closer.

SECTION 7 GENERAL DEVELOPMENT STANDARDS

That *Section 7 of Stearns County Ordinance Number 439; or successor Ordinance*, is hereby adopted by reference except for the following:

7.5 Conservation Design Overlay, Agricultural

That the provisions of Section 7.5 Conservation Design Overlay, Agricultural as presently enacted is hereby repealed.

7.6 Conservation Design Overlay, Natural Resources

That the provisions of Section 7.6 Conservation Design Overlay, Natural Resources shall apply in Collegeville Township except as modified by language in *Section 10 of this Ordinance*, and except for:

- A. The following modification to Section 7.6.4 A.(1):
 Identify Natural Resource Conservation Design Goals. The applicant must identify specific natural resource conservation goals for the subdivision and provide a general description of conservation areas on the proposed site. Conservation areas must include:
 - (1) Land on the *County Biological Survey* or the *Areas of Biological Significance Map*.
 - (2) Shore and bluff impact zones.
 - (3) Floodplains, wetlands, and steep slopes.

- (4) Mature woodlands, existing fields, pastures, meadows and orchards, including sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- (5) Existing hedgerows and tree lines between fields or meadows
- (6) Scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.

That Section 7.6.10 is hereby amended to read as follows:

7.6.10 Performance Standards for Natural Resource Conservation Design Developments

Natural resource conservation design development shall meet the following standards.

A. General Standards

- (1) Individual lots, buildings, and streets shall be designed and located to minimize impact on the protected natural resources or systems and to maximize opportunities for uses consistent with the Colledgeville natural resource overlay plan.
- (2) Location of structures and driveways shall be visually minimized. Locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise equal or greater preservation concerns as described in subsections e and h, below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by planting screens consisting of a variety of indigenous native trees, shrubs and wild flowers. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- (3) Design around existing hedgerows and tree lines between fields or meadows, and minimizes impacts on large woodlands (greater than five (5) acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than ten percent (10%) should be avoided. However, woodlands in poor condition with limited management potential can provide

suitable locations for residential development. When a woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal fields and so forth) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

- (4) Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of "foreground meadows," with homes facing the public thoroughfare across a broad grassy expanse is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected to preserve existing vegetation.
- (5) Avoid siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
- (6) Protect wildlife habitat and plant communities of species listed as endangered, threatened or of special concern by the United States Environmental Protection Agency and/or by the Minnesota Department of Natural Resources or Stearns County Environmental Services.
- (7) Design around and preserve sites of historic, archaeological or cultural value and their environs, insofar as needed to safeguard the character of the feature including stone walls, spring houses, barn foundations, foundations, cellar holes, earthworks, burial grounds or other such sites.
- (8) Protect rural roadside character and improve public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads and establishing buffer zones along the scenic corridor of rural roads with sites of historic archaeological or cultural value.
- (9) Landscape common areas, cul-de-sac islands and both sides of new streets with native species of shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty (40) foot intervals on both sides of each street so that the neighborhood will have a stately and traditional appearance when the trees grow and mature. These trees shall generally be located between the sidewalk or footpath and the edge of the street, or within a planting strip not less than five (5) feet in width.

- (10) Provide active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- (11) Include a pedestrian circulation system designed to ensure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with any off-road trails included in the development.
- (12) Provide open space that is reasonably contiguous. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels (such as in other subdivisions, public or private parks or properties owned by or eased to private land conservation organizations or government bodies).
- (13) Developers are urged to consider easements for the purposes of walking, hiking and cross-country skiing or other non-motorized and non-mechanical activities. This designated "green ribbon" corridor may potentially connect with other existing or future trails on adjoining lands.

That Section 7.6.10D is hereby amended to read as follows:

Street Standards. The right of way width for each road shall be sixty-six (66) feet wide to provide for all public services, including roadway drainage, trails and walkways, utilities and snow storage. All proposed roads shall be offered for dedication to the public.

