

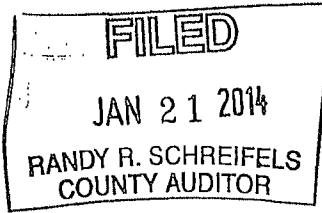
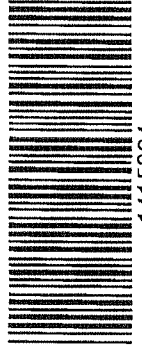
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OFFICE OF COUNTY RECORDER
STEARNS COUNTY, MINNESOTA

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DIANE GRUNDHOEFER
STEARNS COUNTY RECORDER



MAINE PRAIRIE TOWNSHIP
LAND USE AND ZONING ORDINANCE
NUMBER 4

THE MAINE PRAIRIE 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 "Maine Prairie 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. Preserving agricultural land and animal agriculture.
- D. Conserving natural and scenic areas of the Township.
- E. Conserving natural resources and open space.
- F. Providing official controls to implement the goals and policies included in the Maine Prairie 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.

✓ Maine Prairie Township
17062 Danzig Rd
Kimball, MN 55353

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 Maine Prairie Township, 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.

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 that "Board or Town 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.

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 Town 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 Town 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.
- (h) Such other matters and responsibilities as the Town 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.

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.

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 is issued 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 one additional year 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 or appeals, a base fee per application shall be paid by all applicants in accordance with a fee schedule adopted by resolution of the Town 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 Town Board.

- (a) "Materials" shall include but are not limited to maps, graphs, charts, drawings, developers 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 Maine Prairie Township Planning Commission, as currently established, is hereby re-established by the Town Board's adoption of this Ordinance.

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 Town 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 Town 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 Town 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 undue hardship 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 or particular hardship resulting from strict application of the ordinance.

“Hardship” 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 hardship 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 difficulties or particular hardships 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 Town 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 Town 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 Town 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 Town 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 Town Board. The Zoning Administrator or Town Clerk shall give the applicant written notice of the Town Board's action.

The written notice shall include the findings of fact.
- (j) Decisions of the Planning Commission shall be advisory to the Town Board. The decisions of the Town Board acting as the Board of Adjustment shall be subject to judicial review.
- (k) No resubmission of a variance application shall be allowed for one (1) year without new evidence related to the variance.
- (l) Granted 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 up to one (1) year may be granted by the Town Board 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.
- (n) A certified copy of all variances that are granted by the Town 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 Town 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 Town 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 Town 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.
- (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 Town Board may impose, in addition to these standards and requirements specified by this Ordinance, additional conditions which the Planning Commission and Town 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 Town 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 Town 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.
- (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 Use Permit to the Town Board. The Town Board will 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 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 one (1) year 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 up to one (1) year may be granted by the Town 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 Town 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 Town 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 Town Board's decision to the permit holder.
- (k) All Conditional Use Permits that are granted by the Town 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 Town 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 Town 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 Town 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 Town 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 Town Board shall take action to revoke the permit, including notification to the property owner of the Town'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 Town Board may impose, in addition to these standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission or Town 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 Town 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 Town 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.
- (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 Town Board. The Town 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 Town 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 six (6) months. To proceed substantially means to make visible improvement to the property. On or more extensions for not more than six (6) months each may be granted by the Town 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.

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)

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.

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.

4.13.1 Driveway Access Permit

No person, firm, corporation or other entity shall construct an approach to a Town road for the purpose of gaining access to property without first securing a permit from the Township Zoning Administrator or Board of Supervisors. The side slope shall not be steeper than 4:1 and the maximum top shall be no wider than 14 feet in the R1 and R5 zoning districts. Culverts shall be adequate to handle the anticipated water flows and in no event shall they be less than fifteen (15) inches in diameter. Steel culverts shall be required. The requirement in all other zoning districts shall be determined by the Town Board of Supervisors on a case-by-case basis.

