

**ALBANY TOWNSHIP
LAND USE AND ZONING ORDINANCE
NUMBER 6**

Printed JUNE 3, 2013

Amended 2016; Approved Date-August 22, 2016 Effective Date- September 26, 2016
Sections amended-7.4 Cluster Development, 9.3.7 Residential Density Requirements, Appendix A

Amended 2017; Approved Date-June 26, 2017 Effective Date-July 5, 2017
Sections Adopted from County Ordinance 7.22.1 to 7.22.3: Sections Repealed 9.7.15 and 9.9.14

Amended 2019; Approved Date- October 8, 2019
Sections amended-6:30 Junk and Salvage Operations: 7.23.4 amended; 7.24 Screening, Adopted
County, 8.1 Zoning Districts: 9.11 Industrial District:

AMENDED BY THE ALBANY TOWN BOARD OF SUPERVISORS THIS 8 DAY
OF OCTOBER, 2019

APPROVED: _____ *Tim Nierenhausen* _____
Albany Township Chair

ATTEST: _____ *Diane E Noll* _____
Albany Township Clerk

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**ALBANY TOWNSHIP
LAND USE AND ZONING ORDINANCE
NUMBER 6**

THE ALBANY 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 “Albany 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. Conserve and protect natural and scenic areas of the Township.
- E. Conserve and protect natural resources and open space.
- F. Providing official controls to implement the goals and policies included in the Albany 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 Albany 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.

No permit or other authorization pursuant to this Ordinance shall be issued by the Township if the owner or applicant has unresolved violations of the provisions of this ordinance unless and until the property owner or applicant is in compliance with the Ordinance provisions. The Township will notify the County of any violations.

2.5. Uses Not provided Within Zoning Districts

Whenever in any zoning district a use is neither specifically permitted or denied, the use shall be considered prohibited.

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 Authority for Administration

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 reviewed every three years and may be terminated at the discretion 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. If violations of this Ordinance are discovered, the Zoning Administrator shall notify the violator(s) and take such other steps as are necessary to ensure compliance with this Ordinance, including issuing Stop Work Orders and Abatement Orders.
- 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.
- K.** To assist the public in complying with and understanding their responsibilities and rights under this ordinance.

4.3 Board of Adjustment and Appeals

4.3.1 Establishment of the Board of Adjustment and Appeals. The Town Board shall act as the Board of Adjustment and Appeals “Board of Adjustment”.

4.3.2 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 appeal-able 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.

4.3.3 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.

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

- 4.3.5 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.

4.4 Planning Commission.

- 4.4.1 Establishment of Planning Commission.** The Albany Township Planning Commission, as presently established in Albany Township Zoning Ordinance Number 6; or successor ordinances, shall have the following duties:

A. Conduct public hearing for Conditional Use Permits, Interim Use Permits, Variances, zoning district boundary changes and recommend their approval or denial to the Township Board of Commissioners.

B. Review and recommend to the Board, all amendments to this Ordinance, including zoning district boundary changes.

- 4.4.2 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.

4.5 Shore-land Review Panel-(County administrators)

4.6 Feedlot Review Committee-(County administrators)

4.7 Appeals-(see section 4.3 Board of Adjustment and Appeals)

4.8 Conditional Use Permits

The Board recognizes that certain uses, while generally not suitable in a particular zoning district, may under some circumstances be allowed if conditions are attached. When such circumstances exist, a Conditional Use Permit may be granted and appropriate conditions attached. A conditional use permit shall be required in the following instances:

A. Proposed Uses. Only those uses listed as conditional uses within the applicable primary district or overlay district may be allowed through issuance of a conditional use permit.

B. Existing Uses. All uses existing at the time of adoption of this Ordinance that now require a conditional use permit may continue subject to the performance standards contained in *Section 6 of this ordinance* and the general development standards contained in *Section 7 of this Ordinance*. Any enlargement, structural alteration, modification, addition or intensification of the use shall require a conditional use permit and the use shall be subject to the criteria and procedures for issuance of a conditional use permit set forth in *Section 4.8 of this Ordinance*.

4.8.1 Application for Conditional Use Permit-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. (See Appendix for a Copy of C.U.P. Application)

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 (1) administrative extension of up to one (1) year may be granted by the Town Board upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to expiration of the conditional use permit.
- 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 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.

4.8.2.a 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/roads 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.
- H. The proposed use will not have a negative effect on groundwater, surface water and air quality.
- I. Financial assurance mechanisms to guarantee reclamation or cleanup.
- J. The effect of the proposed use on property values and scenic views in the surrounding area.