7.9 Encroachments

That Section 7.9.1 as presently enacted is hereby repealed.

7.12 Fences

That Section 7.12.3 is hereby added to read as follows:

7.12.3 Fence and Outdoor Walls in the R-1 District

- a. No outdoor wall with a footing shall be constructed without a construction site permit having first been issued for the construction of the outdoor wall.
- b. Fences shall be setback from the side yard boundary one (1) foot, unless both property owners agree to have a shared fence, then the fence may be placed on the property line. Outdoor walls shall be setback from the side

yard boundary ten (10) feet. Neither fences nor walls may extend any closer to roads or public rights-of-way than existing buildings on the site.

- c. On lakeshore land zoned R-1 no fence or outdoor wall shall be built in the space between the residential structure and the ordinary high water level.
- d. On lakeshore land zoned R-1, no kennel, portable or permanent, shall be built in the space between the residential structure and the ordinary high water level.

7.17 Mining

That Section 7.17.1 D is hereby added to read as follows:

Materials not mined from the Mining Operation site shall not be deposited temporarily or permanently without the issuance of an interim use permit.

That Section 7.17.1.E is hereby added to read as follows:

The Township may consider the placement of conditions upon the issuance of the permit in addition to those described in Section 7.17.4. These conditions may include, but are not limited to:

- (1) Maintenance standards of the site including weed control, storage and parking of vehicles and equipment.
- (2) Drainage and sediment control.
- (3) Fencing and screening.
- (4) Location and maintenance of access roads and hauling routes.
- (5) Dust, noise and smoke control.
- (6) Setbacks from property lines.
- (7) Hours of operation.
- (8) Rehabilitation of land and vegetation
- (9) Posting of a performance bond to reimburse the Township for any costs which may be incurred for the following:
 - a. Costs of bringing the operation into compliance with the interim use permit requirements, as determined by the Township Board.
 - b. Costs of reclamation should the permittee fail to execute any part of a reclamation plan as required within this Ordinance, or as a condition of the permit, as determined by the Township Board.
 - c. Extraordinary costs of repairing roads due to the special burden resulting from the hauling of materials and traffic associated with the operation, as determined by the Township Board.
 - d. Posting of evidence of insurance, in a form and in amounts deemed satisfactory to the Township.

That Section 7.17.2 is amended in part to read as follows:

Operations regulated by this Section shall be the mining of granite and the mining, crushing, washing, refining or processing of sand, gravel, rock, black dirt, peat, soil and other minerals, and the removal thereof from the site. Processing permitted at a mine site is limited to the production of hot mix asphalt using a portable hot mix asphalt plant

temporarily erected at the mine site. Operations not regulated by this Section shall include the following:

That Section 7.17.3, Part 1, F is hereby added to read as follows:

The location of all mine sites currently operated by the applicant in Collegeville Township.

That Section 7.17.3, Part 1, G is hereby added to read as follows:

The location of all un-reclaimed non-operational mine sites at which the applicant has operated in the past in Collegeville Township.

That Section 7.17.3, Part Two, K is hereby amended to read as follows:

A written right-of-entry given to the Township Board of Supervisors and/or the Department to enter the land for the purpose of determining compliance, at any time, with all applicable conditions imposed on the operation.

That Section 7.17.3, Part Two, L is hereby added to read as follows:

The calendar time duration for which the present interim use permit is requested shall include planned times for daily hours of operation.