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 Restoration Orders

4.19.1 Restoration Orders

A restoration order shall be issued by the Board when the Board refuses to issue a permit or when the (Planning Commission) or (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. A restoration order may also be issued by the Board to correct or abate any violation of the provisions of this Ordinance. The restoration order shall be delivered personally or by certified mail to the landowner and specify the following:

- A. A date by which the landowner shall complete restoration and obtain a letter of satisfactory restoration from the Board with a copy sent to the Stearns County Environmental Services Department.
- B. The terms of the restoration.
- C. Advise the landowner that the failure to comply with the restoration order is a violation of this Ordinance.

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.

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:

6.2 Accessory Buildings- Residential

That Section 6.2.1 M shall read as follows:

M. Residential accessory structures outside of the Shoreland Overlay District shall have the following maximum sidewall height and building height:

Lot size in acres	Maximum Sidewall Height	Maximum Building Height
0-1.99	12'	20'
2-4.99	14'	25'
5 or greater	No Maximum	35'

6.15 Concrete (Ready-Mix) or Asphalt Mixing Facility

That Section 6.15.1 D (1) shall read as follows:

D. Buildings and processing structures shall at a minimum meet the following setbacks:

- (1) The processing of mined materials permitted for one construction season shall not be conducted closer than one hundred (100) feet to the property line, nor closer than five hundred (500) feet to any residential dwelling unit. The processing of mined material permitted for more than one (1) construction season shall not be conducted closer than one hundred (100) feet to the property line, nor closer than one thousand (1000) feet to any residential dwelling unit.

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:

7.17 Mining

That Section 7.17.1 A. shall read as follows:

- A. When permitted as an interim use in any applicable zoning district, mining operations may be allowed as an interim use subject to the procedures set forth in Section 4.9 of this Ordinance. Additionally, all gravel pits that have been inactive for a period of 180 days or more shall be required to obtain an interim use permit in accordance with the provisions of Section 4.9 of this Ordinance. Interim use permits issued under the provisions of this section shall be for such duration as approved by the Township.**

That Section 7.17.1 C. (3) shall read as follows:

- (3) The owner shall apply for an interim use permit and be subject to the provisions of Section 4.9 of this Ordinance if it is determined by the Township Board of Supervisors that an existing, pre-ordinance mining operation poses a potential or real environmental hazard or otherwise has a potential or real negative impact on the health, safety or welfare of the residents of the Township.**

That Section 7.17.4 F. (1) shall read as follows:

- (1) The processing of mined materials shall not be conducted closer than 100 feet to the property line, nor closer than 500 feet to any residential dwelling unit.**

That Section 7.17.4 F. (3) shall read as follows:

- (3) Unless approved in writing by the applicable road authority, mining of any materials shall not be conducted closer than 30 feet to any property line or within 50 feet of any public road right of way.**

That Section 7.17.5 B. shall read as follows:

- B. The peaks and depressions of the mined area shall be graded and backfilled to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding. No finished slope shall exceed eighteen (18) percent grade.**

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)
- 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
- EE Educational/Ecclesiastical District
- SR Scenic River District
- RMH Residential Manufactured Home District
- UE Urban Expansion

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 County 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:

9.1 Agriculture District A-160 (A-160 District)

9.1.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the A-160 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.***

9.2 Agriculture District A-80 (A-80 District)

9.2.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the A-80 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.***

9.3 Agriculture District A-40 (A-40 District)

9.3.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the A-40 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.***

9.4 Transition District T-20 (T-20 District)

9.4.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the T-20 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.***

9.5 Residential District R-20 (R-20 District)

9.5.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the R-20 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.***

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

9.6.6 Interim Uses

- A. One (1) temporary single family residential dwelling unit for supportive care**
B. Vacation/private home rental

9.6.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the R-10 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.*

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

9.7.6 Interim Uses

- A. One (1) temporary single family residential dwelling unit for supportive care
B. Vacation/private home rental

9.7.10 Lot Requirements

B. The following standards shall apply to lots or tracts created in the R-5 District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.*

9.8 Rural Townsite District RT (RT District)

9.8.8 Lot Requirements

B. The following standards shall apply to lots or tracts created in the RT District:

- (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.*

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

9.9.8 Lot Requirements

B. The following standards shall apply to lots or tracts created in the R-1 District:

- i. (1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of *Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.*

9.15 Urban Expansion District (UE District)

9.15.11 Lot Requirements

B. The following standards shall apply to lots or tracts created in the R-5 District:

(1) The minimum lot size for a single family residential dwelling shall be two (2) acres with the exception of riparian lots. Riparian lots shall meet the minimum lot size requirement of Stearns County Land Use and Zoning Ordinance Number 439; or successor ordinance.