4.8.2.b 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, such additional restrictions and conditions that it deem necessary to protect the public interest, including but not limited to,

matters relating to appearance, lighting, hours of operation, performance characteristics, resource assessment of the proposed site and requiring performance or surety bonds. 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;*Any damage to township roads or right of way during construction or operation, will be the responsibility of the applicant, to restore to original conditions.*
- E. Increasing the number of required off-street parking spaces;
- F. Limiting the number, size, location of lighting and 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.

4.8.2.c Amended Conditional Use Permits

Amended conditional use permits shall be requests for changes in conditions of the existing permit or modifications of any approved plan. An amended conditional use permit shall be administered in the same manner as that required for a new conditional use permit.

4.8.3 Notice of Hearing

Notice of hearing for all applications for conditional use permits shall be given in accordance with Minnesota Statutes , chapter 394; or successor statutes

A. County Notice

The county will be notified on all Conditional Use Permits.

4.8.4 Notice and Certification of Final Action

A. Finding of Fact. In conducting a public hearing on a Conditional Use Permit application, the Planning Commission shall make a written finding of fact on each application.

B. Recording. After acting on a Conditional Use Permit application, the board shall forward to the County the written finding of fact and their order regarding the application. The Clerk shall then file a certified copy with the Stearns County Recorder. After recording, a copy shall be sent to the County Environmental Services.

4.9 Variances

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

- A. No variance may be granted that would allow any use that is not allowed 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. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control.
- E. “Practical difficulties” as used in connection with the granting of a variance means:
 - (1) The property owner proposes to use the property in a reasonable manner not permitted by an official control;
 - (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.

4.9.2 Procedure.

- A. The property owner 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 twelve (12) months without new evidence related to the variance.
- L. A variance shall expire and be considered null and void one (1) year after the Board of Adjustment's final decision to grant the variance if no construction has begun. For the purposes of this Section, construction shall include the installation of footings, slabs, foundations, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction. One (1) administrative extension of up to one (1) year may be granted by the Board of Adjustment upon written request of the property owner, provided there is reasonable cause for the request and further provided that the written request is made no less than thirty (30) days prior to the expiration of the variance.
- 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.

4.9.3 Notice of Hearings

Notice of hearing for all applications for variances shall be given in accordance with Minnesota Statutes, chapter 394; or successor statutes

A. County Notice

The county will be notified on all Variances.

4.10 Zoning Ordinance Amendments

4.10.1 Criteria

The Board may adopt amendments to the text of this Ordinance. Amendments may be adopted to reflect changes in the goals and policies of the Township Comprehensive Plan. Any change in this Ordinance or to any zoning map shall be in compliance with the Township and County Comprehensive Plan.

4.10.2 Procedure

- A. An amendment to the text of this Ordinance may be initiated by the Board, The Planning Commission or by application of a property owner. An

amendment to the zoning map may be initiated by the Board, the Planning Commission or by application of the property owner. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for their review and recommendation.

- B. Before the enactment of any ordinance amending the test of this Ordinance or any zoning map, a public hearing shall be held in the manner provided in *Minnesota Statutes, sections 394.26 and 375.51; or successor statutes.*

4.10.3 Public Hearings

- A. Public hearings regarding any amendment to the zoning map shall be held by the Albany Township Planning Commission. Upon completion of the public hearing, the Planning Commission shall forward the application for final action together with their findings and recommendation of either approval or non-approval to the Albany Township Board of Commissioners.
- B. Public hearings regarding any amendment to the text of this Ordinance shall be held by the Town Board. Amendments shall be consistent with Stearns County Ordinance Number 439; or successor ordinance, and the Stearns County Comprehensive Plan. *Minnesota Statutes, chapter 462*

4.10.4 Application for Change of Text

An application to change the wording of this Ordinance shall be consistent with, as restrictive as 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.
- F. Complete applications for a change of text submitted by a property owner of an establishment, the use of which involves protected expression, shall be processed and a public hearing scheduled within ninety (90) days of their receipt.

4.10.5 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.

4.11 Construction Site Permit Required

4.11.1 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.

4.11.2 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.

4.11.3 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.

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

4.11.5 Completion of Work. The work for which a land use permit is issued shall commence within six (6) months after the date thereof unless an application for an extension has been submitted and approved. The work shall be completed within one year unless an application for an additional six (6) months extension has been submitted and approved by the Zoning Administrator.

4.12 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 an onsite sewage treatment shall be issued until a subsurface sewage treatment system permit has first been issued. All sewage permits will be issued by the Stearns County Environmental Services.

4.13.a 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.b Township Driveway Access

Accesses on any township road shall require a permit from the Township Board of Supervisors. 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 Township Road. The Township Board of Supervisors 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.