That Section 7.17.3, Part Two, M is hereby added to read as follows:

A security statement by the applicant demonstrating the proposed activity will, in no way, jeopardize the public health, safety and welfare. Expenses for developing this security statement shall be borne by the operator of the mine. Determined by the location, the surrounding topography, the prevailing wind, and neighboring land uses, this statement shall address the following issues:

- i. Fencing. Adequate protection may be required of the mine operator to limit entrance to the site by the general public.
- ii. Ground water quality. The depth of ground water aquifers relative to the planned depth of excavation shall be determined. Water samples from neighboring wells shall be collected and analyzed to establish a baseline for water quality before commencing operation. Location of water samples and the laboratory used to analyze those samples shall be determined by the governing body.
- iii. Air quality. Dust, particulate matter and any volatile organic compounds discharged from the operation should be estimated. The effect of the operation on existing residential developments, schools and playgrounds, day care or nursing homes, or special needs residents may have to be addressed. Discharge during non-standard operating conditions, such as blasting, machinery startup or equipment failure may have to be addressed.
- iv. Noise. The sound intensity level generated by the operation should be estimated. The effect of the operation on existing residential development, schools, day care or nursing homes, or special needs residents may have to be addressed. Hours of operation may have to be curtailed for some activities or equipment.

That Section 7.17.4.B is hereby amended to read as follows:

Water Resources. The Mining Operation shall be conducted in such a manner as to minimize interference with the surface water drainage outside the boundaries of the Mining Operation. Ground water (aquifers) shall not be impacted by the operation.

That Section 7.17.4.F(3) is hereby amended to read as follows:

Unless approved in writing by the applicable road authority, mining of any materials shall not be conducted closer than 50 feet to any property line or within 50 feet of any public road right of way.

That Section 7.17.4.L is hereby amended to read as follows:

Signage. An informational sign shall be erected at the intersection of the primary access road and the public road servicing the site, identifying the corporate or personal name(s) of the property owner(s) and telephone number(s) of the property owner, the site operator and the hauling contractor. Warning signs shall be placed along the shoulders of public roads that intersect with mine access roads advising traffic in both directions that laden trucks are hauling and turning at the site. Signs required by this Section shall be clearly visible from the public road and shall conform with the signage requirements of *Section 7.24 of this Ordinance or successor Ordinance*.

That Section 7.17.4.M is hereby added to read as follows:

Topsoil. Topsoil from a sand, gravel or rock mine shall not be removed from the site and must be restored to the site as part of site reclamation.

That Section 7.17.4.G is hereby amended to read as follows:

Days and Hours of Operation. Days and hours of operation shall be specified for the different activities at the mine site in the interim use permit approved by the Township Board.

That Section 7.17.4.O is hereby added to read as follows:

Oversight. The Township Board shall appoint one of its members and one resident from neighbors located adjacent to the mine site to act as designated representatives for the Township and will serve as liaisons with the designated representative of the mine operator. These designated representatives will receive complaints concerning mine activities and will address such issues by mutual consultation, inspection of the mine site, discussion with the property owner, mine operator, or hauling contractor, and if necessary, by initiating the actions described in *Section 4.9.2 of this Ordinance or successor Ordinance*, to terminate the interim use permit under which the mine is operating.

That Section 7.17.6, Annual Renewal, is hereby added to read as follows:

The Township Board and Planning Commission may require updated operational plans on an annual basis. The approval of the operational plan shall be a condition of the use permit. There will be no fee charge for a renewal of the operational plan, provided that there are no changes in the plan.

7.15 Lighting/Glare

That Section 7.15, is hereby amended to read as follows:

A. In all districts, any lighting used to illuminate an off-street parking area, sign or other structure shall be installed so as to deflect light away from any adjoining property or from public streets. Direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall not be directed onto any adjoining property. The source of lights shall be hooded or controlled in some manner so as not to light adjacent property or create a traffic hazard.

B. **Exterior Lights.** Any exterior light designed to be lit whenever it is dark, whether installed by an individual landowner or Natural Resource Conservation Design Development, shall be hooded so that it does not shine onto adjoining property or into the night sky.

7.19 Parking and Loading

That Section 7.19.2.E. is hereby amended to add the following:

All permitted and conditionally permitted uses shall meet the following minimum parking requirements:

- (1) (This is already covered in County Ord. 439 Section 7.19.2E.) Apartments and Townhouses; 2 spaces per dwelling unit.
- (2) Marinas; 1 space per boat dock.
- (3) Restaurants; 30 spaces per 1000 square feet of floor area.
- (4) Hotel/Motel/Bed-and-Breakfast; 1 space per room and 1 space per employee
- (5) All other retail and commercial service establishments; 5 spaces per 1000 square feet of floor area.