SECTION 10 OVERLAY DISTRICT REGULATIONS

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 by reference.

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, is hereby adopted by reference.

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 on 1-14, 2014.

SECTION 15 REPEALER

13.1 The Maine Prairie Township Zoning Ordinance, as presently enacted, is hereby repealed.

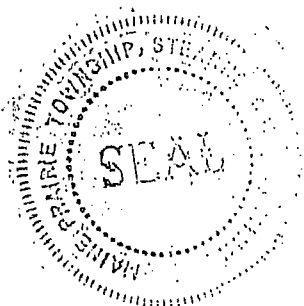
PASSED BY THE Maine Prairie Bd of Supervisors THIS
14th DAY OF January, 2014

APPROVED:

[Signature]
Maine Prairie Township Chair

ATTEST:

Alice Robinson
Maine Prairie Township Clerk



OFFICE OF COUNTY RECORDER
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ORDINANCE

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TOWNSHIP OF MAINE PRAIRIE
7551 DELLWOOD ROAD
KIMBALL, MN 55353

This cover sheet was added by the Stearns County Recorder's Office to allow space for the recording information of this document. It is not intended to alter the document / certified copy.

**MAINE PRAIRIE TOWNSHIP
STEARNS COUNTY
STATE OF MINNESOTA**

ORDINANCE NO. 2022-02

**AN ORDINANCE AMENDING THE MAINE PRAIRIE TOWNSHIP
LAND USE AND ZONING ORDINANCE NUMBER 4**

SECTION 1. Amendment to Section 4.6. Section 4.6.2(a)(b) of the Maine Prairie Township Land Use and Zoning Ordinance Number 4 regarding powers and duties of the Board of Adjustment is hereby amended by deleting the existing text and replacing it with the following:

To hear requests for and issue variances from the provisions of this Ordinance. A variance is a modification or variation of the provisions of this Ordinance as applied to a specific piece of property.

SECTION 2. Amendment to Section 4.7. Section 4.7 of the Maine Prairie Township Land Use and Zoning Ordinance Number 4 regarding variances is hereby amended by deleting the existing text and replacing it with the following:

4.7 Variances

4.7.1 Criteria for Granting Variances.

- (a) Variances shall only be permitted
 1. when they are in harmony with the general purposes and intent of the ordinance and
 2. when the variances are consistent with the comprehensive plan.
- (b) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.
- (c) "Practical difficulties," as used in connection with the granting of a variance, means that
 1. the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance;
 2. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 3. the variance, if granted, will not alter the essential character of the locality.

4. Economic considerations alone do not constitute practical difficulties.

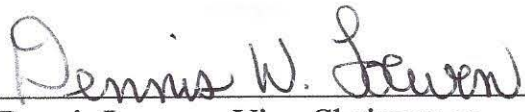
- (d) Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with this Ordinance. The Town Board may not permit as a variance any use that is not allowed under this Ordinance for property in the zone where the affected person's land is located. The Town Board may permit as a variance the temporary use of a one family dwelling as a two-family dwelling. The Town Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

SECTION 3. Incorporation of Amendments. The Township Zoning Administrator is hereby authorized and directed to incorporate the amendments made by this Ordinance into the Maine Prairie Township Land Use and Zoning Ordinance Number 4 and such updated version shall constitute the official Maine Prairie Township Land Use and Zoning Ordinance Number 4.

SECTION 4. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held invalid in any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part held invalid.

SECTION 5. Effective Date. This Ordinance shall be effective upon its passage and the first day of publication in summary format.

ADOPTED by the Maine Prairie Township Board of Supervisors this 12th day of July 2022.


Dennis W. Loewen, Vice-Chairperson

Attest:


Lori Hunt, Clerk