4.14 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 Shore-land Alteration-County Ordinance

4.16-Land Spreading of Petroleum-County Ordinance

4.17 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.

4.18 Interim Use Permits

4.18.1 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;
- E. The interim use will be a subject to review by the Town Board upon change of ownership.

4.18.2 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.

4.18.3 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 of lighting and 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.

4.18.4 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 1 (one) year 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. One 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 4.8.1 J of this Ordinance.

4.18.5 Notice and Certification of Final Action

- A. **Finding of Fact.** When conducting a public hearing on an Interim Use Permit application, the Planning Commission shall make a written finding of fact on each application.
- B. **Recording.** After acting on an Interim Use Permit application, the board shall forward to the County the written Findings of Fact and their order regarding the application. The Clerk shall then file a certified copy with the Stearns County Recorder. After recording a copy shall be sent to the County Environmental Services.

4.19-Essential Service- County Ordinance

4.20-Licensing-County Ordinance

4.21 Compliance

4.21.1 Construction

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

4.21.2 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.

4.21.3 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.

4.21.4 Applications

All applications required to be submitted under the provisions of this Ordinance shall be valid for a period of one year once they are considered complete and have been accepted by the Township.

4.22 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.

4.23 Abatement Orders

4.23.1 Abatement Orders

An Abatement order shall be issued by the Town Board when the Town Board refuses to issue a permit or when the (Planning Commission) or (Town 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 Town 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 landowner and specify the following:

- A. A date by which the landowner shall complete abatement and obtain a letter of satisfaction from the Town Board with a copy sent to the Stearns County Environmental Services Department.
- B. The terms of the abatement.

- 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.

4.24 LESA-Adopt counties

4.25 Stop Work Order

The Township Board may issue a written stop work order upon the determination by the Township Board that construction, excavation or any other activity regulated by this Ordinance is taking place without authorization by the Township. This order shall detail the violation, the remedies necessary to correct the violation and the time frame allowed in which the property owner is to correct the violations. The order shall also indicate that the property owner has ten (10) business days from the receipt of the stop work order to appeal the order to the Board of Adjustment. Upon receipt of a stop work order, the person conducting the construction, excavation or other activity regulated by this Ordinance shall immediately cease the activity until authorization for such activity is granted by the Board of Adjustment. Each day that a violation continues shall constitute a separate offense.

4.26 Intergovernmental Communications

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 #439: or successor Ordinance, is hereby adopted by reference except for the following:

6.1.1 Accessory Buildings-Agricultural

That section 6.1.1 G is hereby *added* to read as follows:

G. Any manufacturing/mobile home, railroad car and Semi tractor shall not be used as an agricultural accessory structure.

6.2.1 Accessory Buildings-Residential

That section 6.2.1 M .is hereby *added* to read as follows:

M. Any manufactured/mobile home, railroad car and semi tractor trailer shall not be used as a residential accessory structure.

6.4. Adult Uses

That section 6.4.2.A.(1) (h) is *added* to read as follows:

(h) Churches and other religious facilities.

6.10 Bed and Breakfast

That section 6.10.Bed and Breakfast H. is hereby amended to read as follows:

H. A guest register shall be maintained and available for County and or Township inspection.

6.15 Concrete (Ready Mix) or Asphalt Mixing Facility

That section 6.15 is hereby amended to read as follows:

D. (1) 300 feet to property line 1000 feet to any residential dwelling

(2) 100 feet to any property line or within 100 feet of any public road right-of-way.

F. Prior to acceptance of the transportation management plan township will be advised of the intended use of any Township Roads.

L. All hours of operation shall be established in the permit as approved by the Township Board.

6.19 Gasoline Stations and/or Convenience Stores

That Section 6.19.1.F is hereby amended to read as follows:

F. Wherever fuel pumps are installed, pump islands shall be installed. The minimum setback from side and rear property lines for pump islands shall be 30 feet.

6.25 Home Extended Business

That section 6.25, is hereby amended to read as follows:

6.251.I Signs shall meet the requirements of Section 7.24⁵ of this Ordinance and shall not exceed a total of eight (8) square feet and shall include only the name and address of the business.