7.22 Residential Dwelling Unit

That Section 7.22.1 shall read as follows:

Any manufactured home to be used as a residential dwelling unit shall be no less than twenty-five (25) feet in width and shall bear a Seal of Compliance issued by the State of Minnesota. The minimum ground floor square footage of the principal structure shall be 820 square feet.

7.23 Screening

That Section 7.23.5. is hereby added to read as follows:

All materials and equipment shall be stored within a building or structure or screened so as not to be visible from adjoining properties except the following:

- (1) Usable laundry equipment (clothes lines)
- (2) Recreational equipment and vehicles
- (3) Construction, farming and landscaping material currently being used on the premises

7.24 Sign Regulations

That Section 7.24.2.A is hereby amended to read as follows:

Real estate signs for the purpose of selling, renting or leasing a single parcel, not in excess of twenty (20) square feet per surface and with no more than two (2) surfaces may

be placed within the front yard of a property for a period not longer than one-hundred and twenty (120) days.

That Section 7.24.2.C is hereby amended to read as follows:

Other temporary signs, such as election signs, shall not be larger than twenty (20) square feet per surface and with no more than two (2) surfaces. Election signs shall be removed within ten (10) days following the election to which the sign is related.

That Section 7.24.9 is hereby added to read as follows:

Signs for Home Occupations

No external evidence or sign that the dwelling is being used for the home occupation other than one (1) unanimated, non-illuminated flat or window sign having a total area of not more than two (2) square feet shall be allowed.

That Section 7.24.10, , is hereby added to read as follows:

Signs on Commercial Property Excluding Home Occupations

- A. No more than one (1) free standing or pylon sign of not more than thirty-two (32) square feet in surface area.
- B. The total surface area of all business signs on a lot shall not exceed the sum of three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the front building surface on which the sign is located.
- C. No business sign shall project above the permitted building height of the district in which the sign is to be located.
- D. No internally lit signs nor signs that are designed to be illuminated by light sensitive switches for full time or night time lighting or any other method that is designed to light the sign other than on a non-regular basis.
- E. No animated signs.
- F. All lights on signs shall be installed so the light is hooded or has guards so that the light is emitted downward on the surface of the sign and does not shine into the sky or onto neighboring parcels.

7.33 Driveway Regulations

That Section 7.33, is hereby added to read as follows:

In the R-1 District, driveways constructed upon residential lots for the purposes of ingress and egress shall contain an area of sufficient size to allow motor vehicles, except semi-trailer trucks, livestock trucks and buses, to turn around before exiting said lot.

7.34 Temporary Residential Dwelling Unit

That Section 7.34, is hereby added to read as follows:

A manufactured home that is to be used as a temporary residential dwelling, and is less than 25 feet in width, may be placed on a buildable parcel and shall be permitted as an interim use. The interim use permit shall be issued for a maximum of five (5) years. Applicants shall provide a bond in an amount determined by the Township Board to be held by the Township. When the temporary residential dwelling is satisfactorily removed, the bond shall be returned. If terms of the interim use permit are not met, the

Township may use the proceeds of the bond for legal action with regard to the property or other such action as they may consider appropriate.

SECTION 8 GENERAL ZONING DISTRICT RULES OF APPLICATION

8.1 Establishment of Zoning Districts

The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. All land under the jurisdiction of this Ordinance shall be designated as lying within one, and only one, primary zoning district. In addition, one or more overlay districts may apply.

PRIMARY DISTRICTS

A-160	Agricultural District A-160
A-80	Agricultural District A-80
A-40	Agricultural District A-40
T-20	Transition District T-20 (closed)
R-20	Residential District R-20 (closed)— shall be prohibited
R-10	Residential District R-10
R-5	Residential District R-5
RT	Rural Townsite
R-1	Residential District R-1
C	Commercial District
I	Industrial District – shall be prohibited
EE	Educational/Ecclesiastical District
SR	Scenic River District
RMH	Residential Manufactured Home District— shall be prohibited
UE	Urban Expansion District

OVERLAY DISTRICTS

CD	Conservation Design
AP	Airport

8.2 Official Zoning Map

The locations and boundaries of the primary districts established by this Ordinance are set forth on the zoning maps which are hereby incorporated by reference as though a part of this Ordinance. It shall be the responsibility of the Director to maintain and update the zoning maps and any amendments thereto.

8.3 District Regulations

8.3.1 Application of Standards

Unless specified otherwise in this Ordinance, when one or more zoning district standards are in conflict, then the more restrictive standard shall apply.

8.3.2 Appeal of District Boundary

Appeals from any determination of the exact location of district boundary lines shall be heard by the Stearns County Board of Adjustment.

8.3.3 Closed Districts

No request for rezoning into closed districts shall be allowed. The R-20 and T-20 are closed districts.

8.3.4 Prohibited Uses

Whenever, in any zoning district, a use is neither specifically permitted nor prohibited, the use shall be prohibited.

8.3.5 Zoning Upon Detachment

Any tract of land that is part of a statutory or charter city shall be zoned A-40 District if said tract of land is detached and becomes part of an adjoining township at any time on or after the effective date of this Ordinance.

SECTION 9 PRIMARY DISTRICT PROVISIONS

That *Section 9 of Stearns County Ordinance Number 439; or successor ordinance*, is hereby adopted by reference, except for the following:

That Sections 9.5, 9.11, and 9.14 of Stearns County Ordinance # 439 as presently enacted are hereby repealed.

9.3 Agricultural District A-40 (A-40 District)

9.3.3 Provisional Uses

That Section 9.3.3 C (Cemeteries) and Section 9.3.3E (Government administrative and service buildings) are hereby repealed.

9.3.5 Conditional Uses

That Section 9.3.5 Z, AA and BB are hereby added to read as follows:

Z. Cemeteries

AA. Government administrative and service buildings

BB. The use of Township road right-of-way for drain fields for single family residential dwellings with the restriction that the Township incurs no liability for damage to the drain field in the event of road repairs or maintenance.

9.3.11 Setback Requirements

That Section 9.3.11A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

That Section 9.3.11D is hereby added to read as follows:

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

9.3.12 Height Requirements

That Section 9.3.12 shall read as follows:

- A. Buildings, other than agricultural buildings, shall not exceed **twenty eight (28)** feet in height.
- B. Agricultural buildings shall not exceed fifty (50) feet in height if located on a parcel of at least forty (40) acres.
- C. **Structures with height exceeding 28 feet or agricultural buildings exceeding 50 feet shall be subject to a conditional use permit.**
- D. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

9.4 Transitional District T-20 (T-20 District)

9.4.3 Provisional Uses

That Section 9.4.3B (Cemeteries) and Section 9.4.3C (Government administrative and service buildings) are hereby repealed.

9.4.5 Conditional Uses

That Section 9.4.5 L and M are hereby added to read as follows:

- L. Cemeteries
- M. Government administrative and service buildings

9.4.11 Setback Requirements

That Section 9.4.11A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

That Section 9.4.11D is hereby added to read as follows:

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

9.4.12 Height Requirements

That Section 9.4.12 shall read as follows:

- A. Buildings shall not exceed **twenty eight (28)** feet in height.
- B. **Structures with height exceeding 28 feet shall be subject to a conditional use permit.**
- C. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

9.6 Residential District R-10 (R-10 District)

9.6.3 Provisional Uses

That Section 9.6.3B (Cemeteries) and Section 9.6.3C (Government administrative and service buildings) are hereby repealed.