6.30 Junk and Salvage Operations

6.30.1 MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual Adopted by Reference

All junk and salvage operations shall comply with the minimum standards for operation, safety, storage and all waste management as listed in the *MPCA Motor Vehicle Salvage Facility Environmental Compliance Manual, Second Addition, April 1998; or successor manual.*

6.30.2 Performance Standards

New junk and salvage operations shall be subject to the administrative provisions of *Section 4.18 Interim Use Permits of this Ordinance.* Both new and existing junk and salvage operations shall be subject to the following performance standards:

- A. The facility shall be served by a minor collector or higher functional classification of roadway, except that the proposed use may be served by a lesser functional class of roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The use shall comply with all applicable Federal, State, County, and Township rules and regulations.
- C. Buildings, parking areas, loading areas and any exterior storage, including but not limited to, vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal, shall meet the setback requirements of the applicable zoning district.
- D. Parking shall meet the requirements of *Section 7.19 of this Ordinance.*
- E. A transportation management plan shall be submitted (to County and Township) to address off-street parking, traffic circulation and the impact of the facility on surrounding roadways.
- F. No vehicles or vehicle parts may be placed within the public right-of-way or on public property.
- G. The facility shall be fenced and fully screened from adjacent land uses and public roadways in accordance with *Section 7.24 of this Ordinance.* Non storage areas may be required to be fenced/treed.
- H. Exterior storage of vehicles, hulks, salvaged materials, salvaged parts, waste materials, items for resale or items for disposal shall be limited to a maximum height of twelve (12) feet above grade provided that screening in accordance with *Section 7.24 of this Ordinance* to a height of twelve (12) feet is also provided. Exterior storage area shall be fenced with a 12 foot high solid fence, set back 20 feet from side and back property lines.
- I. The County shall be notified of any hazardous materials stored on site. Storage of hazardous materials shall comply with all local, state and federal requirements.
- J. An environmental management plan, including a storm water and drainage plan shall be submitted to address the impact of the facility on the environment.
- K. Any outdoor lighting system shall comply with the requirements of *Section 7.15 of this Ordinance.*
- L. The grounds and all structures shall be maintained in a clean and safe manner.

- M. Repealed
- N. The salvage facility operator shall keep a written record of all vehicles received, date when received, date when fluids were removed and date when vehicles were removed from the facility. The record shall also include the Vehicle Identification Number (VIN) and manufacturer's name. Each record shall be initiated the day that the vehicle is received at the site.
- O. All fluids, including but not limited to motor oil, transmission and/or transfer case lubricants, differential lubricants, fuel, antifreeze, refrigerants and window washing fluids shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- P. All lead acid batteries, mercury containing devices and other hazardous materials shall be removed from the vehicle, within three (3) days of receipt of the vehicle at the salvage facility.
- Q. Vehicles that are not to be used for salvage and are kept intact for resale, and recorded in the facility records for such purposes, are exempt from the requirements of *Sections 6.30.2 O and P of this Ordinance*, for one hundred eighty (180) days of receipt of said vehicle.
- R. On-site disposal or burning of trash, refuse, garbage or other waste materials is prohibited. Salvage of materials by, fire, burning, explosives or chemical decomposition is prohibited.
- S. Owners of a vehicle salvage facility shall submit a written report to the County and Township by March 1 of each year. The report shall include the number of vehicles stored on-site for salvage, vehicles stored on-site for resale, an inventory of fluids, lead acid batteries, refrigerants, mercury containing devices and other hazardous materials collected and how the materials collected were disposed of. A copy of the facility's written record for vehicles as required in *Section 6.30.2 N of this Ordinance* shall be attached to the report.
- T. Junk yards and salvage operations shall be subject, as a minimum, to an annual inspection by the County and Township, unless there are violations then more frequent inspection shall be performed.
- U. Signs shall meet the requirements of *Section 7.25 of this Ordinance*.
- V. Holding or Staging Areas. Vehicles stored in holding or staging areas shall be exempt from *Sections 6.30.2 O. and P. of this Ordinance* for a period of up to seven (7) days. The holding or staging area designated to temporarily store vehicles before processing shall not exceed storage for maximum of 6 (six) vehicles. The holding or staging area shall have an impervious surface constructed of concrete, bituminous surface or eight (8) inches of compacted Class 5 gravel. The area shall be curbed or diked to a minimum of six (6) inches above the impervious surface to prevent precipitation from running off the holding or staging area. As an option to curbing, the holding or staging area may be sloped so that all precipitation is directed to the center of the holding or staging area. The center of the area shall be a minimum of eight (8) inches lower in elevation than the lowest edge of the holding or staging area.
- W. Metal Shredders are prohibited.

X. The total number of salvaged vehicles allowed on sight will be 250.

6.31.1 Kennels Commercial

That section 6.31.1-G is hereby amended to read as follows:

The minimum lot size for a commercial kennel shall be 5 acres.

6.58 Vacation/Private Home Rental

That section 6.58 -J is hereby amended to read as follows:

J. The licensee shall keep a report, detailing use of the home by recording, at a minimum, the name, address, phone number and vehicle license number of all guests using the property. A copy of the report shall be provided to the Township upon request.