9.6.5 Conditional Uses

That Section 9.5.5 L and M are hereby added to read as follows:

- L. Cemeteries
- M. Government administrative and service buildings

9.6.11 Setback Requirements

That Section 9.6.11A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

That Section 9.6.11D is hereby added to read as follows:

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

9.6.12 Height Requirements

That Section 9.6.12 shall read as follows:

- A. Buildings shall not exceed **twenty eight (28)** feet in height.
- B. **Structures with height exceeding 28 feet shall be subject to a conditional use permit.**
- C. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

9.7 Residential District R-5 (R-5 District)

9.7.3 Provisional Uses

That Section 9.7.3B (Cemeteries) and Section 9.7.3C (Government administrative and service buildings) are hereby repealed.

9.7.5 Conditional Uses

That Section 9.7.5 L and M are hereby added to read as follows:

- L. Cemeteries
- M. Government administrative and service buildings

9.7.11 Setback Requirements

That Section 9.7.11A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

That Section 9.7.11C is hereby added to read as follows:

That outside of the Shoreland Overlay District, residential and agricultural accessory structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which are in the shoreland overlay district, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards. Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

9.7.12 Height Requirements

That Section 9.7.12 shall read as follows:

- A. Buildings shall not exceed **twenty eight (28)** feet in height.
- B. **Structures with height exceeding 28 feet shall be subject to a conditional use permit.**
- C. **Height is measured from the lowest elevation of the immediately adjacent surrounding grade.**

9.9 Residential District R-1 (R-1 District)

9.9.3 Provisional Uses

That Section 9.9.3C (Cemeteries) and Section 9.9.3D (Government administrative and service buildings) are hereby repealed.

9.9.5 Conditional Uses

That Section 9.9.5 I is hereby added to read as follows:

- I. Cemeteries

9.9.9 Setback Requirements

That Section 9.9.9A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

That Section 9.9.9A is hereby amended to read as follows:

That outside of the Shoreland Overlay District, structures shall be placed a minimum of 15 feet from the side lot line and 15 feet from the rear lot line including any overhang. On Lots of Record established prior to April 24, 1979 which front DNR Classified Lakes, the minimum side yard shall conform to current Stearns County Zoning Ordinance sideyard standards.

Flues, roof overhangs, awnings, bay windows and chimneys up to two (2) feet in width shall not be permitted encroachments into setback requirements.

9.9.10 Height Requirements

That Section 9.9.10 shall read as follows:

Buildings shall not exceed **twenty eight (28)** feet in height **measured from the lowest elevation of the immediately adjacent surrounding grade**. Structures with a height exceeding 28 feet shall be subject to a conditional use permit.

9.10 Commercial District (C District)

9.10.3 Provisional Uses

That Section 9.10.3A (Adult uses-accessory) is hereby repealed.

9.10.5 Conditional Uses

That Section 9.10.5G (Multi-family residential dwellings) is hereby repealed.

9.10.8 Setback Requirements

That Section 9.10.8A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

9.10.9 Height Requirements

That Section 9.10.9 shall read as follows:

Buildings shall not exceed **twenty eight (28)** feet in height **measured from the lowest elevation of the immediately adjacent surrounding grade**. Structures with a height exceeding 28 feet shall be subject to a conditional use permit.

9.12 Educational/Ecclesiastical District (EE District)

9.12.2 Permitted Uses

That Section 9.12.2L is hereby repealed.

9.12.5 Conditional Uses

That Section 9.12.5E is hereby added to read as follows.

E. Any use of land that is consistent with the purpose of the Educational/Ecclesiastical District which is not expressly prohibited or provided for in the Educational/Ecclesiastical District.