6.60.5 WECS Setbacks

That section 6.60.5 is hereby amended to read as follows:

6.60.5A Setbacks-Adopt County Ordinance except for the following:

	Micro WECS	1.1 kw- 5.99 kw	6kw- 40kw	40.01kw- 4.99mw	5mw and larger	Meteorological Towers
Occupied Structure-non-participating property owner	1.5 times the total height	1.5 times the total height	200 feet or 1.5 times the total height whichever is greater	1500 feet and sufficient distance to meet the state noise standard	1500 feet and sufficient distance to meet the state noise standard	The fall zone, as certified by a professional engineer + 10 feet, or 1.5 times the total height

6.60.6 WECS Requirements and Standards

That section 6.60.6 C. Tower Configuration (2) hereby *amended* to read as follows:

6.60.6 C Tower Configuration

(2) Meteorological towers and WECS with a rating of 40K w or less, shall be self supporting with no guy wires . The first twelve (12) feet of the tower shall be unclimbable by design or be enclosed by a six (6) foot high unclimbable fence with a secured access.

That section 6.60.6 H Decommissioning hereby *amended* to read as follows:

H. Decommissioning

Applications for WECS above 5Kw and MT shall include a decommissioning plan to ensure that facilities are properly removed after their useful life. A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the WECS to service. All Meteorological towers shall be decommissioned one year after placement/installation of the tower. Decommissioning shall be completed within one hundred twenty (120) days. The decommissioning plan for both WECS and MT shall include provision for removal of all structures and foundation, restoration of soil and

vegetation and a cost estimate made by a competent party: such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities. Disposal of structures and/or foundations shall meet the provisions of *Stearns County solid Waste Ordinance Number 171; or successor Ordinance*. In the case of facilities requiring a conditional use permit or interim use permit, the Planning Commission may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

If company does not comply with removal of tower, the responsibility goes back to the Land owner. The landowner will then have 120 days to remove the structure. After this 120 days, if not removed, the Township will commission an engineer to remove the tower. All engineering fees, removal and legal fees will be assessed to landowners taxes.

SECTION 7 GENERAL DEVELOPMENT STANDARDS

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

7.1.3 Access to Township Roads That section 7.1.3 hereby amended to read as follows:

7.1.3 see Town Road Right of ways ordinance number 2009-02 (see appendix)

7.4 Cluster Development Standards hereby ADOPTED except for the following:

7.4.2 Applicability

A. Cluster Development required

5-is hereby Repealed

7.4.2 B. **Cluster development discretionary**-hereby Repealed

7.4.3 Density Bonus- hereby Repealed

7.4.4 Lot Area Requirements

A All lots within a cluster development shall meet the following lot area requirements within the designated primary zoning or any applicable overlay district:

(1) The minimum lot area in all Districts is **two (2)** acres.

7.4.9 Cluster Development Siting Standards

A.

(6) Result in contiguous tracts. Cluster developments shall only be allowed where land features and topography allow for contiguous tracts to be sited.

7.4.9 C. -hereby Repealed.

7.4.10 Sewage Treatment and Drinking Water Systems-amended to read

The developer and the Home Owners Association will be solely responsible for all costs and the management of any Community Sewage Treatment and Drinking Water Systems.

7.5 Conservation Design Overlay, Agriculture hereby Repealed

7.6 Conservation Design Overlay, Natural Resources- hereby Repealed.

7.7 County Biological Survey Native Plant Communities-Adopt County omitting 7.7.2 F-because we are repealing 7.32.2

7.14 Height Regulations -Adopt counties

7.14 F. Wind Energy Conversion Systems and MET Towers is hereby amended to read as follows:

See County Ordinance Section **6.60.6 Requirements and Standards B. Total Height**

7.23 Residential Dwelling Unit-Adopt County ordinance as of July 5, 2017

That Section 7.23 of Stearns County Ordinance #439: or successor Ordinance, is hereby adopted by reference with the following addition:

That Section 7.3.4 is hereby added to read as follows:

A single family residential dwelling unit shall have a minimum of 840 square feet of livable space except as otherwise provided. Carports, garages, overhangs, and other similar structures shall not be considered as livable space.

7.24 Screening

The following standards shall apply when screening is required by the provisions of this Ordinance:

7.24.1 Any screening that is required in this Ordinance shall consist of earth mounds, berms or ground forms; neutral colored fences and walls; landscaping (plant materials) or landscape fixtures (such as timbers) used in combination or singularly so as to block direct visual access to an object.

7.24.2 The use of screen walls shall consist of materials of similar type, quality and appearance as that of the principal structure. Such screens shall be at least six (6) feet in height and provide a minimum opaqueness of eighty (80) percent.

7.24.3 The use of berming or landscaping (eighty (80) percent opaque at the time of maturity). Planting screens shall consist of healthy plant materials at least six (6) feet in height at the time of planting.

7.24.4 Screening fences and walls that are in disrepair shall be repaired. Planting screens shall be maintained in a neat and healthy condition. Plantings that have died shall be replaced within the current or next growing season.

7.25 Sign Regulations

That Section 7.25.2.A is hereby amended to read as follows:

A real estate sign for the purposes of selling, renting or leasing a single parcel, a sign not to exceed twelve (12) square feet per surface for residential properties and twenty-five (25) square feet per surface for commercial or industrial properties, both with no more than two (2) surfaces, shall be placed within the front yard. Such signs shall not be less than ten (10) feet from any road right-of-way.

That Section 7.25.3.E is hereby amended to read as follows:

For the purpose of selling or promoting a residential project, one sign not exceeding thirty-two (32) square feet per surface with no more than two (2) surfaces may be erected on the project site. Such signs shall not be less than ten (10) feet from the right-of-way line and shall be removed when construction on the site has been completed. No such sign shall remain for more than twenty-four (24) months unless a longer time has been approved by the Town Board.

That Section 7.25.4.A is hereby amended to read as follows:

The aggregate square footage of sign space per lot shall not exceed the sum of one (1) square foot for each front foot of lot, or one hundred and sixty (160) square feet whichever is less.

That Section 7.25.4.D is hereby amended to read as follows:

For the purpose of selling or promoting a commercial or an industrial project, one sign not to exceed thirty-two (32) square feet per surface with no more than two (2) surfaces may be erected upon the project site. Such signs shall not be less than ten (10) feet from the right-of-way line and shall be removed when construction on the site has been completed. No such sign shall remain for more than twenty-four (24) months unless a longer time has been approved by the Township Board.

7.28 Telecommunications Equipment, Towers, and Support Structures

That Section 7.28.2.J is hereby added to read as follows:

The use of guyed towers is prohibited. Towers shall be self-supporting without the use of wires, cables, beams or other designs.

That Section 7.28.4.B(2) is hereby amended to read as follows:

A conditional use permit shall be required for any antenna or support structure over 130 feet in height. No structure shall exceed two hundred (200) feet in height. No structure shall be located closer to any property line than 1.1 x the height of the structure.

7.28.4 Personal Wireless Service and Microwave Antennas

That section 7.28.4.C(3) is hereby added to read as follows:

The maximum height of any tower, including antennae and other attachments, shall not exceed two hundred (200) feet.

7.33.2 Standards for Natural Resource Conservation Design Overlay-hereby repealed

SECTION 8 GENERAL ZONING DISTRICT RULES OF APPLICATION

That Section 8 of Stearns County Ordinance #439: or successor Ordinance, is hereby adopted by reference except for the following:

8.1 Establishment of Zoning Districts

The zoning districts shall apply as designated on the Zoning Map or as defined within this Ordinance. Two types of zoning districts are utilized. 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--Shall be prohibited
- R-20 Residential District R-20 Shall be prohibited
- R-10 Residential District R-10 Shall be prohibited
- R-5 Residential District R-5
- RT Rural Town site
- R-1 Residential District R-1
- CR Commercial/Recreation District
- I Industrial District- Adopted October 8, 2019
- EE Educational/Ecclesiastical District
- SR Scenic River District
- RMH Residential Manufactured Home District-Shall be prohibited
- UE Urban Expansion District Shall be prohibited

OVERLAY DISTRICTS

- FP Floodplain
- S Shore-land
- CD Conservation Design-shall be prohibited
- 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 Prohibited Uses

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

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:

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

9.3.7 Residential Density Requirements

That section 9.3.7 A. is hereby *amended* to read as follows:

A. Maximum density.

Only one (1) single Family residential dwelling unit shall be allowed per forty (40) acres.

B. Density transfers allowed within a contiguous proposed development.

Density transfers allowed within a contiguous proposed development. Residential development rights may be transferred from one forty (40) acre tract to another tract within a contiguous proposed development area (contiguous exclusive of public rights-of-way), within Albany Township. The cluster development standards of Section 7.4 of this ordinance must be met if any transfer results in the transfer of two (2) or more residential dwelling sites. If a public road is required, Township Ordinance # 2009-01 applies. The sending and receiving lots must have been in the same ownership at all times for a minimum of **ten (10) years**. Residential development rights cannot be sold. Transfer of residential development rights from wetlands (as defined by the state of MN) to higher, more suitable building land is not allowed. A maximum of **five (5) development** rights may be transferred.