9.12.7 Setback Requirements

That Section 9.12.7A (3) is hereby amended to read as follows:

The setback from a township road shall be 100 feet from the centerline

9.12.8 Height Requirements

That Section 9.12.8 shall read as follows:

Height Requirements

- A. In the Shoreland District, buildings shall not exceed **fifty (50)** feet in height **measured from the lowest elevation of the immediately adjacent surrounding grade**
- B. **Structures with height exceeding 50 feet on land zoned Educational Ecclesiastical shall be subject to a conditional use permit.**

SECTION 10 OVERLAY DISTRICT STANDARDS

10.3 Conservation Design Overlay District

That Section 10.3, Conservation Design Overlay District of Stearns County Ordinance Number 439, or successor Ordinance is hereby adopted as modified below:

10.3.1 Purpose.

The Collegeville Township Natural Resource Conservation Design Overlay District is intended to protect areas of high value natural resources within Collegeville Township by allowing development flexibility not allowed under the base zoning districts. Lands within this District shall be subject to a primary zoning district and, if applicable, the Shoreland Overlay District and the Floodplain Overlay District.

10.3.2 District Application

The Natural Resource Conservation Design Overlay District shall be applied in those areas of Collegeville Township designated as “Avon Hills Conservation Area” on the Stearns County Comprehensive Plan map, except areas zoned R-1 on the date of adoption of this ordinance, _____, 2011.

10.3.3 Permitted Uses

Uses permitted in the Conservation Design Overlay District shall be those uses allowed as permitted, provisional, accessory, conditional or interim in the primary zoning district or any applicable overlay district, except that conventional subdivisions shall require a conditional use permit as identified in *Section 7.6.5 of Stearns County Ordinance Number 439; or successor ordinance.*

10.3.4 Residential Density Requirements

The number of residential dwelling units allowed shall not exceed the total number permitted under the residential density requirements of the primary zoning district or any applicable overlay district, whichever is more restrictive, except as provided in *Section 7.6.3 of Stearns County Ordinance Number 439; or successor ordinance.*

10.3.5 Residential Subdivision Requirements

All residential subdivisions of land that meet the minimum size thresholds of *Section 7.6.3 A. of Stearns County Ordinance Number 439; or successor*

ordinance shall meet the conservation design subdivision design and conservation area requirements of Sections 7.6.4, 7.6.6, 7.6.7, 7.6.8, and 7.6.9 of Stearns County Ordinance Number 439; or successor ordinance, except when approved as a conventional subdivision conditional use under the provisions of Section 7.6.5 of Stearns County Ordinance Number 439; or successor ordinance.

10.3.6 Residential Density Bonus

Residential density bonuses are offered for conservation design subdivisions as described in *Section 7.6.3C.(1) of Stearns County Ordinance Number 439; or successor ordinance.*

10.4 Airport Overlay District

That Section 10.4, Airport Overlay District of Stearns County Ordinance Number 439, or successor Ordinance is hereby adopted by reference.

SECTION 11 TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

That *Section 11 of Stearns County Ordinance Number 439 or successor Ordinance* are hereby adopted by reference to establish a Transfer of Development Rights program for the Colledgeville Natural Resources Conservation Design Overlay District.

That *Section 11.1.5 of Stearns County Ordinance Number 439 or successor Ordinance* establishing an agricultural Transfer of Development Rights Program is not adopted.

SECTION 12 ENFORCEMENT

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

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

SECTION 13 FEES

To defray the administrative costs of processing requests of this Ordinance, a fee not exceeding administrative costs shall be paid by the applicant. Such fee shall be determined by the Township Board of Supervisors.

SECTION 14 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication.

SECTION 15 REPEALER

The Collegeville Township Zoning Ordinance and any amending ordinance, as presently enacted, are hereby repealed.

PASSED BY THE Collegeville Township Board THIS 29th
DAY OF November, 2011.

APPROVED:

Linus Heinen
Linus Heinen
Collegeville Township Chair

ATTEST:

Joe Pohl
Joe Pohl
Collegeville Township Clerk

This instrument drafted by:
Stearns County Environmental Services
705 Courthouse Square
St Cloud, Minnesota 56303