C through F are hereby repealed.

G. Standards for proposed subdivisions:

1. The following “right to farm” language shall be included in all subdivisions: “The plat of “(name of plat)”, is located in an agricultural area and the construction, expansion, and operation of animal feedlots and other agricultural uses are permitted in this area. The developer/s, therefore, acknowledge that future buyers

may be exposed to the sights, sounds, smells, and conditions of modern agriculture.”

2. The property owner shall submit an application with a preliminary plat showing all proposed residential lots, the location of the equivalent land area to be restricted and the LESA score to the township Zoning/Ordinance Administrator.
3. The township will allow or deny each transfer application based on its unique circumstances using the LESA score and the following guidelines:
 - (a) Preserve larger tracts of highly valued farm land.
 - (b) Transfer residential development rights to the least/less productive acreage.
 - (c) Site visit review-evaluate the impact on green space; neighboring farms; neighboring residents—notify residents within a mile radius of the subdivision public hearing.
 - (d) Accessibility for both farmer and resident minimizing loss of highly valued farmland to driveways/easements.
 - (e) Limit profitable, tillable farmland on a residential lot to two acres in ag districts, unless in the judgment of the township, the tillable farmland is separated from other tillable farmland by natural or man-made boundaries such as roads, woods, property lines, ditches or streams which would make it less profitable/inconvenient to farm.

The township will support its decision on each application with a written “findings of fact”. See Appendix A.

**9.3.8 Standards for Determining Permitted Residential Dwelling Sites
That Section 9.3.8 H Combining eligible density from multiple parcels is hereby repealed**

**9.3.9 Density Bonus
That Section 9.3.9 is hereby repealed**

That Section 9.3.10 B(1) is hereby amended to read as follows:

The minimum lot size for a single family residential dwelling shall be two (2) acres.

9.4 Transition District T-20 (T-20 District) is hereby repealed.

9.5 Residential District R-20 (R-20 District) is hereby repealed.

9.6 Residential District R-10 (R-10 District) is hereby repealed.

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

9.7.1 Purpose is hereby amended to read as follows:

The purpose of this district is to provide somewhat limited residential development opportunity on land that is not highly valued farmland and is located in close proximity to lake shore and municipal expansion areas. Land within this district is generally closer to a municipal growth area than land within the R-10 district. The R-5 district is a transitional district, and in order to minimize future land use conflicts, new animal feedlots shall be prohibited.

9.7.1 C is hereby amended to read as follows:

C. Future Land Use Map, Moderate Residential. This category identifies areas in proximity to cities or town-sites that are already partially developed or otherwise suitable for rural, unsewered residential development. . . These areas are not anticipated to be annexed during the time frame of this plan, but future density increases may occur.

9.7.7 Residential Density Requirements

Is hereby amended to read as follows:

A. Density Standard-Only one (1) single family residential dwelling unit shall be allowed per five (5) acres.

9.7.7 Section B through E are hereby repealed

9.7.8 Standards for Determining Permitted Residential Dwelling Sites

H. Combining eligible density from multiple parcels is hereby repealed.

9.7.9 Density Bonus is hereby repealed

That Section 9.7.10B(1) is hereby amended to read as follows:

The minimum lot size for a single family residential dwelling shall be two (2) acres.

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

The Purpose is hereby *amended* to read as follows:

Purpose

The purpose of this district is to provide high-density growth and affordable housing near municipalities that can more readily provide services and to allow additional development in certain areas that are more urban in character because of previous residential development. It is also intended that this district will allow residential development consistent with the Shoreland District. The R-1 district is reserved for residential development. Therefore, new animal feedlots and the raising of livestock shall be prohibited.

9.10 Commercial District (C District)

9.10.3 Provisional Uses

A Adult Uses is hereby repealed.

9.10.6 Interim Uses

A. Meteorological Towers is hereby repealed.

9.11 Industrial District (I District)

9.11.1 Purpose

The intent of the Industrial District is to allow small scale industrial uses that require limited services that can be suitably located next to existing urban areas in the Township and at standards that will not impair the traffic carrying capabilities of abutting roads and highways.

The Industrial District implements the following Albany Township Comprehensive Plan goals:

- A. Future Land Use Map, Industrial Area. Medium intensity employment that does not demand a high level of wastewater treatment or water supply, in locations with adequate transportation capacity. Generally applies to existing developed areas.
- B. Manage the impacts of growth and development on the Township's rural character (Comprehensive Plan; Chapter 4).
 - (1) Discourage incompatible land uses through effective land use controls
 - (2) Identify appropriate areas for commercial, industrial, and non-farm rural residential developments.
- C through E-Repealed

9.11.2 Permitted Uses-Repealed

9.11.3 Provisional Uses-Repealed

9.11.4 Permitted Accessory Uses and Structures-Repealed

9.11.5 Conditional Uses-

The following uses may be allowed as a conditional use to be handled by the county:

N. Recycling Center

9.11.6 Interim Uses

The following interim uses may be allowed in the Industrial District:

- A. Junk and Salvage Operations
- B. Light Manufacturing Solid Waste Transfer Facilities
- C. Solid Waste Transfer Facilities

E All other uses permitted in Section 9.10 Commercial District of this ordinance.

9.11.7 Lot Requirements

For all uses within the Industrial District, the minimum lot size shall be sufficient to meet the applicable performance and general development standards of this Ordinance for the proposed use. Setback requirements of *Section 9.11.8 of this Ordinance, and the subsurface sewage treatment system standards of County Ordinance Number 422, or successor ordinances.* Maximum lot size shall be 10 acres

9.11.8 Setback Requirements-Adopt Counties

9.11.9 Height Requirements-Adopt Counties

9.11.10 Lot Coverage-Adopt Counties

9.11.11 Relationship to Orderly Annexation Agreement-Adopt Counties

9.14 Residential Manufactured Home District (RMH District)

That Section 9.14 Residential Manufactured Home District as presently enacted is hereby repealed.

SECTION 10 OVERLAY DISTRICT REGULATIONS

That Section 10 of Stearns County Ordinance Number 439; or successor ordinance, is hereby adopted by reference except for the following:

10.3 Conservation Design Overlay District is hereby repealed.

SECTION 11 TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

That Section 11 of Stearns County Ordinance Number 439 or successor Ordinance is hereby repealed.

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 abatement orders), or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 90 days or both. Each day that a violation continues shall constitute a separate offense.

12.2 In the event of a violation or a threatened violation of this ordinance, the Town Board, in addition to other remedies, may institute appropriate civil actions or

proceedings to prevent, prosecute, restore, restrain, correct or abate such violations or threatened violations.

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 Town Board.

13.1 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 ordinance of the Town Board.

13.2 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.

SECTION 14 EFFECTIVE DATE

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

SECTION 15 REPEALER

15.1 The Albany Township Zoning Ordinance and any amending Ordinances as presently enacted are hereby repealed.

15.2

PASSED BY THE ALBANY TOWN BOARD OF SUPERVISORS THIS THIRD DAY OF JUNE, 2013.

Amended 2016; Approved Date-August 22, 2016 Effective Date- September 26, 2016
Sections amended-7.4 Cluster Development, 9.3.7 Residential Density Requirements, Appendix A
Amended 2017; Approved Date-June 26, 2017 Effective Date-July 5, 2017
Sections Adopted from County Ordinance 7.22.1 to 7.22.3: Sections Repealed 9.7.15 and 9.9.14

PASSED BY THE ALBANY TOWN BOARD OF SUPERVISORS THIS 26 DAY OF JUNE, 2017.

Amended 2019; Approved Date-October 8, 2019; Effective Date-October 28, 2019
Sections amended-6:30 Junk and Salvage Operations: 7.23.4 amended; 7.24 Screening, Adopted
County, 8.1 Zoning Districts: 9.11 Industrial District:

PASSED BY THE ALBANY TOWN BOARD OF SUPERVISORS THIS 8 DAY OF OCTOBER, 2019.

APPROVED: _____ *Tim Nierenhausen* _____
Albany Township Chair

ATTEST: _____ *Diane E Noll* _____
Albany Township Clerk

APPENDIX A - PAGE 1

**ALBANY TOWNSHIP
FINDINGS OF FACT-PLAT REVIEW**

1. Is the proposed plat consistent with the Comprehensive Plan and related ordinances? Why or why not?

2. Does the proposed plat preserve larger, contiguous tracts of highly valued farmland?

3. Do any of the lots contain tillable farmland? ___ Y / N ___

A. If yes, show how many acres and what is the LEA Value. _____

B. Are there alternative locations that would use less tillable farmland and still allow equivalent access to public roads?

4. Is there an easement? If yes, how many tillable acres and what is the LE Value. Is the easement shared by other lots? How many?

5. Does the proposed plat negatively affect the rural character in a specific, definable manner (ie. Impact on expansion of existing feedlots), describe the impact on rural character.

6. What is the LESA score?

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7. Are there any specific points of interest from the county LESA evaluation or from the township site assessment?

8. What, if any, potential safety or traffic generation impacts will the proposed plat have in relation to the area and the capability of the roads serving the area?

9. Other issues pertinent to this matter, incl. input from neighbors.
